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NATIONAL MANPOWER MOBILIZATION FOR CRIMINAL JUSTICE IN A DRUG-ORIENTED SOCIETY

BY G. O. W. MUELLER,* FREDA ADLER**

INTRODUCTION

It is fair to say that the American system of criminal justice today, including research and education in criminal justice, bears little resemblance to the system in existence a decade ago. Basically, in 1960, as in 1920, criminal law was, in practice and in *academia*, the most neglected field of law in America. Criminal law practice was in the hands of the least respected members of the profession. It was practiced by rules which had changed little since the 1850's, and relevant constitutional standards were seldom honored in practice. In short, criminal justice was devoid of insights into the functioning and impact of the system. While academic criminology existed, it was given little opportunity to apply its precepts and conclusions to the system's operation; its findings were instead left to the realm of theory. In corrections—then referred to as penology—a seemingly unshakable belief in retribution and general and special deterrence barred practical entrance of a corrections-oriented approach. Reform endeavors were not totally lacking, but they remained isolated instances without penetrating or large-scale effect. Examples of such reforms are the American Law Institute's *Model Code of Criminal Procedure* and the subsequent drafting of the *Federal Rules of Criminal Procedure* (late 1920's to 1940's) and the American Law Institute's *Model Penal Code* (1950's to early 1960's).¹ However, basic functions such as governmental planning and budgeting for reform were practically unknown. Public attention to problems of crime and delinquency were restricted to journalistic or sensationalist reports of capital crime and execution, "gangland" criminality, and police corruption.

In American universities the subject of criminal law was regarded as a *noli me tangere* by all "reputable" professors. Apart

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¹G. MUELLER, *CRIME, LAW AND THE SCHOLARS* (1969).

from a handful of exceptions, the subject of criminal law was assigned, against their will, to teachers who switched to more agreeable subjects as they advanced in seniority. Criminal law usually was the only required course within the area of criminal justice, and it was generally restricted to two semester hours. Criminal procedure, if offered at all, was optional in the third year. It was taken by few students, and was dull in its coverage of 19th century forms of pleading. Subjects related to criminology were unknown to law schools. Ventures into the realm of real life, or participation in the practice of criminal justice, were unknown.

The traveler to America who remembers this scene of American crime and criminal justice, and who returns to it today, must be as startled by the change as the Japanese army sergeant who recently emerged from the Guam jungles after 30 years in hiding. This article explores these changes and their ramifications for the future. In particular, we are concerned with the manpower needs, both quantitative and qualitative, of tomorrow's criminal justice system. Four questions need answers, and these questions provide the focus of the analysis which follows:

- (1) What are the current developments in criminal justice, and what trends can we expect in the future?
- (2) Depending upon the answer to (1), what manpower needs will we face 10, 20, or 30 years from now?
- (3) Depending upon the answer to (2), how do we train this manpower?
- (4) What social changes should we program into our training efforts?

I. CURRENT DEVELOPMENTS AND THEIR MEANING FOR THE FUTURE

No social phenomenon in America is as intensively discussed and analyzed as crime. Hundreds of thousands of new careers have appeared in criminal justice administration. Planning offices have sprung up like mushrooms at every level of government—city, county, state, and federal. The annual expenditure of federal funds for research, education, and reform in criminal justice approaches the two billion dollar mark. With the recognition of "crime in the streets" as a paramount American domestic problem, the nation's foremost private research establishments have diverted their attention from military logistics and space research to research and planning in criminal justice. Crime is recognized as the fulcrum of America's racial problems. It is the revolt of the disadvantaged who cannot reach the posited ideals

by legitimate means. It is also the country's "generation gap" and the rebellion of youth against conventional notions of propriety.

These changes have occurred at a time when the leaders of American criminological thinking—mostly from the field of sociology—have created the theoretical foundation, premises, and methodology with which the new breed of legal practitioners have begun to analyze the system and recognize it as totally inefficient, wasteful, and inhumane.² Only a catalyst was needed to bring criminological methodologists together with the young core of criminal justice specialists from the law schools. Government participation in the reform movement provided, in part, the needed catalyst. Governmental participation began in the mid-sixties with the work of the President's Committee on Law Enforcement and the Administration of Criminal Justice, which released its report in 1967.³ The impact was great. The Law Enforcement Assistance Administration was created, and has now become the government's largest and most powerful, but by no means only, agency concerned with research, planning, and reform in the area of criminal justice. It also serves as a distribution agency for vast federal resources devoted to these purposes. With the genesis of this agency, large numbers of young criminologists from various disciplines have left the area of theory and have become the first generation to practice what their predecessors had taught them largely as abstractions.

Planning and reform in criminal justice—and more recently in the area of corrections—now require the close cooperation of personnel trained in various disciplines, predominantly law, sociology, and social work, and now more frequently in police science and administration. The spearhead of reform is, of course, the spinoff of theory into practice—in other words, action implementation. During their training, students of law and other disciplines are actively involved in action-oriented projects, in so-called clinical education programs which combine planning, learning, and service to the community, with reform of the system itself.⁴

This then, in brief, is the story of the development of the

²N. MORRIS & G. HAWKINS, *THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL* (1970).

³PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* (1967).

⁴CONFERENCE ON LAW STUDENTS IN COURT, *CLINICAL EDUCATION AND THE LAW SCHOOL OF THE FUTURE* (1969); COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY, INC., *CLINICAL LEGAL EDUCATION IN THE LAW SCHOOL CURRICULUM* (1969).

“current system” of criminal justice education, research, and reform in America. These are its basic ingredients; however, it is too early to assess their impact in toto. Indeed, for the time being, critics are justified in pointing out the system’s shortcomings: public expenditure has expanded vastly, yet the crime rate has seemingly increased significantly (or is it simply that we have learned to identify crime more readily and to recognize its impact?); victimization through crime seems at an all time high (of course, 25 years ago there was no victimology⁵); the viciousness of our penal administration is widely recognized (before World War II prisons were rarely regarded as objects fit for study). There is a chance that, like so many political and other public phenomena in America, the interest in crime may simply be a passing fancy and may be discarded like a used toy in favor of a new priority, such as protection of the environment.

