

Chapter 1

The Study and Scope of Justice Administration

Justice Administration: Police, Courts and Correctional Management, 5e
By Kenneth J. Peak

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A True System of Justice?

- What do justice administrators actually administer?
- Criticism of the system is it is fragmented, role conflicts, and overcrowding
- Three viewpoints
 1. Criminal justice as a process
 2. The criminal justice network
 3. Criminal justice nonsystem

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Figure 1.1

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A Criminal Justice Process?

- Decisions and actions of participants (i.e. offender, victim, society, an institution) that influence offender's movement into, through, out of system
- Components operate on their own, but decision in one section affects the other(s)

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A Criminal Justice Network?

- Network based on erroneous assumptions
 1. Components cooperate and share similar goals
 2. Network operates to a set of formal procedural rules to ensure "justice" is served
 3. The accused receives "due process" and presumed innocent
 4. Offenders receive speedy, public trial

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A Criminal Justice Network?

- Assumptions are erroneous because:
 1. Components have incompatible goals
 2. Different classes of people receive differential treatment
 3. Not all people are prosecuted, convicted, sent to prison, etc; people not presumed innocent
 4. Backlog of cases impedes "speedy" trial

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A Criminal Justice Nonsystem?

- System is not efficient
- Not a coordinated structure
- Numerous problems
- Discretion breeds inconsistency

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Or a True Criminal Justice System?

- A system does exist, it just functions very poorly
- This method of dealing with criminals may be the best way after all

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The Foundations of Justice and Administration: Legal and Historical Bases

- Consensus v. Conflict
 - John Locke’s Second Treatise on Civil Government; social contract theory (consensus)
 - Thomas Hobbes (consensus)
 - Jean-Jacques Rousseau (conflict theorist)
 - Examines legitimacy of actions of ruling groups in society

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The Foundations of Justice and Administration: Legal and Historical Bases

- Consensus model assumes all parts of system work toward common goal
- Conflict model posits that agency interests tend to make actors in the system self-preserving resulting in fragmented efforts of the system as a whole

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The Foundations of Justice and Administration: Legal and Historical Bases

- Crime control through due process
- Two primary goals of system
 - Enforce the law to maintain social order
 - Crime control values arrests and convictions
 - Protect people from injustice
 - Due process model values individuals’ rights
- Dual goals are in opposition

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Public-Sector versus Private-Sector Administration

- Public-sector must achieve job satisfaction through internal rewards
- Private-sector achieves job satisfaction through external rewards

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Policymaking in Justice Administration

- Effecting planned change is accomplished through creating policy
- Making crime policy is at best a rough process
- Usually engage in comparative analysis of results of similar past policy decisions

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Chapter 2

Organization and Administration: Principles and Practices

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Defining Organizations

- Entities of two or more people who cooperate to accomplish an objective
- A consciously coordinated social entity with an identifiable boundary that functions on a relatively continuous basis to achieve a common goal or set of goals

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Four Types of Formal Organizations

- Mutual benefit associations (i.e. police labor unions)
- Business concerns (i.e. GM)
- Service organizations (i.e. community mental health centers)
- Commonwealth organizations (i.e. DOD)

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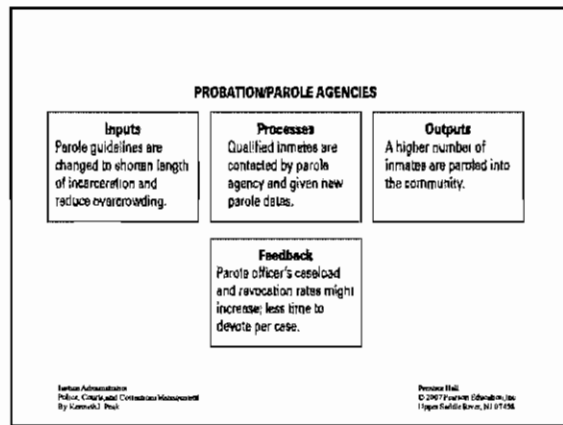
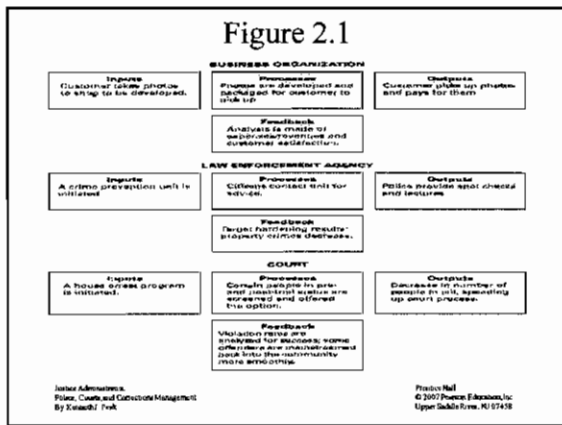
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Organizational Theory and Function

- Max Weber (1864–1920) and bureaucracy
 1. Rulification and routinization
 2. Division of labor
 3. Hierarchy of authority
 4. Expertise
 5. Written rules

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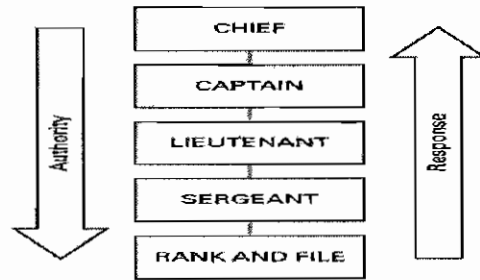
Organizational Structure

- Principles of organization
- Unity of command
- Pyramidal structure

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Figure 2.2



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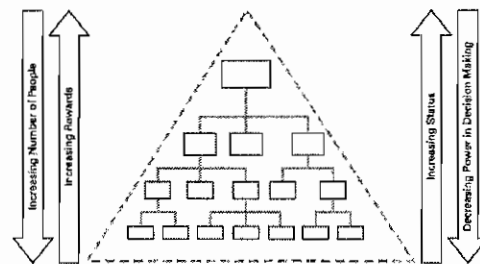
Leading the Organization

- What is leadership?
 - Getting things done through people
 - Process of influencing activities of an individual or group toward a goal
 - Activity of influencing people to strive willingly for group objectives
 - The exercise of influence

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Figure 2.3



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Organizational Communication

- Definition and characteristics
 - Communication is important dynamic of an organization
 - Communicate via e-mail, fax, TV, cell phones, written
 - Communication is primary problem in administration
 - Important in everyday law enforcement operations

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Elements of the Communication Process

- Encoding
- Transmission
- Medium
- Reception
- Decoding
- Feedback

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Communication within Criminal Justice Organizations

- Downward communication
 1. Job instruction
 2. Job rationale
 3. Procedures and practice
 4. Feedback
 5. Indoctrination

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Communication within Criminal Justice Organizations

- Upward
 - Much more difficult in criminal justice organization
- Horizontal
 - Thrives when formal communication channels are not open
- The Grapevine
 - Fast, supplements formal communication

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Communication within Criminal Justice Organizations

- Oral and written
- Permanent record
- Oral and written
- Barriers
- Cultural empathy

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Historical Approaches to Management

- Scientific Management—Taylor, (1900–1940)
- POSDCORB – Gulick, (1935)
- Human Relations Management—(1930–1970)
- Systems Management—Maslow, McGregor, Blake & Mouton, (1965–present)

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Figure 2.4

PLANNING: working out in broad outline what needs to be done and the methods for doing it to accomplish the purpose set for the enterprise;

ORGANIZING: the establishment of a formal structure of authority through which work subdivisions are arranged, defined, and coordinated for the defined objective;

STAFFING: the whole personnel function of bringing in and training the staff and maintaining favorable conditions of work;

DIRECTING: the continuous task of making decisions, embodying them in specific and general orders and instructions, and serving as the leader of the enterprise;

COORDINATING: the all-important duty of interrelating the various parts of the organization;

REPORTING: informing the executive and his assistants as to what is going on, through records, research, and inspection;

BUDGETING: all that is related to budgeting in the form of fiscal planning, accounting, and control.

