"Plea Bargaining and the Criminal Justice Process: An Organizational Perspective"

by

William F. McDonald*

*Research Director, Institute of Criminal Law and Procedure and Associate Professor of Sociology, Georgetown University

A paper prepared for presentation at the Annual Meeting of the American Political Science Association, Chicago, September, 1976. This paper is based on research supported by grant #75-NI-99-0129 from the Law Enforcement Assistance Administration. However, the views and opinions expressed herein are solely those of the author.

Introduction

Unlike other panels at the Annual Meeting this particular panel has not been assembled around a specific issue. Rather what my fellow panelists and I have in common is that we have all been drinking from the same federal trough, namely, LEAA's National Institute of Law Enforcement and Criminal Justice. This year the National Institute decided to display some of the research it is supporting.

In my case the research grant is for a national study of plea bargaining. Almost all studies of plea bargaining have until now been case studies limited to one or a few jurisdictions. They have raised many concerns about plea bargaining but have not been able to address the frequency or typicality of the issues raised nor have they been able with any confidence to begin to see any patterned relationships between variance in plea bargaining systems and other relevant variables. Our project has attempted to do this. It is designed to address several key issues regarding plea bargaining using data collected from a national sample of jurisdictions. Originally the research plan called for a mail survey of over 300 jurisdictions. But for methdological reasons too extensive to go into here, the plan was changed. As a substitute, we visited thirty jurisdictions for a few days of interviews and observation.[1/]

What I would like to share with you today are not our findings regarding plea bargaining per se but some thoughts on the application of organization theory to the criminal justice process. Given that my reason for being here is to report on a study of plea bargaining I feel I must justify this shift in subject matter. There are three reasons for the change. First, our findings on plea bargaining are not yet available for presentation. Secondly, the ideas which will be presented were generated in the course of conducting our plea bargaining study. Thirdly, if plea bargaining or any other component of the criminal justice system is going to be fully understood it must be placed in the context of a theory of how and why the system works. At the moment no adequate theory exists. This point has been increasingly recognized.[2/] Traditional approaches to studying criminal justice issues are no longer regarded as sufficient or entirely satisfying. Analyses of the relationships between various attributes of defendants (such as age, race, or social class) or of criminal justice decision-makers (such as political affiliations of judges) and case dispositions are valuable as far as they go but do not provide an integrated understanding of the system. Locating the discrepancies between the "law in action" and the "law on the books" or more generally, between the ideal and the real, is a dramatic way of organizing an analysis and may lead to some specific reforms. But it is theoretically barren. It inevitably concludes what was known at the beginning to be true by definition. Reality

is always going to fall short of the ideal.

To find an approach which will yield a comprehensive and integrated understanding of the criminal justice process researchers have turned to organizational theory. Using this perspective Blumberg took the court system as a whole as his unit of analysis and examined several aspects of this unit.[3/] More recently Eisenstein and Jacob -- continuing in this vein -- have found that the courtroom work group rather than the court system as a whole is a more useful unit of analysis for understanding the disposition of cases.[4/]

My own thoughts on the subject are far from complete. I am not prepared to offer here today a fully developed organizational analysis of the criminal justice process. Rather I would like to present some observations, analyses and speculations which may contribute to the effort to develop such a theory with the use of established concepts and criteria supplied by organizational theory.

Findings

a. Goal Displacement Defined

All organizations are goal-directed. They all exist to achieve some purpose. One usually finds these ultimate goals stated in noble language in the official pronouncements of an organization. In the case of the criminal justice system they are frequently written in stone and displaced in prominent places in the public buildings that house the system. Knowledge

of the ultimate goal of an organization, however, provides little help to someone interested in understanding the day-to-day operations of the organization; why certain decisions are taken and not others; why business is conducted in certain ways; or what motivates the individual members of the organization. Ultimate goals are usually abstractions; such as "the pursuit of profit;" "benefit the arts;" or "serve the community." Thus, two organizations may have the same ultimate goal but may pursue it in very different ways. For example, progressive and traditional schools share the common goal of educating their children but use considerably different teaching methods.

