

# WORKSHOP IN POLITICAL THEORY & POLICY ANALYSIS

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T-25

THE LIMITS OF ORGANIZATIONAL REFORM

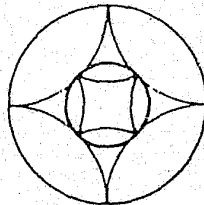
by

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## SUMMARY

This essay is concerned with the limits that exist on our capacity to improve the delivery of criminal justice services through organizational reform. Two related sets of constraints in achieving this goal can be identified: those deriving from the "reform context" and those deriving from the theories or concepts used to organize reform efforts. A first priority in analyzing the "limits of organizational reform" is a consideration of the theories and concepts used to organize reform efforts. This is true, in part, because the way we think about "organizational problems and their solutions" ultimately determines how well we deal with constraints inherent in the reform context. Conventional approaches to re-organization and reform in the criminal justice system are reviewed and critiqued. The essay concludes with a brief consideration of alternative ways of conceptualizing the organization of criminal justice services.

## THE LIMITS OF ORGANIZATIONAL REFORM

by

Frances Pennell Bish

Scholars concerned with the "limits of organizational reform" are often preoccupied with the question of what makes it difficult to get reforms adopted. Less attention is devoted to the question of what limits exist on our capacity to achieve desired ends through organizational reform. That scholars should focus much of their attention on the difficulties involved in encouraging the adoption of proposed reforms is not surprising. Organizational reform is a slow and painful process. Typically there may be a gap of many years between reform proposals and their adoption by policy-makers.

### The Acceleration of Reform

The adoption of long recommended reforms in at least some areas of the criminal justice system, however, now appears to be proceeding at a more rapid pace than has been the case in the past. In two articles outlining changes in the organization of criminal justice services since 1968, for example, Daniel Skoler notes the following developments:

- a doubling in the number of states with substantially unified state court systems;
- a doubling in the number of states with combined juvenile-adult correctional systems (from 13 to 27) and in the number of states with combined institutional-field supervision services (from 13 to 30);

- a dramatic growth in the scope, manpower and financing of indigent defense counsel services largely as a by-product of supreme court decisions;
- increasing use of the technique of functional consolidation through inter-agency contract in the delivery of police services;
- a large increase in the number of state technical assistance offices for local prosecutors from a "handful" in 1968 to 25 in 1975;
- complete or partial consolidations of criminal justice functions in a single state agency in a number of states; and
- the establishment of a national network of 50 state, over 450 regional and at least 150 local criminal justice planning and coordinating councils (Skoler, 1976a; 1976b).

Skoler's analysis focuses upon "progress" made toward goals of unification and consolidation of criminal justice services. He concludes that considerable "progress" has been made in the areas of courts and corrections and less progress in the areas of police, prosecution and defense -- although significant changes are noted in these services as well.

Other evidence of reform in the organizational arrangements used for criminal justice services can be cited. In a study of the diffusion of a broad range of innovations in urban misdemeanor courts, for example, Long finds that "misdemeanor courts disproportionately adopted . . . innovations in recent years; more precisely, since 1960" (Long, 1976a, 4). A recent ACIR survey of 3,319 municipalities regarding transfer of functions from local to other units of government found a high level of activity in the law enforcement area -- second only to that of solid waste (Lloyd, 1977, 12).

In a recent study of police services conducted in 80 metropolitan areas nation-wide, with which this author has been associated, we also found rather striking changes in organizational arrangements for police services delivery (Ostrom, Parks and Whitaker, 1976). Using data and information from our own and other sources, we were able to document significant changes in:

- state-level training requirements for local police agencies;
- the proportion of agencies requiring entry-level training and the median number of weeks of training required;
- the number of states which have assumed responsibility for criminal laboratory services; and
- the number of states with state-wide minimum jail standards and enforcement offices (Ostrom, Parks and Whitaker, 1976).

Fieldwork conducted in these metropolitan areas also revealed considerable experimentation with consolidated detention facilities, contracting for services and varied arrangements for communication services.

Many explanations might be given for what thus appear to be increasing rates of change or reform in the organization of criminal justice services. It would be difficult to deny the role played by various federal agencies and commissions -- beginning in 1965 with the Office of Law Enforcement Assistance, continuing with the President's Commission on Law Enforcement and the Administration of Justice in 1967, the Omnibus Crime Control Act, the creation of the Law Enforcement Assistance Administration in 1968, and the National Advisory Commission on Criminal Justice Standards and Goals in 1973.

Skoler argues that the rate of adoption of "conventional" reforms since 1973 appears to be related, at least in part, to whether or not such reforms were emphasized in the National Advisory Commission reports (Skoler, 1976a). It would also be difficult to deny the role played by various professional associations including, for example, the American Bar Association, the American Correctional Association and the American Judicature Society -- although most of these groups have been making virtually the same recommendations since early in the century. Apparently, the arrival of federal funds has accelerated the rate of reform by state and local governments.

If one accepts the arguments that adoptions of long-recommended reforms are occurring at an increasing rate, and that this change has largely been stimulated by federal intervention, the implications for the organization and evolution of governmental arrangements in the United States are great. By issuing "standards and goals," providing modest sums of money (modest at least in proportion to total state-local expenditures for criminal justice), requiring "planning" and engaging the interests and energies of state and local officials, federal policy-makers appear to have encouraged substantial "organizational reforms" in some aspects of the criminal justice system -- reforms which in some cases have been recommended for years.

It is likely that the "model" introduced in the Omnibus Crime Control Act (which ironically enough was widely hailed as the first "block grant" program) will be used to encourage change or reform in the delivery of other public goods and services. Substantial changes



in health care delivery systems are likely to occur, for example, as a result of the Comprehensive Health Planning Act.