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Primary Leadership Theories

- Trait Theory
- Style Theory
- Situational Leadership
- Managerial Grid

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Chapter 3

Police Organization and Operation

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Police Agencies as Organizations

- Police Agencies as Organizations
- The Grouping of Activities
 - Specialized units (i.e. patrol, investigation)
 - Management ensure units work together
 - Agencies consist of people who interact within the organization and with external organizations

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Police Agencies as Organizations

- The Division of Labor
 - Larger agencies have need for specialization
 - Specialization makes agency more complex, communication more difficult

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Police Agencies as Organizations

- Advantages of Division of Labor
 - Placement of responsibility
 - Development of expertise
 - Group of esprit de corps
 - Increase efficiency and effectiveness

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Elements of Police Organizational Structure

- Seven elements of law enforcement organizational structure
 - Functional
 - Centralization
 - Occupational
 - Formalization
 - Spatial
 - Administrative intensity
 - Vertical

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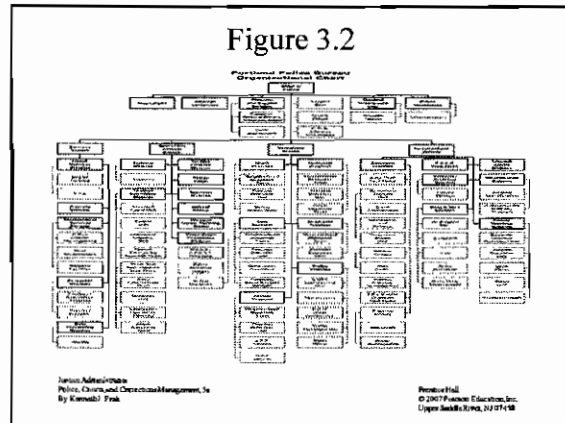
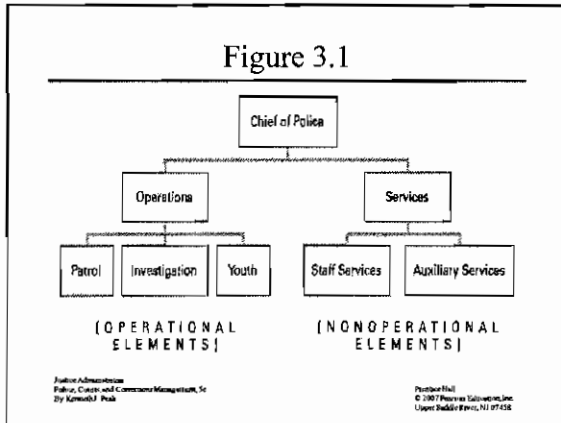
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Examples of Police Organization

- Basic Organizational Structure
 - Usually military rank hierarchy; allows to designate authority and responsibility
 - Operational and line elements; patrol function as “backbone” of agency
 - Investigative and youth activities
 - Nonoperational functions and activities

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Organizational Guidelines: Policies, Procedures, Rules, and Regulations

- Help define role expectations
- Set boundaries for discretionary powers
- Policies are basic guides to organizational philosophy and mission
- Procedures are guides for actions
- Rules and regulations are specific managerial guidelines

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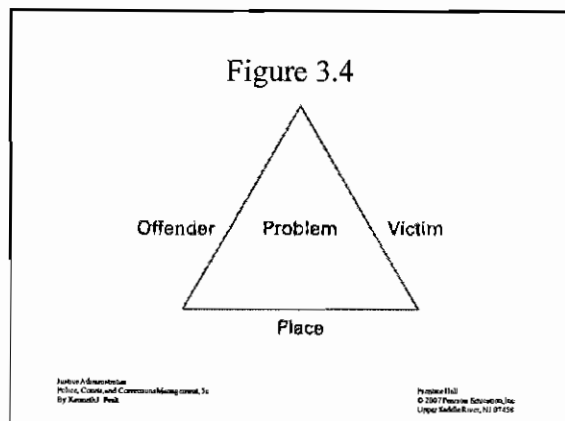
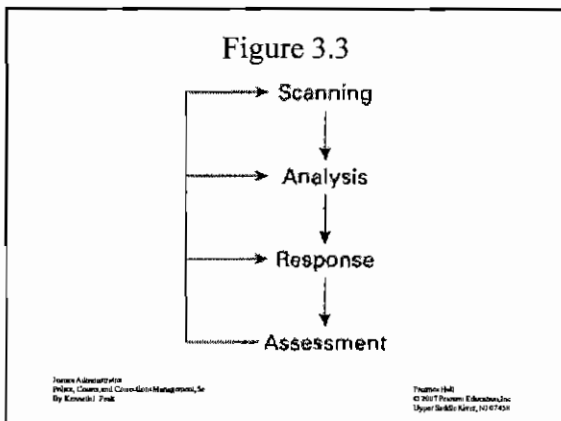
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Community Oriented Policing and Problem Solving

- COPPS involves community partnerships and problem solving
- Scanning, Analysis, Response, Assessment (SARA)
 - Scanning: identify problem
 - Analysis: gather and analyze information
 - Response: determine most effect response
 - Assessment: evaluate effectiveness of action(s) taken

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Effecting Change in Organizations

- Begins and ends with first-line supervisors
 - Risk taking and innovation
 - Problem solving; workload analysis
- Chief Executive and Mid-Level Manager
 - Chief executive sets policy and tone
 - Mid-level managers play vital role in implementation of philosophy and innovative changes

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Chapter 4

Police Personnel: Roles and Functions

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Roles of the Police Executive: The Mintzberg Model of CEOs

- **Interpersonal Role:** figurehead, leadership, liaison duties
- **Informational Role:** monitoring/inspecting, dissemination, spokesperson
- **Decision-maker Role:** entrepreneur, disturbance-handler, resource-allocation, negotiator

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Law Enforcement Executives, Generally

- **Obtaining the Best: The Assessment Center**
 - Efficient way of hiring and promoting personnel
 - Interviews, psychological tests, group discussions, role-playing exercises
 - Identify behaviors important for the position

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Law Enforcement Executives, Generally

- **Skills of Good Managers**
 - **Technical skills:** specialized knowledge, analytical ability
 - **Human skills:** build cooperation, sensitive to needs of others
 - **Conceptual skills:** translate knowledge into action

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Chiefs of Police

- **Expectation of Government and Community**
 - Reduce crime
 - Improve service
 - Communicate with city management
 - Set a good example

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Chiefs of Police

- **Qualifications**
 - Vary depending on size of community, region
 - Education is important
 - Needs variety of management skills
- **Job Protection, Termination, Political Arena**
 - Average length of job tenure 5.4 years
 - Leave position due to conflicts: confrontation, shaky alliance, politicized organization

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The Sheriff

- Sheriff's office may typically:
 - Serve civil documents (i.e. divorce papers)
 - Order maintenance, arrest offenders
 - Serve as bailiffs for courts
 - Operate and maintain county jail
- Unique because serves all three components of the system: police, courts, corrections

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Middle Managers: Captains and Lieutenants

- Captains have more administrative duties than lieutenants (i.e. review assignments, monitor crime statistics, approving overtime)
- Lieutenants have can both administrative and supervisory tasks (i.e. prepare duty roster, review reports, maintain time sheets, supervise activities of the unit)