It is useful to distinguish between ultimate and operative goals. The latter provide the specific content of ultimate goals and reflect choices among competing values.[5/] For example, if profit making is the ultimate goal of an organization the operative goals will determine whether quality or quantity is to be emphasized, and the outcome of other choices as well, for instance between pursuing short run and risky or long run and stable profits. The operative goals "designate the ends sought through the actual operating policies of the organization; they tell us what the organization actually is trying to do, regardless of what the [proclaimed] goals say are the aims."[6/]

It is also important to note that two kinds of operative goals can and usually do exist in organizations, those which are officially approved and those which are not. The official operative goals reflect the ultimate goals. But the unofficial operative goals are usually tied to group interests

and bear no necessary connection with the ultimate goals -- which they may support, be irrelevant to, or subvert. For example, while the decision to seek short run profits is related to the ultimate goals of profit making. The same organization's decision to boycott communist markets is irrelevant to the ultimate goal (assuming the boycott has no economic significance), but it may serve the organization's unofficial operative goal of "fighting communism."

A final point that bears mentioning is that organizations are subject to a phenomenon known as goal-displacement. That is the official, agreed-upon goals of an organization can be neglected in favor of some other goals. There are pervasive pressures on organizations to engage in this kind of goal substitution. Organizations do not exist in social vacuums. Both the organization and the persons who staff its positions find some activities and policies rewarding and others productive of strain. Being responsive to such inducements and sanctions, "an organization and its members tend to substitute for the official goals and norms of the organization, ongoing policies and activities which will maximize the rewards and minimize the strains for the organization."[7/]

Turning now to the criminal justice process we will use these ideas to help make sense of some of our field observations. We will We will deal primarily with the prosecutorial and dispositional segment of the process. The

ultimate goal of the criminal justice system is to administer justice. That highly abstract notion has been narrowed somewhat by the general agreement that the aims of criminal justice today include the following slightly less abstract subgoals: deterrence, rehabilitation, punishment, and incapacitation (isolation from society). The fact that these goals are not only abstract but frequently inconsistent increases enormously the likelihood that the officially approved operative goals of criminal justice agencies will be inconsistent both within the same agency and between agencies of similar or differing kinds (e.g., between police and prosecutions). Thus, within the same prosecutor's office one may find policies which emphasize rehabilitation for some offenders and harsh punishment for others. A second implication of this lack of clarity of goals is that it may foster the development of or adherence to unofficial operative goals. The prosecutor who sees that harshness for punishment and leniency in the interests of justice or rehabilitation are equally legitimate goals may find it hard to resist the temptation to let his decisions in individual cases be influenced by personal or organizational self-interest.

Some studies of the official operative goals of various agencies of the criminal justice system have already been done. James Q. Wilson has shown that police departments tend to fall into three styles of policing, which in effect, represent officially approved operative goals.[8/] In one the goal is to maintain the peace -- using the law as a last resort. In the second the goal is to enforce the law vigorously relying heavily on the formal mechanisms of social control. In the

third the emphasis is on serving and pleasing the community. Similarly Joan Jacoby has described four different types of prosecutorial pretrial screening policies and how these might produce different patterns and rates of case attrition. For example, where the "legal sufficiency policy exists one would expect to find a low rate of cases being rejected for prosecution by the prosecutor; and a high rate of case referral to other criminal justice agencies.[9/] Mayer Zald found that correctional institutions for delinquents proclaimed that rehabilitation was their goal. But, their decisions regarding the allocation of resources (money, personnel, equipment, etc) contradicted these official pronouncements. Resources were consistently allocated to the custodial and traditional aspects of the institutions rather than to professional treatment.[10/]

Less work has been done on the unofficial operative goals of these agencies. Chambliss and Seidman have made such an analysis of the police.[11/] The prosecutor's office and the courts have not been subjected to a similar analysis. We hope to remedy that oversight.

The purpose of the prosecutor's office is to prosecute crimes for the protection of the community. But, he has the added responsibility of ensuring that justice be done. If he believes a defendant is innocent he has an ethical obligation to drop the prosecution.[12/] The purpose of the court is also to ensure that justice be done. It "has the responsibility for safeguarding both the rights of the accused and the interests of the police in the administration of criminal justice."[13/]

Having been told that these are the goals of these actors a visitor from another planet who knew nothing else about the workings of our criminal justice system could make sense out of much of what he saw happening in the criminal courts and in prosecutors' offices. He would find that some prosecutors offices are better managed than others; some are large and some small; some have specialized units that concentrate on serious criminals while others do not. He would find that some judges are more learned in the law than others; some more fair than others; some prosecution-oriented; others defense-oriented; and some work longer hours than others; and some are more effective administrators of their courts than others. But, despite all these differences, he will find that much of what goes on in each jurisdiction can be understood in terms of the stated goals of the system. Prosecutors will be trying to enforce the law and judges will be trying to safeguard the interests of the defendant and the community.