What evidence have we of permanent and lasting benefits from reform? Have these reform efforts made any impact on the legal system? Has law codified our experience for systematic use? What solid and scientifically acceptable experiences in the use of the criminal sanction are there before us, and have they been incorporated into penal codes which genuinely correspond to scientific recognition as well as to popular demand? With all the clinical training which we are offering our students, are we really providing for a permanent change in the system, or are we merely channelling social-action-oriented student energies away from revolution and into “more acceptable” avenues? Or are we merely exploiting students as “cheap labor”? Is criminological research really capable of direct application, or are we spending vast research budgets simply to calm a guilty conscience which has tolerated decades of neglect and exploitation? Answers to these and a host of other questions are of obvious contemporary importance.

Education and training programs for the future must include significant changes from established curricula, leading toward integrated courses of study for personnel preparing to enter, or already within, the criminal justice system. The combination of academic study with clinical service and field experience should provide a continuing closed-loop of input and feedback to enable educational programs to meet the demonstrable needs of the system.

⁵For a description of victimology, see Mueller, *Compensation for Victims of Crime: Thought Before Action*, 50 MINN. L. REV. 213, 214-15 (1965).

Understanding current trends and future needs of the criminal justice system depends, in large measure, upon the "model" with which we choose to attack crime. There are many models a nation could use to deal with socioeconomic problems of deviance or, more accurately, to ensure norm compliance when a national need for it is felt. Most contemporary societies are prone to refer the matter to law enforcement agencies and to rely upon their traditional methods, including inspection, licensing, reporting, and coercion. The United States during the second half of the 20th century fits that model. But this model overlooks an earlier, alternative method for assuring the protection of values that are deemed significant. This method involves primary reliance on prophylactic forces of a value-molding, behavior-forming nature, including the educational system and its opinion-forming appendices, which rely largely on the mass media. Equal reliance on problem solving through engineering, design, and socioeconomic planning (whether by taxation, public investment, or by any other means) are strategies whose significance is only now being realized by criminologists.⁶

The potential of these alternative approaches to what is currently being regarded as crime control is seemingly unfathomable, but it need not be. Even with an approach to crime control which relies on the formal agencies of society more traditionally identified with criminal justice, a nation may still choose among (1) a prophylactic approach concentrating upon police-preventive efforts and the early identification of potential offenders, (2) a reactive approach centering on rehabilitation, or (3) a combination of the two.

Seemingly without orchestration, modern American society has broken with its tradition of assigning each new socioeconomic problem to lawmakers and law enforcers, for it now places greater reliance on "technocrats" and "do-gooders" whose education and orientation have little, if any, affinity to law. By way of example, the narcotics problem attracts more interveners with sociomedical backgrounds than lawyers; reckless driving homicides are prevented more by highway engineers than by state troopers; sexual criminality is affected more by peer group differential association and by junior high school instructors teaching sex education courses than by prosecutors; and violence has a signifi-

⁶C. JEFFREY, *CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN* (1971); O. NEWMAN, *DEFENSIBLE SPACE* (1972).

cantly greater potential of being controlled by pharmacists than by jailers. The "people control business" idea is seemingly slipping out of the hands of the legal profession, and planning for reform already rests with sociologists and systems analysts. At the same time, the legal institutions which remain are beginning to recognize that the days of the generalists are numbered. Technocrats are assuming a larger role in law enforcement, judicial, and correctional systems and in the education of personnel for these systems. As Selznick observed:

If society cannot depend on an informal, autonomous, self-regulating, person-centered order for the maintenance of social control, it will turn to more explicitly organized agencies and to more powerful instruments of surveillance and regulation. Not only the police, but the schools, social work agencies, and perhaps other institutions, will be called upon to serve the needs of social control.⁷

The emerging new power centers of social control must be staffed with personnel capable of fulfilling the functions assigned to them. Consequently, this moment in history calls for a concerted effort in training and retraining. Unhappily, in constructing educational models we are dealing with several unknowns. Even if we were to mobilize for a static criminal justice system, we are not certain:

- (1) what approach we favor;
- (2) how many people we need;
- (3) what their maximally efficient training saturation should be; and
- (4) for what specialties within the system they must be trained.

Moreover, it is too late to train people for today's problems, for those who are now doing the job either (1) have been trained yesterday or (2) hold office and are untrained or undertrained (the potential usefulness of in-service training is only beginning to be discovered). Consequently, as regards the future, we must:

- (1) predict future crime indices, quantitatively and qualitatively;
- (2) predict the corresponding manpower need, quantitatively and qualitatively;
- (3) predict budgets and resources of the future;
- (4) allow for modularity (adaptability); and

⁷Selznick, *Legal Institutions and Social Controls*, VAND. L. REV. 79, 83 (1963).

- (5) train the personnel to meet both the quantitative and qualitative needs of the future.

Each of these tasks is examined in detail in the following section.

II. CRIME INDICES, MANPOWER NEEDS, RESOURCES, MODULARITY, AND TRAINING

A. *Predicting Future Crime Indices*

On the basis of currently available research data, it may be suggested that most of the manpower in criminal justice is currently deployed for dealing with those social problems which are directly related to, or arising from:

- (a) a relatively high national incidence of severe and violent responses to social stress, resulting in an unbearably high rate of offenses against the person;⁸
- (b) an extremely widespread habituation to expensive hard drugs, with a seemingly close but as yet undocumented relation to the high incidence of offenses against property;⁹
- (c) a puritanical penalization of victimless crimes, resulting in the assurance of a financial basis for the operation of organized crime intent upon supplying prohibited services (including drugs, alcohol, prostitution, gambling, abortion, loan sharking, and other activities);¹⁰
- (d) an immensely high automobile density, resulting in the potential abuse of motor vehicles.¹¹

These four special areas are supplying the United States with its major crime problems. While it is inconceivable that any effort can solve all of the United States' crime problems, it is entirely logical to assume that attacking these four problem areas would reduce the nation's crime to that level regarded as "tolerable" in other industrialized societies. This would constitute a "normal"

⁸NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, TO ESTABLISH JUSTICE, TO INSURE DOMESTIC TRANQUILITY—FINAL REPORT (1969).

⁹See CLEAR Center Study Group, *Model Narcotic Drug Legislation*, in *CRIMINOLOGY—AN INTERDISCIPLINARY JOURNAL* 156-72 (1970).

