

6

Criminal Justice Research and Professionalism, 1920s–1960s



Criminal justice research and professionalism, at the start of the twenty-first century, have each reached a level of mature development. Since the 1960s, criminal justice has built for itself an established presence within higher education, in which colleges and universities around the world have developed academic centers, departments, and schools dedicated to training and research. Every year, publishing houses produce dozens of texts (including this one) that cover every aspect of crime, criminal law, and the justice system. Academic journals feature hundreds of criminal justice-related articles each year, and major professional associations such as the Academy of Criminal Justice Sciences and the American Society of Criminology hold huge annual meetings that attract thousands of criminal justice researchers and practitioners. Criminal justice professionalism seems as well established as the research field, and it is now taken for granted that the various criminal justice occupations—work in law enforcement, corrections, probation, and so on—will require specific training and credentialing. Each area of criminal

justice work has its own well-developed professional organization and detailed standards for professional conduct.

What may be less clear today is the process by which we came to this point. How did criminal justice come to be a subject for extensive research and scholarly investigation? And how did the process of professionalization take hold in the field? The two areas were rooted in shared assumptions about criminal justice, and changes in one area tended to reinforce those in the other. This chapter reviews the interconnected history of both developments, starting with their first flourishing in the 1920s through their substantial growth and maturation by the 1960s.

❖ MOVING BEYOND SPECULATION: THE CRIMINAL JUSTICE SURVEYS

In 1920, the good citizens of Cleveland, Ohio, suffered a serious crisis of confidence in their criminal justice system. Details of an embarrassing crime scandal involving the chief judge of the municipal courts held the city's attention most of the summer and fall. The lurid details of the case—the chief judge being implicated in a murder and shown to have had many underworld connections—moved some to try and restore confidence in the system. The Cleveland Foundation, a civic foundation established in 1914 to help the city evaluate a variety of social problems, commissioned a study to be directed by leading legal scholars Roscoe Pound and Felix Frankfurter.

The principles of the study were fairly simple. First, too little was known about the functioning of the criminal justice apparatus, and what was “known” was often based on sensational (and non-representative) cases. As Frankfurter (1922) wrote in the preface to the final study, “the system is judged not by the occasional dramatic case, but by its normal, humdrum operations” (p. v). Second, to properly understand the criminal justice system required a comprehensive collection of empirical data, undertaken in an objective and nonpolitical fashion. Independent collection of data was particularly important, since contemporary researchers understood that most records in criminal cases “were atrocious” (Fuller, 1931, p. 143). Third, criminal justice was, in fact, a “system” whose parts operated in meaningful concert with one another, just like many other complex public and private bureaucratic structures; the authors of the Cleveland survey produced a diagram of the system, called “the path to justice” (Pound & Frankfurter, 1922, p. 238). Thinking about criminal justice as a system promoted greater efficiency in the processing of cases.

Fourth, proper study of the criminal justice system could lead to suggestions for reform, but these must follow from the actual results of the research and not be seen as overtly political or detached from the investigation itself. As the survey authors noted “facts have a reforming power of their own” (Pound & Frankfurter, 1922, p. 85).

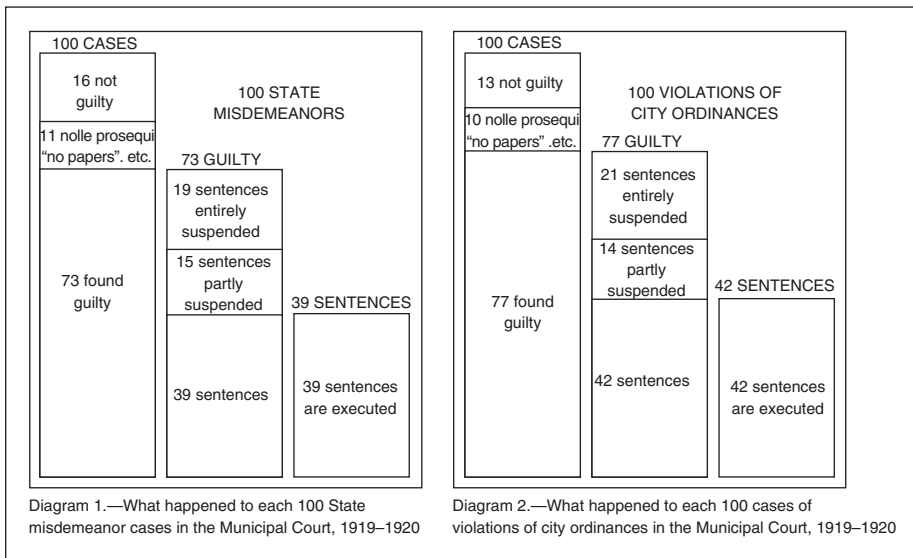
The resulting publication, *Criminal Justice in Cleveland*, was a massive (729 pages) overview of every aspect of the system. The report exposed many of the dark corners of the criminal justice system, with which the general public was almost entirely unfamiliar. Investigators for the crime survey went to the criminal courts to see some of the “rough justice” that was being meted out. There, large numbers of drunks and traffic violators were processed side by side with more serious offenders—all at a rate of two and a half minutes per case! Investigators for the crime survey ventured to the city jail (“a dark, dingy place”) and the Warrensville Workhouse to better understand conditions of confinement.

The Cleveland survey also exposed hidden criminal justice system practices that were not formally rooted in the criminal law. One such practice was the habit of “no-papering” in the prosecutor’s office. No-papering meant that no criminal charges were ever filed, as opposed to *nolle prosequi*, in which charges would be formally filed before the case was dropped for lack of adequate proof. As one court official told the survey: “If Burns is arrested and when the officer comes down here he finds that somebody knows Burns and that he has lived around Cleveland for a while, is a pretty good fellow, and will probably never be in trouble again, we simply decide never to go ahead with the case, and the case is marked ‘no papers’” (Pound & Frankfurter, 1922, p. 143). Likewise, the survey highlighted the judicial use of the “motion in mitigation” that allowed judges to defer the execution of a criminal sentence and which, according to the survey, “makes a farce of judicial business” (Pound & Frankfurter, 1922, p. 285).

The survey even employed some innovative original research on media coverage of crime and criminal justice (Pound & Frankfurter 1922, p. 515–555). Felix Frankfurter personally directed this aspect of the study, which featured qualitative analysis of the city’s newspaper coverage of crime and a quantitative analysis of the inches of newspaper column space dedicated to felony crimes. This attention reflected a general concern that media coverage distorted public perceptions of the criminal justice system and improperly influenced system actors. As Raymond Moley, then director of the Cleveland Foundation, would later argue, “public service has always suffered from the inexorable rule of newsgathering that the thing which is most worthy of notice is the unusual” (Moley, 1929, p. 77).

The best-known dimension of the Cleveland project, however, was the extensive use of statistical data to show how the criminal justice system actually processed cases. Here, the survey tended to rely upon official statistics for much of its report data, without careful questioning of the manner in which these statistics were collected, what sort of activity was hidden or missing from this data, or what bureaucratic agendas might underlie the production of this data. Still, the survey's statistical approach to documenting criminal justice practice was hugely influential.

Figure 6.1



These figures from the Cleveland survey are a typical early effort to describe the processing of cases. A variation on the “mortality table,” the figures revealed outcomes of lower-level criminal cases in the Municipal Court at each stage of the process.

Source: *Criminal Justice in Cleveland: Reports of the Cleveland Foundation Survey of the Administration of Criminal Justice in Cleveland, Ohio*. Cleveland, OH: Cleveland Foundation, 1922.

As Figure 6.1 suggests, one concern of the survey was the extent to which the system was “inefficient” in processing cases that came to the Municipal Court, with the ratio of convictions relative to cases being taken as a key efficiency indicator.

