The organizational environment and its influence on state criminal justice systems within the United States and the offender reintegration process

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This study tests the hypothesis that the organizational environment, primarily the crime control justice model, has negatively affected state criminal justice systems throughout the United States. Data are from a literature review, and a survey completed by 15 criminal justice planners from 15 states. Findings support the hypothesis, with a lack of a criminal justice planning processor emerging as the central problem contributing to a fragmented system of justice. This fragmentation adversely impacts the effectiveness of the system's expected outcomes as they relate to offender reintegration and community safety. The crime control model of justice is found to be prevalent and suspected in complicating judicial process, hindering due process, stagnating program development, and obstructing the effectiveness of administration of justice. It is therefore essential to develop a new justice model that is more integrated and adaptable to its organizational environment.
fragmentation and poor performance, it qualifies that most state criminal justice experts support this premise and that improved planning efforts will result in strategies that can prompt the system to perform more efficiently resulting in improvements in the offender reintegration process.

THE ORGANIZATIONAL ENVIRONMENT

A system's organizational environment is described as any external phenomenon, event, group or individual which is composed of technological, legal, political, economic, demographic, ecological and cultural forces (Kolfas et al., 1990). Kolfas and colleagues (1990) affirmed that as environmental conditions change, demands for service, legal resources and positions on policy and programs of both public and private organizations may change (p. 19). They further explained that adapting to these new demands, constraints and pressures may alter the mission or policy of the organization (p. 19). For example, increasing the number of arrests as a result of an increase in crime and public pressure will impact on the criminal justice system. The populations of jails will increase and court dockets and caseloads of prosecuting attorneys will expand (p. 29). Another good example of how the organization's environment (for example, the political climate) can affect the organization is through direct pressures from constituents and clients and indirectly through governmental action (p. 25). The government's response to political conditions can be passed on to the organization and other agencies within the system. Governments can be influenced to change budgets and mandates, and to alter the composition of top administrative personnel. These situations normally result after elections or after legislation is written that changes the purpose or power base of a bureaucracy (p. 25) It was also found that that changes in organizational environments have led to a variety of justice models being used over the years. Cole and Smith (1998) identify seven justice models used from the 1600s through to the 1990s: the colonial, penitentiary, reformatory, progressive, medical, community and crime control (p. 456).

As the political climate changed in the 1970s and 1980s, a renewed emphasis on the crime control model of corrections developed. The crime control model emphasizes efficiency and the capacity to catch, try, convict and punish a high proportion of offenders; it also stresses speed and finality over the caution against the possibility of innocent people being adversely impacted (Cole and Smith, 1998, p. 9). It can be argued that the abovementioned components of the crime control model are actually deficiencies and may be the reasons why most US criminal justice systems are fragmented and not functioning at optimum levels. It can also be argued that these alleged deficiencies have impaired the offender reintegration process, which has prompted the need to explore new or a combination of justice models that will be more flexible and work more efficiently to improve the administration of justice.

Herbert Packer (1968) explains that the crime control model competes with the due process model, a model that encourages the adversarial process, the rights of defendants, and formal decision-making processes. He emphasizes that no one official agency functions according to one mode or the other, and elements of both models are found throughout the system. However, as indicated above, the crime control model that has been identified as the predominant model results in a philosophy that encourages police and prosecutors to decide early on whether a defendant is innocent or guilty, leaving the possibility that more procedural errors may ensue. In contrast, the due process model encourages conclusive evidence in order to minimize error (Packer, 1968). Although the philosophy of the crime control model and due process are polarized, it can be argued that the due process model
emphasizes the goal of doing justice, where the crime control model considers justice more as an objective, thus, deeming the due process model a more appropriate model to use when addressing programs such as offender re-entry because it emphasizes the needs of the individual offender.