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First-Line Supervisors: The Patrol Sergeant

- Caught between upper management and line staff
- Can come under scrutiny when trying to correct deficient behavior
- Help to effect change

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Types of Supervisors

- Traditional: expect efficiency, more emphasis on punishment than reward
- Innovative: problem solvers, develop relationships to foster positive change
- Supportive: concerned with protecting officers from unfair management
- Active: tends to work in the field

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The Patrol Officer

- Basic Tasks
 - Enforcing laws
 - Performing services
 - Preventing crime
 - Protecting the innocent

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The Patrol Officer

- Traits of a "Good" Officer
 - Good judgment
 - Creativity
 - Knowledge of the job
 - Courage
 - Tenacity
 - Understanding discretion

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Roles and Functions of Police Personnel under COPPS

- Chief Executives
 - Clear vision, understanding change, committed
- Middle Managers
 - Eliminate red tape, conduct meetings, assess COPPS efforts regularly

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Roles and Functions of Police Personnel under COPPS

- First-Line Supervisors
 - Practice problem solving, manage resources
- Rank-and-File Officers
 - Recognize when things aren't working, communicate

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Chapter 5

Police Issues and Practices

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Managing the Use of Force

- Police are only element of society allowed to use force (even deadly) against citizenry
- Amount of force necessary to effect an arrest
- Use of force continuum: physical abuse; verbal psychological; legal abuse

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Figure 5.1

Reasons for Pursuit	Officer's Perspective
<p>Pretextual Pursuit: Pursuit initiated because of a traffic violation, such as a broken taillight, expired license, or expired registration.</p> <p>Minor Offense Pursuit: Pursuit initiated because of a minor offense, such as a traffic violation, such as a broken taillight, expired license, or expired registration.</p> <p>Public Safety Pursuit: Pursuit initiated because of a public safety concern, such as a vehicle with a broken taillight, expired license, or expired registration.</p> <p>Domestic Violence Pursuit: Pursuit initiated because of a domestic violence concern, such as a vehicle with a broken taillight, expired license, or expired registration.</p> <p>Active Aggression: Pursuit initiated because of active aggression, such as a vehicle with a broken taillight, expired license, or expired registration.</p> <p>Aggravated Active Aggression: Pursuit initiated because of aggravated active aggression, such as a vehicle with a broken taillight, expired license, or expired registration.</p>	<p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p> <p>Officer's Perspective: Officer's perspective on the reasons for pursuit.</p>

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Vehicular Pursuits

- Civil liability suits arise from some pursuits
- Police must balance crime control with community safety
- IACP model pursuit policy
- Termination pursuit methods
 - Boxing
 - Precision immobilization

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The Reason for the Pursuit: Does it Justify the Actions Taken by Officers?

- Driving conditions
- Use of police warning devices
- Excessive speed
- Due regard
- Use of deadly force
- Departmental policies and state laws
- Appropriate supervision and training

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Other Issues

- Technology needs; gap between what police have and what criminals have
- Illegal immigration
- Challenges with racial profiling; need to collect data
- Leadership challenges

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Figure 5.2

Following are selected portions of the *Women and Minorities Wearing the Badge* report as the 2007 Annual Conference of the International Association of Chiefs of Police in Atlantic City, NJ, September 20-23, 2007. The report is a compilation of the opinions of the authors, the organization, respondents, and possible limitations as they relate to the report.

- i. Purpose
 - 1. The purpose of this study is to establish guidelines for making decisions with regard to diversity.
- ii. Rationale
 - 1. The purpose of having research and programs in place is to ensure that the needs of officers and cadets are met in the future. It is the responsibility of the agency to make officers in the future performers of their duties. It is the responsibility of the agency to make officers in the future performers of their duties. It is the responsibility of the agency to make officers in the future performers of their duties.
- iii. Objectives
 - 1. The objective of this study is to establish guidelines for making decisions with regard to diversity.
 - 2. The objective of this study is to establish guidelines for making decisions with regard to diversity.
 - 3. The objective of this study is to establish guidelines for making decisions with regard to diversity.
- iv. Methodology
 - 1. The methodology of this study is to establish guidelines for making decisions with regard to diversity.
 - 2. The methodology of this study is to establish guidelines for making decisions with regard to diversity.
 - 3. The methodology of this study is to establish guidelines for making decisions with regard to diversity.

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Women and Minorities Wearing the Badge

- Proportion of female officers has grown since 1970s
- Increasing levels of education
- As COPPS expands female officers can play a vital role

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Women and Minorities Wearing the Badge

- Recruitment of minority officers is a difficult task
- Disproportionate amount of minorities in supervisory positions

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Future Considerations

- Futures Working Group: partnership between FBI and Society of Futurists International
- COPPS will need to change to survive

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Chapter 6

Terrorism and Homeland Defense

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Types and Categories of Terrorism

- **Terrorism:** premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience

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Types and Categories of Terrorism

1. *Foreign sponsors of international terrorism* (i.e. Iran, Iraq, Syria, Sudan, Lybia, Cuba, North Korea)
2. *Formalized terrorist groups* (i.e. al Qaeda, Taliban, Hezbollah)
3. *Loosely affiliated international radical extremists* (i.e. persons who bombed WTC in 1993, Oklahoma City Bombing)

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Types and Categories of Terrorism

- Nuclear, Biological, and Environmental
 - (i.e. nuclear explosion, anthrax, ecoterrorists)
- Other Threats: Cyberterrorism and Agriculture Shock
 - (i.e. infecting livestock/food supply, Internet)

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Law Enforcement Responses

- Gathering intelligence on the terrorist organization
- Counter measures
- Rapid response and containment
- Apprehending and convicting terrorists and dismantling their organizations

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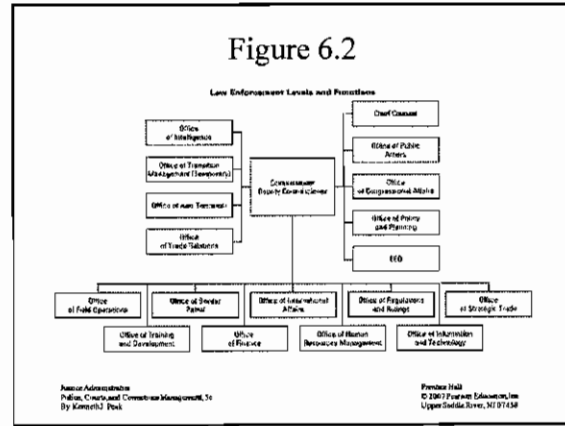
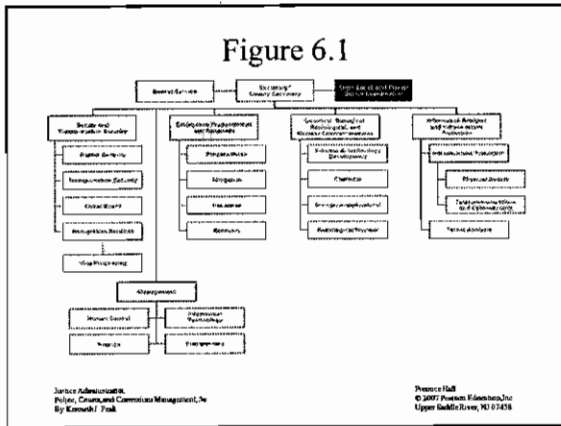
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The Department of Homeland Security

- Five Directorates
 - Border and Transportation Security (BTS)
 - Emergency Preparedness and Response
 - Science and Technology (S&T)
 - Information Analysis and Infrastructure Protection (IAIP)
 - Management