If this assessment is correct, it appears that "reformers" have found a powerful tool (particularly as the "fiscal crunch" makes marginal increments in resources relatively more important) for bringing about changes in governmental arrangements at the state-local level. Within this context, it seems particularly important to begin to shift the emphasis in our analysis from the question of what makes it difficult to get reforms adopted to the question of what limits exist on our capacity to achieve desired ends through organizational reform.

#### Limits on Our Capacity to Achieve Desired Ends Through Organizational Reform

Proposals for organizational reform generally imply some assumed relationship between organizational arrangements and performance. By altering organizational arrangements, it is hoped that we can, somehow, improve public service delivery and/or otherwise "make citizens better off." Our capacity to achieve these ends through organizational reform is limited by two general sets of constraints. One set of constraints derives from the "reform context" and the other, from the theories or concepts we use to organize our reform efforts.

The "reform context" refers to the broad range of events or factors over which a change agent may have no control and/or which are not being changed or altered as a part of the "organizational reform." These include, for example, the existing state of technology, state laws and policies, patterns of economic activity

and opportunity, incentive structures within organizations not affected by changes in formal organizational arrangements and so forth. To be successful, the reformer needs to perceive which of these factors are important and to assess their probable impact on the adoption and implementation of proposed reforms.

In particular, designs for change or reform will work (in the long run) only if they are based on a relatively accurate assessment of 1) what individuals value (i.e., what makes citizens better off and what incentives public employees may be responsive to) and 2) how changes in "formal" organizational arrangements are likely to affect incentive structures and, thereby, the behavior and actions of the relevant set of actors.

Assessments of what factors are important and their probable impact in a change or reform situation depend upon the existence of a warrantable body of knowledge (or theory) regarding relationships between formal organizational arrangements, incentive structures and behavior. Lacking such a theory or body of knowledge, we have no way of knowing "what went wrong" if the reforms fail to produce the anticipated results and no way of correcting errors in judgment (Dewey, 1927). Public policy decisions may, thereby, be subject to continuing error. Our reform efforts may make citizens worse rather than better off. From this perspective, our capacity to achieve desired ends through organizational reform, over the long run, depends upon the accuracy or validity of the conceptions being acted upon and our skill in monitoring and evaluating the consequences of organizational experiments. How we conceptualize organizational problems and their solutions, and how we use available data and

information to alter these conceptions when relevant, represent the "ultimate" limits on our capacity to achieve desired ends through organization reform. It is, thus, important to consider what concepts and conventions dominate our thinking with respect to organizational reform in the criminal justice system.

Organizational Reforms in the Criminal Justice System:  
Concept and Convention

Surprising similarities exist in the discussions of "what is wrong" with the organizational arrangements used for producing the variety of services (police, court, corrections, prosecutorial and defense counsel) that make up the "criminal justice system." Three familiar themes dominate these discussions. The first theme is that the "system" and the various components within that system lack coherence as "systems." Relationships among law enforcement agencies in metropolitan areas, for example, are viewed as being characterized by overlap, duplication and fragmentation with little coordination or cooperation among them. State and local court systems are viewed in similar terms -- as "crazy-quilt" patterns of overlapping jurisdictions (James, 1971). Prosecutorial, correctional, detention and probation services are, in many cases, viewed as "irrational" and "antiquated" outgrowths of historical patterns of local political control.

Lack of coordination and cooperation -- i.e., lack of system -- has similarly been viewed as a major shortcoming in the relations among different components of the criminal justice system. It is argued that police, courts, prosecutorial, and correctional agencies rarely take into account the impact of their decisions on other

components of the system. There is similarly a presumed failure on the part of policy-makers in each of these components of the "system" to meet to work out problems and to reach mutually agreeable solutions.

A second theme dominating discussions of basic organizational shortcomings of the criminal justice system is that production units are "too small." They are presumed to be too small to achieve economies of scale, to attract highly qualified personnel, to permit the specialization and professionalization thought to be essential to high quality service delivery, to provide the range of services characteristic of "full-service" agencies and so on. They are too small, territorially, to encompass the relevant dimensions of the "crime problem" in their areas (crime knows no political boundaries). The conclusion is thus derived that most police agencies in the United States are "too small" to provide adequate and effective services; most local jurisdictions are "too small" to provide adequate detention, correctional and probation services; most local court jurisdictions are "too small" to be efficient or to pay the salaries or provide the resources need to attract qualified personnel; and the provision of defense and prosecutorial services by "small" local jurisdictions is inadequate because most small local jurisdictions can afford no more than part-time personnel for these services.

"Lack of system" and "too small" are diagnoses which, of course, go hand in hand. It is precisely because most production units are "too small" and "too parochial," observers charge, that we lack a

system. These small, independent units of production are, moreover, viewed as major sources of resistance to change -- i.e., to organizational reforms and innovations designed to make them "bigger and better."

A third theme is that the system lacks "professionalization." The system lacks professionalization in two senses. First, employees in the system are not professional -- i.e., having, among other characteristics, specialized training and education to deal with special areas of expertise. Second, the system does not make use of "scientific" and "professional" knowledge in the making of policy and/or operational decisions.

Nearly all components of the criminal justice system have been criticized for the levels and type of training provided to employees. The call for more adequate training and the establishment of minimum state-wide training, educational and entry-level standards for criminal justice employees has included police, courts, prosecutorial, defense and correctional services. States have similarly been urged to eliminate lay judges and part-time prosecutorial and defense counsel in favor of full-time professionals. The election of judges, prosecutors and, in some instances, sheriffs is also viewed as undesirable because it is unprofessional.

