Test Bank for Justice Administration 10th Peak

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Online Instructor's Manual and Test Bank

to accompany

Justice Administration: Police, Courts, and Corrections Management

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10th Edition

Kenneth J. Peak

University of Nevada, Reno

Boston Columbus Indianapolis New York San Francisco

Hoboken Amsterdam Cape Town Dubai London Madrid Milan Munich Paris Montreal

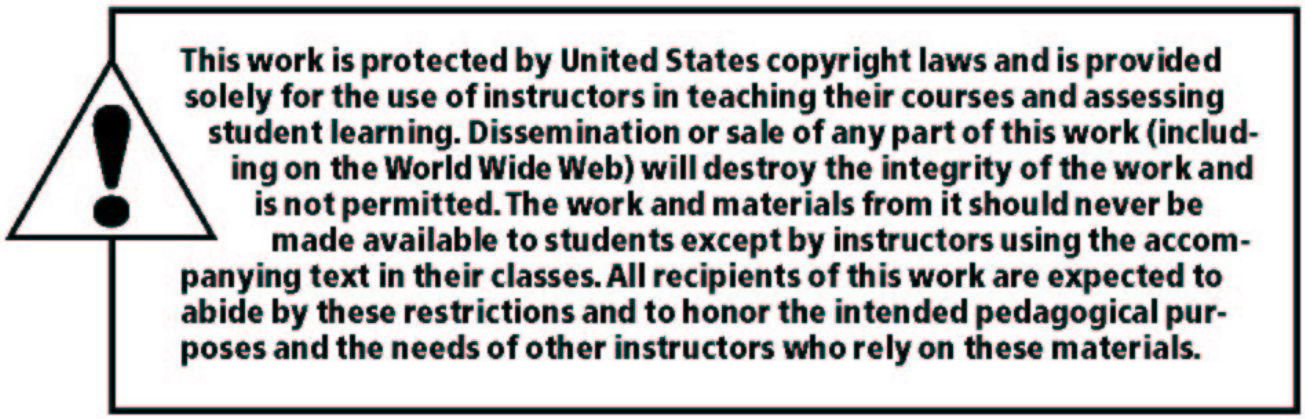
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Contents

Syllabus vi

Tentative Course Schedule/Outline viii

Part 1: Justice Administration: An Introduction

Chapter 1 1
The Study and Scope of Justice Administration 1

Chapter 2 6
Organization and Administration: Principles and Practices 6

Chapter 3 12
Rights of Criminal Justice Employees 12

Part 2: The Police

Chapter 4 18
Police Organization and Operation 18

Chapter 5 24
Police Personnel Roles and Functions 24

Chapter 6 30
Police Issues and Practices 30

Part 3: The Courts

Chapter 7 36
Court Organization and Operation 36

Chapter 8 40
Court Personnel Roles and Functions 40

Chapter 9 44
Court Issues and Practices 44

Part 4: Corrections

Chapter 10 50
Corrections Organization and Operations 50

Chapter 11 57
Correctional Personnel: Roles and Functions 57

Chapter 12 64
Corrections Issues and Practices 64

Part 5: Issues Spanning the Justice System

Chapter 13 70

Ethical Considerations 70

Chapter 14 75
Special Challenges: Discipline, Civil Liability, Labor Relations 75

Chapter 15 81
Financial Administration 81

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Chapter 16 85
Selected Challenges Mass Murder, Immigration, and the Cyber Threat 85

Chapter 17 89
Technologies and Tools: Toward Addressing Crime and Disorder 89

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Chapter 1 The Study and Scope of Justice Administration 94

Chapter 2 Organization and Administration Principles and Practices 108

Chapter 3 Rights of Criminal Justice Employees 123

Chapter 4 Police Organization and Operation 137

Chapter 5 Police Personnel Roles and Functions 151

Chapter 7 Court Organization and Operation 178

Chapter 8 Court Personnel Roles and Functions 196

Chapter 9 Court Issues and Practices 211

Chapter 10 Corrections Organization and Operation 229

Chapter 11 Corrections Personnel Roles and Functions 250

Chapter 12 Corrections Issues and Practices 268

Chapter 13 Ethical Considerations 287

Chapter 15 Financial Administration 321

Chapter 16 Protecting the Homeland: Foremost Challenges for Police Chief Executives 334

Chapter 17 Technologies and Tools: Toward Addressing Crime and Disorder 346

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SYLLABUS

(Place course number, course title, semester and instructor here)

