Criminal Justice Theory

Explaining the Nature and Behavior of Criminal Justice

Second edition

Edited by Edward R. Maguire and David E. Duffee

CONTENTS

List of Illustrations
List of Tables
Preface

PART I
THE IDEA OF CRIMINAL JUSTICE THEORY

Chapter 1 Why is Criminal Justice Theory Important?
DAVID E. DUFFEE

Duffee asks why criminal justice theory is important and provides a personal account of his own efforts to get people to think theoretically about criminal justice. He describes some of the confusion around criminal justice theory and clarifies why this body of theory is important, not only for scholars, but also for students, practitioners, and policy makers.

Chapter 2 Foundations of Criminal Justice Theory
JEFFREY B. SNIPES AND EDWARD R. MAGUIRE

Snipes and Maguire define scientific theory and explain how it differs from common conceptions about the meaning of the word “theory.” They show how scientific theory has been applied to criminal justice and how it can be helpful in achieving a deeper understanding of criminal justice phenomena at multiple levels.

Chapter 3 Why is there so Little Criminal Justice Theory? Neglected Macro- and Micro-Level Links between Organization and Power
JOHN HAGAN

In this classic article, Hagan argues that there is insufficient theory to explain why criminal justice operations often behave in a seemingly random way. He develops a theory that focuses on the influence
of political environments on criminal justice systems, noting that changes in one part of the system are likely to influence other parts, often in unexpected and perhaps unwanted ways.

PART II
THEORIES OF POLICING

Chapter 4 Explaining Police Organizations
EDWARD R. MAGUIRE AND CRAIG D. UCHIDA
Maguire and Uchida begin with a simple premise: police agencies are different from one another in many interesting and important ways, including their structures, policies, processes, and outputs. In an effort to understand why agencies differ from one another, they review a large body of theory and research on police organizations and the factors that influence them.

Chapter 5 Understanding Variety in Urban Community Policing: An Institutional Theory Approach
BRIAN C. RENAUER
Renauer seeks to explain interagency variation in the adoption of community policing efforts that are designed to stimulate community-building activities intended to enhancing sustainable neighborhoods. To do so, he draws on institutional theory, which emphasizes the central role of legitimacy in shaping the structures and behaviors of organizations.

Chapter 6 The ‘Causes’ of Police Brutality: Theory and Evidence on Police Use of Force
ROBERT E. WORDEN
R. Worden examines the individual, situational, and organizational factors that influence the use and abuse of force by police officers. To do so, he blends insights from psychological, sociological, and organizational theories with rigorous analyses from an observational study of police behavior.

PART III
THEORIES OF THE COURTS

Chapter 7 Assessing Blameworthiness and Assigning Punishment: Theoretical Perspectives on Judicial Decision Making
PAULA M. KAUTT AND CASSIA C. SPOHN
Kautt and Spohn provide a systematic framework for organizing theories about variations in judges’ sentencing decisions. Their coverage of the wide range of factors that influence judicial decision-making serves as a potent reminder that courts are complex social systems that cannot be understood through the application of overly simplistic theories.

Chapter 8  Courts and Communities: Toward a Theoretical Synthesis

ALISSA POLLITZ WORDEN

A. Worden examines theories about the relationships between communities and criminal courts. Communities vary widely on a number of key social and political dimensions; theories seeking to explain the nature and behavior of criminal courts must account for these influential community dynamics.

Chapter 9  A Qualitative Study of Prosecutors’ Decision-Making in Sexual Assault Cases

MEGAN KENNEDY

Prosecutors are among the most powerful officials in the criminal justice system, thus understanding their decision making processes is a central matter for criminal justice theory. Kennedy relies on systematic interviews in three prosecutors’ offices to clarify what factors influence prosecutors' decisions to charge defendants in sexual assault cases.

PART IV

THEORIES OF CORRECTIONS

Chapter 10  A Test of a Turnover Intent Model: The Issue of Correctional Staff Satisfaction and Commitment

ERIC G. LAMBERT

Employees are the lifeblood of correctional facilities, yet little is known about how the conditions of their work shape their attitudes and outlooks. In this chapter, Lambert draws on survey data from the U.S. Federal Bureau of Prisons to examine the impact of the work environment on correctional staff job satisfaction, organizational commitment, and intent to leave the job.

