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Training in the Criminal Justice Nonsystem*

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THROUGHOUT recorded history, civilized man has attempted to control those among him who appear to be deviant. The mentally ill, the criminal, the juvenile delinquent, and others who seem to reject societal norms or otherwise engage in violative behavior have been subjected to banishment, death, harassment, ridicule, and other forms of oppressive measures by the state.

In relatively modern times, the issue of criminal deviance, its understanding and control, has been relegated to the so-called criminal justice system. That is, a system of agents and agencies of social control has evolved with primary responsibility for dealing with those persons officially labeled criminal or delinquent by society.

Barnes and Teeters assert that there has been a relatively orderly evolution in the development of this criminal justice system. They maintain that through rational enlightenment, the state has gradually developed a unified system of social control. Further, they claim that through this process of trial and error, as a result of accepting those processes which are reasonable and appropriate, rejecting those which are unacceptable, the state has accepted responsibility for administering justice to all citizens. In the last analysis, they claim, this has come about because of the "obvious defects" of the unrestricted blood feud and the other processes of individual and clan vengeance (1959:287).

The assertion that such an orderly evolution of criminal justice services has indeed occurred, and led by the state as a result of rational enlightenment, has been challenged by Korn and McCorkle. They maintain that an analysis of penological literature over the years fails to demonstrate the construction of such a universal evolution of principles and practices. In fact, they state:

> Most frequently these constructions are advanced without the caution that logical continuity in the realm of ideas does not imply a parallel continuity in the world of events, and that the origins of practices must be sought for in demonstrated historical, social, and economic continuities rather than in deductions from general premises (1959:369).

They go on to state: "The concept of progres-

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sive evolutionary stages has led to the impression that certain procedures predominant at one stage become extinct once the 'stage' is passed . . . . This simply is not true" (1959:371).

Does a Criminal Justice System Exist?

The argument over orderly evolution was begun well over a decade ago, but few experts in criminal justice administration bothered to explore its meaning or significance. The "fact" that a criminal justice system had evolved appeared to have been taken for granted. Writers went on with their business of discussing problems and issues associated with the system, each imploring the world of academics and practice to add his or her pet idea or program, or suggesting that others' ideas be rejected. Each has tried to contribute to the evolution of the system; few have questioned whether or not a system actually exists.

The President's Commission on Law Enforcement and Administration of Justice accepted the "fact" that criminal justice administration in the United States has been operating as a system, even though they enumerate in elegant and considerable detail difficulties, problems, and issues associated with the concept. The Commission stated, for example, "Any analysis of the criminal justice *system* is hampered by a lack of appropriate data" (emphasis added) (1967:263).

The Commission's final report, *Challenge of Crime in a Free Society*, also states: "The criminal justice *system* is an enormous complex of operations. Subjecting such a *system* to scientific investigation normally involves making changes in its operations in order to observe the effects directly" (emphases added) (1967:261). It also makes numerous references to the kinds and qualities of training experiences made available to the manpower within the "system," generally decrying their lack of effectiveness.

The National Advisory Commission on Criminal Justice Standards and Goals continues to accept the "fact" of the existence of a system. This Commission's summary report, *A National Strategy To Reduce Crime*, discusses numerous issues

and problems associated with the system, including the nature and quality of manpower training, and concludes: " 'Fragmented,' 'divided,' 'splintered,' and 'decentralized' are the adjectives most commonly used to describe the American *system* of criminal justice . . . . Words such as fragmented and divided, however, refer not only to demarcations in authority, but to differences in states of mind, and not only to physical distances, but to distances in philosophy and out-look" (emphasis added) (1973:41). As the last statement suggests, the Standards Commission, and the President's Crime Commission decry the failure of the "system" to develop a philosophy of operations or a commonly accepted statement of goals and objectives.

A number of authors in recent years have begun to challenge the system notion. They write from both theoretical as well as practical points of view that a "system" of criminal justice administration does not exist in the United States at this time. Bilek comments that a system does not exist and suggests that such a state of affairs has implications for criminal justice administration's apparent ". . . ineffective and inefficient operation (which) exacerbates the problem of high crime urban areas . . ." (1973:85-86).

Sigurdson, et al. (1971), report that the failure to have a system results in impediments to effective planning. The American Bar Association, which has recently taken an active role in studying and changing the administration of criminal justice services, particularly in corrections, refers to the "nonsystem" of criminal justice as it is practiced in the United States today (1972:1).