¹⁰E. KEFAUVER, *CRIME IN AMERICA* (1951); THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* (1967).

¹¹The United States owns 44 percent of the world's motor vehicles. *INFORMATION PLEASE ALMANAC* 82 (1973).

or "baseline" level of criminal activity with a modest incidence of violence, of property offenses, and of controlled motor vehicle abuse.

Finally, some attention must be paid to current and future types of intervention into the criminal sphere. Models of crime trends might be constructed which better identify areas in need of more intense criminal justice attention. Changes in intervention and deployment of system resources might be determined by application of such models. To illustrate:

- (a) Implement no change in existing methods of dealing with the crime problem. The result is not necessarily negative. It may well be the best possible intervention method for a given problem;
- (b) Refrain from intervention or de-escalate existing intervention. The result may well be positive, since some problems simply "disappear," temporarily or permanently, and others may indeed be aggravated by any attention given them, although the likelihood of "disappearance" of a socioeconomic crime problem is minimal;
- (c) Deploy considerable resources for reactively dealing with the crime problem through planning, and in particular, manpower planning and deployment;
- (d) Attack the problem at the source, rather than at the point at which it symptomatically surfaces. In other words, attack it preventively.

Predicting future crime indices and implementing an appropriate intervention model is only one facet of the complex task of this analysis. We turn now to another facet—the prediction of future manpower needs.

B. *Predicting Consequent Manpower Needs*

Over the last decade, specialists in education, criminal justice, criminology, and corrections have increasingly turned futurologists and have attempted estimates of the personnel needs of our criminal justice system. All these efforts, particularly those of the Joint Commission on Correctional Manpower and Training,¹² have been unsuccessful for a variety of reasons:

¹²H. H. PIVEN & A. ALCABES, CORRECTIONAL INSTITUTIONS, PILOT STUDY OF CORRECTIONAL MANPOWER AND TRAINING (1969); JOINT COMMISSION ON CORRECTIONAL MANPOWER AND TRAINING, CORRECTIONAL BRIEFINGS, nos. 1-12 (1967-69). See also Mueller, *Differential*

- (a) they assumed the system to be static;
- (b) they assumed training techniques to be static;
- (c) they largely assumed recruiting to be directed to the same personnel supplier groups; and
- (d) they continued to think of personnel for the future in terms of the rigid discipline demarcations of the past.

However, on the basis of the analysis and model predictions already discussed it is possible to plan for quantitative and qualitative manpower needs. Care must be taken to tie these predictions to the general developmental trends of our society. For example, let us assume that:

- (a) unless major changes occur, unemployment will increase;
- (b) gross national product will continue to increase;
- (c) the educational level of the population will increase (*e.g.*, by 1980, 50 percent of the college age population will attend college);
- (d) increasingly, females will enter those areas of socioeconomic life which heretofore were regarded as male preserves.

Consequently, we might predict that (a) crime will become more materialistic, (b) some criminal offenders will be much better educated, (c) the gap between educated and uneducated offender types will increase, and (d) female criminality will begin to approximate male criminality.¹³

If it is correct, as we suggested earlier, that our official agencies of social control are becoming more expert and efficient at their tasks, it could be expected that those processed for different purposes such as resocialization, incapacitation, or retraining, will be more precisely identified, labelled, and dealt with. This,

Distribution of Pedagogic Responsibilities in the Training of Human Resources for Criminology, in THE UNITED NATIONS, INTERNATIONAL REVIEW OF CRIMINAL POLICY (1973).

¹³Thus:

- (a) This implies that offenses will be more property oriented and offenders are more likely to rely on hardware (including computers) for the commission of offenses;
- (b) This might pose a very special challenge to law enforcers, who might become intellectually and educationally out-gunned;
- (c) This could introduce new stresses of any sort upon the correctional and resocialization system; and
- (d) This would necessitate that the entire criminal justice system must be switched from a male to a male-female basis.

in turn, will require greater expertise on the part of dispositional personnel. Should we succeed, for example, in developing prediction methods for violent offenders, and should we consequently decide to institutionalize only the violent—dealing with nonviolent lawbreakers extramurally—the populations of correctional institutions would have a totally different makeup than that known to us today. This, of course, has far-reaching implications for the jobs of institutional architects, correctional personnel, and a host of others.

C. *Predicting Budgets and Resources for the Future*

In this preliminary context, one can only hint at the budget problem. To a considerable extent, however, it is the very purpose of any blueprint to influence national priorities in the allocation of budgets and resources for crime control, so that even in periods of potential recession, and perhaps particularly in those periods, efficient crime control in all spheres can be adequately maintained.

D. *Allowing for Modularity*

The manpower to be developed for a totally planned criminal justice system must have modularity, so that redeployment is possible whenever, perhaps due to the success of a previous deployment, the manpower has solved the target problem, or whenever unforeseen new problems arise or old ones become aggravated. Manpower retraining is relatively easy in the range of low-skill operations, but it may be more difficult at the professional level, as the national switch in priorities away from military logistics, hardware development, and space exploration has demonstrated. The training potential must remain as flexible as the vagaries of manpower needs are likely to be. Thus, in setting priorities in governmental personnel policy for the criminal justice system, it is unquestionably necessary to develop a group of alternatives in goal planning. It should be realized that the alternatives are not necessarily competing, for they may well be complimentary to each other, either consecutively or concurrently.

Policy or goal alternatives with respect to governmental activities and their likely consequences, if implemented administratively or legislatively, should become apparent on the basis of this analysis. Decisions as to when to activate which approach depend largely upon the foregoing analysis in conjunction with the effective gathering of information about current conditions operating within the system.

Optimal modularity as well as the other recommendations just discussed all point, to varying degrees, to the need for education and/or re-education of personnel comprising the criminal justice system. With this in mind, we move to a discussion of future training needs.

E. *The Training of Personnel*

Not one educational establishment in North America has succeeded in establishing a coordinated university-wide program for the training of criminal justice specialists capable of effective functioning in the system as it will appear in the predictable future.