Chapter 11  The Construction of Meaning During Training for Probation and Parole

JOHN P. CRANK

Crank examines the role of training as a mechanism for communicating cultural values, whether intentionally or unintentionally, to probation and parole officers. He emphasizes the complexity of culture and its influence on the success or failure of organizational change efforts.
Chapter 12  Examining Correctional Resources: A Cross-Sectional Study of the States

EDMUND F. MCGARRELL AND DAVID E. DUFFEE

McGarrell and Duffee examine the factors associated with variations in correctional expenditures across states. They compare the validity of a mainstream explanation (more crime results in greater correctional spending) with alternative explanations derived from different theoretical traditions.

CONCLUSION

Chapter 13  Directions for Theory and Theorizing in Criminal Justice

DAVID E. DUFFEE, ALISSA POLLITZ WORDEN, AND EDWARD R. MAGUIRE

Duffee, Worden, and Maguire reflect on the previous chapters and assess the current state of scientific theory about criminal justice. They review some of the "lingering and troublesome" questions that remain unanswered and provide guidance about the future of criminal justice theory.

About the Contributors

Author Index

Subject Index
LIST OF ILLUSTRATIONS

Figure 1.1  The criminologist’s view of “rational” criminal justice
Figure 1.2  Lack of knowledge (and lack of interest) in “manipulating the independent variable”
Figure 1.3  The location of criminal justice theory
Figure 1.4  Examples of forces affecting agents, agencies & networks
Figure 5.1  Police institutionalizing environment
Figure 7.1  Vertical hierarchies
Figure 7.2  Horizontal spheres
Figure 7.3  Horizontal spheres: The individual level
Figure 8.1  Conceptual domains in court–community research
Figure 8.2  Representational theory
Figure 8.3  Conflict theory
Figure 8.4  Local legal culture and workgroup theory
Figure 8.5  Reassessment of theoretical linkages between courts and communities
Figure 10.1  Causal model for correctional staff turnover
Figure 12.1  Theoretical model of correctional spending per total state spending
Figure 12.2  Theoretical model of correctional spending per citizen
### LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Criminal justice theory: Definition and tests</td>
</tr>
<tr>
<td>6.1</td>
<td>Characteristics of encounters</td>
</tr>
<tr>
<td>6.2</td>
<td>Characteristics of citizens</td>
</tr>
<tr>
<td>6.3</td>
<td>Characteristics of officers</td>
</tr>
<tr>
<td>6.4</td>
<td>Use of force by characteristics of encounters</td>
</tr>
<tr>
<td>6.5</td>
<td>Use of force by characteristics of citizens</td>
</tr>
<tr>
<td>6.6</td>
<td>The effects of situational factors on the use of force</td>
</tr>
<tr>
<td>6.7</td>
<td>Use of force by characteristics of officers</td>
</tr>
<tr>
<td>6.8</td>
<td>The effects of officers' characteristics on their use of force - OLS estimates</td>
</tr>
<tr>
<td>6.9</td>
<td>The effects of organizational factors on the use of force</td>
</tr>
<tr>
<td>7.1</td>
<td>Classifications of discussed theories</td>
</tr>
<tr>
<td>8.1</td>
<td>Dimensions of theoretical perspectives</td>
</tr>
<tr>
<td>9.1</td>
<td>Vignettes administered to prosecutors</td>
</tr>
<tr>
<td>10.1</td>
<td>Descriptive statistics</td>
</tr>
<tr>
<td>10.2</td>
<td>Direct, indirect, and total effects on turnover intent</td>
</tr>
<tr>
<td>12.1</td>
<td>Standardized coefficients and t values of model of correctional spending per total state spending</td>
</tr>
<tr>
<td>12.2</td>
<td>Standardized coefficients and t values of model of correctional spending per citizen</td>
</tr>
</tbody>
</table>
PREFACE