One of the most comprehensive statements challenging the idea of a criminal justice "system" appears in *Law and Order Reconsidered*, a staff report to the National Commission on the Causes and Prevention of Violence (The Eisenhower Commission). In a paper presented to the Commission, Professor Daniel J. Freed writes:

> It is commonly assumed that . . . three components—law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation and parole officers)—add up to a "system" of criminal justice. The system, however, is a myth.
> A system implies some unity of purpose and organized interrelationships among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal process, a continuum through which each offender may pass: from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout, and failure of purpose during this process is notorious (1969:266).

What Is a System?

It would appear that these authors are correct in describing the array (or disarray) of criminal justice services in the United States today as not being a system, or for being, in actuality, a nonsystem. Buckley, a well-known authority on systems theory and one who has written extensively on the subject, defines a "system." Although he does not address the problems of systems as they may be associated with the delivery of criminal justice services, his definition is most apt:

> . . . (a) system . . . may be described generally as a complex of elements or components directly or indirectly related in a causal network, such that each component is related to at least some others in a more or less stable way within any particular period of time . . . . The particular kinds of more or less stable interrelationships of components that become established at any time constitute the particular structure of the system at that time, thus achieving a kind of "whole" with some degree of continuity and boundary (1967:41).

Although there are considerable disagreements concerning models, theories, and concepts associated with the notion of "systems" (see, e.g., Boulding, 1956: von Bertalanffy, 1962; and Buckley, 1968), all seem to agree that a systemic approach to organizational study must address such issues as interrelationships and goals. Thus, as we examine the criminal justice system or nonsystem these factors, at least, are of essential importance. Without an understanding of how individuals and organizations relate to and among each other and without an understanding of the significance of goals, we cannot possibly understand the administration of criminal justice and its myriad of problems, conflicts, issues, and services.

Discussion regarding the evolution of criminal justice services and whether or not the network of such services constitutes a system or nonsystem would be a mere academic exercise were it not for the serious implications such an issue has for practical operations and future programming. That is, it would constitute no more than an interesting theoretical discussion were it not for the fact that the so-called criminal justice system has failed to understand and control crime, in part, simply because it is just not a system. Were it a genuine system, we probably would be much further along in our efforts.

A value judgment is implied in the above that the network of criminal justice services in the United States would indeed be better were it a system, or that more progress could be made toward crime control if we were able to bring

these currently disjointed services into a genuine system. That such a state of affairs is or would be beneficial must be explored further.

The Dangers of a True System

For example, if it were possible to bring all services and programs together and achieve a commonly accepted statement of objectives—or goal, e.g., eradication of crime, then it is possible that the accepted and acceptable techniques for such eradication would be primarily of a controlling nature. With control accepted as a viable means for bringing about crime eradication by law enforcement, courts, and corrections, it is entirely possible that society could become very repressive and suppressive of its citizens. This philosophy could lead to the rejection of all forms of deviance, including criminality, whether they be of a 'political' nature or not.

Durkheim has commented on the need for a healthy society to have some crime if it is to change and prosper (1950). He does not advocate the increase of crime, in a conventional sense, but he does indicate that a society free of crime is not only impossible, it is undesirable. In a unified, goal-directed system, where crime control becomes the primary objective, it is possible that means could supplant ends and the democratic form of government, as a consequence, would be diminished. In a unified system, where all components are so interrelated that conflict is minimal, it is also possible that the current checks and balances now available in the nonsystem, and which partially serve to protect clients, would also diminish, to the detriment of democracy in general and individual liberty in particular.

The creation of a system in criminal justice administration in the United States today will require the development and maintenance of a genuine dialogue among and between its potential component parts. Thus, police will have to speak with judges, probation officials with prosecutors, and defense attorneys with victims. In addition, all units of the system will have to speak with the clients of the various services and in ways which heretofore have not been seen as necessary. A genuine dialogue, of course, would in and of itself be beneficial, for all of these components have not truly been in dialogue before.

The danger, however, is that the powerful within the potential system are more likely to have their operational philosophies and goals accepted, leaving the meek and less powerful without adequate voice in their own affairs. The result of unification then would not be a genuine system; it is more likely to result in a totalitarian organizational state, with the clients and the victims, in all probability, continuing to be the least heard and the least important.

Although the above represents conditions which might result from systematizing the criminal justice network of services, no one for sure can say what would actually happen. But, if the above represents a reasonable point of view on what could occur, then it is also reasonable to conclude that a "system" of criminal justice administration in the United States should not be our goal. At least, it should not be our goal until and unless these issues are resolved.