(This suggested syllabus is based on either a 10- or 16- week semester. The Tentative Course Schedule/Outline may be modified to accommodate other schedules)

Course Information

Course Date:	(Place term here)
Course Meeting Times:	(Place meeting times here)
Course Location:	(Place room{s} here)
Course Type:	(Indicate whether web-enhanced, hybrid or online)
Instructor Information:	(Place instructor name, office location, office hours, phone and email address here.)
Course Description:	(Place catalog description here)
Credit/Contact Hours:	(From standard, be sure this is the total for the course)
Prerequisites:	(From institution standards)
Competency Areas:	(From standards. Competencies and Learning Outcomes should be listed. The learning domains and levels of learning do not have to be included, but they may be included.)

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Textbook & Materials

Textbook Title:	Justice Administration, Police, Courts and Corrections Management, 10th edition
Author(s):	Kenneth J. Peak
Publisher:	Pearson
Materials:	Required - (Place here) Suggested - (Include any items not mandatory for the course but that could be helpful to the student.)

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Tentative Course Schedule/Outline (10 weeks)

Date	Topic(s)	Chapter
Part 1 Week 1	• Course Introduction • Course Syllabus/Policies • The Study and Scope of Justice Administration • Organization and Administration	Chapters 1–2
Week 2 **Part 2**	• Rights of Criminal Justice Employees • Police Operation and Organization • Police Personnel: Roles and Functions	Chapters 3–5
Week 3 **Part 3**	• Police Issues and Practices • Court Organization and Operation	Chapters 6–7
Week 4	• Court Personnel: Roles and Functions • Court Issues and Practices	Chapters 8–9
Week 5 **Part 4**	• Corrections Organization and Operation • Corrections Personnel: Roles and Functions • Corrections Issues and Practices	Chapters 10–12
Week 6	• Ethical Considerations • Special Challenges	Chapters 13–14
Week 7 **Part 5**	• Financial Administration	Chapter 15
Week 8	• Selected Challenges: Mass Murder, Immigration, and the Cyber Threat	Chapter 16
Week 9	• Technologies and Tools: Toward Addressing Crime and Disorder	Chapter 17
Week 10	Final Exam	

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Tentative Course Schedule/Outline (16 weeks)

Date	Topic(s)	Chapter
Part 1 Week 1	• Course Introduction • Course Syllabus/Policies • The Study and Scope of Justice Administration	Chapter 1
Week 2	• Organization and Administration	Chapter 2
Week 3	• Rights of Criminal Justice Employees	Chapter 3
Part 2 Week 4	• Police Operation and Organization	Chapter 4
Week 5	• Police Personnel: Roles and Functions	Chapter 5
Week 6	• Police Issues and Practices	Chapter 6
Part 3 **The Courts** Week 7	• Court Organization and Operation • Court Personnel Roles and Functions	Chapters 7–8
Week 8	• Court Issues and Practices	Chapter 9
Week 9	• Midterm Exam	
Part 4 **Corrections** Week 10	• Corrections Organizations and Operation	Chapter 10
Week 11	• Corrections Personnel Roles and Functions • Corrections Issues and Practice	Chapters 11–12
Week 12	• Ethical Considerations • Special Challenges	Chapters 13–14
Part 5 **Issues Spanning the Justice System** Week 13	• Financial Administration	Chapter 15

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Week 14	• Selected Challenges: Mass Murder, Immigration, and the Cyber Threat	Chapter 16
Week 15	• Technologies and Tools: Toward Addressing Crime and Disorder	Chapter 17

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Chapter 1

The Study and Scope of Justice Administration

CHAPTER OVERVIEW

This first chapter explains in more detail this book's purposes and general approach, and why it is important and essential to study criminal justice administration. Included are discussions of the criminal justice system itself—whether or not there is a true "system" of justice, how and why the U.S. justice system was founded, and some differences between public and private administration.

CHAPTER OBJECTIVES

- Explain and distinguish between the concepts of administration, manager, and supervisor.
- Understand and distinguish among criminal justice process, network, and non-system.
- Understand system fragmentation and how it affects the amount and type of crime.
- Understand consensus and conflict theorists and their theories.
- Understand the two goals of the U.S. criminal justice system (CJS).
- Distinguish between extrinsic and intrinsic rewards and how they relate to the CJS.
- Explain the differences between planned change and unplanned change in an organization.

LECTURE OUTLINE

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I. Introduction

A. The overarching theme of this book is that administration is far too important than to be left to on-the-job training or to one's personal idiosyncrasies and ideals.