This is not to say that the evolution of the criminal justice system did not have an educational impact. On the contrary, never before have law enforcement and corrections personnel been as well trained as they now are. Colleges and junior colleges throughout the United States have established law enforcement training programs.¹⁴ On the professional level, departments of sociology, and schools of law, medicine, public administration, and social work have intensified their efforts to educate persons capable of functioning in the system. Two American universities have established schools or departments of criminology on the postgraduate level, granting special masters and doctoral degrees in criminology.¹⁵

But all these efforts have been inadequate for purposes of dealing with the problems of the future. A radically new, nationally coordinated attack on the manpower problem is required. The targets or beneficiaries of proposed manpower training programs are the various parts of the criminal justice system. These include:

- (1) criminal justice planning agencies (a totally new type of agency which until recently did not exist);
- (2) a variety of reform groups, both public and private;
- (3) law enforcement agencies;
- (4) courts and other adjudicative agencies, including those involved in prosecution and defense;
- (5) correctional and after-care agencies and institutions;

¹⁴UNESCO, *THE UNIVERSITY TEACHING OF SOCIAL SCIENCES—CRIMINOLOGY* (1957).

¹⁵The University of California at Berkeley, School of Criminology, and the State University of New York at Albany, School of Criminal Justice.

- (6) diversionary agencies (especially employment and maintenance projects and therapeutic groups);
- (7) related governmental establishments at all levels, from municipal to United Nations units;
- (8) research centers.

Currently, these agencies are only partially manned by personnel properly trained and educated for their jobs. Consequently, such agencies are low in efficiency, as attestable by any known means of inquiry, whether episodic or scientific. Unhappily, each of these agencies has traditionally been staffed by persons coming from one discipline: courts and adjudicative agencies by lawyers, research establishments by sociologists, after-care agencies by social workers, etc. This, of course, is already changing and should continue to do so in the future.

In summary, it is essential to assess the manpower needs for dealing with the national crime problem over the next several decades, and to devise training modalities at the lowest possible cost and with as much flexibility as possible for constant redeployment. It is as necessary to guard against under education as against over education.¹⁶ The former as much as the latter represents both a waste of assets and a potential source of frustration inconsistent with the efficient operation of a criminal justice system.

These preliminary comments have focused on the current trends of criminal justice in America. Observations of recent changes and of needed changes for the future have been linked to specific recommendations. The remainder of this article is devoted to proposals for implementation. A theoretical framework for analyzing implementation methods is offered first, and then an example of applying theory to the formulation of a concrete strategy is provided.

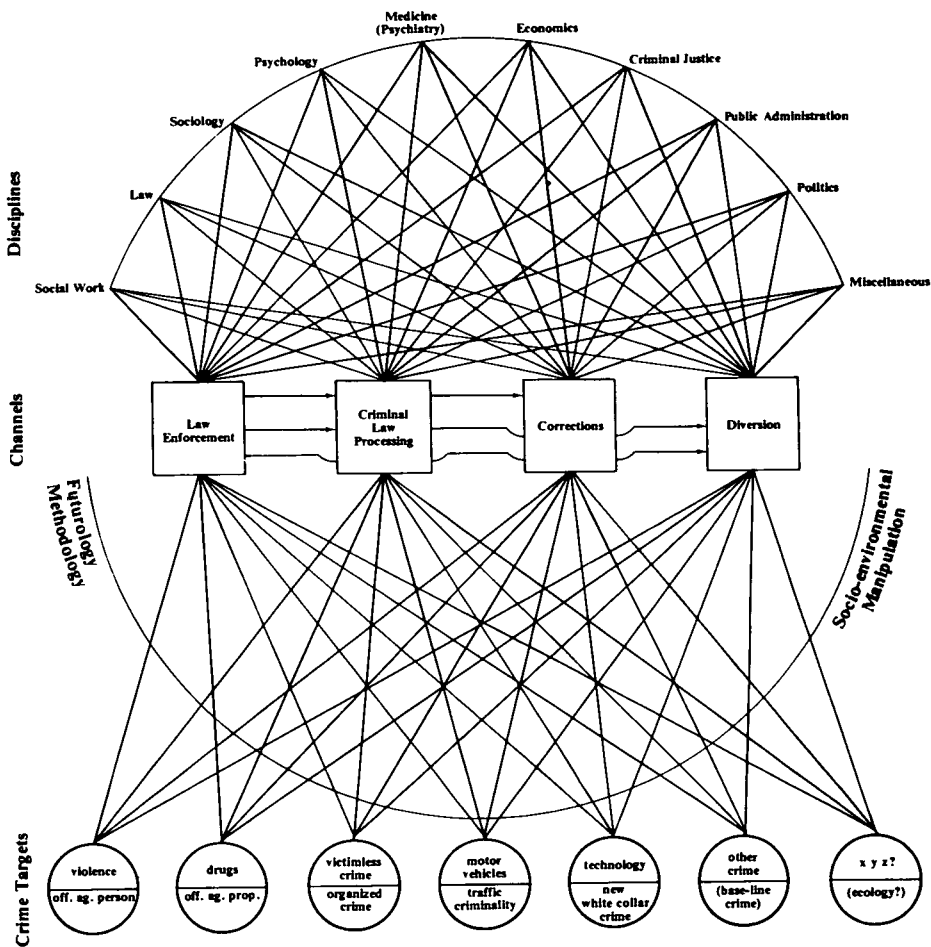
III. METHODS OF IMPLEMENTATION: A THEORETICAL FRAMEWORK

For purposes of describing methods of implementing the foregoing recommendations and, specifically, for attacking the manpower problem, it is useful to employ the following three-level structure of the criminal justice system. The center level consists of a functional organization of criminal justice activities. The upper level consists of the disciplinary educational expertise

¹⁶See Tenney, *Education for Law Enforcement*, 4 TRIAL 11 (1968).

which is needed by specific functionaries of the system. The lower level represents the targets of criminal justice intervention or crime prevention in the various spheres. With reference to Figure 1, these three levels are labelled "Channels," "Disciplines," and "Crime Targets" respectively.

FIGURE 1



A. Functional Organization: The Channels

The criminal justice system is here understood to comprise all activities concerned with crime prevention, control, and offender treatment. These include public and private activities, line duties as well as housekeeping, planning, and educational functions. At this moment employment data and expenditure

figures are known only for public employment and governmental activity. It may be surmised that in some areas, such as law enforcement, one might double the public manpower and expenditure figures in order to approximate total employment and expenditure data.¹⁷ The criminal justice functions can be organized in terms of four channels.