THE PLANNING PROCESS AND SYSTEMIC FRAGMENTATION

Systemic fragmentation, as defined in this article, is when the criminal justice system's planning processes are inadequate, which adversely impacts the relationship between its agencies and their overall mission, goals and objectives, the development of a unifying criminal justice philosophy and the system's expected outcomes. The review of existing literature revealed that all state criminal justice systems were found to be systematically fragmented at certain stages in the process and deficient in continuity, thus producing systems subdued in differences and occasionally deemed non-systems (Wright, 1994).

Criminal justice systems within the United States are designed sequentially with interrelated parts. For example, decisions in the criminal justice system are made in a specific order (Cole and Smith, 1998, p. 22). The police must make the arrest before the offender is prosecuted, the prosecutor's decisions determine the nature of the court's activity, prosecutors and judges cannot bypass the police and make arrests and corrections officials cannot punish anyone who has not been through the earlier stages of the process (p. 22). This process creates an exchange relationship among the key decision makers in the criminal justice system that could impact goals, objectives and policy development (p. 22). The literature suggests that a "cause and effect" relationship exists for every decision made by system members that, in turn, can impact on system outcomes.

Much of the debate on criminal justice systems outcomes focuses on whether the systems' planning processes are adequate in addressing these issues or if there is a lack in unifying philosophy thus fragmenting the system's goals and objectives (Hahn, 1998). Differing goals of retribution, deterrence, incapacitation and rehabilitation create differing operating policies that have an adverse effect on the offenders and their return to the community. As a result of these inequities, offenders do not feel obligated to make amends because they view themselves as victims of injustice (Carey, 1996). The literature suggests that criminal justice professionals are also becoming more cynical about the systemic functions of the criminal justice system, which in recent years have become more preoccupied with case processing efficiencies (p. 161). Criminal justice experts argue that the criminal justice system is not a system at all but a sequence of autonomous agencies and activities, each one generating a caseload for another, and each one competing for adequate resources from the public purse (Smith, 1996). There is a universal dissatisfaction among all players in the system: offenders feel injustices, which hinders rehabilitation; victims are re-victimized by the system because of inadequate coordination of services; the public believes that justice was not done; and criminal justice professionals are cynical because case processing supersedes the preferred system outcomes (Carey, 1996, p. 152-155).

Conceding to the argument that criminal justice systems are functionally fragmented and deemed non-systems, there has been a growing obsession with the creation of a monolithic system for the administration of criminal justice (Wright, 1994, pp. 19–31). This obsession has been reflected in many writings, yet a common theme is found throughout criminal justice literature: "if criminal justice is to fulfill its function of crime control, then a transformation must occur which will require devising a process that will develop a rational, well integrated system in which a set of common goals can be pursued through a compatible set of planning strategies and techniques" (pp. 19–31). The following paragraphs address
these issues by first describing the functional components of the criminal justice system (in other words, police, prosecution, courts and corrections), with recommendations on how to improve their interrelationship.

POLICE

Most police departments function within the crime control model, and remain enforcement oriented. The priorities of most police departments are largely independent of the influence of the police agency's external environment (Zhao and Thurman, 1997, p. 345). Regardless of the rate and types of crime a police jurisdiction experiences, police administrators view protecting the public from crime as a priority, with less interest in providing services or order maintenance functions (p. 345). This crime control approach is narrow but popular and neglects the community-based service and order maintenance activities (pp. 345-347). Therefore it can be argued that the crime control philosophy of police and the influence of the crime control model itself exacerbate police operating policies and contribute to certain levels of systemic fragmentation.

It can also be argued that the social service and problem oriented policing approach is the planning strategy that can be considered most effective when trying to control the influences of the organizational environment and that the care taken by these "problem oriented" police officers in the processing of the arrest and investigative practices is paramount for their role in the justice process and the offender re-integration process.