Criminal Justice in Cleveland did not, of course, appear out of nowhere. Pound, Frankfurter, and Moley were all products of a progressive reform tradition that linked improvements in public administration to greater sophistication in the empirical study of social problems and police responses. The Cleveland survey reflected the progressive tradition of legal realism, which emphasized the need to study law in

action, and which generally regarded traditional legal philosophy as staid, inefficient, and corrupt. Legal realists felt strongly that legal institutions must adapt themselves to changing social environments. Moley (1929) would later elaborate on this theme that the failures of criminal justice were generally failures of adaptation. In a chapter titled “The Medieval Colleagues of the Prosecutor,” Moley imagined the twelfth-century British monarch Henry II paying a visit to a modern American courthouse and being comforted in finding familiar characters such as the sheriff still roaming the landscape of criminal justice. For Moley, the point was that American criminal justice had utterly failed to keep up with current social conditions.

If criminal justice had failed to keep up with the times, progressives like Moley, Pound, and Frankfurter felt they knew why—old-fashioned and corrupt politics. The cause of backwardness, they argued, was essentially political in nature. Political interests tended to corrupt and thwart the efficient operations of the criminal justice system. That the Cleveland survey began with stories about a corrupt judge, or that it tended to expose instances of corruption and political influence, helps explain why it took such an interest in the statistical summaries of official case processing—the so-called mortality tables. A failure to successfully prosecute and convict appeared to be a political failure of the system, and the authors took it for granted that an increase in the number of convictions was desirable.

In diagnosing political influence as the primary cause of inefficiency, the progressives also offered up a cure, which was to remove politics from public administration. Indeed, they began to make an innovative distinction between professional administration and politics. That building up the independence of the former would reduce the influence the latter became fundamental to the worldview of progressives. Public administration would provide “a nonpartisan, maximally efficient means to deal with the purely technical problems of running city services” (Ciepley, 2006, p. 59). Herbert Croly’s *Progressive Democracy* (1914) offered up one of the earliest and most influential American arguments for an independent, professional public administration, what he called “a body of permanent officials to assist him [the political executive] in converting his program into well-framed and well-administered laws and to carry on the business of the state in an efficient manner” (p. 356). Criminal justice reform was, then, very much a call for criminal justice professionalism. The Cleveland Survey demanded greater attention be paid to the “training of workers and experts . . . in connection with the schools and universities of the community” and that “special courses be offered to social workers, parole and probation officers, police officers, teachers, and nurses” (p. 485).

Of course, the autonomous professional state was hardly close to reality yet, so progressive reformers like the authors of the Cleveland survey often turned to private sources of support for their research and reform efforts. In doing so, they built upon a tradition of privately funded research efforts that included studies of urban life conducted by settlement house workers, investigations of vice conducted by antiprostitution organizations, and surveys of crime conditions by child-saving organizations (Fronc, 2006; Robertson, 2009). A good example of this early work is Sophonisba Breckenridge and Edith Abbott's *The Delinquent Child and the Home* (1912), a remarkable study of Chicago's juvenile court which drew upon the resources of the privately funded Chicago School of Civics and Philanthropy (where both authors taught) and the Russell Sage Foundation (founded in 1907 to support the development of social scientific research on critical social problems).

The Cleveland survey was followed by a long series of similar studies. The best-known of these were the Missouri Crime Survey (1926) and the Illinois Crime Survey (1929). These criminal justice surveys continued to be produced until World War Two, although the greatest number were produced between 1926 and 1931. Like the Cleveland study, much of the outpouring of criminal justice research before World War Two was supported by private organizations. Private research foundations were emerging in this period as major sources of support for individual researchers and research projects that governments or universities were not yet willing or able to support (Zunz, 2000). More importantly, foundations helped to bring research on social problems out of the strict confines of the academic world and encouraged a practical and problem-solving orientation to scholarly inquiry. It was the foundations that promoted the survey approach to studying social problems which the criminal justice surveys would embrace; in its first seven years, the Russell Sage Foundation supported roughly 140 surveys, on subjects as diverse as public health, housing, school reform, and recreation (Zunz, 2000, p. 35).

In addition to the general surveys, private support was critical in the development of surveys in specific criminal justice areas. The work of two scholars—Bruce Smith in policing and Austin MacCormick in corrections—illustrates these pre-1940 developments. Bruce Smith began his research career with the privately funded New York School of Municipal Research in 1916 (working with director Charles Beard) and conducted his first survey of a police department (in Harrisburg, Pennsylvania) that same year. In 1921, the Municipal Research entity became the Institute of Public Administration, and Smith served as its first manager. Associated with the Institute until his death in 1955,

Table 6.1 Crime Commissions in the United States, 1919–1931

Chicago Crime Commission	1919
Law Enforcement Association of Kansas City, Missouri	1920
Cleveland Crime Commission	1921
Minnesota Crime Commission	1922
Baltimore Criminal Justice Commission	1923
Crime Commission of Los Angeles	1923
Crime and the Georgia Courts	1924
California Commission for Reform of Criminal Procedure	1925
National Crime Commission	1925
Missouri Association for Criminal Justice	1926
Illinois Association for Criminal Justice	1926
Nebraska Crime Commission	1926
Kentucky Commission to Study the Causes of Crime	1926
New York State Crime Commission	1926
Massachusetts Crime Commission	1926
New Hampshire Crime Commission	1926
Report on a Minor Survey of the Administration of Criminal Justice—Hartford, New Haven, and Bridgeport, Connecticut. American Institute of Criminal Law	1926
Report of the Crime Survey Committee of the Law Association of Philadelphia	1926
New Jersey Commission to Investigate the Subject of Crime	1927
Minnesota Crime Commission	1927
California Crime Commission	1927
Report of the Commission of Inquiry into Criminal Procedure, State of Michigan	1927
A Study of Crime in the City of Memphis, Tennessee. American Institute of Criminal Law and Crime	1928

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Report of the Criminal Law Advisory Commission to the General Assembly of Rhode Island	1928
Michigan State Crime Commission	1929
California Crime Commission	1929
National Commission on Law Observance and Enforcement [Wickersham Commission]	1929
Report to the General Assembly of the Commonwealth of Pennsylvania of the Commission Appointed to Study the Laws, Procedures, etc., relating to Crime and Criminals	1929
Virginia Commission on Crimes and Prisons	1930
Philadelphia Criminal Justice Commission	1930
Hawaii Governor's Advisory Committee on Crime	1931
Oregon Crime Commission	1931
California Crime Problem Advisory Committee	1931
Preliminary Report of the Survey of Criminal Justice in Oregon	1931
Criminal Justice in Virginia	1931

Source: American Bar Foundation (1955, p. 5–6).

Smith produced surveys of roughly 50 police departments and 18 state law enforcement organizations (Smith, 1930, 1932, 1941, 1946). His studies promoted effective police organization and bureaucratic structure; efficiency in crime control, police training, and professionalism; the reduction of corruption and third-degree tactics; and the development of comprehensive crime statistics and reporting.

The career of Austin MacCormick in corrections also shows the development of criminal justice research in the prewar period. Attracted to the pioneering work of Progressive Era prison reformer Thomas Mott Osborne, MacCormick joined Osborne in conducting a survey of the United States Naval Prison at Portsmouth, New Hampshire, in 1917 (not long after MacCormick had graduated from college). Their work at Portsmouth initiated a collaboration that would continue until Osborne's death in 1926. Together, using private funds that Osborne raised, they founded the National Society of Penal Information (NSPI) in 1922. The purpose of the NSPI was to conduct survey research of the nation's

prisons, reformatories, and jails. For much of the twenties, MacCormick and other NSPI researchers traveled the United States, documenting conditions in state correctional systems. NSPI studies provided some of the first comprehensive studies of actual prison conditions and became a vital source of information and support for those who wished to centralize and professionalize corrections (NSPI 1926, 1929).