But our extra-terrestrial visitor will very quickly begin to hear and see things which do not make sense in that context. He will hear prosecutors rail against the deplorable dilatory tactics of defense counsel. It will be explained to him that by delaying cases the defense improves its chance of having the cases dismissed or winning at trial. Witnesses' memories will fade and evidence may get lost. But then much to his surprise, he will see that the prosecutor uses this same tactic. The prosecutor will deliberately delay cases to the point where he is "forced" to drop them.

Our visitor will be told about the deplorable lack of civic responsibility among our citizens and the large number of cases which must be dropped from prosecution because witnesses refuse to appear to testify. But then much to his amazement, he will observe prosecutors in a high volume courtroom wait for witnesses who are present in the courtroom to leave for a few minutes to get a cup of coffee or go to the bathroom. Then while the witness is out of the courtroom the prosecutor will have the case called and quickly dismiss it. When the witness returns, it will be apologetically explained to him that the case had been called but since he was not available it was dismissed; and unfortunately, the matter could not now be resurrected. Or, our visitor may hear prosecutors deliberately misinform victims about the day or the time of the sentencing hearings in their cases. When the victim arrives at the wrong time he too will receive a profuse apology for the mix-up in time or the necessity for the last minute change in the time. And, an explanation that there was nothing the victim could do or say now since the sentence had already been imposed.

Several other things will perplex our visitor. Prosecutors will stress to him the importance and necessity of their professional judgment. They will vehemently assert that victims cannot be allowed to control the decision to prosecute; decisions relating to plea bargaining; or decisions relating to sentencing. These are matters which call for the prosecutor's professional judgment, for a consideration of the community's interest as well as the individual victim's interest. But, in short order our visitor will learn that the prosecutor does turn over control of such decisions to victims in certain cases. He will

find that one of the conditions for admission into early diversion programs is that the victim must give written approval. He will be amazed to learn that even in the most serious cases -- where one might expect there is the greatest need for prosecutorial judgment -- the prosecutor may turn the plea bargaining decision over to the victim or his relatives.[14/]

Our visitor will witness other perplexing spectacles. He will hear judges complain about plea bargaining. They will tell them how the assistant prosecutors are young and inexperienced and haven't the faintest idea about what an appropriate sentence recommendation should be. They will point to the doctrine of the separation of powers and argue that through sentence bargaining the prosecutor is, in effect, usurping the judge's role in sentencing. But, then in the very next breath some of them tell him how they virtually always follow the prosecutor's recommendation. Even when the recommendation is in their judgment wildly inappropriate they will follow it but later "chew out" the prosecutor.

Our bewildered visitor will have young prosecutors tell him openly that they feel totally inadequate and unprepared to make a sentence recommendation; that they don't have the slightest idea what sentences are appropriate in what cases. A few minutes later he will be listening to one of the judges before whom such a prosecutor practices explain that he always likes to hear the prosecutor's sentence recommendations so that he can learn what the community wants! Our visitor will no doubt ask these young prosecutors why they don't refuse to make a recommendation if they feel so inadequate. He will be told that the judges "force"

them to no matter how reluctant they are and even if they inform the judge that they have been ordered not to do so by office policy. He will also find that despite the widespread complaint about plea bargaining usurping the judicial role, in those jurisdictions where prosectors have made efforts to eliminate plea bargaining the judges are among the loudest to complain.

All of this will disturb our visitor. Knowing that these are learned and honorable men he will naturally assume that there is something wrong with him. Surely they would not say these things to deliberately deceive him; nor would they consciously hold such patently inconsistent and ludicrous views; nor do any of these things seem to serve the official goals of the criminal justice system. Thus, there can be only one conclusion. He has missed something. Something is going on which he has failed to comprehend. Therefore, being an intelligent form of life and sincerely interested in understanding this social institution he will begin reaching for ways to account for what he is seeing. He will not have to look far for his first clue. It will be staring him right in the face. But he will have to pull the threads of it together before the pattern will begin to emerge.

