

PART I: THE CRIMINAL JUSTICE WORKFORCE

Chapter 1

Historical Developments in Criminal Justice Employment

The history of criminal justice is ripe with innovation, change, brutality, inequality, and intrigue. It is, by historical standards, an exciting account that was largely influenced by the events that shaped the United States. Criminal justice practices have shaped and been shaped by many historical events.

Individuals seeking a career in criminal justice should be keenly aware of how the system evolved. Among other benefits, understanding the past helps prevent repeated mistakes. Recognizing the past also facilitates understanding about how criminal justice practices in their present form came to be and provides a better contextualization of all things criminal justice. The fact that primary and secondary schools require basic history courses as part of their curriculum speaks loudly of the significance of history.

This chapter highlights significant historical events in the development of criminal justice in the United States. To do so, the chapter is organized into two primary parts: the evolution and development of criminal justice as a practice, with a particular emphasis on the criminal justice workforce, and the development of criminal justice as a field of study. Both topics provide a solid foundation of knowledge for anyone interested in a career in criminal justice.

Why history?

There are many justifications for studying the past. In his work on the role of historical studies in criminal justice curricula, researcher Mark Jones identified several reasons for teaching criminal justice history: 1) to study the development of current criminal justice components and institutions; 2) to observe the various significant social, economic, political, and/or philosophical forces that have shaped contemporary reactions to deviance; 3) to compare contemporary American criminal justice practices with those of the past and those of both similar and different cultures; and 4) to enable students to place current criminal justice issues in a historical context. Unfortunately, many students are deprived of the opportunity to recognize and appreciate the history of criminal justice as it is not taught in many criminal justice programs.¹

The criminal justice system by no means operates in a vacuum. Appreciation of how the system can drastically change, sometimes in the matter of a single day, helps us understand the dynamic and vulnerable nature of criminal justice employment. Examination of the significant historical developments that have shaped criminal justice in United States helps readers understand today's criminal justice system. Studying the societal events, happenings, and developments that have significantly impacted our justice systems facilitates understanding of what it would be like to work in the criminal justice system.

Earlier research has suggested that many undergraduate criminal justice students believed that criminal justice exists in a historical vacuum and is not significant to their current studies.² Nevertheless, recognizing the past is significant for understanding the

present and being prepared for the future. Among other effects, understanding how the criminal justice system came to be helps us learn from past mistakes and facilitates understanding what the future may hold. Along these lines, understanding how criminal justice became an academic discipline, or area of study, helps readers better understand the more scholarly components of criminal justice. Exposing future criminal justice practitioners to the historical developments in criminal justice hopefully sharpens their decision-making skills and facilitates sensible policy making.

Criminal justice historian John Conley echoes these points in noting that studying history “provides a context for issues and institutions” while offering “a broad foundation for evaluation through comparing and contrasting current issues with past experiences.”³ Accordingly, this historical account of criminal justice would be incomplete without discussion of how the study of criminal justice emerged.

The evolution of criminal justice practices

Discussing the storied history of criminal justice practices in the United States in one chapter is a vast undertaking. In other words, there’s much to be said about the development of criminal justice practices. This chapter highlights the significant developments, particularly as they relate to personnel issues. Those interested in more in-depth coverage of the history of criminal justice are encouraged to read the works of the criminal justice historians who have aptly captured the history of American criminal justice.⁴

The roots of American criminal justice practices were established in England, prior to the colonists settling in what is now deemed the United States. To be sure,

criminal justice practices in early England are worthy of great discussion; however, the focus here is on American criminal justice, as there were some differences. The differences were largely the result of America being far less developed and occupied than England.

Historical accounts of any topic are typically organized into particular time periods. Accordingly, the following historical account is adapted from the work of criminal justice historians Willard Oliver and James Hilgenberg, Jr. Oliver and Hilgenberg, in their insightful book *A History of Crime and Criminal Justice in America*, identify a series of eras of historical developments regarding crime and criminal justice. Other historians have recognized similar, yet slightly different periods. Regardless of organization, the history of crime and criminal justice in the United States is both interesting and intriguing.