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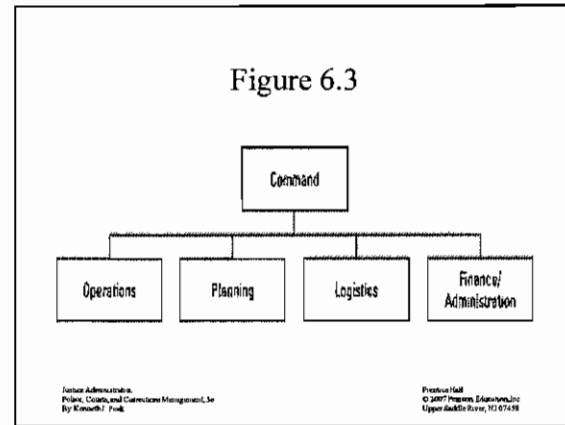


Establishing Command and Control: The National Incident and Management System

- Command and Management
 - Incident Command System (ICS)
 - ICS Duties and Responsibilities
 - Multi-agency Coordination Systems
 - Public Information Systems

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Establishing Command and Control: The National Incident and Management System

- Preparedness
 - Planning
 - Training
 - Exercises
 - Personnel qualification and certification
 - Equipment acquisition and certification
 - Mutual aid
 - Publications management
 - Supporting technologies

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Emergency Response Checklist

- Containment
- Communication
- Coordination
- Control

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Tactical Concerns

- Preconfrontation/Preparation Phase
- Contingency Plan
- Immediate Response Phase
- Deliberate/Specific Planning Phase
- Resolution Phase

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Technology Needs

- Concern for gap between technologies available to police and those used by groups planning terrorist attacks
- Primary concern of agencies is ready access to current intelligence

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The D.C.-Area Sniper Investigation

- Four significant factors emerged as crucial from this case
 1. Careful planning and preparation
 2. Defining roles and responsibilities
 3. Managing information efficiently
 4. Maintaining effective communication

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Vulnerability to Terrorism

- Security conflicts with freedoms
- Disruption of U.S. infrastructure
- National security organization is “dysfunctional”
- “Crescent of Crisis”
- Need to construct strategic framework to replace that of the Cold War

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Chapter 7

Court Organization and Operation

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By the Numbers: Court Statistics

- Over 200 statewide courts of general and limited jurisdiction in U.S.
- Over 9,000 full-time judges
- Around 327 drug courts in 43 states
- U.S. Supreme Court disposes of about 7,500 cases a year
- Annually nearly 1 million felony convictions

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Inside the Courts: Decor, Decorum, Citizens

- Hallowed Places: convey sense of seriousness and importance
- Justice in the Eye of the Beholder: depends on viewpoint or interested parties
- Seeking Truth in an Adversarial Atmosphere: being compromised because of plea bargaining?

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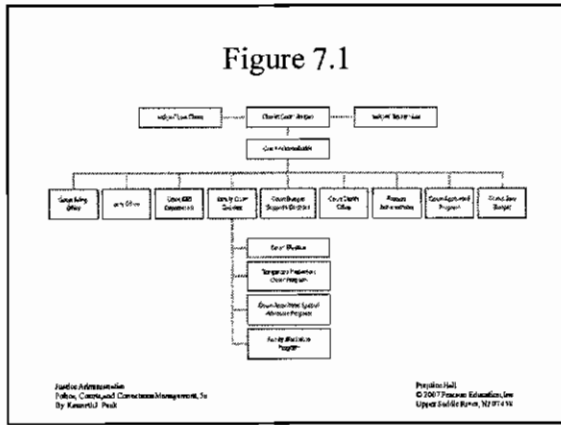
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Courts as Organizations

- Nonbureaucratic Workgroup
 - Court does not report to a single authority figure in a chain of command
 - Trial courts are informal workgroups with group norms
 - Members interact on a continual basis, shared decision-making

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Courts as Organizations

- Organizational Structure
 - Courts spell out areas of responsibility
 - Three important concepts in court organization
 1. Jurisdiction
 2. Trial v. appellate courts
 3. Dual court system

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Influence of Courts in Policymaking

- Judicial branch determines legislative intent of the law and providing a public forum
- Determining facts and their legal significance
- U.S. Supreme Court makes decisions that affect all of us
- Courts also involved in administrative policy

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Decreasing Litigation: Alternative Dispute Resolution

- Reduce number of lawsuits
 - Limit punitive damages
 - Alternative dispute resolution; appropriate when new law is not being created
 - Arbitration – formal
 - Mediation – less formal, more friendly

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Attempts at Reforming Court Organization

- Historically, reform focused on a unified court system
- Advantages of unified court system
 1. Simplified court structure
 2. Centralized administration
 3. Centralized rule making
 4. Centralized budgeting

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Figure 7.2

Supreme Court	Alabama (9), Alaska (5), Arizona (5), Arkansas (7), California (7), Connecticut (7), Delaware (5), Florida (7), Georgia (7), Hawaii (5), Idaho (5), Illinois (7), Indiana (5), Iowa (5), Kansas (7), Kentucky (7), Louisiana (8), Michigan (7), Minnesota (5), Mississippi (5), Missouri (7), Montana (7), Nebraska (7), Nevada (5), New Hampshire (5), New Jersey (7), New Mexico (5), North Carolina (7), North Dakota (5), Ohio (7), Oklahoma* (5), Oregon (7), Pennsylvania (7), Rhode Island (5), South Carolina (5), South Dakota (5), Tennessee (5), Texas* (9), Utah (5), Vermont (5), Virginia (7), Washington (9), Wisconsin (7), Wyoming (5)
Court of Appeals	District of Columbia (9), Maryland (7), New York (7)
Supreme Judicial Court	Maine (7), Massachusetts (7)
Court of Criminal Appeals	Oklahoma (3), Texas (9)*
Supreme Court of Appeals	West Virginia (5)

*Two courts of last resort in these states.

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Figure 7.3

Appellate Court	Massachusetts (14)
Appellate Court	Connecticut (5), Illinois (42)
Appellate Divisions of Superior Court	New Jersey (23)
Appellate Divisions of Superior Court	New York (48)
Appellate Terms of Supreme Court	New York (15)
Commonwealth Court	Pennsylvania (9)
Court of Appeals	Alaska (3), Arizona (21), Arkansas (8), Colorado (16), Georgia (5), Idaho (5), Indiana (5), Iowa (5), Kansas (12), Kentucky (14), Michigan (24), Minnesota (18), Missouri (32), Nebraska (6), New Mexico (10), North Carolina (12), North Dakota (3), Ohio (6), Oklahoma (12), Oregon (10), South Carolina (8), Tennessee (12), Utah (7), Virginia (10), Washington (22), Wisconsin (16)
Court of Appeals	California (28), Louisiana (6), Texas (80)
Court of Civil Appeals	Alabama (3)
Court of Criminal Appeals	Alabama (5), Tennessee (6)
Court of Special Appeals	Maryland (13)
Criminal Court of Appeals	Florida (57)
Intermediate Court of Appeals	Hawaii (3)
Superior Court	Pennsylvania (15)

*Civil only
*Temporary

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Chapter 8

Court Personnel: Roles and Functions

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Defining Judicial Administration

- It is difficult to define, as some scholars have said that policy and administration should be separate
- **Judicial Administration:** the direction of and influences on the activities of those who are expected to contribute to just and efficient case processing...