Failure to use "scientific" and "professional" knowledge in making operational and policy decisions is also viewed as a major shortcoming of agencies in the criminal justice system. Agencies, for example, are criticized for "irrational" personnel assignment policies

and are urged to use crime and other statistics for allocating personnel and facilities and to remain cognizant of current findings in social science research that may be relevant to their organizations.

The call for the use of "professional" or "scientific" knowledge encompasses both the operational and the administrative/management aspects of service delivery. Agencies are urged to make better use of principles of "sound" administration and/or, as in the case of the courts, to hire "administrators" with specialized knowledge and expertise in the making of "administrative" and management decisions. A key aspect of the assessment that agencies need to make better use of sound principles of administration is the need for a more "rational" assignment of functions both within and between agencies of the criminal justice system. Police and courts, for example, are urged to reconsider how they assign functions within their organizations in terms of the most appropriate type of personnel for carrying out particular functions and in terms of the most appropriate "organizational" arrangement for managing that function. Planners and policy-makers for the system as a whole are, in turn, urged to consider which functions are "most rationally" assigned to which levels and types of governments and/or production units.

Proposals for organizational reform in the criminal justice system, by and large, reflect these assessments of organizational shortcomings in the criminal justice system. They include the following:

To Make the System More "Systematic"

- elimination of duplication and overlap;
- reduction in the number of agencies producing services in local areas;

- rational assignment of functions including, where necessary, transfer of responsibilities for functions traditionally produced at the local level to state and/or regional units;
- increased planning capabilities for the criminal justice system in local areas through the hiring of full-time planning staff and other mechanisms;
- increased coordination and cooperation among agencies providing the same services by means of "professional" associations and councils;
- increased coordination and cooperation among different components of the system by means of "inter-agency" councils; mechanisms for state-local coordination.

#### To Combat the Problems of "Scale"

- elimination of part-time agencies/service producers in favor of full-time service producers;
- consolidation of small agencies into larger units of production by means of merger, contracting, transfer of functions, etc.

#### To Increase Professionalization in the Criminal Justice System

- establishment of state-wide minimum training and entry-level requirements for criminal justice employees;
- establishment of and requirements for continuing in-service training;
- development of means and mechanisms for screening potential criminal justice employees for their "appropriateness" and for disciplining and "self-policing" of employees already in the system;
- in some cases, elimination of "elections" as means of recruiting executives in favor of "professional" appointments (i.e., sheriffs, prosecutors, judges);
- improvements in organization and management through the application of principles of sound administration and scientific or professional knowledge -- with an emphasis on the values of specialization and rational assignment of functions and responsibilities within agencies.

### Objectives of Organizational Reform

The ends or goals sought through such reforms vary both with the reformer's perspective and his or her optimism regarding our collective capacity to "influence the course of events." Four general sets of goals, however, can be identified: effectiveness, quality of service, equity, and efficiency.

Effectiveness. When the President's Commission on Law Enforcement and the Administration of Justice published its report on the Challenge of Crime in a Free Society in 1967, they expressed a great deal of optimism regarding society's capacity to have an impact on crime rates. The organizational reforms proposed therein were viewed as part of a larger effort to reduce crime (President's Commission on Law Enforcement and the Administration of Justice, 1967). The Commission noted that if the "objectives" identified in the report were vigorously pursued, then,

Despite the seriousness of the problem today and the increasing challenge in the years ahead, the central conclusion of the Commission is that a significant reduction in crime is possible . . . (President's Commission on Law Enforcement and the Administration of Justice, 1967, vi).

One goal, sought through organizational reform, then is increased effectiveness in relation to the prevention and control of crime in society including "deterrence," detection, apprehension, and reform or rehabilitation of criminal offenders.

In the years since the report of the President's Commission, the goals of those proposing reforms in the criminal justice system have been subject to debate and modification. Although some observers



retain their optimism, most have now concluded that it is unrealistic to assume that proposed organizational reforms will have much impact on crime rates per se (Cohen, 1975, 1330). The emphasis has now shifted to "system maintenance" and improvements in the effectiveness of agencies in carrying out "intermediate" activities, such as general area patrol, the processing of cases in courts, the reporting of crimes and so forth.

Improvements in the Quality of Service. Another major concern of the President's Commission on Law Enforcement and the Administration of Justice and of those commissions and reports which preceded and followed that report was the "quality of services" produced by criminal justice agencies -- meaning primarily the quality of treatment/services received by victims, offenders, witnesses and other "citizen-consumers." The President's Commission was, as they put it, "shocked" by the conditions they found in the lower courts; they were extremely concerned by the treatment of juveniles and of low income and other minority groups by law enforcement and other agencies of criminal justice. Conditions in local detention and state correctional facilities were similarly found to be lacking in "human decency." Many local jurisdictions were also found to be lacking adequate probation, and parole services and defense counsel. Adequacy and professionalism in local police service delivery was also subject to question. In short, the American people were viewed as being shortchanged in terms of the quality of services received from agencies of the criminal justice system.

The findings of the President's Commission were not unique or new. Reports condemning conditions in local jails and courts and the services provided by police agencies date back to the 19th century. (See, for example, Pound, 1906.)

Recommendations made for organizational reform were also not unique or new. A central conclusion was, as it has often been, that by improving the "quality of personnel" and the administration of the criminal justice system -- intermediate goals which both require increases in the scale of "production units" -- the quality of service provision could be improved.

Fairness, Uniformity and Equity in Service Delivery. Another frequently voiced objective of proposed organizational reforms is greater fairness, equity and/or uniformity of service provision in the criminal justice system. That ghetto residents, the low income and ethnic minorities often receive "unequal" treatment at the hands of criminal justice agencies is undeniable. By increasing the scale at which services are delivered, it has been hoped that more "uniformity" in service provision across communities can be achieved. By increasing professionalization, it has been hoped that we can eliminate the types of physical and verbal abuse that such groups of citizens have been subject to in the past. The professional, although not necessarily treating all citizens "alike," will take pride in the competency with which he or she carries out assigned duties and, like our image of the physician, will bring special skills to bear on the unique problems or circumstances of those requiring services.