1607–1775: The Colonial Era

The Colonial Era of criminal justice is divided into the village period (1607-1699) and the town period (1700-1775).⁵ Both periods and the overall era are characterized by a strong reliance on informal social control as opposed to formal social control (e.g., the criminal justice system). Criminal justice practices during the village period in particular were largely influenced by the need to establish and survive in the New World. Much focus was on the immigrants who came to America for various reasons, for instance, to avoid religious persecution or to escape biased government treatment based on class. Needless to say, numerous social, economic, and political factors influenced the settlement of America.⁶

The colonists remained under English law, however the large geographical distance between England and America prevented strict enforcement of those laws. Subsequently, the colonists began creating and shaping their own body of laws and systems of justice. Colonial law at the beginning of the eighteenth century began to more closely resemble English criminal law.⁷ Fortunately, the crime rate was notably low as there was a strong sense of a need for survival, leaving little time and/or opportunity to engage in crime. Property crime increased slightly as settlements were established, however the primary focus of social control during the village period concerned religious crimes. The large number of colonists who left England to escape religious persecution were influential in incorporating religion into codified laws.⁸

Town meetings, church meetings, and families were the primary agents of social control during this time.⁹ Town meetings served the role of courts by settling disputes between individuals and offering punishments and settlements.¹⁰ Families were responsible for controlling the behavior of their children as there was no juvenile justice system at this time. Corporal punishment, including whippings, was a common response to egregious behavior.¹¹ Free from intervention in religious practices, many colonists developed a new set of mores and norms that became part of the law and strictly enforced.¹² Accordingly, church members acted in place of courts and issued various types of punishments, including banishment from the congregation and admonition on those engaging in unacceptable behavior.¹³ Banishment from the community in general was another means of social control.¹⁴

Low crime rates in the New World largely influenced the shape of the criminal justice system at the time. The systems of policing, courts, and corrections remained

similar those found in England, although there were notable changes to the laws that were enforced.¹⁵ The different levels of development between the Old and the New World dictated that the body of laws brought to America from England required alteration. The emphases on settling new lands and the freedom of religion, for instance, required reconsideration of the laws.¹⁶

The tumultuous relationship between the colonists and England was generated by several factors and had notable impacts on the establishment and practices of the American criminal justice system. England began to recognize the economic potential of the New World as colonies grew during the Colonial era. In turn, English authorities demonstrated greater control over the settlers, initially through the magistrates of the courts and the governors of the colonies, and later through military intervention, for instance with regard to the collection of taxes. Greater assertion of authority generated greater interest in independence and revolt by the colonists. The imposition of large taxes upon citizens was perhaps one of the more influential factors leading to revolution and an increase in crime. Extensive black markets emerged and smugglers and pirates more frequently appeared in response to the burden of taxes imposed on the settlers.¹⁷

The establishment of America, particularly its criminal justice system, was assisted by the large numbers of individuals who sought economic, social, and other interests in the New World. The population boom would be, in part, enhanced as English kings became increasingly tyrannical with regard to the New World, and began shipping convicts to live in America. As more individuals sought to live in America for various reasons, American society became increasingly diverse. Unfortunately, such demographic shifts (greater diversity and increased population) were strongly related to

crime. Further, other social factors, particularly as they related to race and class, contributed to increasing crime rates in America. Thieves, robbers, and other types of criminals resided in many colonial cities by the 1750s, and the night watchmen and constables became overmatched.¹⁸ Native Americans and slaves in particular felt the brunt of race and class biases. Crimes by and against these groups would contribute to the establishment and day-to-day practices of the American system of criminal justice.¹⁹

There were no innovative contributions to policing, courts, and corrections during this period, as law enforcement agents of this time (e.g., constables, sheriffs, and those staffing watches and wards) were poorly trained, understaffed, and generally ineffective in their duties.²⁰ Constables and night watchmen, where they existed, were often untrained and either elected or drafted into their position.²¹ There was a notable level of mistrust of law enforcement by the citizens, particularly with regard to tax collection. The mistrust primarily stemmed from law enforcement agents being representatives of the king's government. The judges, or justices of the peace, in the courts of this time were typically laypersons untrained in the law.²² Things were not different in the higher courts. Those presiding over the courts became increasingly punitive and tyrannical, and the courts became increasingly ineffective. Citizens fought back against what seemed to be judicial misconduct and the overall ineffectiveness of the courts. Correctional practices continued to incorporate corporal punishment, particularly as displayed in public.²³ Such displays contrast today's correctional practices, which rely heavily on incarceration and community supervision. To be sure, incarceration existed, however, its role was minor compared to other forms of punishment. Jails were rarely used to punish convicted

offenders.²⁴ However, penalties during this period became increasingly punitive, particularly as they were imposed on slaves.²⁵

Overall, the criminal justice system during the Colonial period was unable to meet the existing societal demands. Criminal justice practices were not designed at this time to address drastic and volatile social, economic, and political changes. Further, the effectiveness of informal methods of social control (e.g., community involvement) withered as communities grew in size and homogeneous societies became increasingly heterogeneous in their makeup. Criminal justice practices would evolve as the settlers gained independence from England and began to shape the U.S.