It is telling that the work of Smith and MacCormick, both of whom were regarded as leading experts in their fields of inquiry, was largely conducted through private organizations, outside of university settings. Another important institutional setting for the support and dissemination of research were the emerging professional organizations. The National Probation Association (NPA; later the National Probation and Parole Association) offers a good example. The organization had a very modest beginning as a gathering of 14 probation officers at the 1907 annual meeting of the National Conference of Charities and Corrections (notice that “corrections” was still largely subsumed under the larger organizational framework of social welfare and social work). Not until 1915 did this informal organization acquire an executive secretary and begin the process of formalizing its operations. Four decades later, the membership had grown to 31,000, with a national office that housed a large clerical and professional staff. As it grew, the NPA was able to secure funds for its own research projects from sources like the Milbank Memorial Fund and the Commonwealth Fund (Krisberg, Marchionna, & Baird, 2007, p. viii). In 1952, after the NPA had merged with the American Probation and Parole Association, it began sponsoring the publication of a journal, *Crime and Delinquency*.

Case Studies in Criminal Justice: Charles L. Chute, Probation Professional

Charles L. Chute is not a name well known to many in criminal justice today, but his work in the field of probation and parole is an outstanding illustration of the developments in research and professional expertise in the period before World War Two. Chute’s ambitions provide insight into the development of an emerging scholarly field, and his writings show the spirit of excitement and optimism typical of the era.

Charles L. Chute graduated from the New York School of Social Work in 1910 and was immediately appointed a field agent of the National Child

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Labor Society. In 1913, he became executive secretary of the New York State Probation Commission and still later took up the leadership of the emerging National Probation Association, which he led until 1948. Chute was a leading force in lobbying for the first federal probation law, passed in 1925 in the midst of Prohibition and over the objections of anti-alcohol forces (including the powerful Anti-Saloon League) who felt that probation would allow Volstead Act violators to escape punishment too readily (Dressler, 1959, p. 24). Despite an assistant attorney general who proclaimed probation to be "all part of a wave of maudlin rot of misplaced sympathy for criminals," Chute was able to prevail and secure passage of the Federal Probation Act (Dressler, 1959, p. 24). Later, Chute traveled the country, advocating for the adoption and improvement of probation systems (Chute & Bell, 1956).

Like his contemporaries, Chute believed that criminal justice systems could be reorganized in a rational way that would ultimately allow society to solve the problems of crime and delinquency. In an essay (published in 1923) called "Rational Crime Treatment" Chute spelled out some of the requirements of this new system:

"We are just beginning to build up a science of human behavior which alone will make it possible for us to understand the so-called criminal...as yet few grasp the significance of the scientific approach to this problem. The great mass of people are still hopelessly irrational and unscientific in their consideration of it—more so, perhaps, than in almost any other field of human experience. Why is this so? Because it is a field in which emotions have long ruled—primitive emotions: fear, hatred, revenge. Then, too, it is a field largely monopolized by that most conservative of all professions, the law. Treatment of crime has been largely hampered by rigid criminal codes, based upon outworn principles of equal responsibility, 'punishment to fit the crime,' and the essentially unjust and discredited principle of the need for severe punishment to deter others. Through inertia, conservatism and the accumulated fears and prejudices of generations, the law has changed but little, although increased knowledge and social advances have made fundamental changes imperative...Besides the probation system and the court clinic, which adapt themselves to all courts dealing with delinquency, the movement for special socially organized courts is also a hopeful factor in the situation... This scientific plan of crime treatment, whose

aim is to lift up and save rather than to crush down and destroy, should prove not only more successful and more safe, but also more just. How prone are we to forget that the debt is not all on one side! Every delinquent child, every criminal adult, no matter how deliberate may seem his offending, is to some extent at least the victim of bad social conditions for which society and all of us as members thereof are surely to blame. . . We are so far today from the rational program of crime treatment outlined that it will take time to attain it, but progress should be more rapid than at any previous time in history because of this growing scientific spirit and approach to the problem. . . . Why do we not adopt such a program at once? Because of inertia and conservatism; the many selfish interests involved in the present system; the incompetency of many public officials, hampered by politics and the distrust in which they are held by the public; ignorance of the scientific gains in this field; persistence of the instinctive emotions of fear and hatred of the criminal and the primitive demand for vengeance. Last, and perhaps most of all, comes out 'penny-wise' economy—the objections of the taxpayer to the outlay necessary to establish through probation systems, special courts, and the diversified institutions required. This last and greatest objection will be overcome, however, as will the others, by greater public knowledge, as unquestionably the expenditure will prove an investment in manhood and womanhood bringing large social returns. 'The greatest enterprise in the world,' says Emerson, 'for splendor, for extent, is the upbuilding of a man.'" (Chute, 1923, p. 5–8)

Charles L. Chute is just one of many figures in the history of criminal justice who sought to understand how the process of criminal justice actually worked. Like those of his era, he was moved to action by the hope that studying the system would ultimately bring forth a more modern, bureaucratic, and efficient system. How do Chute's confident words of 1923 read today? Should we admire him for his great optimism and for his words of hope and compassion for the criminal offender? Should he, on the other hand, be criticized for failing to see all the potential obstacles and limitations to realizing this vision? And, if we do criticize, do we see his failure to recognize limitations as the product of a naïve person, who was unaware of the roadblocks that awaited reforms in the real world? Or, perhaps, was this a willful effort to "sell" new programs to the public, even at the expense of covering up the less desirable truth? There is no easy answer to these questions for historians who study the careers of reformers in criminal justice.

Law school faculty generated most of the university-based criminal justice research before World War Two (reflecting the ongoing interest in examining “law in action” in criminal justice), with a smaller proportion coming from within programs in public administration (reflecting the interest in criminal justice as a problem of efficient state and local governmental administration). The few early experiments in situating distinct programs in criminal justice studies within universities included police administration programs at places like Michigan State, San Jose State, and Washington State. These early programs tended to be organized in the spirit of vocational training for police officers and failed to greatly advance the idea of criminal justice as an academic field (Morn, 1995; Foster, Magers, & Millikin, 2007).

One of the most critical early steps in establishing a distinct presence for criminal justice research in American higher education came with the creation in 1950 of the School of Criminology at the University of California, Berkeley. The School was organized out of the older Bureau of Police Organization, which had been established at Berkeley in 1932 by August Vollmer, with support from the Rockefeller Foundation. The Berkeley School of Criminology adopted the reformist but practical orientation of the prewar criminal justice surveys, deemphasizing criminological theory in favor of a curriculum that focused on the problems of criminal justice administration (Bopp, 1977, p. 75). In many ways, the Berkeley program was the high-water mark for the practical, efficiency-minded approach to criminal justice research. Its first dean, O. W. Wilson, was selected precisely because of his background in criminal justice administration, rather than for any interest or expertise in the study of crime causation. Wilson recruited a few standard bearers of their fields, including Austin MacCormick in corrections. Other faculty tended to come from the ranks of criminal justice professionals and did not necessarily need to possess a doctorate—practical experience, however, was essential. Wilson took the position that “professional training cannot be provided exclusively by instructors who use knowledge from a book in lieu of actual experience in the field” (Morn, 1995, p. 65).