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The Jurists

- **Judicial Selection**
 - Partisan elections
 - Non partisan elections
 - Merit selection
 - Appointment

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Figure 8.1

Partisan Election	Nonpartisan Election	Merit	Appointment
Alabama	California	Alaska	Arkansas (G)
Arkansas	Florida	Arizona	New Hampshire (G)
Illinois	Georgia	Colorado	New Jersey (G)
Indiana	Idaho	Connecticut	Rhode Island (G)
Louisiana	Kentucky	Delaware	South Carolina (L)
Mississippi	Michigan	District of Columbia	Virginia (L)
Missouri*	Minnesota	Hawaii	
New York	Montana	Iowa	
North Carolina	Nevada	Kansas	
Pennsylvania	North Dakota	Maryland	
Tennessee	Ohio	Massachusetts	
Texas	Oklahoma	Nebraska	
West Virginia	Oregon	New Mexico	
	South Dakota	Utah	
	Washington	Vermont	
	Wisconsin	Wyoming	

L = Legislative appointment G = gubernatorial appointment
*Partisan election by non-metropolitan circuits

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The Jurists

- **Benefits and Problems**
 - Life terms for federal positions
 - Respect and prestige
 - Mastering breadth of law
 - Administering court and docket, while supervising court staff
 - Psychological discomfort

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Good Judging and Courtroom Activities

- **What makes a good judge?**
 - Good leadership, intellectual humility, patient, courteous
- **Judges as Court Managers**
 - Statewide jurisdiction, local jurisdiction, “presiding” or “chief” judge

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Court Clerks

- Handle court administration
 - Docket cases
 - Collect fees
 - Oversee jury selection
 - Maintain court records

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Trained Court Administrators

- New position developed in 1960s
- Three primary functions of statewide court administrators: preparing reports and summarizing caseload data, preparing budgets, troubleshooting
- General duties include personnel administration, research and evaluation, equipment management, preparing court budget, training coordination

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How Judges Evaluate Administrators

- Look for indications of good management
- Judges should be getting regular information
- Judges observe staff activities
- They ask others questions about the administrators

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Jury Administration

- Court Administrator
 - Compiles master jury list
 - Sends out summons
 - Issues of sequestration
 - Deal with media during publicized trial

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Chapter 9

Court Issues and Practices

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**Justice from the Due Process
and Crime Control Perspectives**

- Herbert Packer (1968)—classic models of how cases are processed through the criminal justice system
- **Due Process**—person is presumed innocent, protect accused’s rights, formal fact finding to uncover mistakes made by police

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**Justice from the Due Process
and Crime Control Perspectives**

- **Crime Control Model**—crime is a breakdown of individual responsibility; emphasis on protecting society; defendants are presumed guilty; speed and finality to ensure crime suppression

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Courthouse Violence

- **Two Types**
 - Non-targeted violence
 - Targeted violence
- **Threat Assessment**
 - Realize targeted violence is end result of process of thinking and acting
 - Difference between expressed threat and posing threat
 - Risk for violence is interaction between attacker, target, situation, and setting

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Problem Solving Courts

- Still a fairly new concept and these courts are still a work in progress
- Use their authority to develop new responses to ongoing social, human, and legal problems
 - Family dysfunction, addiction, delinquency, family violence

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Drug Courts

- Incorporate drug testing into case processing
- Non-adversarial relationship between offender and court
- Identify treatment needs and make referrals
- Provide access to continuum of care

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The Dilemma of Delay

- “Justice Delayed”
- Consequences
- Suggested Solutions
- Case Scheduling: Two Systems
 - Individual calendar system
 - Master calendar system

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Other Issues

- Gender Bias
- Should Juveniles Be Tried as Adults?
- Should Exclusionary Rule Be Banned?
- Should Cameras Be Banned?
- Does Plea Bargaining Belong?

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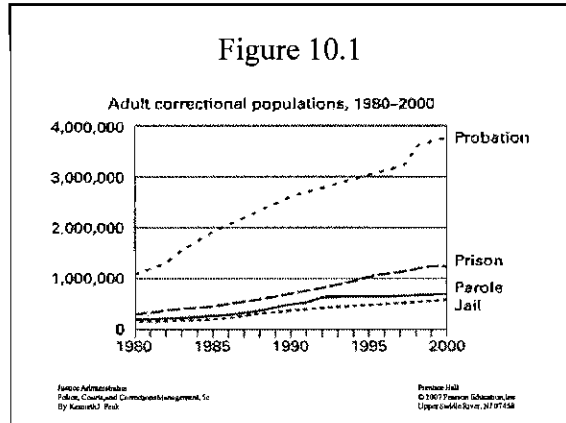
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Chapter 10

Corrections Organization and Operation

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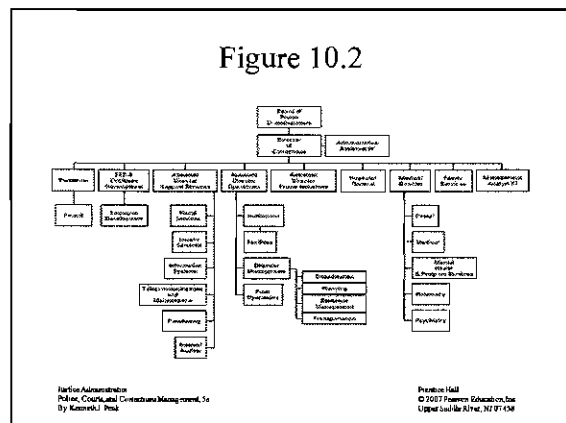
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- ## Correctional Organizations, Generally
- People under correctional supervision are increasing
 - Change in sentencing laws, drug problem attributed to increase in correctional population
 - Managing correctional employees, delivering correctional services to offenders
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- ## Prisons as Organizations
- Statewide Central Offices
 - Office of Director
 - Administration Division
 - Correctional Programs Division
 - Medical or Health Care Division
 - Human Resource Management Division
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- ## Prison Organization and Administration
- Wardens (are now civil service employees)
 - Associate wardens of operations—oversee correctional security, unit management, inmate disciplinary, recreation
 - Associate wardens of special services—library, mental health, substance abuse, education, religious services
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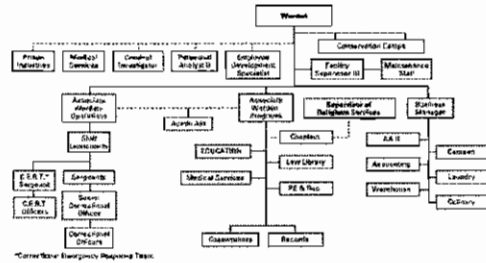
Prison Organization and Administration

- Associate wardens of administration—business office, prison maintenance, laundry, food service, medical services
- Institutional services inspector, Institutional investigator
- Personnel for labor contracts and the media
- Computer services manager

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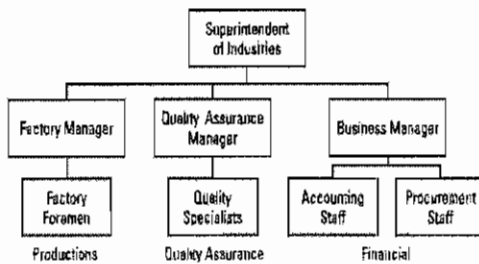
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Figure 10.4



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Inmate Litigation

- **Hands-off doctrine**—courts deferred to expertise of correctional administrators in operating their institutions (*Cooper v. Pate*)
- *Wolff v. McDonnell* (1974)
- *Bell v. Wolfish* (1979)
- Increases in litigation and frivolous lawsuits prior to new millennium

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The Prison Litigation Reform Act

- Late 1980s courts exhibiting more tolerance for minor violations of prisoners' constitutional rights
 - *Turner v. Safley* (1987)
 - *Wilson v. Seiter* (1991)
 - *Sandin v. Conner* (1995)