1776-1828: A new nation

The period immediately following the revolution is largely characterized by the need to organize and establish a legitimate society. Developing and implementing a government were primary among the societal concerns of this period. Such efforts included the establishment of a system of criminal justice. Establishing a bona fide, effective court system was among the initial concerns of those charged with establishing, or choosing to establish, a government and more generally a society. This tumultuous period in American history resulted in changes frequently occurring in the court, until a seemingly effective system was established.²⁶

America consisted of a largely rural population at the turn of the nineteenth century. Nevertheless, crime, particularly property crime, increased slowly during this period. Violent crime would remain stable until the end of the period. To be sure, America had a crime problem prior to the Revolution. Independence from England

exacerbated the problem and continued plaguing the short history of America.²⁷ The response to the increase in crime was hampered by overriding concerns to address more pressing issues, such as establishing an agreed-upon structure of government. Eventually in this period, changes would appear with regard to policing, courts, and corrections. Such changes would involve designing a criminal justice system based on the English version, yet able to meet the wants and needs of citizens of the newly formed country. For instance, police powers became more limited and peace officers in the 1920s focused less on preventing or confronting crime than on public health and municipal regulations; courts were designed to be more effective and controllable; and correctional reforms would experiment with the idea of using jails as a form of punishment, rather than a means of pretrial detention.²⁸

The Revolution prompted criminal justice reform and perpetuated differences in English and American criminal law.²⁹ It was during the decade of the 1790s when the attorney general's position and the first federal statute (which defined what crimes constituted a federal offense) were created.³⁰ Modern prisons were introduced in the United States in the mid-1820s, an event that would largely shape the future of the American system of criminal justice.³¹ The criminal justice system would continue to evolve during the Jacksonian Era.

1829-1855: The Jacksonian Era

The factors underlying the beginning of the Civil War were apparent through much of the Jacksonian Era. The social problems that appeared in the previous period were becoming increasingly recognizable, particularly issues pertaining to slavery and Native Americans.

The continued use of slavery and the relocation of Indians provided evidence of African Americans and Native Americans being recognized by settlers as inferior groups.

Economic concerns also contributed to social unrest. The industrialized North sought to end slavery, while the agrarian Southerners relied heavily on slave labor. The South fought strongly for states' rights, which contributed to the political dissent of the times.³²

Social unrest during this period impacted the increasing crime rates, as riots, violent crime, and unruly behavior by and against Native Americans became increasingly problematic. Extensive rioting in major cities characterized this time period, as three major riots took place in New York during 1934, twelve riots occurred in Detroit between 1949-1963, and Philadelphia and Baltimore each experienced a dozen major disturbances between 1834-1960.³³ Crimes by and against slaves also contributed largely to the pervasive social problems of the time. The criminal justice system was forced to react to the tumultuous times. The system became increasingly punitive, particularly with regard to slave laws. U.S. police departments, modeled after departments in England, formed during this time to address the unrest. Boston is credited with creating the first American police department, however, it consisted of compiling the services of the constables, the night and day watch personnel, and the sheriffs.³⁴ Courts were hearing a greater number of criminal cases, and it was during this time that the U.S. saw its first prison expansion as large penitentiaries were increasingly housing criminals, particularly immigrants.³⁵ Prison officers and wardens, similar to their counterparts in the courts and policing, were poorly trained and often received their position via political patronage.³⁶

The Jacksonian period was a time of great change in the implementation and administration of criminal justice. It was during this time that we saw a system that

largely resembled the one we have today. However, the system lacked efficiency and effectiveness, and those seeking to settle in the western part of the U.S. encountered notable levels of lawlessness yet limited to no law enforcement protection. Creating and applying tougher laws created newer problems instead of addressing existing issues. Police departments failed to properly address crime and criminals. Instead, they were too often corrupt and merely figurative extensions of politicians. The courts and corrections also failed to properly address the social problems and unrest of the time.³⁷ For example, the establishment of a penal system in the 1820s did little to address increasing crime rates.³⁸ The Civil War Era provided additional challenges for the emerging U.S. criminal justice system.

1856-1878: The Civil War Era

The Civil War era proved to be a significant period in the evolution of the criminal justice system in the U.S. The social, political, and economic issues of this very unstable time in U.S. history heavily influenced government responses to crime and criminals. The South promoted states' rights, succession from the Union, and continued slavery. The North, which enabled blacks to be members of the lower class in much the same manner as other immigrants were treated, depended on the South for goods and materials.³⁹

Crime rates increased and violent crime became problematic leading up to the Civil War. Violence and crime were largely legitimized during the war, thus the crime rate dropped while the country was at war. A lower crime rate, however, did not mean that crime was decreasing, nor would it suggest hope for the immediate future. Crime rates increased following the war, as displaced war veterans found difficulty adjusting to

post-war life and economic crimes against those in the South and attacks against freed slaves contributed to the problems.⁴⁰

The progress of the criminal justice system in the Jacksonian period largely ceased once the Civil War broke out. The country's focus was largely directed toward the war, and eventually reconstruction, leaving little time or resources for other issues. Uniformed police officers patrolled beats in many large cities by the 1860s, however, many police officers left their posts to become soldiers.⁴¹ Courts began to address war-related issues, and prisons were forced to hold captured soldiers and criminals. The U.S. criminal justice system would undergo significant changes following the Civil War and Reconstruction, as the country was no longer preoccupied with fighting a war and faced many new and unpleasant challenges.⁴² Nevertheless, new political, social, and economic structures required attention in the South.