In every jurisdiction and from every different type of actor -- judge, prosecutor, defense counsel, policeman -- there will have been stories, jokes, or adages all dealing with a common theme, protecting one's self and one's organization from adverse criticism and comment. This is a pervasive concern. It permeates everyone's thinking no matter what his position and regardless of the nature of his appointment -- elected,

appointed, or civil servant. Evidence of it appears in many forms besides the stories, jokes and adages. We will review it in detail to show the coherence between apparently unrelated events that occur in the criminal justice process. Upon more careful inspection it will be seen that these events are not random, isolated, idiocyncratic occurrences but evidence of purposive behavior that is guided by the unofficial operative goals of the system. Once the importance and centrality of these subrosa goals are recognized, one is led to consider a new conceptualization of the role of the criminal justice system in society.

Prosecutors and judges openly discuss their concerns about having their decisions criticized. The critcism they fear is frequently but not only that of the public press. They also prefer to avoid the criticism -- express or implied -- of various other "audiences" besides the general public. There are several such audiences that one learns to worry about. The appellate courts is one. Trial judges generally do not like to be reversed on appeal. They tend to take reverses as personal criticisms and allegations of incompetence. The court-house folklore and normative system reinforces this view that the better judges are ones which are not reversed a lot.

The local bar association is another audience. In some instances the bar may play an important role in the appointment of the judge or the election of the prosecutor; and, of course, one would not want to be opposed by the bar. But, the bar associations tend to be conservative in these matters and will only express open opposition to a judge or a prosecutor who has seriously or consistently overstepped himself. The margin of

tolerance is wide here. Thus most judges and prosecutors are not worried about this drastic level of criticism from the bar.

But they are attuned to criticism of another sort. They do concern themselves with the esteem in which they are held by their fellow members of the bar. The legal communities of even the larger cities are never so large that their members do not know each other at least by name even if they practice very different kinds of law. This extensive familiarity is quite unexpected and striking to the outsider. In Alaska, for example, until the pipeline began every lawyer knew every other lawyer (including members of the Supreme Court) on a first-name basis. In El Paso, Texas, large composite pictures displaying individual photographs of most of the three hundred active attorneys adorn the walls of the courthouse.

Usually the lawyers know considerably more than simply the names of their brethren. They know what his credentials are and what kind of a person he is; and they do not mind telling you about it. In short, they are terrible gossips. The tales that women exchange across backyard fences cannot begin to compare either in frequency or degree of slanderousness with the things lawyers causually say about each other both among themselves and to strangers. This grapevine and their standing in it is a concern of judges and prosecutors (and, of course, defense counsel).

A third audience is the local courthouse audience. This overlaps the second audience to the extent that it includes members of the bar who practice in the courthouse. But, it also includes all the other functionnaires who work in the

court system. They have a grapevine too and their opinion of you can count in unexpected ways. In Dade County, Florida I overheard the administrative assistant to the chief prosecutor asking a judge's secretary -- a middle-aged woman with no legal or other professional training -- for her evaluation of how well an assistant prosecutor was handling the prosecution of a homicide case before that judge. It was evident that the secretary's opinion would carry some weight.

The courthouse community's opinion of you and your performance can be ruthlessly blunt. In every jurisdiction there are colorful nicknames which capture and perpetuate some of the flavor of these opinions. Behind their backs Judge Brun is known as "Attila the Brun"; Judge Heming, as "Hitler Heming"; another judge is referred to as "Wild Man Jack"; still another is "The Time Machine"; and another is "Old Father Time".

There are still other special audiences which might be mentioned but the basic point is this. It would be a mistake to think that judges and prosecutors are sensitive only to that kind of adverse criticism that might result in drastic consequences such as their being fired, or lose an election or not be reappointed. There are many other levels and types of criticism they choose to avoid.

Returning now to the process of tracing the extent of the concern for avoiding criticism, let us begin with the stories about being "burned". They seem to pop into every conversation everywhere. Judges tell the story about the time they took a chance and put a defendant on probation and a week

later he committed some terrible crime. Prosecutors tell about the time they were "sweet-talked" by a defense counsel into giving the defendant an extremely favorable plea bargain and it later came to light that he was a hardened criminal who should have been put away. The chief prosecutor will inform his assistants they can use all the discretion they want "as long as they are not wrong". Young prosecutors will tell you that the training they received regarding what sentence to ask for in plea negotiations amounted to being told to "check around with the more experienced assistants and cover your ass. Don't be a sucker. You're an attorney first and a prosecutor second."