The professional will also, because of the commitment to professional "standards," carry out assigned duties with little regard for the financial, socio-economic or other attributes of those served. In order to attract professionals, one of course needs a scale of jurisdiction with sufficient resources to pay adequate salaries, and to make investments in training and education.

Efficiency. A fourth objective of proposed organizational reforms are increases in the "efficiency" with which criminal justice services are produced. Through organizational reform, it is hoped that we can either achieve a higher level and quality of service delivery at the same cost or the same level and quality at a lower cost. The "efficiency" argument is implicit in recommendations for increases in the "scale" of production units -- the assumption being that many, if not most, criminal justice services are subject to economies of scale. It is also evident in recommendations to eliminate overlap and duplication which, it is assumed, are associated with unnecessary duplication in facilities, administrative overhead and so on. In some senses, the efficiency argument is also implicit in recommendations for increased professionalization and even for greater investments in the criminal justice system -- the argument being that these investments will "pay off" in the longer run in terms of the overall effectiveness of our system of justice and that many of the costs now being borne by society are "hidden" but may be subject to reductions by means of improvement in the overall quality of criminal justice services.

### Critiques of the Conventional Wisdom

How likely is it that these ends (i.e., increased effectiveness, efficiency, equity and service quality) can be achieved through conventional organizational reforms? Until recently, the "wisdom" of these recommendations had been accepted with little or no questioning on the part of scholars concerned with the organization of the criminal justice system. Opposition to such proposals had come primarily from those directly affected by proposed reforms -- i.e., bureaucrats and public officials in agencies which were the targets of proposed organizational reforms. Skoler points out, however, that these practitioners have recently "attracted . . . a hardy band of scholars who . . . have come forth to question assumptions, theory and evidence behind the conventional wisdom on criminal justice consolidation" (Skoler, 1976b, xi). Their critiques of the conventional wisdom are varied but generally address: 1) the value and/or accuracy of descriptions of the existing system of criminal justice and 2) the validity of the hypotheses and assumptions implicit in conventional recommendations for organizational reform.

The Existing System -- Is It Chaotic? Uncoordinated? In 1961, Ostrom, Tiebout and Warren pointed out in "The Organization of Governments in Metropolitan Areas," that a simple enumeration of the number of governments in a metropolitan area, tells one nothing about the characteristics of the "system" of governance in that area or its performance. As they note:

The study of government in metropolitan areas . . . should precede any judgment that it is pathological. Both the structure and the behavior of the system need analysis before any reasonable estimate can be made of its performance in dealing with the various public problems arising in a metropolitan community (Ostrom, Tiebout and Warren, 1961, 831).

As has been the case in the study of metropolitan government, the study of the organizational arrangements for producing criminal justice services, has been dominated by the assumption that multiple units of production necessarily imply a lack of coordination and/or cooperation -- a lack of system. Little effort, however, has been devoted to systematically describing the organizational arrangements and relationships used in metropolitan areas for the production of criminal justice services. Most analyses consist only of a simple description of the number of units operating in metropolitan areas with little analysis of the relationships among them.

In a recent study conducted by the Workshop in Political Theory and Policy Analysis at Indiana University, an effort was made to 1) provide operational definitions for terms like duplication, coordination, fragmentation and multiplicity and 2) to measure the extent of duplication, fragmentation and multiplicity in the delivery of police services in medium-sized metropolitan areas throughout the United States. Our findings from the 80 metropolitan areas studied are that:

- The number of agencies producing services in metropolitan areas (multiplicity) varies considerably by type of service. Direct services, such as patrol and traffic patrol, are characterized by a higher level of multiplicity than auxiliary services such as crime lab analysis and detention.

- In well over a majority of the metropolitan areas studied, we found little or no duplication in the delivery of police services. Most citizens receive patrol services regularly from one and only one producer of patrol services. Most metropolitan areas are similarly served by one and only one non-military producer of pre-trial detention and one and only one crime lab.
- While the absolute number of producers of services per metropolitan area increases with size of the metropolitan area, there are generally fewer producers of police services per 100,000 population in larger than in smaller metropolitan areas.
- High levels of cooperation exist among police agencies in metropolitan areas. Most metropolitan areas have either formal or informal mechanisms for cooperation ranging from daily assistance to formal mutual aid pacts to peace officers and chiefs of police associations (Ostrom, Parks and Whitaker, 1976).

In this phase of our study, we did not collect data that would allow us to draw conclusions regarding relationships between diverse organizational arrangements and agency performance. We can, however, conclude from the study that a considerable amount of cooperation in the delivery of police services exists in metropolitan areas with very little overlap or duplication. Conventional presumptions of a positive relationship between multiplicity and lack of cooperation in metropolitan areas were also not substantiated. Indeed, for some measures of cooperation (mutual assistance), the proportion of agencies reporting that they engaged in such activities increased with the multiplicity of agencies (McIver, 1976, 27).

The methodology used in this study is applicable across a range of services (Ostrom, Parks and Whitaker, 1974). Studies could thus be made of the organizational arrangements and relationships among producers of other criminal justice services. Using a similar

design, it would also be possible to study relationships among different components of criminal justice systems in a metropolitan area to inquire whether or not "inter-functional" coordination and cooperation is also lacking as it is assumed to be. Until such studies are undertaken, however, we can draw no a priori conclusions regarding the impact of the number of agencies serving metropolitan areas or relationships among them on agency performance.