If it is desirable to develop a true system of services from the currently disjointed network of criminal justice programs, then a concerted effort will have to be made by practitioners and theorists alike. Not only will disparate groups have to engage in meaningful dialogue, but responsible persons will have to take into consideration the development of a goal which not only will serve the best interests of society, but the clients and victims of the system as well. In short, if a system is ever achieved, its services must reflect adequately the needs of *all* segments of society.

A Process for Systematization

It is highly unlikely that a true system will ever evolve in criminal justice administration in the United States in the immediate future. This is so, in the author's opinion, because there are too many vested interests, differing philosophies on how best to control crime and criminals, petty jealousies among top-level administrators, an overall lack of commitment for the creation of such a system, and a genuine lack of leadership in the field.

Although such a system may never come to fruition, and even though it might not be desirable, it is still possible and perhaps even desirable that benefits would accrue if there at least were some efforts at systematization. Through greater coordination and integration of efforts, it may be possible to come closer to a real system, provided that problems, issues, philosophies, and concerns are dealt with honestly, meaningfully, and appropriately.

As reasonable and responsible officials commit themselves to systematization efforts, it is also possible that more positive and constructive interrelationships among and between individual persons and their agencies would accrue, not only for their collective benefit, but also for the welfare of the clients and communities they are supposed to serve. If responsible officials truly work at systematization in this way, they will refute the notion that there is no real leadership in the field.

We are willing to conclude, therefore, that systematizing the network of criminal justice services, even though there are some inherent dangers, nonetheless and on balance, probably could lead to greater effectiveness (not just efficiency) of services, as well as more balanced concerns for the needs and welfare of all of the component parts.

Training Can Be a Vehicle

While there are many issues and consequences associated with the efforts to systematize criminal justice administration, one which deserves considerable attention is that of training and staff development. Not only can training be an effective vehicle for promoting positive dialogue, it can also be a useful technique for the development of positive interrelationships. Furthermore, once a goal of an organization—or the system—is made explicit, it can be through the meaningful training of workers, at all hierarchical levels and representative of all component parts, that the goal can be implemented. Through conjoint training, the potential system could be made relevant and effective. Workers and components of the system, for the first time, then, generally could be held accountable for meeting the system's objectives.

There is considerable literature available of a prescriptive and descriptive nature concerning the desirability of training for criminal justice workers. Both the President's Crime Commission (1967) and the National Advisory Commission on Criminal Justice Standards and Goals (1973) devote considerable attention to this issue. Along with the report of the Advisory Commission on Intergovernmental Relations (1971), these bodies strongly advocate the need for upgrading training programs for police, court, correctional, and other criminal justice personnel. These reports look at training and how important staff development is for producing more effective organizations, but none looks at the impact training could have in changing the nonsystem into a system. The added, albeit important, works of such organizations as the American Bar Association (1973), the Joint Commission on Correctional Manpower and Training (e.g., Nelson and Lovell, 1969), the National Council on Crime and Delinquency (1972), and the International Association of Chiefs of Police (1973), as examples, all discuss the importance of training for various component parts of the potential system, but none discusses the systematizing effects of training.

Notwithstanding the above, there has been some attention in recent years to bringing together representatives of the network of criminal justice services to discuss various issues, problems, practices, and interfaces of common importance. For the most part, these efforts have been minimal in number and not very well publicized. Universities, of course, have been expanding curricula in criminal justice education and concomitantly have been discussing issues associated with the "system." They have sponsored workshops, institutes, and seminars, but course design, for the most part, continues to reflect the basic tripartite interests of police, courts, and corrections. Prosecutors, defense attorneys, victims, and clients hardly receive attention; it is as though they are incidental to the main business of the administration of criminal justice.

Published materials which discuss various interfaces within the network also reflect tripartite concerns and may even be one-sided in orientation as well as patronizing in tone. For example, The Pennsylvania Board of Probation and Parole, in a booklet entitled, *Police Procedures in the Handling of Parolees*, states: "While the Board places heavy emphasis on client control and rehabilitation, it nevertheless shares with police the primary goals of law enforcement, community protection and crime prevention" (1972:1).

Although the Board should not be criticized for attempting to recognize the interfaces between corrections and law enforcement and even though it has dared to reduce to writing how such interrelationships should be managed organizationally, it does not define the above terms—or slogans—in any operational or goal related ways.