1879-1899: The Gilded Age

The Gilded Age brought great hope to Americans who could now redirect their attention from fighting a war toward establishing the country. Life had become increasingly orderly, largely in response to police reform, industrialization, and a more established public school system. Criminologists and other social scientists were increasingly applying scientific techniques to study the causes of crime.⁴³ There was a belief among many citizens that the country provided immense opportunities for individual wealth. However, many individuals soon recognized that the "American Dream" wasn't going to come to fruition. Instead, they found that a select group of powerful individuals (e.g., big business owners) would reap the rewards and make the rules. Blacks and the growing

number of immigrants would struggle both socially and financially, as the rift between race and class persisted.⁴⁴

Increased immigration, poverty, and discrimination set the stage for an increase in crime. Again, the criminal justice system was forced to address rising crime rates in response to social unrest. In response, laws were passed to protect the wealthy from the poor minorities. The population of the United States in the early part of the nineteenth century consisted primarily of the English and Protestants. The demographics of the U.S. changed substantively by the end of the century, as waves of Irish, Germans, Italians, Hungarians, and other groups immigrated. In turn, cultural consensus collapsed, bringing a greater sense of cultural diversity, including differing interpretations of acceptable behavior.⁴⁵

The criminal justice system became increasingly institutionalized as greater numbers of individuals were employed in policing, courts, and corrections.⁴⁶ For example, the Department of Justice was created at the federal level of government in 1870.⁴⁷ Unfortunately, the general public's mistreatment of poor minorities carried over into the system, as police officers continued to protect political interests and courts largely focused on protecting the interests of the elite. Correctional reform was considered, however, prisons nevertheless continued to warehouse the poor. There were several notable developments with regard to juvenile justice toward the end of the Gilded Age, although these efforts largely involved controlling the poor and immigrant youth who were seen by others as threats.⁴⁸ Many of the social problems evident in the Gilded Age persist in today's criminal justice system.

1900-1919: The Progressive Era

The Progressive Era is recognized as a time of significant change in U.S. history. It was a time when many reformers took particular interest in helping criminals, delinquents, prostitutes, the homeless, and other groups that are often brought to the attention of the criminal justice system. Many immigrants were coming to America in the early 1900s, in turn generating a host of social problems as integration posed many challenges.

Socializing these new Americans became part of the charge of progressives, and rehabilitation was viewed as a primary means to controlling criminals and delinquents.⁴⁹

President Theodore Roosevelt is credited with implementing numerous changes during the period. For instance, Roosevelt and other leading reformers suggested capitalism, coupled with government support on an as-needed basis, should continue to serve as the economic basis for the U.S. This was a change from the Gilded Age when there was no government intervention to help regulate the economy. Such government efforts extended to helping poor and disadvantaged individuals survive in the changing country.⁵⁰

Crime during this period continued much the same as it did during the Gilded Age. Put simply, it continued to rise. Progressive reforms were requested from the criminal justice system, much like they had been requested with regard to the political, social, and economic sectors of society. New laws were passed to address the rising crime rate, and the law would eventually begin to effectively address crime. New law enforcement agencies were developed, including state police agencies and the Federal Bureau of Investigation. Progressive changes positively impacted the courts, particularly with regard to the increased use of plea bargaining and indeterminate sentencing, and

correctional institutions began incorporating some of the changes proposed during the Gilded Age. A juvenile justice system, distinct from the (adult) criminal justice system, signified true progressive reform.⁵¹ By 1914 almost all states had the primary components of the criminal justice system, which symbolized the creation of the modern criminal justice system.⁵²

The criminal justice system had gained much independence from political influences during the Progressive Era, and the changes suggested that fighting crime and ensuring justice were headed in a positive direction.⁵³ World War I, however, changed the focus of American society and brought an end to progressive reform.