Hypotheses Implicit in Conventional Recommendations for Organizational Reform -- Evidence or Euphoria? Proponents of the "conventional wisdom" have been criticized for failing to make explicit the logic underlying, or hypotheses implicit in, reform proposals (Ostrom, 1972; Ostrom, 1975). When these hypotheses have been made explicit and subject to empirical test in studies of police service delivery conducted by the Workshop in Political Theory, many have been found to lack empirical warrantability. We have found, for example:

- Little or no evidence of economies of scale in the production of services by police agencies and/or economies of scale only up to relatively small population sizes (20,000 for example in suburban areas; 100,000 for central cities).
- Little or no evidence of a positive relationship between per capita expenditures for police and "multiplicity" when multiplicity is measured in terms of the number of producers per 100,000 population. There is, in fact, a strong negative relationship.
- Little or no evidence of "savings" and/or improvements in citizen evaluations of police service delivery following consolidation of police agencies (Rogers and Ripskey, ).
- Little or no evidence that length of training has significant effects on police officer attitudes and opinions and/or

citizen evaluations of police service delivery.

- Small, but significant, effects of years of education on patrol officer attitudes and citizen evaluations.
- Little or no evidence of higher citizen evaluations of police service delivery in larger as opposed to smaller jurisdictions; in fact, evaluations of police service delivery tend to be consistently higher in smaller jurisdictions.
- Little or no evidence of greater effectiveness in larger rather than smaller agencies in the deployment of manpower and resources, for patrol purposes.
- Little or no evidence that citizens in larger jurisdictions feel safer and more secure and/or are less subject to victimization; indeed, the relationships are precisely in the opposite direction.

These studies provide little support for the hypothesis that larger agencies will perform better than smaller agencies -- when performance is measured in terms of efficiency, effectiveness and service evaluations by citizens. Nor do they provide any support for the hypothesis that "fragmentation" is negatively related to efficiency (measured in dollars per capita). Rather, the evidence suggests equal or higher levels of performance on the part of small agencies and/or relatively more fragmented areas (Ostrom and Parks, 1973; Ostrom, Parks and Whitaker, 1973; Parks, 1976; Smith and Ostrom, 1974). On the other hand, we did find small, but significant relationships between years of education, police officer attitudes and citizen evaluations of police service delivery -- although other attributes of professionalism such as length of training seemed to make little or no difference and/or to have an effect opposite to that expected (Smith and Ostrom, 1974).



The overwhelming conclusion from studies conducted thus far is that little evidence of a higher performance on the part of larger agencies exists. The preponderance of the evidence seems rather to point in precisely the opposite direction (Ostrom and Parks, 1973; Ostrom, Parks and Whitaker, 1973; Parks, 1976; Smith and Ostrom, 1974).

Unfortunately, empirical research on other areas of the criminal justice system regarding relationships between "size," for example, and agency performance, is just beginning. This is particularly unfortunate because some of these areas (i.e., corrections and courts) are the focus of the most active reform efforts. Scholars are, however, increasingly raising questions about the "conventional wisdom." Long and Gallas, for example, have raised questions about the validity of the logic underlying proposals for court unification and the role of court administrators (Long, 1976b; Gallas, 1976; see also, Bish, 1974; Baar, 1973). Gallas argues that the conventional wisdom with respect to court unification does not adequately deal with the complex "contextual" reality into which such reforms must be introduced. Long argues that the field of court administration has failed to develop an adequate empirical referent and ignores many significant issues including the need for reforms designed to bring about greater equality before the law. She examines some of the traditional justifications for court administrators -- hypotheses about court delay, innovations, politicization and professionalism -- and using data from a sample of 128 municipal courts, finds that many of these lack empirical support.

Future Directions and Choices: Alternative Conceptions of the Criminal Justice System

Much remains to be done in evaluating the consequences of proposed organizational reforms and more generally, relationships between organizational arrangements and performance. Given an increasing rate of reform and existing diversity in organizational arrangements used for public service delivery, ample opportunity exists for undertaking comparative research and analysis.

The findings reported here on police service delivery do, however, raise substantial questions about the viability of the conventional wisdom as a conceptual tool for re-organizing the criminal justice system. So, too, do critiques raised with respect to other criminal justice services.

Alternative models for conceptualizing the organization of criminal justice services do exist. Skoler, for example, notes the rise of a new "conventional wisdom":

. . . one that stresses decentralization, local participation and responsiveness . . . which suggests that unifiers may have devoted too little attention to the values of autonomy, local decision-making and diversity within the criminal justice system (Skoler, 1976b, xii).

If these alternative models are to lead to improvements in service delivery, however, they need to become more than simply the "new conventional wisdom." They need to be well-articulated, carefully specified and subject to empirical test. Lacking such specificity, we may well find that reforms based on the "new wisdom" also fail to produce anticipated results.

Some of the considerations one might wish to account for in developing and specifying alternative models include:

- recognition of the diverse characteristics of goods and services produced in the criminal justice system;
- recognition of the range of organizational possibilities;
- recognition of the positive functions that may be served by the maintenance of adversarial relationships among components of the criminal justice system;
- recognition of the importance of variations in local service conditions;
- recognition of the importance of the citizen role in the criminal justice system;
- the potential for non-bureaucratic reforms;
- re-assessment of the criteria to be used for evaluating criminal justice services; and
- recognition on the importance of the "reform context" for conceptualizing and implementing organizational reforms.

Recognition of the diverse characteristics of the goods and services produced in the criminal justice system and implications of this diversity for the organization of service delivery systems.