Channel I represents the sphere of law enforcement, with preventive, investigative, oppressive, deterrent, and executive purposes. The chief functionaries of this channel, obviously, are the officers of law enforcement. The law enforcement channel is characterized by an annual governmental budget of \$4,491,285,000, or 59.2 percent of the total national expenditure for the criminal justice system. There are 548,241 federal, state, and local employees within the law enforcement channel.

Channel II represents the sphere of criminal law processing, in terms of the norms of prohibition and processes established by penal codes and codes of criminal procedure. The functionaries of this channel, for the most part, are law-trained officers and paraprofessionals. The criminal law processing channel is characterized by an annual public expenditure of \$1,477,955,000, or 19.1 percent of total national expenditures for the criminal justice system. This figure excludes the cost of private criminal defense activities. There are 151,365 employees at all levels of government within the criminal law processing channel (104,687 in the judicial system, 42,976 in prosecution, and 2,175 in public defense).

Channel III deals with individuals who are being retained in the formal criminal justice system and who, having been adjudicated guilty, are now subject to the dispositional and correctional authorities of the state. The corrections channel is characterized by an annual public expenditure of \$1,623,745,000, or 21.4 percent of the total national budget for the criminal justice system. This does not include the cost of private diversion activities. There are 152,049 employees within the corrections channel.¹⁸

¹⁷Approximately 40,000 guards, watchmen and other security personnel are currently employed in N.Y. City alone, in other words, a number by far exceeding the number of police personnel. For the nation as a whole, according to a Rand Corporation study, there may be as many as 290,000 private security personnel employed—compared with a public payroll (October 1970) of 383,015—at a private annual income of \$2.5 billion, as compared with a public expenditure of \$4.5 billion. Burnham, *Study is Planned of Guards in City*, N.Y. Times, Apr. 8, 1973, at 47, col. 1.

¹⁸U.S. DEPARTMENT OF JUSTICE, L.E.A.A. NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE, EXPENDITURE AND EMPLOYMENT DATA FOR THE CRIMINAL JUSTICE SYSTEM (1969-70) (1972).

Channel IV represents the newly discovered sphere of diversion and decriminalization. It offers alternatives to the other three channels in that it deals with deviants after removing them from the formal system of criminal justice at any given stage of the process. At this point there is no data available reflecting the national manpower commitment and dollar expenditure in this field. It may be surmised that the number of employees in diversion programs, public and particularly private, may have grown from near zero as late as 20 years ago to a figure comparable to the number of employees in the corrections channel.

The type and intensity of training obviously will vary with the job descriptions within each of the four channels. Thus, models must be constructed on the basis of both traditional and expected modes of employment within each channel. For the law enforcement channel, employment extends from semi-skilled labor, through blue collar specialization to professional education in management, law, medicine, computer science, and other disciplines. In contrast, existing models of the criminal law processing channel usually do no more than distinguish between judicial, prosecutorial, and defense activities. A much more sophisticated breakdown must be constructed as to function and needed educational input. This would include law professionals, management professionals, investigators, systems specialists, and the like. The employment categories in the corrections and diversion channels are likely to be equally or even more multifarious.

B. *Disciplinary Educational Expertise: The Upper Level*

Each of the four channels of the criminal justice system needs personnel trained to various degrees of sophistication in terms of university years of education in various disciplines, and in combinations of disciplines. Figure 1 identifies eight major disciplines for potential educational input to the training of functionaries in the system. These include social work, law, education, behavioral-social sciences, medicine, economics, criminal justice (police), public administration, and politics. It seems impossible to imagine any functionary of any channel of the system not having a certain amount of sophistication in all of these disciplines. Yet, the functionary's station and purpose within the system are, of course, determinative of the "mix" and intensity of training needed within the various disciplines.

C. *The Targets of Criminal Justice Intervention: The Lower Level*

The targets of criminal justice intervention are the crime problems which our nation—any nation—must confront at this moment or at any other moment in the future. For purposes of this article, we have identified seven targets or typologies of criminal justice intervention, of which we have already mentioned the four extraordinary ones:

(a) The scandalous problem of violence, attributable to whatever historical forces, is probably this nation's foremost target for criminal justice intervention. The citizens of this nation appear to be armed to the teeth. The resulting crime index of offenses against the person is intolerable when contrasted with the experience of any other civilized society.¹⁹

(b) The spread and consumption of drugs in this nation appears to be more prevalent than in any other society known to history. The type of addiction and the cost of production and distribution of the most widely used addictives are such that the life style of an addict is very expensive. The citizenry no longer feels secure in the possession of their personal property, attributing the high incidence of property offenses, in part, to the high cost of drugs.

(c) As a result of a national commitment to the preservation of puritanical standards, some of the major pleasure objects and some apparent necessities in modern life have been barred from the market economy and have become black market items. These objects include not only commercialized vice, gambling, alcoholic beverages, off-hour services of any kind, but also arms and other products and services which government has largely eliminated from the market or rendered prohibitively expensive. These prohibitions result in the so-called victimless crimes and, at least since World War I, syndicates in the nature of organized crime have formed to supply such items. Thus, victimless crime

¹⁹By way of example, the United States reports 16,000 criminal homicides annually; while England, Japan, and West Germany, with a combined population approximately equal to the United States, report a total of 250 criminal homicides.

and organized crime have become but two sides of the same coin.²⁰

(d) The widespread use of automobiles in the United States has resulted in the misuse of the motor vehicle for criminal purposes. More criminal fatalities are attributable to motor vehicle abuse than to any other homicidal agencies.²¹ Also, virtually any form of crime is aided by the availability of motor vehicle transportation.

These references to America's four "special crime problems" have nearly obscured our standard crime problems. These standard problems comprise a fifth typology:

(e) The type and amount of crime regarded as tolerable by any democratic nation are measured in terms of those particular crimes which society attempts to control by conventional law enforcement and prevention. These crimes include homicide, robbery, burglary, larceny, and other common offenses.