PROSECUTION

The literature suggests that the crime control model of justice also impacts on the prosecutorial component of the criminal justice system. The literature suggests that contemporary prosecutorial systems focus on mass case processing because of the influence of the crime control model. It requires prosecutors and judges to work too closely together in an attempt to achieve case processing efficiency. The crime control model compels judges to adhere to the sentencing recommendations of prosecuting attorneys, pre-sentence recommendations can develop into recommendations from the prosecutor, and probation officers' pre-sentence reports become incidental (Rosecrance, 1985). Therefore, it can be argued that since the prosecutor drives the criminal case, this process could have an adverse impact on individual rights, due process and the effective overall effective administration of justice.

In order to counterbalance the impact of these above conditions, it can be argued that adjudication partnerships have emerged resulting in community-based prosecution and defense teams. Hahn (1998) explains that as community-based policing becomes more common in this country, community prosecution and defense teams now complement it.

In late 1990, Multnomah County, Oregon’s district attorney assigned a senior deputy to work for one year on a neighborhood-based prosecution project in one of Portland’s inner city districts. This idea of a special prosecutor caught on, and other neighborhood district attorneys (NDAs) were formed. The NDAs were effective in creating two-way communication to link themselves both to citizens and police officers (Boland, 1996). These neighborhood defense teams also represented individuals accused of crimes who could not afford private lawyers and were based in the community. Instead of waiting for the court to assign legal representation to the client, the defense teams encouraged residents to call the office at any time, and the client was represented by the entire legal team, contrasting with the usual practice of assigning a client to a single attorney (Stone, 1996).
The literature suggests that the results of programs of this type disclose a more just and comprehensive approach to addressing crime and criminal behavior. This approach not only benefits targeting the individual problem defendants and the events leading to the development of criminal cases, but the necessary legal defense services and representation that, in the past, were neglected. It is implied through the review of this literature that community prosecution and defense may be used in the continuing debate concerning the crime control model of justice. The literature suggests that these types of justice teams can be used as another planning strategy to mitigate the influence of the crime control model and minimize systemic fragmentation.

COURTS
As previously indicated, it can be argued that as the crime control model impacts on the prosecutorial processes, it can also have an impact on court systems. It influences the mass production and prosecution of criminal cases and requires judges to act jointly with prosecutors. The literature suggests that these exchanges could lead to breaches of due process and individual rights, and have an adverse impact on the effective administration of justice.

The majority of American trial courts are highly decentralized in order to be close to the people and responsive to their values (Cole and Smith, 1998, p. 257). Local judges decide cases that pass through the courts and also administer the court. These courts are subject to local political influences and community values (Cole and Smith, 1998). The courts are structured intentionally for these reasons and in the process each court develops its own legal culture with differing ways to administer rules, procedures and justice. There are many differences among local legal cultures that result in differing court decisions (for example, sentencing offenders), duplication of process and the poor use of legal resources (p. 257). It can be argued that although these conditions are customary and necessary, they can lead to more systemic fragmentation if not administered properly.

It was found that judicial court administration might be the most effective judicial planning strategy used to resist the influences that the crime control model of justice imposes on the courts. Robert Wessels (1992) describes judicial court administration as one of the most effective administrative element that will eliminate most of the inefficiency found in the courts. It minimizes the preoccupation with case processing and allows judges to stay focused on the assigned court cases (pp. 3-18). Elimination of these administrative duties placed on the judge will result in more individual attention provided to each case and more quality time can be spent reviewing other relevant reports (pp. 3-18). The literature suggests that additional time saved can now be expended on the development of justice teams such as courtroom workgroups, re-entry courts and community-based justice coalitions, all of which allow for more individual attention. As previously indicated, groups of this type normally require judicial involvement and supervision of the offender throughout the sentence and re-entry process, thus establishing a more comprehensive criminal justice process. These models feature an ongoing central role for the judge, a commitment between the court and offender, and judicial discretion within the sentencing process (US Department of Justice, 1999, p. 2-8). Therefore, it can be argued that improvements in court planning and administration may minimize the impact of the crime control model, reduce systemic fragmentation and contribute to the improvement of the offender re-integration process.