Different types of goods and services may be most efficiently and effectively organized in different ways. Services that involve face to face interaction between citizens and officials, a high level of citizen input and "time-place" information, for example, may be more efficiently organized in small units of production while those that involve less face to face interaction, less citizen input and/or more technical knowledge and expertise may be more efficiently organized in larger units of production (i.e., community crime prevention vs, criminal laboratory services). Rather than making

uniform prescriptions, we need to ask what scale of production and other organizational characteristics are most appropriate for which services.

Recognition of the range of organizational possibilities. Rather than focusing upon a single prescription (whether for smaller or larger units of production) we need to consider the range of organizational possibilities for producing and consuming criminal justice services. Information about citizen needs and preferences, for example, may generally be most efficiently obtained through small units. The appropriate scale for producing public services, on the other hand, may vary considerably -- from small to very large. Contracting and other service arrangements provide opportunities for small units to retain the advantages of small scale for finding out what citizens want while simultaneously taking advantage of economies that may be achieved through varying scales of production. This possibility exists not only for small units of government but for larger jurisdictions that may wish to consider decentralizing responsibility for some services to neighborhood groups with options to contract for particular goods and services.

There similarly exists a variety of means, other than hierarchical control, for encouraging cooperation and coordination among service producers -- ranging from bargaining, to informal exchanges of services to formal service contracts. Rather than assuming that coordination and cooperation can only be achieved through "hierarchical" control, we need to explore the range of alternative possibilities.

Recognition of the positive functions that may be served by adversarial relationships among different components of the criminal justice system. In assessing "fragmentation of authority" and "lack of system" as a major structural problem in the criminal justice system, the conventional wisdom has tended to overlook the positive functions that may be gained by adversarial relationships among different components of the criminal justice system. Alternative conceptions of the criminal justice system focus upon the role of "independent" and diverse units of government in arbitrating disputes and protecting citizens from abuses of authority and errors of information and judgment on the part of public officials (Packer, 1968; Bish, 1974; and Baar, 1973). From this point of view, conflict and lack of coordination among components of the system may not be pathological but unavoidable attributes of a system deliberately designed to provide diverse forums for dispute resolution and error correction. In formulating alternative models, we thus need to ask: Under what conditions is cooperation and coordination appropriate? What forms of cooperation and coordination are most compatible with the system's role in protecting individuals from arbitrary abuses of authority? What positive functions do conflict and adversarial relationships among components of the system serve?

Recognition of the relevance of variations in local service conditions for designing organizational arrangements. A now familiar theme among those concerned with the organization of criminal justice services is that service conditions vary considerably from one

jurisdiction to another. In spite of the frequency with which such comments are made, it is evident that "prescriptions" for organizational reform have generally failed to take into account the relevance of variations in local service conditions. In designing alternative models for organizing criminal justice services, we need to look more carefully at the relevance of local services conditions for the organization of service delivery. (See, for example, Gallas, 1976.)

Recognition of the importance of the citizen role in the criminal justice system. Citizens function in a variety of roles within the criminal justice system. In terms of their role as consumers, we need to look more carefully at the impact of proposed organizational reforms on the capacity of citizens to influence decisions related to service delivery. The quality of service delivery may be as much related to the opportunities that exist for citizens to influence service delivery -- and the incentive structures these create for public officials -- as it is to specific organizational reforms. Indeed, a major critique of earlier reforms of police agencies is precisely that they insulated police departments and officers from "citizen influence." Unless means and mechanisms exist which create incentives for officials to take into account the preferences and concerns of citizens, organizational reforms may have little impact on agency performance.

As Reiss, among others, has pointed out, citizen inputs are also essential to many of the production activities carried out by police agencies (Reiss, 1971; Bish and Neubert, 1976). Citizen contributions are also important to the functioning of the courts and other

criminal justice agencies. In particular, the inputs of citizens may be essential where their motivation and efforts represent an important part of the production process. The success of correctional agencies in "rehabilitating" offenders, is obviously dependent upon the willingness of offenders to be rehabilitated. Proposed organizational reforms may have important implications for the role of citizens as producers of criminal justice services and yet relatively little attention has been devoted to the impact of organizational arrangements on the activities of citizens. Are citizens, for example, more likely to report crimes in smaller than in larger jurisdictions? Do more professionalized personnel evoke more cooperation from citizens than less professionalized personnel? In developing alternative models, we thus need to be guided by considerations of:

(a) what role citizens play as producers and consumers of criminal justice services, (b) how citizen activities affect the operations of public agencies, and (c) how variations in organizational arrangements affect citizen activities.

Non-bureaucratic reforms. In proposing reforms for the criminal justice system, we have tended to think primarily in terms of changes in bureaucratic organizations and arrangements. Historically, however, major changes in the delivery of public services have often occurred as a result of changes in technology and/or laws and policies not directly tied to bureaucratic or organizational reforms per se. We thus need to consider the range of non-bureaucratic alternatives for improving the delivery of criminal justice services.

Re-assessment of the criteria to be used for evaluating criminal justice services. In relation to the solution of environmental problems, Joseph Sax has pointed out that

. . . to an extraordinary degree the direction of American law and institutions has been to minimize the role of private citizens and to create presumably professional and expert regulatory officials who -- with a single voice -- spoke for the public (Sax, 1970, 13).

Increasingly, it appears as if major organizational reforms in the criminal justice system also reflect the thinking and efforts of professionals and experts who "with a single voice" speak for the public. Many currently proposed reforms, if adopted, are likely to enhance the role of professionals in designing and evaluating arrangements for delivering criminal justice services. Evidence from the police studies cited earlier, however, suggests that there may be important differences between citizen and "professional" evaluations of service delivery. We need to consider these differences and the relative weights to be assigned to citizen as opposed to professional evaluations of service delivery. We also need to consider the desirability of continuing to assess organizational arrangements primarily in terms of the degree to which they resemble or depart from preconceived notions of how services should be organized.