The above does represent an effort to define issues which are relevant to more than one component of the nonsystem—issues which are not necessarily unique to any one organization, agency, or type of service. It is possible, then, to develop a list of other areas which are of mutual concern, including but not necessarily limited to management, supervision, planning, program evaluation, decision-making, and community relations. While any one agency may have special or unique problems associated with such issues,

as they are actually practiced, they remain focal concerns which can be dealt with in cross-organizational training programs. For that matter, these practice areas are not even unique to criminal justice administration; they are topics commonly found in business and industry training programs (see, e.g., Bass and Vaughan, 1966; Blake and Mouton, 1969; Craig and Bittel, 1967; and McGehee and Thayer, 1961). These authors point out the value of training and indicate, in one way or another, that the major issues which need to be covered in such training programs are important for all kinds of formal organizations, regardless of beneficiary of service, type of structure, or nature of the business.

In the administration of criminal justice services, one noteworthy example of how two disparate groups can be brought together to discuss an issue of common importance is reported by O'Leary and Ryan (1969). Under the auspices of the National Council on Crime and Delinquency, and particularly the Probation Management Institutes, representatives of selected police and probation departments were brought together ". . . to attempt to identify the types of conflict which existed . . . (and) to increase understanding of the nature of conflicts . . . and identify strategies which might better cope with them" (1969:4). The extent to which this training program was "successful" in meeting its objectives, although an important issue, is irrelevant for purposes of our discussion here.

What is of critical importance is the fact that police and probation officials were indeed willing to meet together to explore such an emotionally charged issue as conflict; that they were willing to discuss an issue of significant commonality and attempt to find alternative solutions. While we cannot generalize intent or motivation from the experiences of a selected group of practitioners, it may be a safe assumption that it is possible to bring similar groups together, that various elements of the nonsystem are willing to identify problems of mutual concern, engage in efforts to promote useful dialogue, seek meaningful solutions, and otherwise address generic issues related to criminal justice administration.

The Role of Universities

Universities occupy strategic positions in our contemporary society. This is so not only because they traditionally provide higher education opportunities for practitioners in the administration of justice, but because they also represent loci where knowledge can be developed and transmitted in value-neutral ways insofar as agencies and organizations are concerned. Although universities frequently are biased in one theoretical direction or another, they nonetheless represent the best available institution to study, evaluate, and otherwise provide the impetus for bringing disparate criminal justice groups together in order to promote systematization.

Furthermore, universities have the resources and frequently best-tested experiences for developing and providing meaningful training programs. But, other organizations and many agencies and departments also have had considerable experience in developing and implementing such training programs. Therefore, it should be reasonable to assume that through town-gown relationships, through the marriage of universities and agencies, significant and enlarged training programs can be further developed. As Universities study, agencies practice, and both evaluate each other's and joint enterprises, it may be possible to further explore the values associated with systematizing the administration of criminal justice services in the United States and the potential role conjoint training can play in bringing about this objective.

As components of the nonsystem relate to one another, appreciate each other's roles, responsibilities, and problems, and participate together in training programs, it may eventually be possible to turn the nonsystem into a system. As clients, victims, practitioners, and representatives of community interests interrelate in such training programs, it may even be possible to provide for a higher level of understanding not otherwise achievable. As these persons and groups discuss such common issues as management, goal development and implementation, supervision, and decision-making, for example, the commonality needed to develop and maintain a criminal justice system might just obtain.

There is a caveat which needs to be understood and that is the conservatizing nature of training programs, for most tend to be organizationally supportive; that is, they merely support the status quo. Curricula tend to reinforce that which already exists; trainers tend to emphasize what top management desires; and programs tend to ensure the survival of the organization.

Training and Change Agents

If our goal is to develop a meaningful system of criminal justice administration, then many staff development and training programs will have to be readjusted, for they will be means—not ends—to produce a system out of the nonsystem. Training programs will have to be utilized to develop skillful change agents from among the trainees, change agents capable of innovation in response to ever changing client, community, and organizational needs and desires.

Furthermore, the host organizations within the embryonic system will have to more than tolerate the activities of their change agent workers, they will have to encourage such activity. They will have to share the knowledge and experiences they have and be willing to listen and understand the problems and concerns of their colleagues in other organizations.

While it is suggested that universities assume the mantle of leadership in providing the impetus for changing the nonsystem into a genuine system, utilizing training programs as an effective vehicle, they cannot possibly complete this task alone. And if they cannot do this alone, neither can organizational managers, nor can workers, clients, victims, nor community groups. But, if the assumption is correct that systematization, at least, is desirable, then working together, universities, individuals, groups, organizations, and communities can, perhaps in synergistic fashion, eventually produce a real system.

With such an effort and in recognition of the value of goal directed behavior, it may be possible to utilize training ventures as a very viable means for achieving this goal. Effective and meaningful training—conjoint training—can be one of the most effective tools presently available to us for creating and then maintaining a genuine criminal justice system.

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