CORRECTIONS
Most contemporary correctional institutions continue to be ineffective and a destructive form of punishment in promoting community safety. Creative punishments must be used that
provide adequate retribution for offending behavior, together with reasonable levels of protection from further offending at a cost that is not out of proportion to that spent on other social programs. Correctional policy must be removed from the political arena so as to facilitate more rational and consistent policy development and implementation (Brownlee, 1998).

Since the correctional component of the criminal justice process is the last phase of justice administration, the literature suggests that correctional systems must be prepared to manage the offender population that is furnished to them by the court phase of the criminal justice process. Therefore, based on the existing literature, it can be argued that correctional systems serve as reservoirs of "systemic fragmentation" and these inequities adversely impact on the behavior of offenders and their eventual re-integration to the community. It can also be argued that one of the solutions to this problem is for a planning process that provides continuity between the administration of punishment and the correctional institution's ability to receive it.

The literature also suggests that alternatives to incarceration (in other words, intermediate sanctions) such as house arrest, electronic and global positioning monitoring, intense supervision parole and restitution centers are becoming more attractive than the costly and ineffective option of incarceration. They show evidence of being accepted as sufficiently punitive from the perspectives of victims and criminal justice professionals, while reducing recidivism, and may be the solution to the numerous problems associated with the correctional system.

These creative punishment strategies have been defined as an attempt to design a mode of constructive punishment that considers the needs and characteristics of the offender and their motivation. The strategies make use of professional knowledge, such as psychology, which are useful in the sentencing process. They also accentuate the differences between the handling of both violent and non-violent offenders with a sufficient punitive element that can satisfy the demand for justice and reduce recidivism (Henderson, 1982).

PLANNING

Planning can be defined as a decision-making process that involves politics and an effort to accomplish goals by increasing awareness and understanding of that process (Dahl, 1959, pp. 340–350). The politics of planning is the total behavior of the political order within which planning takes place. For example, to understand the politics of fiscal planning in the United States, one needs to understand the country's political processes. Therefore, planning is regarded as a rational social action and as a social process for reaching a rational decision (Dahl, 1959). Therefore, it can be inferred by this premise that to understand the politics of state criminal justice planning, one needs to understand the politics of planning at the state, county and local levels in order to facilitate an effective decision-making process.

Local and state criminal justice systems are constantly under pressure to plan more efficiently and effectively without diminishing the quality of their services (US Department of Justice, 1999). Problems associated with backlogged dockets, crowded jails, and recidivism is becoming commonplace. Collaborative efforts are becoming more important for mounting an efficient and effective response to these problems (p. 1). The creation of a cooperative planning partnership with independent agencies, although an arduous task for many jurisdictions, emerged as one of the solutions to improve communication among these agencies in order to deal with these complex issues (US Department of Justice, 1999).

Important ingredients for the development of successful collective planning and decision-making partnerships that are deemed consensus builders are (US Department of Justice, 1999):
1. Leadership: Key individuals in the justice system must provide leadership in giving direction. Leaders from one or more key agencies must step forward to assemble a team of leaders and managers from other criminal justice agencies that are concerned about issues facing their jurisdiction.

2. Research and evaluation: This group of individuals (in other words, a steering committee) must use research and information on the best practices to guide program development as well as the use of objective data to evaluate its programs.

3. Broad support: Partnerships of this type must seek community support. They must provide information about the focus of their group and improve the communication process by seeking community input on identifying and addressing problems.

Criminal justice leaders in many jurisdictions continue to be successful in bringing together key players to tackle difficult problems (US Department of Justice, 1999, p. 2). Adjudication partnerships in other jurisdictions have been organized that include representatives from primary players in the adjudication process: the prosecution, the defense and the court. The participation of other criminal justice agencies such as law enforcement and corrections are also included (p. 2). Through a national mail survey, 103 well established and successful adjudication partnerships were identified (pp. 4-8). These programs were found in Buffalo, New York, Los Angeles, County, Cedar Rapids, Iowa, Dakota County, Minnesota, Rochester, New York, San Jose, California, and Corvallis, Oregon. These coalitions are examples of criminal justice planning groups that have been deemed successful for many years. However, it can be argued that “state specific” methods of planning and a lack of means to communicate these efforts, have hindered the successful outcomes of these programs.