1920-1939: The Crisis Era

With the end of World War I (1914-1918) and coming out of a recession, the U.S. anticipated a promising decade in the 1920s. However, things didn't necessarily go as planned and the Crisis Era began. This time is characterized by several happenings that changed the face of America. The beginning part of the era saw the effects of the passage of the Eighteenth Amendment in 1919, otherwise known as Prohibition. The latter part of the era was influenced by the 1929 stock market crash that brought about economic depression. Racial tensions continued during the period, and blacks and other minorities were the first ones to lose jobs as the depression took hold.⁵⁴ Needless to say, both crime rates and prison populations grew during the 1920s. Overcrowded prisons contributed to inmate tension and ultimately riots.⁵⁵

Prohibition and the Depression combined to generate a great deal of criminal behavior, and eventually a call for criminal justice reform. Prohibition, for instance,

prompted a new criminal class intent on manufacturing, selling, and/or drinking alcohol. It was a time when the Italian Mafia, and organized crime in general, became integrated into American folklore, as organized criminal networks vied for control of the illegal alcohol market.⁵⁶ Prohibition nullified many of the Progressive reforms and generated much crime, including violent crime, as organized crime groups engaged in conflict upon recognizing the potential benefits of distributing illegal alcohol. Unfortunately, the criminal justice system was ill-prepared to address the developments.⁵⁷ In response to their success, organized criminals became increasingly involved in other areas of vice, including gambling, prostitution, and drugs.⁵⁸

Police departments during this era were more heavily involved in crime fighting that served political interests than in fighting crime. They were unable to effectively control the problems largely resulting from Prohibition. Police corruption continued at all ranks of departments as organized crime groups would too often pay off police agents to “look the other way” while they would ply their trade. Prohibition filled the federal jails and courts, and encouraged the creation of a national police force.⁵⁹ The social problems resulting from the Depression toward the latter part of the Era, coupled with the struggles stemming from Prohibition and an ineffective criminal justice system response, resulted in a public outcry for criminal justice reform. The criminal justice system had been exposed as ineffective and in need of reform.⁶⁰

Public outcry over the ineffectiveness of policing resulted in few reforms during this era, largely due to the limited available resources. However, the outcry and exposure of law enforcement’s limitations generated interest in policing at all levels of government; interest that would result in significant reform in the decades ahead

(particularly the 1960s and 1970s). Similar problems and reforms were recognized in the courts, corrections, and juvenile justice. Courts became increasingly crowded and their limitations were also exposed. Reform was needed for the courts to effectively deal with increasing caseloads, although again, limited resources prohibited substantial reform. There was also a need for prison reform, as several prominent issues notably impacted prisons and other correctional institutions.⁶¹ For instance, prison labor was called into question when many unemployed non-inmates voiced their concern over inmates having jobs and getting job skills while they (non-inmates) were unable to do so. Prison reformers were successful in changing the punitive penal approach taken with inmates, for instance, through eliminating the use of striped uniforms, marching in lockstep, and unjust punishments.⁶² The juvenile justice system was also impacted by the times, for instance, as various reforms and the construction of new reformatories were delayed due to the lack of available resources.⁶³

The problems resulting from Prohibition and the Depression would soon be tempered by the repeal of Prohibition in 1933 and the end of the Depression in the late 1930s and early 1940s. The U.S., however, would have another crisis to confront: World War II.

1940-1959: The War Years

World War II consumed Americans' interest to the extent that very little reform, particularly criminal justice reform, occurred during this period. The U.S. still experienced struggles with regard to race, class, and gender; however, there was a united

effort to fight the war. The wealthy supported the war, minorities and the poor contributed to fighting the war, and women assumed the jobs previously performed by males who left to fight the war. Much of the country's energies and focus was on winning the war.⁶⁴

Economic prosperity followed World War II. In turn, crime rates remained very low in the 1940s and 1950s, and very little criminal or juvenile justice-system reform occurred. One could view the post-war period as the calm before the storm, however, as the stage was being set for a tumultuous period of civil unrest.

1960–1979: The Nationalization Era

The Nationalization Era contrasted the War Years and many other periods of criminal justice development in several ways. Gone were the days of peace, stability, and prosperity. Civil unrest, a baby boom, and political and economic instability largely contributed to riots and general social unrest during this period. Generational differences caused by the post-war baby boom contributed to, among other issues, the civil rights movement, a revitalized feminist movement, and a counterculture that mistrusted government and other institutions. The economy stumbled in the 1960s and ultimately the U.S. experienced an economic recession largely impacted by an energy crisis in the 1970s.⁶⁵ Criminal justice historian Samuel Walker cited the period from 1960 to 1975 as “the most turbulent in all of American criminal justice history.”⁶⁶

The 1960s brought unfulfilled dreams of successful criminal justice reform. For instance, during this period police departments began utilizing technology in crime fighting to a much greater degree than in the past, and prisons and parole agencies moved toward individualized treatment. Nevertheless, the criminal justice system was largely

caught off guard and somewhat unprepared to address the social upheavals, including unstable race relations, of the time. The Kerner Commission, established to study the causes of the urban disorder, noted that the unequal treatment of Blacks contributed to the rioting.