The seeds for the first edition of this volume were planted when Professor Bob Langworthy served as the program chair for the 1996 meeting of the Academy of Criminal Justice Sciences in Boston under President Ed Latessa. Bob Langworthy and Ed Latessa asked David Duffee if he would give the plenary address at the meeting on the topic of theory in criminal justice education. Duffee accepted and took an empirical approach to the issue, surveying all criminal justice doctoral programs with the assistance of Ed Maguire and Jeff Snipes. What they discovered was alarming to them. While the doctoral programs all had courses on criminological theory — often required — these programs basically ignored theory building and testing and types of theories about criminal justice. When asked to submit a syllabus for the most relevant theory course, many programs submitted a criminology syllabus. These syllabi usually provided little or no coverage of theories that explained criminal justice behavior, focusing primarily instead on explanations of crime. For the respondents, the word “theory” was synonymous with criminological theory.

The discoveries resulting from that survey were the motivation for this book. Just as crime can be studied scientifically, so too can criminal justice. But explicit attention to theory is a crucial ingredient in the scientific development of the field. There is no genuine science and no effective knowledge-building without theory.

To the average undergraduate college student, the title of this book, Criminal Justice Theory, may represent a clash of themes. For most students, the first two words of the title, Criminal Justice, constitute an interesting and exciting topic. Criminal justice programs in colleges and universities are growing, often at the expense of enrollments in other disciplines. Studying “bad guys” and the system that processes them seems much more interesting to many students than studying traditional academic disciplines. But the third word in the title, Theory, often evokes the opposite reaction among students. Theories are frequently contrasted with “reality,” as if theory is somehow the opposite, or the antithesis, of what happens in the real world.

The idea that these two themes — criminal justice and theory — might for some people represent such divergent perspectives is what sparked our interest in assembling the first edition of this book. Theory is a fundamental tool in the social scientist’s toolkit. Theories play a central role in all social sciences, from economics and political science, to sociology and psychology. Yet, criminal justice, as a discipline, seems to have struggled with establishing a solid theoretical foundation. One reason may be that the field is so applied; so tightly intertwined with an audience of practitioners who work, or have worked, in “the real world.” The field’s practical orientation may have resulted in less tolerance for theory even though most practitioners tend to operate based on an implicit theory or set of assumptions that guides their decisions and working styles.

The idea of theory versus practice is really a false dichotomy since the two can inform and enrich one another. Explicit attention to theory can help us understand how the social world works. It can help us understand why some interventions work, why some fail, and why some might produce unintended, or perhaps even harmful, consequences. At the same time, careful attention to practice can stimulate theory development, expose weaknesses in flawed or incomplete theories, and help anchor theories in the reality of the social world.
Underlying all social policies and programs is some implicit theory of human behavior, whether in the form of individual or collective behavior. For instance, most research shows that hiring more police officers is not the antidote for crime that the public and most police think it is. The assumptions about police behavior and crime that underlie this popular remedy are based on inadequate theories. Criminology, a sister discipline to criminal justice, is full of examples of how well-intentioned programs meant to reduce crime sometimes not only fail to work, but occasionally may even increase crime. These unintended consequences are not simply the result of individual stupidity, human error, or laziness: they occur because the underlying theories about the causes of crime on which the programs are based are faulty. As Kurt Lewin once wrote, “There is nothing so practical as a good theory.” We agree, and that is why we chose to develop this volume.

Criminal justice theory is defined by Duffee and Allan (2007) as “explanations of the variations in responses to crime.... Criminal justice theory seeks to explain and examine variations in, and the causes of, aspects of government social control systems, which select the criminal sanction over other forms of social control and shape the nature of the criminal sanction to be employed.” In chapter 2, Snipes and Maguire define criminal justice theory as “the study of the official response to behavior that may be labeled criminal” In chapter 1, Duffee emphasizes that the idea of “responses to crime” in criminal justice theory should be conceived very broadly to encompass a wide range of social phenomena. All of these authors make it clear that criminal justice theory would include the basic decisions about whether and when to use the criminal sanction. Consequently, criminal justice theory includes the basic decision about whether to use punishment as a control and whether to consider people blameworthy for harmful acts.