As previously indicated, criminal justice partnerships are an intricate component of the planning process. It was found that community can also be a significant influence in shaping criminal justice policy and that new planning strategies should be developed that include collaborative efforts on behalf of the community and justice agencies (US Department of Justice, 1997). For many years the community as an environmental force has failed to be an influence on the criminal justice system (US Department of Justice, 1997, p. 1). The police, prosecution, courts and corrections systems have become increasingly modernized in recent years, but they often fail to meet the needs of the justice system’s primary consumers; the communities that experience crime problems on a daily basis (see for example p. 1). This problem was first addressed by the advocates of community-based policing. They argued that police officers could address crime problems more effectively if they established closer relationship with the community. As a result of these efforts, community-based policing became a reality and these “community-based” concepts of “community justice” have spread to other branches of the justice system including courts, probation departments, prosecutors and corrections offices (p. 1) The literature suggests that as local concerns grow about the offender’s eventual return to the community and recidivism, the community and community justice planning groups are beginning to have a greater influence in shaping criminal justice policy and programs related to these issues.

PLANNING AND THE PUNISHMENT PROCESS

After reviewing the available literature, it can be argued that there is a lack of understanding of the concepts of punishment and how to plan and administer its fundamental principles which, in turn, impacts on offender, institution and the community. The literature also suggests that punishment is the most complex process within the criminal justice system and
the inconsistencies associated with comprehending these process may be reasons for the
development of more systemic fragmentation. For example, the concept of punishment is
more socially than individually based. A useful place to begin to describe this phenomenon
is with Kant's explanation of deserved punishment (in other words, retribution) (Von Hirsch,
1996). He based his concept of punishment on fairness. When someone infringes another's
rights, the person gains an unfair advantage over others in society. The punishment for this
act imposes a counterbalance disadvantage on the offender and restores balance (p. 147). The
literature suggests that the fairness concept can be also applied to decisions made within the
criminal justice system. It can be argued that if the social control agents are unjust regarding
the administration of punishment (in other words, it is undeserved, unfair, unnecessary or
extreme) a "social crime" may be perceived by the offender, therefore the offender perceives
society as having an unfair advantage. As a result of these actions, social retaliation could be
committed by the offender, in the form of prejudice, hostility, resistance, a criminal act and
other acts of deviance in order to maintain the social equilibrium.

Understanding that the above viewpoint is purely speculation derived as a result of this
study, it was found that offenders who regarded punishment as a "deserved" misfortune for
their own wrongdoing, were more susceptible to rehabilitation (Toby, 1964). In fact, the way
punishment is practiced in Western societies it is usually an obstacle to rehabilitation (p. 58).
It was found that if the disposition of convicted offenders were more commensurate with the
gravity of their crime, even if greater or less austerity would promote other goals, the
likelihood for successful treatment strategies and reduced recidivism would follow (Von
Hirsch, 1996, p. 152). Therefore, based on this principle, it can be argued that understanding
of the concepts of punishment may lead to social prerequisites for justice that may be more
"solutions-based" whereas deterrence, incapacitation and rehabilitation are more subsequent
strategies for the "control" of crime.