B. Concisely put, today's leaders must know their people, the current trends and issues of the day, how to deal with related challenges.

II. A True System of Justice?

A. A Criminal Justice Process?

1. The decisions and actions by an institution offender, victim or society that influence the offender's movement into, through, or out of the justice system.

B. A Criminal Justice Network?

1. A view that the justice system's components cooperate and share similar goals but operate independently and compete for funding.

C. A Criminal Justice Nonsystem?

1. The view that police, courts, and corrections agencies do not function harmoniously, it is not efficient, and does not create a fear of punishment

2. System fragmentation

D. Or, Is It a True Criminal Justice System?

E. From Nonsystem to System: Redefining Performance Measures

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III. The Foundations of Justice and Administration: Legal and Historical Bases

A. The Consensus versus Conflict Debate

1. Social contract: The belief that people are essentially irrational and selfish but are rational enough to come together to form governments for self-protection.
2. Consensus model: The view of the criminal justice system that assumes that all parts of the system work toward a common goal.
3. Conflict model: The view of the criminal justice system that holds that actors within the system are self-serving, resulting in fragmented efforts.

B. Crime Control vs. Due Process

1. Due Process: accused is presumed innocent and have their rights protected.
2. Crime Control: accused is presumed guilty and receives swift punishment

IV. Public versus Private Sector Administration

A. Private-sector organizations use extrinsic (external) rewards to motivate and reward their employees

B. People working in the public sector must achieve job satisfaction primarily through intrinsic (internal) rewards.

V. Planned Change and Policymaking in Justice Administration

A. Planning Interventions

1. Planned change: rational approach to planning that involves problem analysis, setting goals, program and policy design, action plan, and monitoring and evaluation.
2. Policy making

B. Force-field analysis involves three steps:

1. Identifying driving forces (those supporting change) and restraining forces (those resisting change)
2. Analyzing the forces identified in Step 1
3. Identifying alternative strategies for changing each force identified in step 1; focus on reducing forces of resistance

C. Consequences of Not Planning for Change

LIST OF CHANGES/TRANSITION GUIDE

- Expanded discussion of crime control versus due process
- Preview of reactionary changes in the CJS due to the global pandemic
- New Deliberate and Decide on the college admissions scandal

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ADDITIONAL CLASS ACTIVITIES

Attitudes Towards the Criminal Justice System in the U.S.

Consider discussing how the general public views the problem of crime in the U.S. and the American criminal justice system. Data from a number of national public opinion polls are available online.

Explain how attitudes and opinions may be affected and distorted by the news and entertainment media. The news media tends to focus extensively on crime, as stories about crime and the criminal justice system generate high ratings. The overemphasis on crime-related issues may give viewers an inflated impression of the true nature of the crime problem in the U.S.This is exacerbated by the proliferation of crime-related television programs, both dramas and so-called "reality TV," and by the increasing presence of crime in books, movies, video games, and the internet. Emphasize that the line between fiction and reality has become blurred for many people.

Class Discussion on the Crime Control versus Due Process Models of Criminal Justice

The text discusses two primary goals of American criminal justice: the need to enforce the law and maintain order and the need to protect people from injustice. Consider facilitating a discussion regarding these two goals. Key issues for debate could include:

- Which of the two goals is currently the primary focus of American criminal justice and why?
- Do you think the current situation is appropriate? Consider debating the relative importance of the two goals.
- Could the two goals be met simultaneously?

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Class Discussion on the Importance of Studying Administration

Ask students to list their goals as future (or current) criminal justice employees. Discuss the importance of studying administration in the achievement of these goals.

Class Exercise on Force-Field Analysis

The text discusses Kurt Lewin's technique of force-field analysis. Discuss this in the context of criminal justice administration by presenting an example of a policy that a criminal justice system agency wants to implement and going through the key steps of the process in class.

Identify a criminal justice-related goal and have student identify driving forces that may support the goal and restraining forces that resist changes necessary to achieve the goal. Then identify which restraining forces may have the most significant impact on the situation and discuss whether these forces can be removed and if the removal of these forces would create sufficient change to allow the goal to be achieved. If these forces cannot be removed, discuss whether they could be mitigated, or whether there are other restraining forces that might be removed to help achieve the goal. Next, look at the driving forces and discuss whether their impact could be increased so as to offset the restraining forces. Also consider whether additional driving forces could be created.