The Berkeley program was not without its detractors. By the 1960s, a new generation of critical criminologists would call into question the close relationship between the Berkeley faculty and the institutions of criminal justice. One recalled the school in this way: “[it] trained middle-management personnel in the arts of police and correctional administration, stressing business management, Taylorism, and professionalism. It was a program of good old-fashioned law and order, albeit [August] Vollmer’s reformist brand, and it had little patience even for

the niceties of liberal social science” (Platt & Shank, 1976, p. 1–3). Although the Berkeley program, as it had been devised by Wilson, did not outlive his departure in 1960, its ambitions for research in service to the practical problems of criminal justice administration continued on in other institutional settings, including the John Jay College of Criminal Justice and the Academy of Criminal Justice Sciences (founded as the International Association of Police Professors in 1963) (Morn, 1995; Hale, 1998).

❖ THE ROOTS OF PROFESSIONALIZATION

The effort to professionalize criminal justice work emerged hand-in-hand with the development of criminal justice research. This isn’t surprising when one considers all of the shared assumptions between the two movements: that politics should be removed from the system (recall that the authors of the Cleveland Crime Survey called political appointments “an absurd piece of inefficiency”; Frankfurter & Pound, 1922, p. 215); that decision-making within the criminal justice system could be standardized and based on empirical research; and that expert knowledge about the criminal justice system could be used to develop sets of “best practices” that could then be used to appropriately train new police officers, probation and parole workers, and prison guards.

Advocates of professionalization shared something else with the early survey researchers—they generally felt that existing practices were far below appropriate standards, and that there was a great deal of work to be done before the practice of criminal justice met their expectations. Patrick Murphy (1977), who would later go on to a distinguished career as a police administrator, recalled leaving the Navy as a young man to join the New York City Police Department (NYPD) in 1946: “I suddenly realized how unfair the comparison between the military and the domestic police had been to the Navy: the Catch-22s and other instances of irrationality and insanity which I found in the Navy were but minor irritants compared to the wholesale inefficiency, inept management, and sometimes maddening corruption that I was to find in the New York Police Department, and then later in police departments everywhere” (p. 27).

Patrick Murphy and other contemporary champions of professionalizing criminal justice were right. The NYPD, and most criminal justice agencies, suffered from a host of problems. Stories of systemic corruption, from the highest levels of administration to the cop on the street, could be found in any number of law enforcement organizations. Police

organization in many cities was an oddly decentralized throwback that reflected the power of highly local ward politics. For their part, prisons in all regions of the United States remained isolated kingdoms unto their own, often administered by political appointees with no practical experience and little interest in running their institutions effectively (Edgerton, 2004). And, in both law enforcement and correctional settings, front line workers were rarely, if ever, given any kind of training. Whatever officers learned was acquired on the job.

The push for professionalization demonstrated what historian Samuel Walker (1998) calls “a divided soul”—divided between the social welfarist aspects of reform, in which criminal justice professionals could become agents of rehabilitation and effective social change and the quest for a more effective and efficient crime-fighting apparatus (p. 131). Walker’s observation is helpful—although these two impulses were not mutually exclusive, neither did they co-exist easily together. The police officer could be seen as a helpful social worker or a tough-minded crime fighter, but it was hard to be both at the same time. Even where some level of peaceful co-existence between the two roles could be sustained, sooner or later one ended up prioritized over the other. And, in the mid-twentieth century, the search for efficiency in crime control generally won the day among professionalization’s advocates.

The career of O. W. Wilson shows this divided soul as well as the ultimate emphasis on crime control. Wilson was a longtime police administrator who began his career in law enforcement as a protégé of August Vollmer, the quintessential Progressive Era police reformer and frequent advocate of the social worker role. Wilson’s career leading police forces began in Wichita, Kansas, in 1928 and would take him most famously to the head of the Chicago Police Department from 1960 to 1967. Some of Wilson’s innovations tended toward the progressive social work component of police professionalism, such as his effort in Wichita to make certain that police handling juvenile cases would first investigate the child’s home situation and coordinate their efforts with various city social services.

On the other hand, much of Wilson’s career was dedicated to the search for more efficient crime control through a professional police force. In 1941, Wilson published a manual on how departments could efficiently allocate patrol officers according to calls for service; in 1950, he published the first comprehensive textbook on police administration (Wilson, 1941, 1950). Wilson promoted one of the earliest university-based training programs for police officers; created a training academy for police cadets; helped develop a law enforcement code of ethics and

fought corruption; improved police record keeping and communications; and developed widely-used measurements of officer productivity.

To achieve professionalization, criminal justice programs advanced reforms along three critical lines. First, reformers sought to make improvements in the selection and training of criminal justice personnel. Second, criminal justice systems sought to centralize and bureaucratize their operations. Third, criminal justice embraced new technologies designed to make their work more efficient. Not all these elements were present in every new program or package of reforms, but collectively they represent much of what professionalism meant in this era.

The effort to improve the quality of criminal justice personnel was perhaps the most critical of the three threads. Reformers placed a great faith in the ability of competent workers (by which they meant intelligent, properly trained, and inclined to follow the rule of law) to improve the functioning of the criminal justice system. The Cleveland survey, addressing police detective work, concluded that it “requires some men of scientific training—men having the educational foundation that will permit them to develop scientific methods of operation” (Frankfurter & Pound, 1922, p. 71). In that spirit, the Cleveland survey researchers conducted intelligence testing of the city’s current police officers, using the fairly new Army Alpha Intelligence Examination (which had been developed during World War One) and discovered that the officers scored somewhat below the wartime Army subjects.

Improving the quality of criminal justice personnel was not simply a matter of screening for intelligence and basic competencies; it was also a matter of providing suitable training. The campaign for professional competency manifested itself early on in the field of social work, where Mary Richmond’s (1917) landmark work, *Social Diagnosis*, aimed to put the field on a more scientific footing. Still, even in social work, there was resistance and old habits: “while we spoke of casework techniques and psychiatric interpretations of behavior, a great deal of the professional literature of the 1930s was still nonscientific in outlook. There was much inspirational material based on hunch rather than evidence. A certain intransigence developed between those who wanted proof and those who insisted their asserted facts were self-evident” (Dressler, 1959, p. 127).

Criminal justice training programs moved forward at the same slow and halting pace. Local police departments saw only limited practical changes. The creation of the National Police Academy by the FBI in 1935 was a well-publicized step, but this had little influence on similar developments at the state and local level. A 1929 survey of cities found that only 31 of 47 responding cities even had a training program

(Ragsdale, 1929). If police training remained limited at midcentury, corrections training was even further behind. Virtually all prison guards received basic, on-the-job training, often little more than being allowed to follow more senior personnel for a short period of time. The Federal Bureau of Prisons, the New York City Department of Correction, and the New York State Department of Corrections established three of the earliest formal centralized training programs during the 1930s. These early models did not immediately inspire many imitators, and the New York State Central Guard School was closed during the early 1940s because of wartime budget restrictions. World War Two had a negative impact on training programs generally—with the war taking many police officers and prison guards into military service, there was little time to prepare the new recruits that would take their place. New York State did not reestablish a central training academy for correctional officers until the early 1970s. Similar efforts to standardize and regularize the rules of probation and parole supervision were slow in coming. California, one of the leaders in professionalization, did not publish a parole agent manual until 1954. Designed so that each parole agent could readily understand the administrative expectations for his or her work performance, the manual was an important effort to see to it that criminal justice workers operated upon a common set of work standards (Simon, 1993).

The second target of reformers was the organization of criminal justice agencies. Generally, policing and corrections were highly decentralized operations at the start of this period. Urban law enforcement generally devolved significant authority to the local precinct level, while individual prisons and reformatories operated with relatively little supervision from central state departments. Organizational weakness meant, among other things, that criminal justice operations remained highly vulnerable to political influence. Even in the 1920s and 1930s, for example, police departments continued to serve a political function by aiding in the repression of labor activism. Acting at the behest of powerful business and economic interests, the police in many American communities acted as the strike breaking “shock forces” of the business community (Monkkonen, 1992; Fogelson, 1977; Johnson, 2003).