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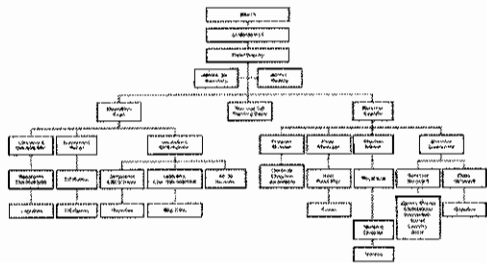
The Prison Litigation Reform Act

- In 1996, PLRA enacted to provide more appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits
- PLRA has four main parts:
 - Exhausting of administrative remedies
 - Filing fees
 - Three strikes provision
 - Physical injury requirement

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Figure 10.5



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Jails as Organizations

- Jail organization and hierarchy affected by size, budget, overcrowding, views toward punishment, training and education
- New generation jail (a style of architecture)
- Making jails productive—private sector work programs

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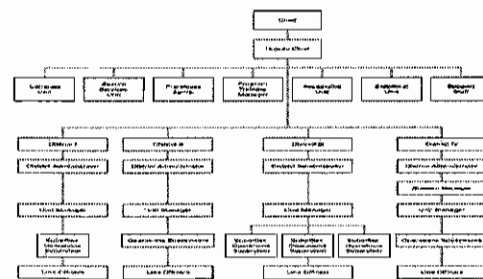
Probation and Parole Agencies as Organizations

- Probation systems—most frequently used sanction of all; six types
 - Juvenile
 - Municipal
 - County
 - State
 - State combine
 - Federal

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Figure 10.6



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Probation and Parole Agencies as Organizations

- Parole systems—much less complex than probation; administered centrally on statewide basis
 - Provide three basic services: parole release, parole supervision, and executive clemency
 - Two basic models
 - Independent model
 - Consolidate model

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Chapter 11

**Corrections Personnel:
Roles and Functions**

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Prisons

- The Warden: A Profile
 - Put general policies into practice while being responsible for smooth operation of prison
 - Affected by political influences
 - Goals of imprisonment ranked by male wardens
 - Incapacitation
 - Deterrence
 - Rehabilitation
 - Retribution

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Prisons

- Preparing for Success
 - Business administration
 - Personnel and labor relations
 - Legislative issues
 - Media and public relations

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Prisons

- Principles of Good Leadership (Ditulio)
 - Focus and inspire their subordinates
 - Professional staff members
 - MBWA principle
 - Close alliances with politicians, judges, journalists
 - Implement innovations that are far-reaching
 - In office long enough to understand and modify organization's internal operations and external relations

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Prisons

- Administering the Death Penalty
- Achieving Racial Balance
- Middle Managers and Supervisors
- "Thy Brother's Keeper": Correctional Officers

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Eight Types of COs

- Rule enforcer
- Hard liner
- People worker
- Synthetic officer
- Loner
- Officer friendly
- Lax officer
- Wishy washy

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Inappropriate Relationships with Inmates

- Heart breakers—offenders who seek to form emotional bond with staff, can even lead to marriage
- Exploiters—use employee as means of obtaining contraband
- Hell-raisers—engage in unique kind of psychological warfare

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Jail Personnel

- Jail Purpose and Environment
- Choosing Jail Work and Type of Facility
- Female Jail Employees
- Detention as a Career Path
- Employee Training

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Correctional Officer Stress and Burnout

- Role ambiguity and conflict
- Workload
- Understaffing
- Overcrowding
- Lack of participation in decision-making
- Inmate contact
- Job danger

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Probation and Parole Officers

- Primary Duties
 - Supervise offenders
 - Must have good verbal and written communication skills
- To Arm or Not to Arm?
 - Can officers effectively perform traditional duties while armed?

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Probation Management Styles

- **Laissez-faire**—did not participate in day-to-day activities; remained remote, but made final decisions
- **Democratic**—information sought from line staff
- **Authoritarian**—created emotional and physical distance between officers and themselves

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Chapter 12

Corrections Issues and Practices

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**Issues Facing
Correctional Administrators**

- Substantive Correctional Issues
 - Matters and knowledge specific to the practice
- Administrative Correctional Issues
 - Budgeting, human resource management, planning, projecting

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**Issues Concerning
Inmate Populations**

- Sexual Coercion in Correctional Institutions
- Administrators' Roles
- New Legislation
- Averting Inmate Suicides
- The Aging Offender

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**Issues Concerning
Inmate Populations**

- Juvenile Offenders Sentenced as Adults
- Female Offenders
- Mentally Ill Offenders
- Minority Inmates
- Segregating Inmates

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**Drug Use in Prisons:
Interdiction and Treatment**

- The Pennsylvania Plan: Zero-Tolerance
- Treating the Problem in Prisons
 - Barriers to implementation include limited criteria to determine need for treatment, recruiting qualified staff

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**The Move
Toward Privatization**

- Emergence of the Concept—approach to reduce operations cost
- Argument For and Against

— Propriety	— Flexibility
— Cost and efficiency	— Security
— Quality	— Liability
— Quantity	— Accountability
— Corruption	— Dependence

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Alternatives to Incarceration: Intermediate Sanctions

- Must have three elements to be effective
 - Must incapacitate enough to make committing new offense difficult
 - Unpleasant enough to deter
 - Provide real and credible protection for the community

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Alternatives to Incarceration: Intermediate Sanctions

- Intensive Probation or Parole
- House Arrest
- Electronic Monitoring
- Shock Probation/Parole
- Boot Camps/Shock Incarceration
- Day Reporting Centers

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Computer Crime and the Probation Officer

- Legal Provisions
 - 18 U.S. C. Secs. 2701-2771
 - Privacy Protection Act (PPA)
- Supervising the Computer Offender
 - “Computer” is becoming difficult to define (i.e. cell phone, palm pilot)

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Corrections and the Future

- Movement today is toward restorative justice
- Treatment for offenders continues to be part of corrections process
- Physical features of correctional institutions are also beginning to change

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Chapter 13

Ethical Considerations

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Ethics, Generally

- Philosophical Foundations
 - **Ethics** is rooted in ancient Greek idea of character. It involves doing what is right or correct, and generally used to refer to how people should behave professionally.
 - “Whose ethics?” or “Which right?”
 - Immanuel Kant (18th century philosopher)—idea of “good will”

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Types of Ethics

- **Relative ethics:** what is considered ethical by one person, may not be by another
- Community ideals have impacted ethical relativism in the community policing movement

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Types of Ethics

- Ethical issues in policing have been affected by 3 critical factors:
 1. Growing level of temptation from illegal drug trade
 2. Potentially compromising nature of organizational culture
 3. Challenges posed by decentralization

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Ethics in Policing

- The Oral Interview
 - Applicants are often asked questions which place them in an “ethical dilemma”
- A “Slippery Slope”? Lying and Deception
 - Criminal justice employees lie for different purposes, some as part of investigative techniques

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Ethics in Policing

- Accepted Lying—police activities to apprehend or entrap suspects; trickery
 - Three types
 - Offering illegal action as part of larger socially acceptable, and legal goal
 - Disguising illegal action so suspect does not know it’s illegal
 - Morally weakening a suspect

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Ethics in Policing

- Deviant Lying
 - Lying that serves legitimate purposes; often used as a way to side-step legal impediments
 - Lying that conceals or promotes crimes or illegitimate ends; most distressing form of lying

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Ethics in Policing

- Gratuities
 - Half-price meals/drinks; discounts
 - First step in police corruption?
 - “Grass eaters”
- Greed and Temptation
 - Nature of job places officers in tempting positions

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Figure 13.1

1. Without the express permission of the Sheriff, members shall not solicit or accept any gift, gratuity, loan, present, or fee where there is any direct or indirect connection between this solicitation or acceptance of such gift and their employment by this office.
2. Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee or thing of value, the acceptance of which might tend to improperly influence their actions, or that of any other member, in any matter of police business, or which might tend to cast an adverse reflection on the Sheriff's Office.
3. Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of those categories coming into the possession of any member shall be forwarded to the member's commander, together with a written report explaining the circumstances connected therewith. The commander will decide the disposition of the gift.