Concern about protecting oneself and one's agency from criticism influences the way business is done. It goes beyond individuals and becomes a part of the institution. In every jurisdiction "newspaper rule" is observed. If a case attracts media attention, everything changes. The case will no longer be treated the normal way thousands of other cases in the system are treated.

What would ordinarly be disposed of by a routine plea bargain or even a dismissal will now have to go to trial. The ultimate illustration of the importance of the newspaper rule is the PROMIS computer system which is being installed in many prosecutors offices to assist in ranking the seriousness of cases. The idea is to allow prosecutors to allocate the resources more rationally. The computer will tell them which are the more serious cases and they will be able to devote their greatest resources to these cases. But, the computer also contains an override system. Any case, no matter how

petty, which will attract public attention will be flagged for separate treatment. The most experienced attorney in the office will handle the simple assault charge against the city councilman who shoved the police officer writing him a parking ticket.

Related to the stories about being "burned" are the intriguing examples of the efforts to spread or shift responsibility for unpopular decisions. When enough of these examples are taken together the outlines of a serious game being played by these actors begins to emerge. It is a form of musical chairs only the last person or group standing is left with the responsibility for some unpleasant decision. There two groups in the criminal justice system which serve the very convenient function of being a fall-guy who won't complain and who usually won't be seriously questioned or criticized for their decision. These are the grand and the petit juries. Prosecutors are very much aware of this valuable service which these bodies perform and make good use of it. If a prosecutor feels a case is not worth prosecuting for some reason but does not want to take responsibility for dismissing the matter, he will bring it to the grand jury and have them dismiss it. If a prosecutor believes a defendant is guilty of second degree murder he will nevertheless charge him with first degree murder and let the jury reduce it to second degree so that it will not appear that he has been excessively lenient.[15/] There are some types of decisions, however, that cannot be laid off on these unsuspecting, and non-retalitory groups. They must be made by individuals who unfortunately

may suffer some criticism -- justified or not -- for them. It is here where the intrigue increases. Each actor measures his steps carefully. They do not wish to harm the other actor but on the other hand self-preservation comes first. Thus, they will try to manipulate a situation so that the responsibility is passed on to another actor usually in another agency. For example, a prosecutor in St. Louis explained that when he had a difficult case he might refuse to make a sentence recommendation or would recommend the maximum. Thus, the matter of setting the sentence would be left entirely up to the judge. This tactic was commonly known as "putting the turd in the judge's pocket".

On the other hand judges are not so easily duped. He will know what the prosecutor's usual recommendation would be in that type of case and will employ various tactics to get the prosecutor to "be reasonable" and make a recommendation close to the normal for that type of offense.[16/]

The motivating force behind this tactical minuet between the prosecutor and the judge is the fundamental law among bureaucrats, "Cover Your Ass". There is always the chance that something could go awry -- usually in the form of new crimes by people whose cases are presently at issue -- and these decisions will have to be explained to the public. When that happens the prosecutor wants to appear to have done his job and to have asked for the maximum. But, everyone in the criminal justice system knows that it would be unrealistic and unjustified to impose the maximum in every case. But, they also know that the public does not understand this. Thus, they take a risk

every time they impose less than a maximum sentence. The game thus becomes one of trying to split the responsibility for a potentially dangerous decision. The judge would like to be able to say that he was only following the recommendation of the prosecutor, and the prosecutor will say that sentencing is not his responsibility but is strictly a judicial power. In fact, in some instances both of these things will be said and the public may be sufficiently confused to let the matter drop. But one can never be too sure. A fuller investigation may place the blame clearly on one of the actors. So they are always alert to cover their tracks. In Dade County, Florida, an assistant prosecutor refused to give any sentence recommendation other than the maximum because his office had inaugurated a new policy requiring him to do so. The judge pressed him for a recommendation. Finally, the judge, the prosecutor and the defense counsel went into the judge's chambers. The prosecutor told the judge what he felt was the appropriate sentence but he explained that when they returned to court he would state for the record that he wanted the maximum. But, he urged the judge to follow this unofficial recommendation because the plea bargain was based on it. This was done but later the case "backfired" when the defendant committed a horrible multiple homicide while on probation for the instance offense. When the official record was examined it appeared that the prosecutor had wisely asked for the maximum while the foolhardy judge had imposed the minimum. As a result of that incident the judge and a few others in the jurisdiction ceased the practice of accepting off-the-record recommendations from

prosecutors. Everything had to be done in court and on the record -- not out of consideration of fairness to the defendant but safety for the judges.