The growing push for a professional, crime-control focus meant removing departments from this political vulnerability, by creating stronger and more centralized bureaucracies. The Los Angeles Police Department (LAPD) under William Parker, chief between 1950 and 1966, serves as a good example. Historian Edward Escobar (1999) points out that the department began to separate itself from the interests of the city’s business community after 1938, gaining statutory control over all internal

disciplinary decisions, disbanding its antilabor Red Squad, and seeking to eliminate corrupt officers. Even as a young man joining the LAPD in the late 1920s, Parker reportedly refused to tolerate the corruption of his fellow cops or to look the other way when he became aware of a crime. Stories in national magazines the *Saturday Evening Post* and the *Reader's Digest* claimed that, as police chief, Parker cleaned up a corrupt and vice-ridden city, driving organized crime out of town and leaving the remaining con artists and prostitutes confused and alone (Detzer, 1960; Jennings, 1960). According to the *Reader's Digest* portrait, "he has set an example of stiff-necked integrity, of refusal to compromise, that now reaches down through the ranks to the newest recruit on the beat. This has earned him the respect of most good citizens of Los Angeles, and the undying hatred of the underworld" (Detzer, 1960, p. 240).

The key to Parker's strategy was applying modern business management techniques to police administration. Under his leadership, the LAPD established a Research and Planning division to improve operations by analyzing crime patterns, streamlining processes, and deploying officers more efficiently. Parker also consolidated his command structure by merging divisions and implemented much more extensive training programs intended to make his officers more professional. These changes were intended to support a more authoritative style of law enforcement. In contrast to an earlier goal of maintaining public order, Parker's LAPD focused on fighting crime, still a relatively new objective for police following World War Two. Under Parker, the LAPD embraced tactics such as conducting intensive patrol of high-crime neighborhoods and stopping and frisking suspicious persons (Domanick, 1994). That a highly centralized interventionist organization would promote better police work was a matter of faith. As one biographer observed of the similarly minded O. W. Wilson: "In his view, law enforcement should be organized along semi-military lines. It was a philosophy that assumed a major structural reform of police agencies would ensure a change in institutional values. Thus, pride would be developed in the ranks, honesty and integrity would naturally follow, and the quality of police service would ultimately be improved" (Bopp, 1977, p. 72).

The push for centralization is equally obvious in the correctional field, since prison and reformatory systems were nominally state-directed enterprises to begin with. The creation of state-level correctional systems began in New York, where one was established in 1926; in California, the critical reforms took place a decade later, and most other states embraced the department of corrections model during the 1940s and 1950s. Even more striking were efforts by correctional bureaucracies to gain some centralized control over decisions relating to the commitment of inmates to particular



This 1956 photograph shows some of the LAPD's 85 police radio telephone operators at work. Images like these highlight the department's public emphasis on using communication technology to maximize speed and efficiency.

Source: Los Angeles Public Library Photo Collection. Photographer: Bill Walker.

institutions as well as parole and release decisions. The American Law Institute developed a model Youth Authority Act, which spurred the creation of the California Youth Authority in 1941; in New York, the Elmira Reception Center was given statutory authority in 1945 to receive, evaluate, and assign all sentenced felons between 16 and 21 years of age.

Technology formed the third thread of the professionalization movement. Historians of policing have long acknowledged the central role of the "big three" advances in technology—the patrol car, the two-way radio, and the telephone. The embrace of new technologies went hand-in-

hand with other changes. Consider, for example, the extent to which the use of patrol cars equipped with two-way radios could allow for a consolidation and centralization of police stations and make police departments less reliant in smaller precinct stations (Monkkonen, 1992). Federal Bureau of Prisons chief Sanford Bates hailed "science to the rescue" in corrections. He claimed, for example, that the lie detector could take the place of the crude and unprofessional use of the third degree. Even more important, technology would be the servant of professional and enlightened administration. Bates (1936) observed that

"in our Federal penal institutions we have installed high-powered electric floodlights, automatic telephones with special cut-in emergency devices, radio communicators, automatic annunciators; tool proof or unsalable steel bars; harmless tear gas"

all of which could work with the tools of psychology and the social sciences to

"rescue the prisons of the country from the slough of despond of hit-or-miss, politically controlled, unintelligent stagnation in which they have been immersed and raise them to the level of intelligently conducted business enterprises" (p. 115, 126).

What's the Evidence?: Popular Culture

It isn't hard to recognize that much of what the public knows about today's criminal justice system is mediated by the many cultural representations of crime and criminal justice. Indeed, researchers have noted what they refer to as the "CSI Effect" to describe the impact of twenty-first century television dramas about criminal investigators on the perceptions of jurors in actual criminal trials. Though not everyone is certain that the "CSI Effect" actually exists (Shelton, 2008), there's no question that culture plays an important role in how we comprehend our justice system.

But what is that role? Some would argue that cultural representations are simply a mirror to society—casting back at us a reflection of their place and time. Other scholars are less certain of the mirror image effect, arguing that cultural representations are less than perfect mirrors—that there are always elements of distortion, bias, and omission. Still others argue that culture should not be thought of simply as a mirror—perfect or imperfect—because culture not only represents reality, it helps to shape that reality by influencing social knowledge and practice.

Few moments of modern criminal justice took on as much resonance in post-World War Two popular culture as police professionalism, with the rise of the police procedural story. Before World War Two, the private detective had reigned supreme; from the more formal English detective fiction of Agatha Christie and Dorothy Sayers to the gritty "hardboiled" American detective stories created by Dashiell Hammett and Raymond Chandler, the heroes did their work against the backdrop of ineffectual and obstructionist police forces (or, in the case of the American stories, actively corrupt police as well). While the fictional private detective did not disappear after World War Two (the popularity of Mickey Spillane's tough-guy detective, Mike Hammer, is an outstanding postwar example), crime fiction in the postwar period witnessed the triumph of the police procedural.

The heroes of the police procedural were rarely the colorful characters of private detective stories. Indeed, in the age of police professionalism, they were often notable for how little their personal lives and characters played a role in the stories that were told. Two examples from this period—from different genres—represent the model. Dick Tracy, the police hero of newspaper comic strips, emerged in the 1940s as the nation's most visible and popular crime fighter. Though the series had its start back in the 1930s,

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the heyday of Chester Gould's creation was the 1940s, when Dick Tracy faced off against a series of unlikely criminal villains. While the villains were always wildly grotesque characters (which reflected Gould's own criminological take—normal looking people were apparently not as likely to end up as criminals), Dick Tracy and his fellow officers were resolutely professional, and their private lives largely mainstream and out of view. *Dick Tracy* introduced the idea of technology and formal investigations as the key to crime fighting. Gould's "Crimestoppers" feature—with crime prevention tips for young readers—found real-world parallels with the LAPD's Deputy Auxiliary Police (DAPS), which was focused on "predelinquent" Mexican-American Youth, who visited crime labs, attended lectures, and studied police procedure (Escobar, 1999, p. 264).

Beginning on radio in 1949, and appearing on television in 1951, came another famous police procedural series, *Dragnet*. Starring its creator Jack Webb, *Dragnet* ran on television from 1951 until 1959 (and reemerged in the late 1960s in an updated version with Harry Morgan with which today's students—and certainly their instructors—are probably most familiar). Like Chester Gould, Jack Webb strongly identified with the police subjects of his series, spending considerable time with actual officers at work, attending police academy courses, and employing technical advisors from the LAPD. Webb's character, LAPD Detective Joe Friday, was the consummate police professional. Few cases were solved without technical and forensic evidence, and Friday himself made famous his signature line, "just the facts" when witnesses would introduce opinions and ideas beyond the scope of his investigation. It is little surprise that the LAPD endorsed the series.