Aside from the rioting and other forms of social unrest, beginning in 1962 there was a notable increase in serious crime. The increase is attributed to several factors, including employment concerns. The decreasing availability of industrial jobs typically held by migrants in large cities and the high unemployment rate among African Americans contributed to serious crime rates continuously climbing throughout the period.⁶⁷

Crime in the U.S. was historically addressed on a local level. However, the social unrest experienced during the 1960s and 1970s led to Americans increasingly requesting that governments at all levels respond. Local laws appeared ineffective to deal with the violent acts increasingly being viewed on television and in the news by Americans. Government responses to crime and disorder were often based on earlier unproven methods, similar to the government's response during the tumultuous Crisis Era. Limited problem-solving efforts and an emphasis on strict social control by the justice system were not well received by the general public.⁶⁸

The impacts of the Nationalization Era are quite obvious in today's criminal justice system. For instance, court and corrections personnel were unprepared for the increasing number of cases resulting from the social unrest, which contributed to the exploration of alternative methods of addressing crime. The U.S. Supreme Court, under Chief Justice Earl Warren made several landmark decisions that protected individual

rights and restricted police officer powers. Most of these decisions still guide criminal justice practices. Research dollars were allocated to various groups by the government to study crime and responses to it. However, criminal justice reform was not immediately evident.

The resources devoted to the study of crime during this time largely contributed to criminal justice becoming a bona fide area of academic study. Colleges and universities were increasingly preparing officers for careers in policing. Accordingly, the creation of criminal justice programs in higher education contributed to the growth of internships in criminal justice.

The turbulent 1960s generated a new response to crime beginning in the 1970s. Americans grew increasingly fearful of crime in the 1960s and 1970s, and by 1978, 85 percent of Americans believed the criminal justice system should become increasingly punitive.⁶⁹ A more conservative, “get tough” approach would become the preferred approach to criminal justice. Further, the turbulent Nationalization Era encouraged a directed focus on the criminal justice system, which led to the massive expansion of the system beginning around 1980.⁷⁰ The combination of getting tough on crime and expanding the criminal justice system had notable impacts on our modern system of criminal justice.

1980-2001: The Post-Modern Era

The Post-Modern Era began with greater social stability than the preceding Nationalization Era. The election of President Ronald Reagan brought hope that the troubles the country earlier faced would be gone. The economy recovered in the 1980s

and prospered in the 1990s. Crime rates fluctuated in the 1980s, as there was a decrease in crime at the beginning of the decade, followed by an increase in the latter part. Regardless of the directional change in the crime rate, crime remained a societal concern, particular among inner-city residents who felt the greatest impacts of crime.

Two particular factors are representative of criminal justice developments during this period: (1) the government's expanded war on drugs, which largely contributed to rising crime rates, and (2) the disproportionate numbers of minority males entering the criminal justice system. Large scale prison expansion began in the 1980s, as warehousing inmates took precedence over rehabilitation, and incapacitation, deterrence, and retribution became the primary goals of criminal sentencing. Young minority males disproportionately filled the increasing number of prison beds. The widespread introduction of crack cocaine in the 1980s contributed to substantial violence and rising crime rates in many urban areas. Following years of increasing crime rates, the crime rate steadily declined beginning in the early 1990s, and there was great hope and optimism that rates would return to pre-1960s levels.

Police departments during this period continued to expand and there was a related need for additional resources. Many departments changed their philosophical approach to policing from strict crime fighting to a community-oriented approach. Tougher laws were passed and enforced to address all forms of crime, including drug offenses. Courts continued to expand and became increasingly specialized. Drug courts and domestic violence courts, which hear cases that specifically pertain to drug cases and domestic violence matters, provide examples of the increased specialization of the American court

system during this period. The prison boom experienced during this time was unprecedented in U.S. history.

Many factors contributed to the declining crime rates recognized throughout much of this period, particularly the latter part of the period. A stable and prosperous economy and an enhanced criminal justice system contributed to the reduction in crime. There was great optimism that the U.S. had finally created an efficient and effective justice system that could control crime. A new era of crime and justice began with the terrorist attacks on the morning of September 11, 2001.

2002-Present: The Homeland Security Era

It is well understood that the terrorist attacks on September 11, 2001, changed the American way of life. From a criminal justice perspective, the attacks signified the beginning of a new era: The Homeland Security Era. Police departments were now charged with the additional burden of protecting citizens against terrorist attacks and ensuring homeland protection. The federal government responded in part through creating the Department of Homeland Security (DHS). The DHS, a cabinet-level department of the federal government, was created through incorporating various law enforcement groups throughout the federal agencies into one department. The goal was to provide greater cooperation and coordination among federal law enforcement.

The attacks had far more significant impacts on policing than on our courts and correctional institutions. Nevertheless, U.S. courts now face the increased challenge of prosecuting known terrorists and dealing with terrorism-prompted hate crime cases as they related to Arab-Americans and others. Correctional agencies, while not as largely

impacted by the courts, still confront the challenges associated with increasing prison populations and having to compete for resources that have been targeted toward homeland security.