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Examples that could be analyzed include:

- Implementing a new rehabilitation program in a prison
- Starting up a drug court (or other specialty court)
- Opening a residential treatment center for people with substance addictions in a local community
- Implementing police foot patrol in the downtown entertainment district on evenings and weekends

INDEPENDENT STUDENT ACTIVITIES

1. Have students contact criminal justice practitioners and academics and obtain their opinions about the following issues:
    - Do we have a true "system" of justice?
    - What is the extent to which a professional rapport exists between practitioners in different agencies within the local justice system?
    - How well do cases seem to flow through the system?
    - To what extent do they believe that human and financial resources are distributed equitably among agencies?
2. Have students interview executives in both the private and public sector in order to ascertain differences in such areas as personnel (e.g., hiring and firing, rewards, discipline, and gratification), policies and procedures, and budgeting.
3. Have students' interview city and/or county managers and criminal justice administrators to determine how criminal justice policy actually is made.

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SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. Answers will vary.
2. Some of the legal and historical bases for a justice system in the U.S. include Jefferson's statements in the Declaration of Independence, Locke's theory of social contract, Hobbes' view of a social contract, and Rousseau's view of social conflict. The consensus model assumes that all parts of the criminal justice system work together toward a common goal. The conflict model holds that the actors within the criminal justice system are self-serving with pressures for success, promotion, and accountability which results in fragmented efforts. This debate has relevance with respect to the kind of justice system we have. It is also important to criminal justice administrators, who must keep their agencies towards the middle of the conflict-consensus continuum, so that people are not totally dependent upon their government for protection and can maintain enough control to prevent totalitarianism.
3. Private businesses are able to use extrinsic or external rewards to motivate and reward employees. However, public sector workers must achieve job satisfaction primarily through intrinsic or internal rewards. All people need to have some type of reward for their work, and all companies need to provide some type of reward to keep their employees happy which in turn aids the company in being successful.
4. SWOT stands for Strengths, Weaknesses, Opportunities, and Threats. This gathering of information is typically the first step in developing a strategic plan.

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5. Justice administrators must know how to plan, implement, and evaluate interventions that address problems in their organizations and systems while taking into account components such as time frame, target population, outcomes, and normative values—guiding assumptions about how the CJS ought to function. It involves problem analysis, setting goals and objectives, program and policy design, developing an action plan, and monitoring and evaluation.
6. Reactionary change is often poorly planned and implemented well. Prevention is better than responding to issues that have already occurred.
7. Answers will vary.

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Chapter 2

Organization and Administration: Principles and Practices

CHAPTER OVERVIEW

This chapter is one of the lengthiest in this book and is certainly one of the most essential chapters in terms of providing the foundation of administration—examines organizations and the employees within them and how they should be managed and motivated. The underlying theme is that administrators must know their people, and the chapter offers a general discussion of organizations, focusing on their definition, theory and function, and structure. Included are several approaches to managing and communicating within organizations.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Define organizations and the types of organizations.
- Understand the evolution of organizational theory, including scientific, human relations, systems, and bureaucratic management.
- Understand the major components of organizational structure, such as span of control and unity of command.
- Explain the uniqueness of communication within police organizations.
- Describe the primary components of communication, such as its process, barriers, cultural cues, and upward/downward/horizontal forms.
- Comprehend the primary leadership theories and skills, including the characteristics and skills of America's best leaders.
- Describe the challenges and implications of new generations of workers who are entering the workplace.
- Describe the rights and interests—and legal aspects—concerning both employees and employers regarding employees' personal appearance at the workplace.

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LECTURE OUTLINE

I. Introduction

A. This chapter examines how organizations and the employees within them should be managed and motivated.

II. Defining Organizations

A. Organizations

1. Social entity
2. Relatively identifiable boundary

B. Four different types of formal organizations have been identified by asking the question "Who benefits?"

1. Mutual benefit associations, such as police labor unions;
2. Business concerns, such as General Motors;

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3. Service organizations, such as community mental health centers, where the client group is the prime beneficiary; and
4. Commonweal (e.g., those that exist for the public good or welfare) organizations, such as the Department of Defense and criminal justice agencies, where the beneficiaries are the public at large. The following analogy is designed to help the reader understand organizations.