For historians, the move to professionalization in criminal justice presents a challenge of interpretation. The first generations of criminal justice reformers were completely convinced of the merits of their goals; if actual practice fell short of those goals, and it often did, those failures were failures of implementation, not conception. By the 1960s and 1970s, new generations of reformers, along with the first generation of criminal justice historians, took a more skeptical view of professionalization itself. The critical perspective was most pronounced in the police field, where administrators of professionalized departments were roundly criticized as being too far removed from the concerns of ordinary rank-and-file workers and detached from the communities

they hoped to serve. As one text described it, professionalism “had worked too well”: “With this strong commitment to professionalism and growing elitism, police began to lose touch with the citizens they were charged to protect and serve. The desire for cost-efficient police service overshadowed the immeasurable value of police-community interaction” (Wadman & Allison, 2004, p. 141, 145).

Patrick Murphy (1977) offered a similar assessment, from the perspective of a long-time police administrator. He observed in the 1970s that “neighborhood law enforcement” would avoid the sins of professionalization, including “overcentralization, insensitivity to local variations in crime problems, headquarters abstractions, and bureaucratic immobility” (p. 27). Mark Moore and George Kelling, scholars of policing, offered their own critique in a famous 1983 article, “To Serve and Protect: Learning from Police History,” in which they argued that a reliance on technology and the tools of professionalization had weakened police ties to local communities, while having no demonstrable effect on crime rates.

These early critics generally argued that the reformers had actually reshaped criminal justice practice, even as they argued against the changes. Other historians, however, took a different approach, questioning whether reform rhetoric really had much impact on actual practice. Particularly in the field of correctional history, scholars attacked professionalization rhetoric as superficial and cosmetic, producing only marginally improved prisons while concealing the fact that operations generally continued much as they had before. These historians tended to stress the continuity in criminal justice practice, heaping scorn on rhetorical changes they believed masked underlying stagnation—changes like the transformation of *prisons* into *correctional institutions* and *prison guards* into *correctional officers* (Rothman, 2002).

Even more recently, however, a new generation of historians has begun to consider whether the push for professionalization might have had some positive dimensions after all. Not that older generations of scholars had ignored this entirely; Moore & Kelling (1983) readily conceded, for example, that professional standards had reduced corruption, improved some of the basic procedures provided to criminal suspects, and produced better-trained officers. Other historians find themselves attracted by the reformers’ optimism. Mary M. Stolberg’s account (2002) of the vision of Detroit Police Commissioner George Edwards praises his efforts at inculcating respect for civil liberties and racial fairness in the early 1960s, noting that his vision “stands in stark contrast to our own era’s pessimism about hard-core problems of crime, race, and urban renewal” (p. 14).

❖ NEW RESEARCH PERSPECTIVES: THE FIELD RESEARCH EXPLOSION

As noted earlier, the early crime surveys were primarily focused on examining official data to discern the functioning of the system, using efficiency as a measuring stick (Remington, 1990). Within a number of these studies, however, was the genesis of a new research concept, one which relied less on reported statistics and more on observational data collected by independent investigation. In this emerging view, mortality tables and efficiency studies failed to tell the complete story of criminal justice practices. Hugh Fuller's 1931 study of criminal justice in Virginia put it directly:

The Study of what the courts did with the cases filed is not so much a test of the efficiency of the courts as it may be the beginning of an appreciation that there were reasons why the cases were so disposed of and that these reasons are often complex, requiring for their complete understanding a much deeper and more thorough insight into practices and motives than a mere preparation of a series of mortality tables (p. 75).

Fuller was hardly the only prewar researcher to notice the complexity of criminal justice decision making. Raymond Moley (1929) observed that criminal practice was

seriously involved in a deep cultural stratum . . . it is idle to say that the administrator is concerned only with the application of a fixed criminal law, with the philosophy of which he is not concerned. The law in fact is not so fixed as it appears and in its application the prejudices and preconceptions of the administrator may enjoy quite ample scope. Legislator, judge, and prosecutor, quite without realizing it, apply their own conceptions of punishment or treatment. To this confusion is added the pervasive influence of politics with a resulting brew that does not subject itself to simple definition (p. 222, 225–226).

The critical question was if actual practice was rooted in an ever changing "strange brew" of personal predilection, organizational imperative, and political influence, how should researchers undertake to study the criminal justice system? One of the most influential early researchers to make the case for field research was Donald Clemmer. In his 1940 study, *The Prison Community*, Clemmer told readers: "The survey type of study will tell us that prison walls are thirty feet high, but it will not usually reveal that when an inmate sees and learns about a certain

wall, attitudes inimical to reformation develop . . . our major concern is with the 'unseen environment'" (p. 59).

After World War Two, the call for independent and critical assessments of the criminal justice system began to bear fruit, with a wave of field research initiated in the 1950s. Caleb Foote's (1956) studies of the Philadelphia police were among the earliest influential projects. A committed pacifist, Foote had been convicted of draft evasion in 1943, and served six months in a federal prison camp (followed by another year's imprisonment in 1945). Following the war, his experience working with Japanese-American detainees during war, and his disgust with the American practice of detention, led him to pursue a law degree from the University of Pennsylvania Law School, where he eventually joined the faculty. During his time as a law student, and later as a faculty member, Foote helped organize some of the earliest research on police discretion and behavior.

To examine police arrest practices, two students in Foote's research group attended preliminary hearings at Divisional Police Courts, reviewed trial transcripts, collected data from citizen watchdog groups, and accompanied the "Motor Bandit Patrol" on an eight-hour tour of duty. Their aim was to review the laws of Pennsylvania on arrest, and then to have "the law and the practice . . . compared to see whether there are gaps between the two." The gaps they found were very considerable. For example, Pennsylvania law required that an arrest precede a formal search for evidence, and that such searches could not be used to discover a cause for arrest. Yet, the authors reported, the Philadelphia police "made virtually no effort to observe this command; they regularly use the search to turn up the evidence on which to base their arrests . . . they make numerous 'spot checks' (random arrests) in the 'dope areas' of Philadelphia" (Markowitz and Summerfield 1952, 1192). Even worse, they reported: "Negroes who assert their rights against the police apparently do so in some cases at the risk of arrest. According to the records of one organization, arrests of Negroes for disorderly conduct have been made solely for such reasons as: protesting, at the police station, an illegal entry and beating; objecting to an unauthorized search of the person and being struck; or inquiring why a friend was in the police wagon" (Markowitz & Summerfield, 1952, p. 1202). Clearly, these sort of observational studies revealed aspects of practice for which statistics were not helpful or even available.

Foote and his students introduced into academic scholarship the kind of monitoring of day-to-day police practice pioneered by the National Association for the Advancement of Colored People (NAACP) and other civil rights organizations in the 1930s and 1940s. In New York

City and other large cities, civil rights investigators reported extensively on routine police practice, including indiscriminate searches, the use of the third degree, and lethal police violence (Biondi, 2003; Johnson, 2003). In Los Angeles, the role of the police in the 1943 “zoot suit riots” (days of violent clashes between Navy personnel and Mexican-American youth that featured many instances of police misconduct, and during which the police generally appeared to tolerate violence by sailors against youth) spurred the creation of the Coordinating Council for Latin American Youth (CCLAY) in monitoring police abuses (Escobar, 1999). The American Civil Liberties Union (ACLU) began pushing for systematic data collection on police brutality even before the 1931 publication of the Wickersham Commission’s study *Lawlessness in Law Enforcement*; in the wake of the report, the ACLU proposed a third-degree complaint bureau in New York City to monitor police practice (Johnson, 2003). Collectively, these efforts created an early fieldwork infrastructure, with which later academic investigators like Caleb Foote could collaborate.