Beyond these five clearly ascertainable, existing crime typologies, several others are probably in the making:

(f) The United States is the world's most technologically advanced nation, and it is beginning to experience an influx of technologically determined crime, ranging from credit card frauds to theft from computer banks and the theft of government secrets. The potential increase in this type of crime is vast, and is dependent entirely on further technological development.

(g) Along these lines, it may be suggested that as yet unforeseen developments may occur which will confront tomorrow's law enforcement machinery with totally unpredictable problems, particularly in the area of ensuring the survival of mankind by protecting the environment.

The conceptualization of criminal justice tasks in terms of target areas, as outlined above, is somewhat novel and represents the authors' judgment of national priorities. It is entirely conceivable that any concentrated research effort will lead to a reconcep-

²⁰E. SCHUR, *CRIMES WITHOUT VICTIMS—DEVIANT BEHAVIOR AND PUBLIC POLICY* (1965).

²¹W. MIDDENDORFF, *THE EFFECTIVENESS OF PUNISHMENT, ESPECIALLY IN RELATION TO TRAFFIC OFFENSES* (1968).

tualization of these targets, with an ultimate return to some of the orthodox methods of analyzing the gravity of crime problems. These orthodox methods include the Wolfgang-Sellin Index²² and the typologies discussed by Ferdinand²³ and Clinard-Quinney.²⁴ It is contemplated, however, that for at least the early stages of manpower research, all representatives of the channels will adhere to the above-outlined target area conceptualization, subject to later review and reconceptualization.

IV. EFFECTUATING A MANPOWER DEVELOPMENT PLAN: THE EXAMPLE OF THE NARCOTICS PROBLEM

The foregoing discussion makes it abundantly clear that construction of a national manpower development scheme for criminal justice is an exceedingly complex problem. This would be true even if the nation's crime situation were to remain static, but experience tells us that crime is a most dynamic phenomenon which can shift focus, direction, emphasis, and intensity due to factors whose significance is as yet unfathomed. A national plan would require fairly accurate trend prediction for each of the four channels, each of the eight disciplinary inputs, and for each of the seven typological targets. Additionally, the focus of diversion and techniques of socioenvironmental manipulation must be explored further as a possible alternative to the criminal justice system.

At this time there is insufficient research and data to estimate the manpower problem with respect to any of the channels, disciplines, or targets. Simply by way of demonstration, the authors present below a very tentative outline for a blueprint of educational needs with respect to the target area of drug offenses and their resulting property offense typology.²⁵

The current criminal justice approach to handling the drug abuser has been plagued by ineffective management of the professional persons and other manpower who have recently entered this problem area. One thing is certain: the legal model alone is insufficient. We are in need of alternatives based on medical and

²²T. SELLIN & M. WOLFGANG, *THE MEASUREMENT OF DELINQUENCY IN NEW YORK* (1967).

²³T. FERDINAND, *TYPLOGIES OF DELINQUENCY—A CRITICAL ANALYSIS* (1966).

²⁴M. CLINARD & R. QUINNEY, *CRIMINAL BEHAVIOR SYSTEMS—A TYPOLOGY* (1967).

²⁵For a discussion of the relationship between crime and addiction, see Chambers, Moffett & Jones, *Demographic Factors Associated with Negro Opiate Addiction*, 3 INT'L J. OF ADDICTIONS 329 (1968); Pierce, *Delinquency and Heroin Addiction in Britain*, 9 BRITISH J. OF CRIMINOLOGY 108 (1969).

psychosocial intervention in drug abuse.²⁶ Consequently, we must reassess the role of the adversary legal system as the major arena in which drug abusers and suppliers are affected, and this may necessitate the development of an eclectic model which includes pertinent features of the traditional models. All the related disciplines should be involved in the development of manpower for appropriate use in the various channels. Training modalities in the areas of law, criminal justice, sociology and social work, economics, politics and public administration, education, and medicine (especially epidemiology) should be geared not only to the preventive and reactive approaches to drug problems, but also to the development of "specialist (drug) specialists" within each field. This would be compatible with a criminal justice system in which solutions to drug abuse are designed to attack the initial source of supply (preventive) and to salvage and rehabilitate the victims of the source (reactive). In order to implement these alternative models, many persons within the criminal justice system, including generalist lawyers, must be specially trained, and new areas of expertise must be cultivated.

A. *The Police and Law Enforcement Channel*

Although it may be presumed that law enforcement personnel will be decreasingly involved with the addict—as they have been decreasingly involved with the chronic inebriate—the police, nevertheless, need more sophisticated methods of dealing with drug users since they will undoubtedly continue to encounter them on the street and in crisis intervention. Special training of the police should include some basic information for distinguishing drugged states from the effects of alcohol or from epileptic states. Some community coordination will also be required for integrating into the policeman's training a knowledge of the social services and drug treatment modalities available, and for fostering his working relationship with them. If properly trained in drug abuse and its effects, as well as in communicating with the public, especially the young, the police might also serve as a valid social agency and tool of education. Their efforts might be integrated with those of lawyers and other professionals recruited for this purpose.

²⁶For a discussion of whether society should replace punishment of addicts with treatment see N. KITTRIE, *THE RIGHT TO BE DIFFERENT* (1971). See also Szasz, *The Ethics of Addiction*, 128 AM. J. PSYCHIATRY 541 (1971).

Where the police will be involved in making arrests, particularly of the distributor, they will need more sophisticated legal training to improve the "quality" of the arrest. This will involve knowledge of drug laws, the laws of evidence, and of applicable constitutional provisions. In addition to making advance preparations for particular arrests, police who become involved in the systematic apprehension of distributors must rely on their knowledge of the drug subculture as it infiltrates neighborhoods. Enhancing the training and sophistication of local police may be best accomplished by tying them educationally and professionally into the larger network of state and federal law enforcement personnel.

B. *The Criminal Law Processing Channel*

It was not until fairly recently that the legal profession began to recognize the career potentials of the criminal justice system. This recognition is largely a product of a growing awareness among lawyers of the need for defense counsel during many stages in the criminal process. Lawyers are just now beginning to discover their possible functions in the criminal justice planning and corrections fields.