—Washoe County (Nevada) Sheriff's Office

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Ethics in Policing

- Community Policing
 - Relationship between unethical behavior and COPPS?
- Training, Supervision, Values
 - Recruitment and training of personnel; formal training in ethics
 - No kind of supervision will totally thwart unethical behavior

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Ethics in the Courts

- Evolution of Standards of Conducts
 - Canons of Judicial Ethics
- The Judge
 - Abuse of judicial power
 - Inappropriate sanctions and dispositions
 - Not meeting standards of impartiality
 - Conflict of interest

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Ethics in the Courts

- Lawyers for the Defense
 - Treat clients and professionals alike
 - Do not deceive others
- Prosecutors
 - Prosecutorial misconduct
- Other Court Employees

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Ethics in Corrections

- Need to understand occupational subculture of correctional workers
- Security and safety issues

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Guiding Decision Making

- Primary purpose of ethics is to guide decision making
- Ethics tests:
 - Test of common sense
 - Test of publicity
 - Test of one's best self
 - Test of hurting someone else
 - Test of foresight

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Chapter 14

Rights of Criminal Justice Employees

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Overview

- Fair Labor Standards
- Title VII of Civil Rights Act of 1964
- Equal Pay Act
- Pregnancy Discrimination Act of 1978
- Age Discrimination in Employment Act
- Americans with Disabilities Act of 1990
- Section 1983

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The Employment Relationship

- Recruitment and Hiring
 - Do hiring tests (for police officers) validly test the types of skills needed for the job?

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The Employment Relationship

- Disparate Treatment
 - The law does not prohibit discrimination; employer does not have to hire an incompetent person
 - Federal Equal Opportunity Law
 - It is illegal to treat people differently because of age, gender, sex, or other protected status

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The Employment Relationship

- How Old is “Too Old” in Criminal Justice?
- Criminal Justice and Affirmative Action
 - When does preferential hiring become reverse discrimination?
- Property Rights in Employment
 - 14th Amendment
 - Employee is entitled to pretermination and post-termination notice

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The Employment Relationship

- Pay and Benefits
 - FLSA has had major impact on criminal justice agencies
 - PDA
- Criminal Justice and a Safe Workplace
 - Federal, State, and local governments are exempt from OSHA
 - Unclear what public employers must do

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Constitutional Rights of Criminal Justice Employees

- Freedom of Speech and Association
 - If action is overly broad infringes on freedom of speech
 - Way in which government action is applied
 - Political activity
 - Nonpolitical associations are protected by First Amendment

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Constitutional Rights of Criminal Justice Employees

- Freedom of Speech and Association
- Self-Incrimination
- Religious Practices
- Sexual Misconduct
- Residency Requirements
- Moonlighting
- Misuse of Firearms
- Alcohol and Drugs in the Workplace
- Drug Testing

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Rights of Police Officers

- Peace Officer's Bill of Rights
 - Due process rights for officers
 - Written notice
 - Right to representation
 - Polygraph examination

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Rights of Police Officers

- Sexual Harassment
- The Family and Medical Leave Act (FMLA)
- The Americans with Disabilities Act (ADA)

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Chapter 15

**Special Challenges:
Discipline, Labor Relations, and Liability**

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Disciplinary Policies and Practices

- **Maintaining the Public Trust**
- **Due Process Requirements**
 - Be afforded a public hearing
 - Be present during presentation of evidence
 - Present own witnesses
 - Be permitted to be represented by counsel
 - Have impartial referee or hearing officer
 - Decision made based on weight of evidence

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Disciplinary Policies and Practices

- **A Tradition of Problems in Policing**
 - Misconduct and corruption
- **Automated Records Systems**
 - Assist in managing department and improve ability to defend its personnel actions

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Disciplinary Policies and Practices

- **Determining the Level and Nature of Action**
 - Counseling
 - Documented oral counseling
 - Letters of reprimand
 - Suspension
 - Demotion
 - Transfer

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Disciplinary Policies and Practices

- **Positive and Negative Discipline**
 - Both seek to accomplish same purpose: correct negative behavior and promote compliance
 - Positive discipline programs attempt to change employee behavior without using punishment
 - Negative discipline is punishment

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Disciplinary Policies and Practices

- **Dealing with Complaints**
 - May be handled formally or informally depending on seriousness of violation
 - Receipt and referral
 - The investigative process

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Figure 15.1

Complaint of Misconduct

Name of Person Reported: _____ Location of Incident: _____ Date of Occurrence: _____

Year of Occurrence: _____

Complainant's Name: _____ Title: _____

Respondent's Name: _____ Title: _____

Department: _____

Address: _____

City: _____ State: _____

Telephone: _____

Signature of Complainant: _____ Date: _____

Signature of Supervisor: _____ Date: _____

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Disciplinary Policies and Practices

- Dealing with Complaints
 - Making a determination and disposition
 - Unfounded
 - Exonerated
 - Not sustained
 - Misconduct not based on the complaint
 - Closed
 - Sustained

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Figure 15.2

Police Department
3000 Bellvue Street
Aurora, IL 60009
Date of 2000

Mr. John Doe
3000 Bellvue Avenue
Aurora, IL 60009

No. Internal Affairs #0000000000
Case #000000

Case No. 000

Our investigation into your allegations against Officer Smith has been completed. It has been determined that your complaint is UNFOUNDED and the appropriate disciplinary action has been taken.

Our disciplinary procedures were being followed and no action is to be taken. Please advise us if you wish to appeal this decision. If you do, you must do so within 10 business days of the date of this letter. If you do not appeal, you are deemed to have accepted the decision.

Your information regarding this incident was helpful and we will use it to improve our services. Thank you for your cooperation.

Sincerely,
J. M. Doe
Lieutenant
Internal Affairs Unit

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Disciplinary Policies and Practices

- Dealing with Complaints
 - Grievances
 - Grievance procedures establish fair process for handling employee disputes that are not disciplinary in nature
 - Process for handling varies across agencies
 - Failure to act on grievances may result in serious morale problems

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Figure 15.3

Police Department
Formal Grievance Form

Employee Name: _____ Work Place: _____

Department: _____

Name of: _____

Address: _____

City: _____ State: _____

Telephone: _____

Signature of Grievant: _____ Date: _____

Signature of Union Representative: _____ Date: _____

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Labor Relations in Criminal Justice Agencies

- Unionization and Collective Bargaining
- The Movement Begins: Policing Then and Now
 - First campaign to organize the police started shortly after WWI, American Federation of Labor
 - Fraternal Orders of Police

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Labor Relations in Criminal Justice Agencies

- Corrections Follows the Precedent
- Unionization in the Courts—rare in the courts
 - But does have basic elements found in other systems
 - Recognition
 - Negotiation
 - Contract administration

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Collective Bargaining: Types, Relationships, Negotiation, Job Actions

- Three Types
 - Binding arbitration
 - Meet and confer
 - Bargaining-not-required