Civil rights groups provided the clearest evidence to date that actual criminal justice practice could depart significantly from the formal rule of law, in ways that could not be fixed by, but which would require the assertion of constitutional rights by suspects and criminal defendants against “presumptions of guilt, police brutality, coerced confessions, inadequate counsel, discriminatory jury selection, and ‘mob-dominated trials’” (Gilmore, 2008, p. 334). Individual cases were used to indict the systemic racism of everyday practice; a Workers Defense League flier regarding the 1940 Odell Waller case (a black sharecropper accused of murdering his abusive white landlord) made the argument that “Waller is a typical victim of the planter justice which has ground down the poor people, white and colored, of the Southern states for generations. He was tried in a court presided over by a judge who made no attempt to conceal his anti-Negro bias and condemned by a jury consisting of a businessman, a carpenter, and ten landlords. Sharecroppers had no place on the jury list which was made up of those who paid the \$1.50 Virginia state poll tax” (Gilmore, 2008; Sherman, 1992, p. 42; Heard, 2010; Zarnow, 2008; Rise, 1995).

The Philadelphia research conducted by Foote and his students with the assistance of the city’s NAACP chapter attracted the notice of a research team being assembled in 1953 by the American Bar Foundation (ABF) to undertake a comprehensive examination of criminal justice administration. Much like prewar studies, the ABF project was supported by private foundation funding—in this case, the Ford Foundation. Unlike the prewar studies, which were often conducted on a

shoestring budget, the generous funding provided by the Ford Foundation allowed the ABF to assemble an impressive research team. Eventually, the researchers embraced the observational and critical approach pioneered in the Philadelphia research and self-consciously rejected the earlier “survey” approach and the assumptions of professionalization advocates. As historian Samuel Walker (1992) finds, while

The Survey staff could have embraced the long-standing recommendations for better leadership, higher personnel standards, the application of modern management techniques, and so on . . . they “embraced a new paradigm in which the substantive criminal law was often viewed as problematic in and of itself, and daily administration managed the conflicts and contradictions as best it could (p. 58–59).

The resulting projects quickly became the most influential field research studies of criminal justice. The major volumes to come out of the ABF project include *Sentencing* (Dawson, 1969); *Arrest* (LaFave, 1965); *Prosecution* (Miller 1970); *Conviction* (Newman 1966); and *Detection of Crime* (Tiffany, McIntyre, & Rotenberg, 1967).

The ABF studies, and those it inspired, established a series of propositions that would inform decades of criminal justice research to come. One was that decision making was highly discretionary at every level of the criminal justice system, and therefore highly contingent on individual predilection and institutional culture (Reiss & Black, 1970; Piliavin & Briar, 1964; Westley, 1955). As one review put it, “In short, the system of criminal justice administration turned out to be infinitely more complicated than anticipated, which meant that research methods and aims had to be re-evaluated” (Armstrong, 1968, p. 262). A second proposition held that discretionary decision making was often “low visibility” and not readily captured except by direct observation (Goldstein, 1960; Skolnick, 1966).

The third proposition held that informal bargaining and negotiation were prevalent in the criminal justice process. Dorothy Miller and Michael Schwartz’s (1966) study of mental health commitment hearings showed quite clearly the extent to which the subjects of the hearings would influence the outcome based on their attitude. In their work, they classified the subjects of the hearings as taking one of four approaches to the hearing (defiance; bewilderment; no-participation; volunteer). The defiant subjects were the most likely to be released. The nonparticipants were the most likely to be committed, while the volunteers were sorted out between the genuinely sick and those who wanted commitment for malingering, like “a middle-aged

women, who had previously been committed as an alcoholic, wanted to return to the hospital ward where she had made friends and where she had found some relief from the deadly boredom of living with a 'dull' husband or a man who was under indictment for writing bad checks and sought commitment in preference to going to jail" (p. 33) (a choice not unlike, the authors suggestively noted, the choice made by Big Red in Ken Kesey's novel *One Flew Over the Cuckoo's Nest*).

A fourth conceptual contribution of these early field studies was to consider the various roles (and role conflicts) of criminal justice system personnel (Ohlin, Piven, & Pappenfort, 1956). William A. Westley's (1955) influential article "Violence and the Police: A Sociological Study of Law, Custom, and Morality" argued that community hostility produced among police "a close, social group, in which collective action is organized for self-protection and an attack on the outside world" (p. 110). Role conflict—a circumstance in which criminal justice professionals perceived conflicting or incompatible expectations for the performance of their duties—assumed a prominent role in studies of probation, parole, and correctional officers as well as police. Role conflict studies contributed to doubts that professionalization standards could easily be translated into actual practice.

A final conceptual contribution of the field studies was a skepticism regarding the mission of criminal justice system and its function, a skepticism they inherited from the civil rights investigations of the 1930s and 1940s. The role of police-community conflict in sparking the destructive 1943 riots in Detroit and Harlem, to say nothing of the long history of police complicity in repressing black political activity and maintaining white supremacy in the South, sparked a general questioning of law's justification. This would eventually extend to any number of elements of the criminal law. What did laws regarding juvenile justice, drug use, vagrancy, drunk and disorderly, prostitution, and gambling *really* intend to accomplish? This critical stance received expression in later work such as Herbert Packer's *The Limits of the Criminal Sanction* (1968), which posed the direct questions: "What are we trying to do by defining conduct as criminal and punishing people who commit crimes? To what extent are we justified in thinking that we can or ought to do what we are trying to do?" In the end, this skepticism would help to spur what Lawrence Friedman (1994) called the "constitutionalization" of criminal procedure (see Chapter 7).

❖ TIME TO COUNT

The application of statistical analysis and sophisticated program evaluation techniques to the practice of criminal justice emerged in the wake of the first generation of survey research, promoted by the growing ranks of academic researchers and supported by professionalizing administrators. The interest in better data and data analysis grew out of a pointed critique of existing knowledge. By the early 1930s, some scholars argued that the survey studies suffered from poor research methods, narrowness of scope, and poor data on actual practice. In a widely read indictment, Jerome Michael and Mortimer J. Adler (1932) told readers:

Most of the quantitative (statistical) research, completed and projected, is not only insignificant; it is also unnecessary and pretentious. It is unnecessary because, since we cannot interpret it significantly, it has little practical utility, and because accurate non-quantitative descriptive knowledge . . . is sufficient . . . it is pretentious in its meretricious limitation of scientific method; the quantitative character of its findings should not conceal its true nature as undirected descriptive work of indeterminate validity (p. 315).

Michael and Adler pulled no punches in describing existing quantitative data as useless. Yet, even as they wrote, new fields of statistical work in criminal justice prediction and evaluation were emerging; fields that would revolutionize practice.

Not surprisingly, prediction came before evaluation. The ambition to develop reliable measures of risk prediction became one of the central animating features of criminal justice research. Not that everyone believed that prediction could ever be removed from the realm of subjective human judgment. As one parole expert put it at midcentury:

Prediction tables may someday replace the human judgments of parole boards, but if this is to be so, the tables will need to be refined . . . while the tables rate past and present, they cannot hope to do much about rating the immediate future. What measurement device can evaluate such intangibles as the effect it may produce upon the newly released parolee if he finds his job offer is not bona fide? Who can place a plus or minus value on the personality of the parole officer who will take the released man's arrival report? Who can measure the effect upon a particular man of discovering that his wife intends to divorce him, but had not told him so while he was incarcerated? . . . We have not yet found a

way of predicting the possibilities of such eventualities or surmising the part they will play in recidivism or nonrecidivism (Dressler, 1959, p. 115).