It is often estimated that by 1980 there will be a surplus of 200,000 lawyers in America.²⁷ Yet there are few lawyers who are properly trained for their current role in the criminal justice system. Depending upon whether one wishes to use a reactive, a preventive, or a hybrid approach to the crime problem, lawyers could be trained as either reactive specialists in litigation or corrections, or as preventive specialists, in which case their training would emphasize disciplines such as urban planning, social and welfare law, tax and labor law in addition to criminal justice planning and criminology. The optimum mix of training in these areas must be determined for each type of justice specialist. Neophyte lawyers could attain some degree of specialization during the three year law school program, but for some forms of specialization, notably those of an executive nature, some postgraduate training may be required.²⁸ Additionally, many lawyer-specialist jobs could be performed by paraprofessionals who need less than three years of formal legal education. In short, we must begin to

²⁷See Rosenberg, *Keynote Address to the Association of American Law Schools*, THE COLUMBIA LAW OBSERVER, Feb. 5, 1973, at 1. See also Hine, *Lack of Programs Overrides Job Plans of Aspiring Lawyers*, Philadelphia Inquirer, Feb. 12, 1973, § 14, at 1.

²⁸See II E. JARMEL & R. YEGGE, CONFERENCE REPORT ON NEW CAREERS (1972).

acknowledge that functionalism and flexibility, rather than doctrinal structures and disciplinary isolationism, will better serve the training of legal specialists.

In the specific context of the narcotics problem, the training of lawyers must increasingly embrace the social sciences. Courses in the epidemiology of drug abuse must be paired with courses in drug law. A knowledge of drug law and an increasing sophistication in this area is demanded as more and more new behavior becomes governed by statutory law. But the reality of changing times and changing practices in heroin and soft drug abuse are shifting focus away from certain areas and toward others, and these shifts will constantly alter the conception of what is and what is not a legal problem. A system of legal adaptability may well serve to divert the present oversupply of generalist attorneys into research roles to be coordinated with the efforts of social scientists. With this adaptability, legal specialists may begin to contribute to an understanding of changes in drug abuse.

Geared more to prevention than to reaction, lawyers with drug expertise can be utilized at the grass roots level to educate the public and to disseminate intelligent information in schools, to social agencies and, most importantly, to the police. A vast pool of manpower would be available if generalist attorneys were better educated in drug abuse during their law school training. District attorneys and public defenders, as well as judges, could benefit from an awareness of supportive social services available to the first offender or casual drug abuser and from a knowledge of the drug subculture itself. Such knowledge is crucial if such actors in the criminal justice system are to make sensible referrals. Moreover, in the area of courtroom litigation, prosecutors must participate, via legal channels, in local, state, and national campaigns to attack the primary sources of illicit drug supply and distribution.

There is a need for specific legislation to provide the courts with reasonable alternatives to sentencing the drug abuser to prison. This legislation should permit courts the option of criminal prosecution or mandatory admission to an appropriate rehabilitative program in lieu of prosecution. The offender should have the option of discontinuing the treatment program and requesting disposition under the court system. Judges will need training in available treatment options and much more access to expert opinion and testimony on a nonadversary basis, designed to establish the truth rather than to further the gamesmanship

of law. Inservice training and consultant groups can provide a pool of information and expertise from which judges may gain a broader understanding of the problems of drug abuse.

C. *The Corrections Channel*

Presently, the placement of drug abusers in penal institutions without specific programs directed to their particular needs creates more problems than it solves. For instance, the disproportionate relationship between the number of prison inmates (240) attending drug programs in the state of Pennsylvania and the number of those incarcerated for drug possession and drug-related offenses (an estimated 3500 inmates within that state's prison system) underlines the great gap between what is available and what is sorely needed in the reform of drug treatment at the corrections level. Custody and maintenance of order continue to be the principal tasks of prison staffs, yet few would doubt that incarceration alone is an insufficient rehabilitative approach to drug addiction.

Under present conditions, institutions usually do little more than move the criminal subculture of the street indoors. For many of the inmates, the drug scene is much like the corner where they once lived. "Square John" values are ridiculed, heroin use glamorized, and most of the addict inmates are biding their time waiting to get back to a "good fix." All this suggests there are major and inherent difficulties in attempting a therapeutic management of the drug abuser in the present prison situation.

One of the chief problems in correctional approaches to drug abuse is the fact that prisoners who are undergoing treatment are ridiculed by fellow inmates who do not cooperate with the "system." Therapy is also hampered by the fact that men are enrolled in programs—few as they are—not because they seek help with their drug problem, but usually to impress the parole board with their intentions to lead a drug-free life. In this sense, many of the inmates use prison drug programs mainly as a mechanism to get back on the street. Those inmates who do become "involved" have expressed doubts about restraints placed upon the therapist which threaten the professional secrecy of the patient/therapist relationship.

Besides lack of motivation, fear of ridicule, and distrust of the therapeutic staff, many of the inmates express a firm belief that they have been incarcerated for punishment, not for treatment. Since there is a high correlation between positive attitudes

toward therapy and successful outcome,²⁹ there is little wonder at the failure of our present system. Research which has been carried out within institutions demonstrates that treatment has been clearly unsuccessful and, in the words of one project director, results in a "well-adjusted, well-educated dope fiend."³⁰

From all of this, it may be concluded that the present system of corrections has proved an inadequate response to the impulsive, competitive behavior exhibited by drug abusers. There are certain alternatives to this approach, and many modalities which should be considered in the treatment of drug abusers. Among them are residential, nonresidential, and religious therapeutic communities, group therapy, individual counseling, chemotherapy, and a multi-modality approach.³¹ Depending upon the degree of the problem and whether or not the offender should be institutionalized or placed in a halfway-type situation, one of these modalities should be a viable alternative to prison.

To move in these directions, manpower training for corrections must be completely revamped. By way of example, it is clear that in the future many correctional facilities will be small, supervised, community based, residential therapeutic communities. For these, supervisors will need specialized training in the complexities of operating such facilities and in the resocialization and rehabilitation of addicts. For the more serious offenders who must be maintained in prisons, the question of treating drug addicts serving their sentences is crucial. New therapeutic techniques specially devised for a prison setting must be formulated and implemented. Presently, after-care of released addicts is virtually nonexistent.³² Most of them return to the street, and al-

²⁹Orne & Wender, *Anticipatory Socialization for Psychotherapy: Method and Rationale*, 124 AM. J. PSYCHIATRY 1202 (1968).