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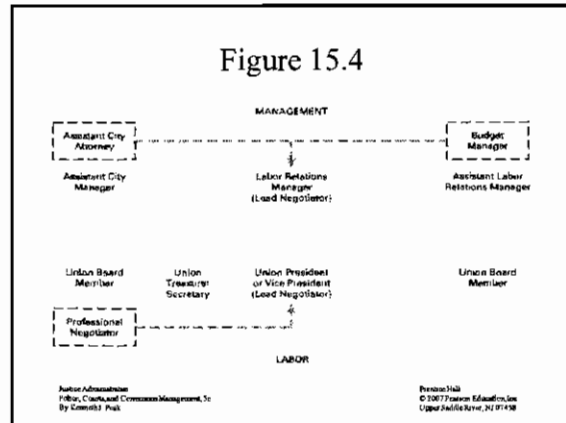
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Collective Bargaining: Types, Relationships, Negotiation, Job Actions

- Bargaining Relationships
- Negotiations
- In the Event of an Impasse...
- Job Actions

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Civil Liability

- Torts and Negligence
- Section 1983 Legislation
- New Areas of Potential Liability
- Liability of Corrections Personnel

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Chapter 16

Financial Administration

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The Budget

- A Working Definition
 - Estimate of future expenses
 - A management tool, a process
 - It includes
 - Services, activities, and projects comprising the program
 - Resultant expenditures
 - Resources available for their support

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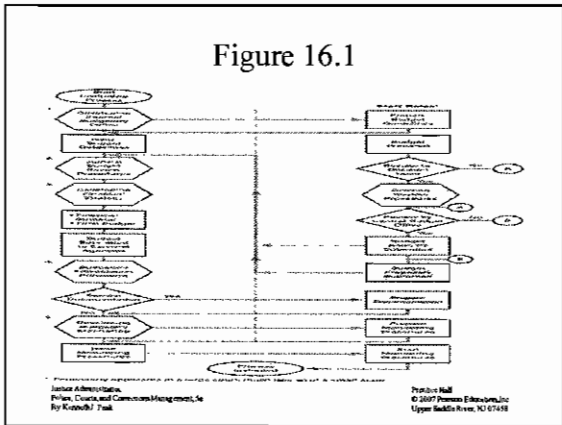
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Elements of a Budget

- The Budget Cycle—typically fiscal year
- Budget Formulation—most complicated stage
- Budget Approval
 - Governing board reviews and suggests cuts or changes

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Elements of a Budget

- Budget Execution
 - Carry out the department's budgeted objectives for fiscal year in orderly manner
 - Ensure department does not undertake financial obligations not approved for funding
 - Provide periodic accounting
- The Audit
 - To verify independently

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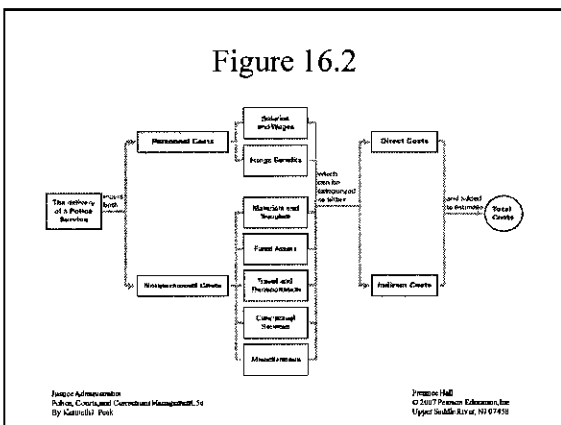
Budget Formats

- The Line-Item Budget
 - Most commonly used
 - Breaks down budget into major categories
- The Performance Budget
 - Relates volume of work to be done to amount of money spent

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Figure 16.2



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Budget Formats

- The Program Budget
 - Examines cost units as units of activity rather than units and subunits within the agency
- PPBS and Zero-Based Budgeting Formats
 - PPBS: Formulation of future goals and policies
 - Zero-Based: requires managers to justify their entire budget request in detail rather than budget amount from prior years

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Potential Pitfalls in Budgeting

- The Need for Budgeting Flexibility
 - Avoid these pitfalls
 - Placing too much emphasis on insignificant organizational expenses
 - Increasing budgeted expenses year after year without adequate information
 - Ignoring budgets must be changed periodically

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Potential Pitfalls in Budgeting Common Cost and Waste Problems

- Absenteeism and turnover
- Energy
- Maintenance
- Overtime
- Paperwork
- Productivity
- Product quality

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Should Criminal Justice Policies and Budgets Be Reformed?

- States Grapple with Large Deficits
 - Restrictions on state taxation
 - Unfunded mandates
 - Shifting health care costs

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Should Criminal Justice Policies and Budgets Be Reformed?

- Strategies for Policy Makers to Consider
 - Reform sentencing and drug laws
 - Look at nonviolent prisoners and special populations
 - Consider parole reforms

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Chapter 17

Technologies Now and for the Future

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Law Enforcement's Tools and Methods

- Technologies versus Terrorists
 - Low-dose X-ray imager
 - Surveillance cameras that scan faces and compare to mug shots
 - Better bomb-detecting technology
 - Smart cards, IDs with memory chips that store data
 - 211, 311

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Law Enforcement's Tools and Methods

- Recent Developments in Less-Than-Lethal Weapons
 - Taser
 - Laser dazzler
 - Foam
 - Sticky shocker
 - Beanbag rounds
 - Ring airfoil projectile

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Law Enforcement's Tools and Methods

- Crime Mapping
 - Combination of GPS maps with crime statistics
 - Offers crime analysts graphic representations of crime-related issues
 - A map of crimes can be overlaid with maps or layers of causative data (i.e. unemployment, population density, reports of drug activity)

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Figure 17.1

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Law Enforcement's Tools and Methods

- Accident Investigations
 - Use of global positioning satellites (GPS) for accident investigations
 - Transmitter takes shots of exact location and measurements of accident details
 - Information is downloaded into system and coordinates are plotted out onto an aerial shot
 - Then, digital photos of accident are incorporated

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Law Enforcement's Tools and Methods

- Ending High-Speed Pursuits
- Crime Scenes
- Gang Intelligence Systems

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Law Enforcement's Tools and Methods

- Other Technologies
 - Victim Information and Notification Everyday (VINE)
 - Voice recognition
 - Small video camera (can be hidden in a badge)
 - Global Positioning Satellite
 - Electric bicycles

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Future Attractions

- Augmented Reality (AR)—combines the real and the virtual
- Unmanned Aerial Vehicles (UAVs)

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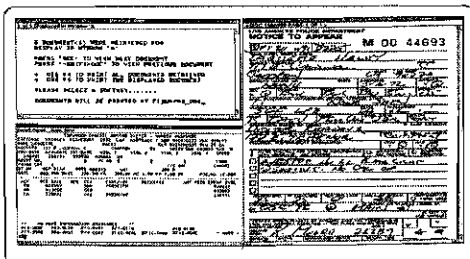
Court Technologies

- Six Types
 - Data systems
 - Office automation technology
 - Court records technologies
 - Testimony technologies
 - Evidence technologies
 - Legal information technologies

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Figure 17.2



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Institutional Corrections

- Putting Down a Riot
 - Wall-climbing reconnaissance robots
 - Hydro-force fogger
 - Stinger grenades
- Offender Management
 - Use of web-based systems to manage flow of information, educate prisoners, treat prisoners

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Institutional Corrections

- Automated Direct Supervision in Jails
 - Bar-coded wristbands
 - Live-scan fingerprinting
 - Digitized mugshots
 - “Virtual visits” to hospitals and courtrooms

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Probation and Parole

- Corrections—Police Interface: Sharing Information
- Kiosk Check-in for Probationers

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