It was found that a planned system of sentencing guidelines may be considered one of the
solutions to finding this fair and equitable distribution of punishments (US Department of
Justice, 1997). For example, in many states, commissions have plans in place addressing the
integration of intermediate sanctions into sentencing guidelines and are devising systems of
interchangeability between prison and non-prison sanctions (pp. 29-30). The literature also
suggests that sentencing guidelines may be another solution to the problem of disparities
found in the judicial sentencing process. For example, statistical comparisons of sentencing
tendencies in various jurisdictions show that disparities are widespread. In the Detroit
Recorder's Court, sentencing dispositions were sampled from ten judges over a 20 month
period. Findings revealed that one judge imposed prison terms upon as many as 90 percent
of the defendants he sentenced, while another judge ordered prison sentences on 35 percent
of similar cases (Inciardi, 1993). The literature suggests that the impact of these sentencing
practices increase prison populations but the most significant finding is that when prisoners
compare their sentences, if they deem their sentences unfair or if they see themselves as a
victim of judicial prejudice, hostility, resistance to correctional treatment and even a riot
prone environment can exist (p. 452). Obviously, these conditions will not lead to a
successful offender re-integration process. In fact, this is a good example of injustices
prompted by poor planning leading to what was previously identified as "reservoirs of
systemic fragmentation" found within our correctional institutions.

Through an effective planning process, North Carolina and Ohio have adopted sentencing
guidelines and have incorporated the use of intermediate sanctions that are interchangeable
between prison and non-prison sanctions. Pennsylvania and Massachusetts redesigned their
sentencing guidelines for the same reasons (US Department of Justice, 1997). The North
Carolina model suggests that sentencing guidelines with the incorporation of intermediate
sanctions can work. The North Carolina sentencing guidelines cover all felonies and
misdemeanors with an attempt to increase use of prison sentences for violent crime. They reduced prison use for non-violent crimes by using intermediate sanctions. In 1995, after the first full year of operation under this system, 81 percent of violent felons received prison sentences, up 67 percent in 1993. Twenty-three percent of non-violent felons were sent to prison, down from 42 percent in 1993. For all imprisoned felons, the mean time to be served increased from 16 to 37 months (US Department of Justice, 1997). In this case, sentencing guidelines provided the necessary vehicle for “fitting the punishment to the crime”. The literature suggests that improved criminal justice planning was a key component to “fighting crime” by developing an improved sentencing process that not only was fair but by using intermediate sanctions for non-violent crimes, the violent criminals received longer prison terms. This analysis also suggests that more collaborative planning between the police, prosecution, courts and corrections could lead to a more unifying philosophy resulting in the development of a common mission. Furthermore, it was inferred that these changes could lead to resolution of these issues deemed “inequitable”, prevent systemic fragmentation associated with the inconsistencies found when attempting to manage punishment and improve the offender re-integration process.

THE PLANNERS’ PERSPECTIVES AND METHODOLOGY

The previous information is a literature review qualifying data collected from various professional journals, observational notes as a participant, review of public documents, examination of video tapes, text books and Internet resources relating to the operations of state criminal justice systems. The planning and systemic functions of state criminal justice systems were examined and compared by conducting a content analysis. The planning processes examined were long and short term goals of the criminal justice system, and cohesive and non-cohesive planning. The systemic functions examined were the criminal justice system’s strategies of police enforcement and investigation, prosecution policy, judicial court administration and process, and the management of correctional institutions. The impact of these factors was weighed against the offender re-integration process and community safety.

A survey instrument was also provided to the National Association of Criminal Justice Planners (NACJP) and representatives from state criminal justice planning agencies across the United States to provide additional support to this study. It should also be noted that there were only 27 criminal justice planners listed in 27 different states throughout the United States. Therefore it can be speculated that there is a deficient number of criminal justice planners across the US, they are not participating in the planning association, or they exist and are not active organizations.

The perceptions of criminal justice planners addressing the same categories were measured by conducting a one-shot case study that evaluated the opinions of criminal justice planners currently practicing within the US criminal justice system. The survey was divided into two sections and comprised of 14 questions. The first section consisted of 10 questions that addressed the systemic functions of the criminal justice system and how these processes affected the offender re-integration process and community safety. The second section consisted of four questions addressing criminal justice planning processes. A frequency distribution was processed that measured the perceptions of criminal justice planners regarding the planning and systematic processes of the criminal justice system in their state and it’s impact on the offender re-integration process and community safety.

Fifty surveys were mailed to each state within the United States. The first set of surveys was mailed directly to known criminal justice planners that are listed as current members of