³⁰Sloane, Cristol, Pepernik & Staples, *Role Preparation and Expectation of Improvement in Psychotherapy*, 150 J. NERVOUS AND MENTAL DISEASE 18 (1971).

³¹For additional references on treatment modalities see Brill & Meiselas, *The Treatment of Drug Abuse: Experiences and Issues*, in L. BRILL & E. HARMS, YEARBOOK OF DRUG ABUSE 128 (1973); R. GLASSCOTE, J. SUSSEX, J. JAFFE, J. BALL & L. BRILL, THE TREATMENT OF DRUG ABUSE, WASHINGTON, D.C. (1972).

³²The importance of compulsory supervision at this point is well documented by George Vaillant in his twelve year followup of young, male, New York City addicts after their release from the U.S. Public Health Service hospital in Lexington, Kentucky. The high correlation between surveillance and abstention—47 percent of the abstainers have received at least a year of supervision, as opposed to 9 percent of the persons released who remain chronic addicts—lead the investigator to conclude that probation and parole are significant positive factors in the adjustment. Vaillant, *A Twelve-Year Follow-up of New*

though there is a paucity of followup information, interviews suggest that they return to drugs almost immediately. In a study of post-release experience of federal prisoners, Daniel Glaser found that four-fifths returned to the metropolitan area where they lived at the time of their last conviction, and approximately half returned to the same neighborhood within that area.³³ Of those who returned to their old neighborhood, 98 percent contacted old friends within the first 6 or 7 weeks out of prison. This is a serious threat to whatever therapeutic gains the addict has made during his confinement.

These observations suggest that new types of parole mechanisms are necessary, and these, in turn, demand new training of parole and probation officers. Minimally, such officers should be able to detect an addict's return to drugs. Moreover, they should know what drug-free programs are available in the community and which programs might be best suited to the needs of particular addicts. Above all, parole and probation officers, besides needing a firm knowledge of the personality characteristics of drug users and of the drug subculture, must be aware of the best uses of any ancillary services which are available, particularly those in medicine, family therapy, and vocational counseling. At the same time that probation and parole people are functioning as agents of freedom and liberation, they must be equipped to achieve a proper blending of permissiveness and coercion in their dealings with ex-inmate addicts. Such addicts often *need* to be coerced or threatened by a return to prison before they will abide by regulations intended ultimately to help them. Because of this, and since parole and probation officers are involved in what is essentially a resocialization process, they also need more training in the areas of psychiatry and sociology, with specific reference to the problems of drug abuse.³⁴

D. *The Diversion and Decriminalization Channel*

For purposes of this brief survey, it will suffice to point out that the various modalities, just discussed for dealing with the drug problem within the criminal justice system, can also be used independent of that system. Thus, if one agrees that criminaliza-

York Addicts: IV, Some Characteristics and Determinations of Abstinence, 123 AM. J. PSYCHIATRY 573 (1966).

³³D. GLASER, *THE EFFECTIVENESS OF A PRISON AND PAROLE SYSTEM* 487 (1964).

³⁴See F. ADLER, A. MOFFET, F. GLASER, J. BALL & D. HORVITZ, *THE TREATMENT OF DRUG ABUSE: THE PENNSYLVANIA EXPERIENCE* (1973).

tion of drug behavior is detrimental or at least not helpful to a solution of the problem, the system should decriminalize drug behavior or certain types of such behavior. At the very least, it should divert certain drug offenders into civil or totally extralegal agencies.

Obviously, the personnel of such agencies needs considerable expertise in handling drug addicts with the bulk of such training concentrated in social work, medicine, and other behavioral and social sciences. But still some knowledge of alternatives within the legal or criminal justice system and referral thereto must be part of the training of criminal justice specialists.

E. The Focus of Socioenvironmental Manipulation and Social Engineering

According to the theories being developed in the area of socioenvironmental manipulation, it is possible to *prevent* many of the problems which now plague the criminal justice system. Just as increasingly high and dangerous speeds can be prevented by putting governors on automobiles, the theories of social and environmental manipulation suggest that the drug problem may be prevented before it begins, or, at this late stage, the cause of its existence may be eliminated. Thus, special governmental efforts to increase full employment and professional advancement opportunities among those population segments which contain large numbers of addicts might significantly decrease the addict population. Short of such vast efforts at removing the very criminogenesis of hard-drug addiction, many smaller scale efforts are possible.

Our government is already experimenting with such socioenvironmental manipulations as crop support for Turkish farmers, in hopes that they will abandon poppyseed crops in favor of sugar beets or alfalfa. Potentially this may reduce the heroin flow into the United States. But such a strategy points to the caution needed in socioenvironmental manipulation: the crop supports might admittedly inhibit the illicit import of heroin, only to increase its price to the addict. Some addicts might find their habits too costly to support and choose rehabilitation instead, but others might simply increase their criminal activity to meet the inflationary spiral.

Research efforts are now underway to discover antabuse-type innoculants designed to immunize individuals against heroin

abuse. But ultimately, a more exact identification of the social roots of drug addiction is necessary before the techniques of socioenvironmental manipulation may operate effectively to eradicate these roots.

All disciplines promise some contribution to the development of socioenvironmental manipulation. If this approach is to solve many of the problems now assigned to the criminal justice system, the people assuming these tasks must be expert in any of several disciplines, and they must thoroughly understand the current system of criminal justice, its burdens, and its failures.

CONCLUSION

Our analysis calls for the creation of a vast national effort to deal with the criminal justice problems of today and those of tomorrow. The success of the effort seems to depend on a number of ingredients, including (1) adequate manpower to make projections, (2) adequate manpower for effective planning, (3) adequate manpower to establish training systems, and (4) funding to effectuate controlled change. At this point, we do not know whether we have the manpower for the first three tasks. We definitely do have the national capacity, if not the commitment, to expend funds for such manpower projects, in preference to the type of funding prevalent in the last few years. This past funding has been devoted primarily to developing hardware and to dealing with problems whose causes have not been properly understood. To paraphrase the old adage that right must not only be done but that it must also be seen to be done: government must not only seem to be done—by the maintenance of vast apparatus to deal with criminal justice problems—it must also actually be done by competent personnel who will train more competent personnel to solve the crime problems of the future.