The Homeland Security Era is a work in progress. Many issues have and will continue to impact the current and future state of criminal justice. Continuously incorporating technology into crime fighting and prevention, and confronting immigration issues are but a few of the challenges in store for the criminal justice system. Much more could be written about the current era. Nevertheless, the remainder of this work deals in the present and largely reflects the events of the Homeland Security Era.

This historical account of criminal justice in the U.S. helps contextualize criminal justice as an institution, an academic discipline, and an excellent source of employment opportunities. Observing how criminal justice emerged in the U.S. facilitates better understanding what is needed to better prepare tomorrow's criminal justice professionals for advancing criminal justice practices and identifying employment opportunities and trends.

The development of criminal justice as a discipline

The origins of academic criminal justice are traced to 1893 when individuals from the University of Chicago School of Sociology began focusing their studies on deviance and crime in society.⁷¹ In 1908 August Vollmer created the first education-based program targeted specifically for criminal justice personnel at the Berkeley Police School, which was connected to the University of California. Beginning in the late 1920s and continuing through the 1930s several colleges and universities created programs focused on the

administration of policing and, more generally, criminal justice. Those directing these programs believed that higher education was needed to raise the personnel standards of those working in the field.⁷²

There were 64 colleges and universities offering programs in criminal justice by 1965, with an average of two programs created each year.⁷³ The number of criminal justice programs increased dramatically between 1965 and 1978. As of 1970 there were just under 500 degree programs; by 1978 there were roughly 1,200.⁷⁴ Such dramatic expansion slowed; however, the quality of the education increased, particularly in response to advanced statistical capabilities and the presence of graduate-level studies. As of 1990 there were 687 baccalaureate and 157 master's degree programs.⁷⁵ Recent numbers suggest there were 692 degree-granting baccalaureate criminal justice programs as of 2006.⁷⁶ As of academic year 2005-2006, 32 institutions offered a doctoral degree in criminal justice, criminology, or a closely-related discipline.⁷⁷

Higher education has consistently been viewed by government commissions and the public alike as the means to improve the quality of services within the criminal justice system. Two reports published in 1967 (the U.S. President's Commission on Law Enforcement and Administration of Justice, and the U.S. Task Force on the Police) and one in 1973 (the U.S. National Advisory Commission on Criminal Justice Standards and Goals) emphasized the need for higher levels of education among criminal justice personnel.⁷⁸ The reports, particularly the President's Commission's, generated a great deal of federal funding and contributed to the passage of the Omnibus Crime Control and Safe Streets Act. Title I of this legislation created the Law Enforcement Assistance Administration (LEAA) and the Law Enforcement Education Program (LEEP), which

allocated substantial financial resources toward higher education in criminal justice and prompted an increased number of criminal justice programs during the early 1970s.⁷⁹ In 1969 LEEP was funded for the first time. Congress appropriated \$6.5 million that was dispersed to roughly 485 schools. LEEP would ultimately be discontinued during the Carter Administration; however, not before providing \$303 million in assistance to roughly 316,000 students.⁸⁰

Following World War II there was a call to better train law enforcement personnel. In 1960, California and New York created formal police officer training programs and initiated the Peace Officer Standards and Training (POST) that were provided at local colleges and universities. Other states followed, resulting in the great expansion of criminal justice programs between 1960 and 1978.⁸¹ Most of these programs were offered at two-year community colleges.⁸²

The quality and focus of that study has often been questioned. For example, criminal justice programs of the 1960s and 1970s assumed competing philosophical approaches, with some programs adopting a more practitioner/professionalism approach, while other programs adopted a more academic study of criminal justice.⁸³ The debate over whether criminal justice studies should focus on theory or practice provided an early and substantial roadblock to the overall development of criminal justice education. Further, the explosive growth in the number of criminal justice programs led to academic institutions, government agencies, and nongovernment organizations to question the quality of the criminal justice programs, the value of the criminal justice major, and the methods by which criminal justice programs would be evaluated by regional higher education accrediting agencies.⁸⁴ Many of these debates continue.

In sum...

Criminal justice historian Mitchell Roth noted that “The criminal justice system is changing more quickly than ever before.” He adds: “What was once a slow evolution based on experimentation and innovation has turned into a dynamic and proactive attempt to contain and suppress criminal behavior that was almost unthinkable in years past.”⁸⁵

Among other contributions, this chapter helps place the study of criminal justice into perspective. Those entering careers or internships ought to be aware of the origins of the institutions they are about to encounter.