This book is intended to advance the study of criminal justice by focusing on the role of theory in enhancing the discipline. It is meant for advanced undergraduate students as well as graduate students in criminal justice. The book presupposes that the student has had a basic course in research methods and is familiar with terms such as independent variable, dependent variable, and cause and effect. We have urged our authors to write using a language and tone that is appropriate for this audience. For those students who struggle with the challenging terminology and concepts used in this volume, we have included a series of discussion questions and exercises at the end of each section introduction. These can be used by instructors in the classroom as learning aids, assigned by instructors for homework, or used by individual students to study on their own at home.

We also introduce each section with brief overviews that introduce key points in each chapter and connect the chapters to each other and to the different phases of the theory building and testing process. These introductions should help readers identify the various aspects of the theory development process that are represented in each part of the book. Each of these sections focuses on substantive theories about some aspect of criminal justice phenomena. Part I deals with criminal justice in general, Part II examines police, Part III examines courts, and Part IV examines corrections.

We recognize that not every important criminal justice phenomenon is represented in this collection, but we doubt that any single collection could do so. Our authors did a good job of covering micro-level and macro-level behaviors in police, courts, corrections, and system-wide contexts while simultaneously relying on different methodological approaches and different aspects of theory development. This idea of blending a substantive focus on a particular type of social behavior with solid theory and methodology is the great challenge of doing social science research well.
This volume is more than a textbook because in it we advocate a new method for thinking about scholarship in criminal justice. We urge our colleagues in colleges and universities around the world to present to their students more than simple descriptions or philosophical debates about criminal justice. We encourage them to think more and more about the science of criminal justice. This means thinking theoretically about a variety of issues. Why do police behave the way they do? How can we alter the behavior of prosecutors if we wish to do so? What factors explain how the innocent are convicted, or even worse, executed? Why do some agencies generate more complaints or lawsuits than others? These are the types of compelling and very real questions that criminal justice theory seeks to answer.

In thinking about the future of criminal justice theory, many questions remain unanswered. What are its central questions? In what areas does research contribute to knowledge about criminal justice? In what areas are there major research gaps? In what ways might theories of criminal justice play a role in filling these gaps and enhancing practice? Using this volume in upper level undergraduate courses and graduate courses in the administration of criminal justice will enable instructors to expose the science of criminal justice to their students.

This volume, like others, was not born in a vacuum. Theoretical perspectives on criminal justice have played a central role for many years at the School of Criminal Justice at the University at Albany. While still a graduate student at Albany in the early 1990s, Ed Maguire had the benefit of learning these perspectives from a number of esteemed scholars including David Bayley, David Duffee, Graeme Newman, and Rob and Alissa Worden. As a longtime faculty member as well as a former graduate student and dean at the school, Duffee was particularly influenced by some of the founding faculty of the school, Vincent O’Leary, Hans Toch, and the late Donald Newman and Leslie Wilkins. While each was quite different in his or her interests and approaches to criminal justice, all were equally devoted to the scientific study of criminal justice. We thank all of those who paved the intellectual path on which this volume rests. We owe a special thanks to the School of Criminal Justice at the University at Albany for its longstanding intellectual devotion to the ideas espoused in this volume.

We want to thank the chapter authors who contributed to this second edition of the volume. They run the gamut from an advanced Ph.D. student to highly accomplished leaders in their field of study. Some worked on short notice to prepare or revise drafts of their chapters. We thank all of them for their fine contributions. We are also grateful to Betty Fernandes for her assistance in assembling the manuscript for the second edition.

We would also like to thank the many instructors who were kind enough to share their reactions to the first edition and provide us with recommendations on how this second edition might be made more useful as a primary or supplementary text for their undergraduate and graduate courses. Based on their helpful feedback, we made number of changes, including reorganizing the book, revising and updating several chapters, and removing others. We also added four chapters (3, 6, 9, and 11) to the second edition. We hope this edition will be more useful to instructors in preparing the next generation of students to think carefully about what criminal justice theory is, why it is important, and how it might be further developed. We also hope this edition will help communicate these same themes more effectively to our colleagues interested in incorporating criminal justice theory into their own work.

Finally, we also want to acknowledge our intellectual debt to Bob Langworthy, whose 1996 request set this volume in motion.
We look forward to the readers’ reactions.

Edward R. Maguire

David E. Duffee

NOTE


REFERENCES