In spite of the skeptics, the goal of infusing criminal justice decision making with actuarial precision won many adherents. After all, prediction in criminal justice was a logical extension of the progressive notion of individualization—the idea, as we have seen, that the system should respond to the particular circumstances of each criminal. Indeed, there would be no need for prediction at all without the discretionary decision making progressives introduced into criminal justice through parole and the indeterminate sentence. Historian Bernard Harcourt (2007) has coined the term *actuarial impulse* and traces it back to the 1920s. One of the most enthusiastic promoters was sociologist Ernest W. Burgess; his massive 1928 study of parole in Illinois sought to predict success on supervised release from prison through the use of a basic predictive scale. Still influential today, the Burgess scale simply scored inmates on a series of risk factors, awarding one point for each positive factor result—parolees with higher scores were therefore more likely to succeed, those with lower scores were at greater potential risk for being returned to prison (Harcourt 2007). As a result, advocates of statistical prediction claimed, parole boards might be able to employ “the same scientific procedure employed by insurance companies when they estimate the probable cost of insuring new applicants on the basis of their experience with the part death rates of insured persons of similar characteristics” (Harcourt, 2007, p. 39).

Burgess’ pioneering study generated numerous follow up academic studies on prediction in the criminal justice systems. During the 1930s, academic dissertations appeared with titles like “Prediction Methods and Parole,” “A Study of Success and Failure of One Thousand Delinquents Committed to a Boys’ Republic,” and “A Technique for Developing a Criteria of Parolability” (Harcourt, 2007). Criminal justice and legal journals published a tremendous amount of theoretical and experimental research from the 1930s through the 1950s. Still, it is important not to overstate the immediate influence of statistical prediction. Despite the flurry of academic interest, real-world applications of these methods lagged. Indeed, following the publication of Burgess’ 1928 study, Illinois was the only state to fully integrate prediction instruments in formal decision making until the 1960s.

At the start of the decade in an article called “It’s Time to Start Counting,” clinical psychologist J. Douglas Grant (1962) issued a call for greater investment in predictive instruments to inform and assess criminal

justice decision making. Grant was the first head of the California Department of Corrections research unit—created in 1958—and deeply committed to improving criminal justice outcomes. He argued that, “when you can measure what you are speaking about and express it in numbers, you know something about it, but when you cannot measure it, when you cannot express it in numbers your knowledge is of a meager and unsatisfactory kind” (Grant, 1962, p. 264).

Grant caught the temper of his times, for the 1960s featured a number of new, real-world applications of prediction research (Kahn, 1964). Among the most famous examples was the Manhattan Bail Project of the Vera Foundation, begun in 1961. A chemical engineer, Louis Schweitzer, became interested in bail problems and established the Vera Foundation, a nonprofit research agency focused on criminal justice issues. Project staff consisted mostly of New York University law students given quarters in the Criminal Courts building, from which they could interview inmates in the detention pen. Staff members would interview jail inmates regarding a variety of potential risk factors (such as employment and community attachment), quickly translate the responses to a numerical score that assessed the likelihood a defendant would abscond, and rush the completed results to a judge prior to arraignment. The results were widely credited to have been a success, bringing specific research results into practice. It stimulated similar projects in other cities, and led to a National Conference on Bail and Criminal Justice, held in 1964, and then to a national bail reform act the following year (Botein, 1965; Vera Institute of Justice, 2003).

The second emerging field for quantitative criminal justice research was program evaluation. By the middle of the twentieth century, formal program evaluations were still largely nonexistent. Put another way, no one in federal, state, and local criminal justice systems had any real idea whether new policies worked any better than old policies or whether their efforts worked to prevent recidivism. One critic reviewed the theoretical differences among psychological caseworks, noting that “it should be possible to establish that one orientation yields more effective results than the other” but that “despite three decades of philosophical dispute” no side had “presented any research evidence to back up their claims” (Dressler, 1959, p. 133). Another review of correctional programs at midcentury concluded: “most treatment programs are based on hope and perhaps informed speculation rather than on verified information” (Bailey, 1966, p. 157). Still later, the authors of the Kansas City Preventive Patrol Experiment (1972–1973) would assert that, “the history of policing is a chronicle of unchallenged assumptions” (Kelling, Pate, Pieckman, & Brown, 1974).

A 1966 meta-analysis of correctional program evaluations, reviewing 100 studies published between 1940 and 1960, gives us a good sense of the field's growth (Bailey, 1966). Eleven of the studies were published between 1940 and 1944, eight studies between 1945 and 1949, 21 studies between 1950 and 1954, and 58 studies between 1955 and 1959 (two program evaluations from before 1940 were also included). In other words, more than half of the studies had been published in the last five years under review, and more than two-thirds in the last decade. This review also found a general lack of quality. Of the 100 evaluations, 52 were found to have employed "nonsystematic empirical study designs" (meaning that they lacked any sort of selection control or control groups for comparison). Another 26 employed some control procedures, but no actual control groups, while only 22 employed fully experimental designs (Bailey, 1966, p. 153). The small numbers and poor quality of evaluation studies would become, by the 1970s, a leading source of criticism of rehabilitative programming, while newer evaluation studies would cast doubt on the ability of new criminal justice programs to have an appreciable effect on criminal behavior (see Chapter 7).

❖ CODA: THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

Fifty-five years after a crisis of confidence led Clevelanders to initiate a survey of criminal justice practice in their city, a national crisis of confidence precipitated the largest criminal justice research survey yet conducted. In 1965, President Lyndon Johnson, responding to the growing political salience of the crime issue and public concerns over rising crime rates and perceived lawlessness, proposed the creation of a President's Commission on Law Enforcement and Administration of Justice. Noting that, "we must arrest and reverse the trend toward lawlessness," President Johnson instructed the Commission to study the problems of crime and criminal justice, to find a more "fair and effective" plan of attack.

The Commission quickly determined that its mission would be to "distill and set forth extant knowledge about our system of criminal procedure." In doing so, the Commission and its various task forces eventually published a massive public report in 1967, which became a best-selling book in 1968. Over 800 pages long, *The Challenge of Crime in a Free Society* was, more than anything, a product of the developments in research and professionalism in the decades since

the Cleveland survey. The commission argued that, “a significant reduction in crime is possible” if criminal justice systems met the following seven objectives:

1. The prevention of crime
2. The development of a far broader range of alternatives for dealing with offenders
3. Eliminating unfairness and injustice
4. Improving the levels of knowledge, expertise, initiative, and integrity of criminal justice personnel
5. Devoting greater resources to research
6. Higher levels of funding for criminal justice
7. Community involvement in criminal justice planning

Notice that points #4 and #5 speak directly to the quest for improved research and professionalism; points #1, #2, and #3 were to be made possible through these things; point #6 was largely aimed at securing them. Only point #7—the call for community involvement—struck a slightly different note, questioning the manner in which criminal justice professionals routinely excluded community input and participation.

The Challenge of Crime in a Free Society was a coming of age of sorts for professionalization and criminal justice research. Where the early criminal justice surveys just began to mark the outlines of the vast system of justice, the Commission’s work confidently mapped out an interconnected system. Indeed, its mapping is still used today by students of criminal justice. With the publication of the report, criminal justice research and professionalism advanced farther than ever before and entered the very heart of the national political conversation about criminal justice. The coming decades would test President Johnson’s optimistic statement that “new knowledge, new techniques, and new understanding” would provide the keys to solving the problems of crime.

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