These are some of the factors one might wish to account for in designing alternative conceptions of the criminal justice system and alternative strategies for change. A priori, we have no way of knowing whether or not reforms based on these alternative conceptions would be successful in bringing about desired ends with respect to the delivery of criminal justice services. Reform and change are



complex and difficult processes. Continued experimentation and research is likely to reveal that "conventional organizational reforms" work for some services and some measures of performance and not others (see, for example, Skogan, 1976). What is needed is analysis that breaks reforms down into their constituent elements so that we may know what aspects work and under what circumstances and which don't.

We are also likely to find, as many have, that reforms often do not lead to anticipated changes in the behavior and activities of criminal justice employees. On this basis, the conclusion is sometimes reached that reforms fail -- not because they are faulty in concept -- but rather because of problems of implementation.

Alternatively, it might be suggested that a major shortcoming of many of our reform efforts has precisely been our failure to come to grips conceptually with the complex realities of the reform context -- and the constraints this context places upon reform efforts (Munro, 1976). In particular, we often seem to neglect the informal incentive structures that influence operational decisions in the criminal justice system. How we conceptualize these incentive structures and account for them in proposals for reform may well be one of the most important determinants of whether or not our reform efforts are successful.

In the simplest terms, this essay has argued that how we think about organizational problems and their solutions represent the major limits on our capacity to achieve desired ends through organizational reform. Obviously, constraints are also imposed by

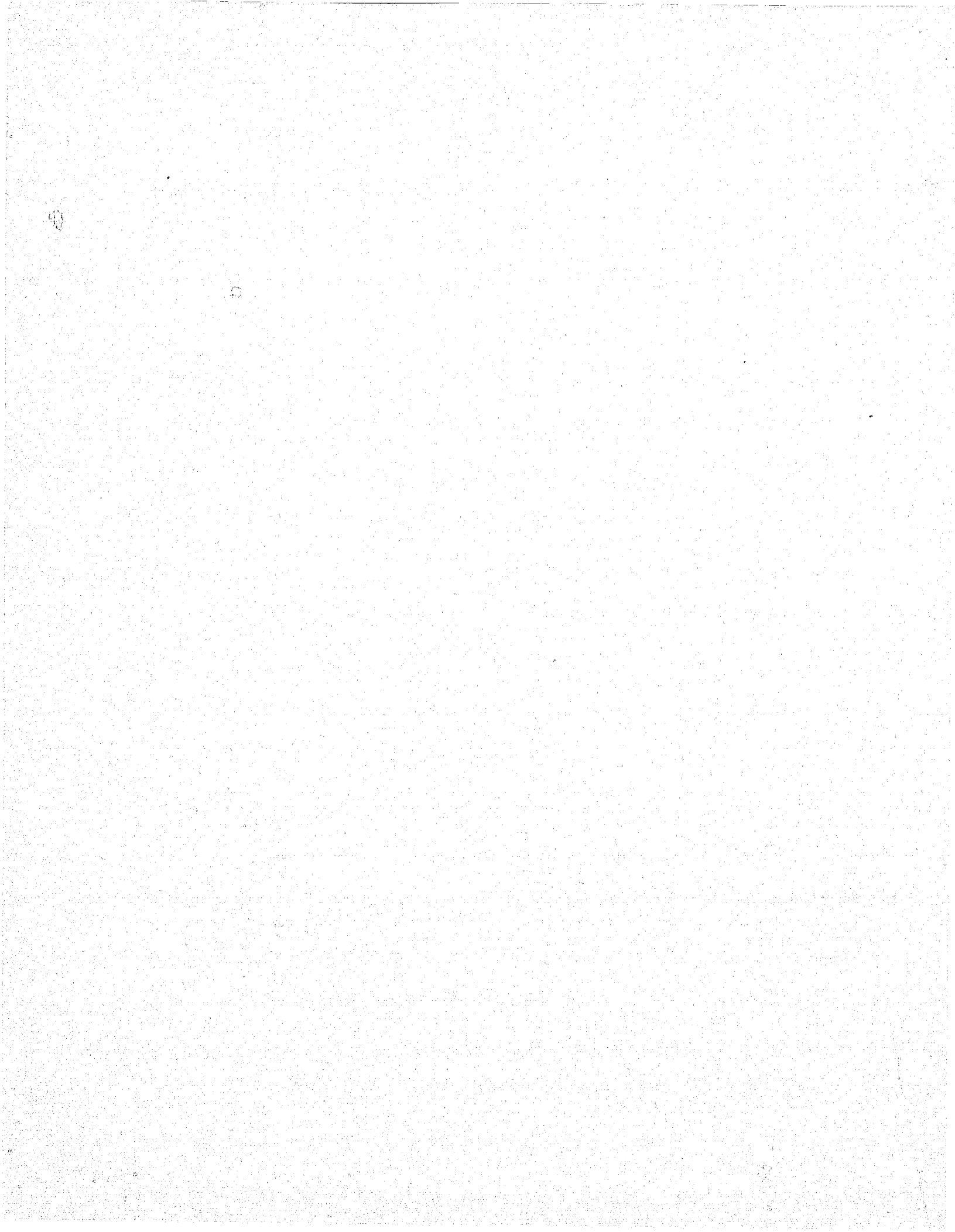
the context in which reforms are introduced. As a society, however, we have always faced constraints on what it is possible to achieve or undertake. In the past, we have demonstrated surprising ingenuity in dealing with some of these constraints. Perhaps the same ingenuity can be applied to our efforts to improve the delivery of criminal justice services.