To be sure, there are many reasons why students, particularly those entering an internship or the field, should be aware of the historical developments in criminal justice. For example, in his article on the role of historical studies in criminal justice curricula, researcher Mark Jones commented on the importance of students being exposed to historical information that serves as a background to current criminal justice policies and responses. He noted that criminal justice students “should learn specifically how historical phenomena, such as progressivism, the Civil War, and the Industrial Revolution, relate both to past and present justice administration and to societal reaction to deviance.”⁸⁶

Having examined the origins of the modern-day criminal justice system, it is now time to turn attention more directly toward careers and internships. To begin, Chapter 2 focuses on opportunities and trends relating to careers in criminal justice.

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- ³ Conley, J.A. (1993). "Historical perspective and criminal justice." *Journal of Criminal Justice Education*, 4: 904.
- ⁴ For in-depth coverage of the history of criminal justice, see Walker, S. (1998). *Popular Justice: A History of American Criminal Justice*, 2nd ed. New York: Oxford University Press; Roth, M.P. (2005). *Crime and Punishment: A History of the Criminal Justice System*. Belmont, CA: Wadsworth; and Oliver, W.M. and J.F. Hilgenberg, Jr. (2006). *A History of Crime and Criminal Justice in America*. Boston: Allyn & Bacon.
- ⁵ Oliver and Hilgenberg, 2006.
- ⁶ Ibid.
- ⁷ Roth, 2005.
- ⁸ Oliver and Hilgenberg, 2006.
- ⁹ Walker, 1998.
- ¹⁰ Nelson, W.E. (1981). *Dispute and Conflict Resolution in Plymouth County, Massachusetts, 1725-1825*. Chapel Hill, NC: University of North Carolina Press.
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- ¹³ Chapin, B. (1983). *Criminal Justice in Colonial America, 1606-1660*. Athens, GA: University of Georgia Press.
- ¹⁴ Walker, 1998.
- ¹⁵ Readers are directed to Chapter 2, "English criminal justice antecedents (570-1725)" of Roth (2005) for elaboration of the early English system of criminal justice.
- ¹⁶ Oliver and Hilgenberg, 2006.
- ¹⁷ Ibid.
- ¹⁸ Roth, 2005.
- ¹⁹ Oliver and Hilgenberg, 2006.
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- ²⁵ Oliver and Hilgenberg, 2006.
- ²⁶ Ibid.
- ²⁷ Roth, 2005.
- ²⁸ Oliver and Hilgenberg, 2006; Roth, 2005.
- ²⁹ Walker, 1998.
- ³⁰ Roth, 2005.
- ³¹ Walker, 1998.
- ³² Oliver and Hilgenberg, 2006.
- ³³ Richards, L.L. (1970). "Gentlemen of Property and Standing": *Anti-Abolitionist Mobs in Jacksonian America*. New York: Oxford University Press; Feldberg, M. (1980). *The Turbulent Era: Riot and Disorder in Jacksonian America*. New York: Oxford University Press; and Hofstadter, R. and M. Wallace, eds. (1971). *American Violence: A Documentary History*. New York: Vintage Books.
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- ³⁵ Oliver and Hilgenberg, 2006.
- ³⁶ Walker, 1998.
- ³⁷ Oliver and Hilgenberg, 2006.
- ³⁸ Roth, 2005.
- ³⁹ Oliver and Hilgenberg, 2006.
- ⁴⁰ Roth, 2005; Oliver and Hilgenberg, 2006.
- ⁴¹ Ibid.
- ⁴² Oliver and Hilgenberg, 2006.
- ⁴³ Roth, 2005.
- ⁴⁴ Oliver and Hilgenberg, 2006.
- ⁴⁵ Walker, 1998.
- ⁴⁶ Oliver and Hilgenberg, 2006.
- ⁴⁷ Roth, 2005.

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- ⁴⁸ Oliver and Hilgenberg, 2006.
- ⁴⁹ Walker, 1998.
- ⁵⁰ Oliver and Hilgenberg, 2006.
- ⁵¹ Ibid.
- ⁵² Walker, 1998.
- ⁵³ Oliver and Hilgenberg, 2006.
- ⁵⁴ Ibid.
- ⁵⁵ Roth, 2005.
- ⁵⁶ Oliver and Hilgenberg, 2006.
- ⁵⁷ Roth, 2005; Oliver and Hilgenberg, 2006.
- ⁵⁸ Roth, 2005.
- ⁵⁹ Friedman, L. (1973). *A History of American Law*. New York: Simon and Schuster.
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- ⁶² Roth, 2005.
- ⁶³ Oliver and Hilgenberg, 2006.
- ⁶⁴ Ibid.
- ⁶⁵ Ibid.
- ⁶⁶ Walker, 1998, p. 180.
- ⁶⁷ Ibid.
- ⁶⁸ Oliver and Hilgenberg, 2006.
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- ⁸⁴ Southerland, et al., 2007.
- ⁸⁵ Roth, 2005, p. 351.
- ⁸⁶ Jones, 1994, p. 178.