Looking back at our extra-terrestrial visitor's observations it is possible to fit them into this general pattern of behavior regarding protecting one's self from blame. The treatment of the victim in the criminal justice system becomes more intelligible. The victim is used in a way similar to the juries are used. Their approval of a decision to dismiss a case or accept a plea bargain greatly decreases the liklihood that those decisions will be compalined about -- since the victim is only likely a complainant assuming the case is not a "newspaper case". And, even if the case does later get into the newspapers for some reason, the prosecutor can always argue, "The victim approved so why can't you show similar mercy?"

In sum, then, one finds that many of the events, practices, and policies of the criminal justice process are governed by the unofficial operative goal of avoiding and diffusing responsibility for decisions. Putting this observation together with another, a different conception of the criminal justice system emerges. Judge Tim Murphy, of the D.C. Superior Court once observed that his job was like working in a terminal cancer ward.[17/] By the time most defendants get into the criminal justice system all hope is lost. All the other institutions of society had failed for that person -- the family, the church, the school, the job market. Now the

criminal justice system was being asked to do what no other institution could do and somehow turn that person into an acceptable member of society.

Going beyond Judge Murphy's remarks it might be argued that the criminal justice system is that institution that society uses to deal with society's inevitable hopeless cases. It is not really expected that this institution will perform miracles and turn these people around. What is more, almost any decision made by this system is bound to be a wrong decision. Nothing is going to cure these terminal patients. Society just needs some institution to manage them in the least obstrusive manner possible.

The judges and the prosecutors understand this view of their institution at an evisceral level and they have reacted accordingly. Their job is to keep this elaborate but hopeless institution running without incurring criticism of themselves or their agencies. It is as if they have been locked in a room and told to sweep the dirt under the rug but not get caught at it. Their intricate schemes for avoiding responsibility for decisions is their way of protecting themselves, their agencies and the whole institution.

Footnotes

1/ Twenty- of the jurisdictions were drawn on a ramdon basis stratified by size of the population in the jurisdiction.

2/ See, e.g. J. Eisenstein and H. Jacob, M. Feeley, "Two Models of the Criminal Justice Process: An Organizational Perspective", 7 Law and Society Review, 1973, 407-425.

3/ A. Blumberg, Criminal Justice (Chicago: Quadrangle Books, 196).

4/ J. Eisenstein and H. Jacob,

5/ C. Perrow, "The Analysis of Goals in Complex Organizations", 26 American Sociological Review (December, 1961), pp. 855-56.

6/ Id. at 855.

7/ W. Chambliss and R. Seidman, Law, Order and Power (Reading, Mass: Addison-Wesley, 1971) p. 266.

8/ James Q. Wilson, Varieties of Police Behavior (Cambridge: Harvard University Press, 19).

9/ J. Jacoby, National Evaluation Program: Pretrial Screening Projects: Phase 1 Report (Washington: U.S.G.P.O., 1976).

10/ M. N. Zald "Comparative Analysis and Measurement of Organizational Goals: The Case of Correctional Institutions for Delinquents", 4 The Sciological Quarterly (Spring, 1963), pp. 206-30.

11/ Chambliss and Seidman, loc cit.

12/ See e.g. American Bar Association Project on Standards and Goals for Criminal Justice, Standards Relating to the Prosecution Function and the Defense Function (Approved Draft) (Chicago: American Bar Association, 1971) § 1.1.

13/ American Bar Association Project on Standards for Criminal Justice, Standards Relating to the Function of the Trial Judge (Approved Draft) (Chicago: American Bar Association, 1972) §§ 1.1.

14/ See. e.g. A. Alschuler, "The Prosecutor's Role in Plea Bargaining", University of Chicago Law Review 36 (1968)110; R. G. Kaiser RFK Must Die (New York: Grove Press, 1971) 519; and W. F. McDonald "Notes on The Victim's Role in the Prosecutorial and Dispositional Stages of the American Criminal Justice Process", unpublished paper presented at

(14/ continued)

the Second International Symposium on Victimology, Boston, September, 1976.

15/ Alschuler, loc. cit., pp. 85-90.

16/ See also, Alschuler, loc. cit. pp. 104-5.

17/ Personal communication to the author.

END