## REFERENCES

- Baar, Carl (1973) "Will Urban Trial Courts Survive the War on Crime?" Paper prepared for delivery at the 1973 annual meeting of the American Political Science Association held in New Orleans, Louisiana, September 4-8. Mimeo.
- Bish, Frances Pennell (1974) "Interorganizational Relationships in the Criminal Justice System." Unpublished manuscript. Los Angeles, California: University of Southern California.
- \_\_\_\_\_ and Nancy M. Neubert (1976) "Citizen Contributions to the Production of Community Safety and Security." Bloomington, Indiana: Workshop in Political Theory and Policy Analysis. Mimeo.
- Cohen, Richard E. (1975) "Justice Report/Renewal of LEAA Likely Despite Doubts on Crime Impact." National Courts (September 20), 1329-1336.
- Dewey, John (1927) The Public and Its Problems. Chicago, Illinois: The Swallow Press.
- Gallas, Geoff (1976) "The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach." Justice System Journal: A Management Review (Summer).
- James, Howard (1971) Crisis in the Courts. New York, New York: David McKay Company, Inc.
- Lloyd, \_\_\_\_\_ (1977) "Issues and Approaches to Police Service Unification." In \_\_\_\_\_ Local Government Police Administration. Washington, D.C.: International City Management Association.
- Long, Lucinda (1976a) "Diffusion of Innovations Among Urban Misdemeanor Courts." Paper prepared for delivery at the 1976 annual meeting of the American Political Science Association held in Chicago, Illinois, September 1-5. Mimeo.
- \_\_\_\_\_ (1976b) "Some Second Thoughts About Court Administrators." Paper prepared for the 1976 annual meeting of the American Political Science Association held in Chicago, Illinois, September 2-5. Mimeo.
- McIver, John P. (1976) "Police Agency Cooperation: Patterns of Mutual Aid and Cross-Deputization." In Ostrom, Parks and Whitaker, eds. Patterns of Metropolitan Policing: A Descriptive Overview. Bloomington, Indiana: Workshop in Political Theory and Policy Analysis.

- Munro, Jim (1976) "Intersystem Action Planning: Criminal and Non Criminal Justice Agencies." 36 Public Administration Review, Vol. 4 (July/August) 390-377.
- Ostrom, Elinor (1975) "On Righteousness, Evidence and Reform: The Police Story." Urban Affairs Quarterly (June), 464-486.
- \_\_\_\_\_ and Roger B. Parks (1973) "Suburban Police Departments: Too Many and Too Small?" In Louis H. Masotti and Jeffrey K. Hadden, eds. Urbanization of the Suburbs, Vol. 7, Urban Affairs Annual Reviews. Beverly Hills, California: Sage Publications, 367-402
- \_\_\_\_\_, Roger B. Parks and Gordon P. Whitaker (1973) "Do We Really Want to Consolidate Urban Police Forces? A Reappraisal of Some Old Assertions." Public Administration Review, Vol. 33 (September/October), 423-433.
- \_\_\_\_\_, Roger B. Parks and Gordon P. Whitaker (1974) "Defining and Measuring Structural Variations in Interorganizational Arrangements." Publius (Fall), 87-108.
- \_\_\_\_\_, Roger B. Parks and Gordon P. Whitaker (1976) Patterns of Metropolitan Policing: A Descriptive Overview. A Report on the First Phase of Research for the Police Services Study. Bloomington, Indiana: Workshop in Political Theory and Policy Analysis. Mimeo -- Draft Version.
- Ostrom, Vincent, Charles M. Tiebout and Robert Warren (1961) "The Organization of Government in Metropolitan Areas: A Theoretical Inquiry." The American Political Science Review, Vol. 55, No. 4 (December), 831-842.
- Packer, Herbert (1968) The Limits of the Criminal Sanction. Palo Alto, California: Stanford University Press.
- Parks, Roger B. (1976) "Police Patrol in Metropolitan Areas -- Implications for Restructuring the Police." In E. Ostrom, ed. The Delivery of Urban Services, Vol. 10, Urban Affairs Annual Reviews. Beverly Hills, California: Sage Publications, 261-283.
- Pound, Roscoe (1906) "The Causes of Popular Dissatisfaction with the Administration of Justice." Speech before the American Bar Association. Reprinted in Judicature, Vol. 46 (1962), 55.
- President's Commission on Law Enforcement and the Administration of Justice (1967) The Challenge of Crime in a Free Society. Washington, D.C.: U.S. Government Printing Office.
- Reiss, Albert J. (1971) The Police and the Public. New Haven, Connecticut: Yale University Press.

- Sax, Joseph L. (1970) "Legal Strategies Applicable to Environmental Quality Management Decisions." Paper prepared for Resources for the Future Conference held in June 16-18.  
Mimeo.
- Skogan, Wesley (1976) "Efficiency and Effectiveness in Big City Police Departments." 36 Public Administration Review, Vol. 3 (May/June) 278-286.
- Skoler, Daniel (1976a) "Standards for Criminal Justice Structure and Organization: The Impact of the National Advisory Commission." Washington, D.C.: National Institute of Law Enforcement and Criminal Justice. Mimeo.
- (1976b) "The Local Government Crisis and Criminal Justice Consolidation -- A Challenge Revisited." Paper prepared for twenty-third National Institute on Crime and Delinquency held in Kiamesha Lake, New York, June 15. Mimeo.
- Smith, Dennis and Elinor Ostrom (1974) "The Effects of Training and Education on Police Attitudes and Performance: A Preliminary Analysis." In Herbert Jacob, ed. The Potential for Reform of Criminal Justice, Vol. 3, Sage Criminal Justice System Annuals. Beverly Hills, California: Sage Publications, 451-481.
- U.S. Department of Justice, Law Enforcement Assistance Administration (1975) National Survey of Court Organization -- 1975 Supplement to State Judicial Systems. Washington, D.C.: U.S. Government Printing Office (Report SD-C-2).



**END**