III. The Evolution of Organizational Theory

A. Scientific Management
   1. POSDCORB, an acronym for planning, organizing, staffing, directing, coordinating, reporting, and budgeting

B. Human Relations Management

C. Systems Management

D. Bureaucratic Management
   1. Rulification and routinization
   2. Division of labor
   3. Hierarchy of authority
   4. Expertise
   5. Written rules

E. Organizational Inputs/Outputs

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IV. Principles of Organization

A. Primary Principles
   1. Principle of the objective
   2. Principle of specialization
   3. Principle of authority
   4. Principle of responsibility
   5. Principle of definition
   6. The scalar principle
   7. Principle of correspondence
   8. Span of control

B. Span of Control and Unity of Command
   1. Chain of Command
   2. Organizational Pyramid

C. Closed versus Open Systems

V. Communication within the Organization

A. Import and Consequence
   1. Communication

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B. Process and Characteristics
   1. Encoding
   2. Transmission
   3. Medium
   4. Reception
   5. Decoding
   6. Feedback

C. Communicating in Police Organizations: Consequence, Jargon, and the Grapevine

D. Oral and Written Communication

E. Other Barriers to Effective Communication

F. Cultural Cues

VI. External Communications: Use of Social Media

VII. Leadership: Theories and Effective Practices

A. What is Leadership?

B. Trait Theory

C. Style Theory
   1. Autocratic leader
   2. Democratic leader
   3. Laissez-faire leader

D. Situational Leadership Theory

E. Leading from Behind

VIII. Characteristics and Skills of America's Best Leaders

A. Katz's Three Skills
   1. Technical skills
   2. Human skills
   3. Conceptual skills

B. 21st-Century Authentic Leaders

C. Leading in a Time of Crisis: The COVID-19 Pandemic

IX. Motivating Employees

A. The Hawthorne Studies

B. Maslow's Hierarchy of Needs
   1. Humanistic school of psychology

C. McGregor's Theory X/Theory Y

D. Ouchi's Theory Z

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E. Herzberg's Motivation-Hygiene Theory
   1. Maintenance or hygiene factors
   2. Motivational factors
F. Expectancy and Contingency Theories
G. Motivation through Job Enrichment

X. Preparing for Employees Now and in the Future: Generation Y

A. Changing Demographics and Mind-Set
B. Coming Challenges
   1. Finding them
   2. Training them
   3. Keeping them
   4. Body Art
   5. Technology
C. Becoming a Learning Organization

LIST OF CHANGES/TRANSITION GUIDE

- New section on leadership: effective theories and practices, which includes new material on "leading from behind"
- Leading in a time of crisis: the COVID-19 pandemic
- New material on Gen Z entering the workforce
- New Learn by Doing exercises on understanding a new generation of criminal justice employees

ADDITIONAL CLASS ACTIVITIES

Guest Speakers

Consider inviting a criminal justice administrator to speak to the class about their view of effective leadership styles and employee motivation, the challenges posed by having employees of diverse races and ages in the workplace, the problems and benefits resulting from communication in general (and the grapevine in specific), and some of the other matters covered in this chapter.

Other potential guest speakers could include an organizational theorist, a communications specialist, or a specialist in employee motivation.

Class Discussion on the Younger Generations in Law Enforcement

Many, if not all, members of the class will fall into one of the younger generations discussed in the text. Facilitate a discussion regarding the differences among these groups and the differences in how they view the workplace.

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Class Discussion on Leadership Styles in Policing

There are several types and styles of leadership discussed in the text. Facilitate a discussion regarding the merits and disadvantages of each.

INDEPENDENT STUDENT ACTIVITIES

1. Have students visit the human resources office of a local law enforcement agency to learn about policies relating to employee appearance issues, such as tattoos and piercings.
2. Place students in groups and assign each group an element or agency of the criminal justice system (police, courts, etc.) Have each group identify elements within that agency that fulfill the various needs outlined in Maslow's hierarchy of human needs. In addition, have them propose additional ways in which the agency might better provide employees with job-related satisfiers.

SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. An organization is defined as a consciously coordinated social entity, with a relatively identifiable boundary, that functions on a relatively continuous base to achieve a common goal or set of goals. Its function is to achieve the organization's goals. Structures will vary based on the organization's needs.
2. Organizational theory is the study of organizational designs and structures, the relationship of organizations with their external environment, and the behavior of administrators and managers within organizations. The history of management can be divided into three approaches: scientific management (1900–1940), human relations management (1930–1970), and systems management. Another key concept is bureaucratic management. Scientific management is a school of management thought that is concerned primarily with the efficiency and output of the individual worker. Human relations management in policing is the idea that management should instill pride and dignity in officers. Systems management combines features of the human relations and scientific management approach. The systems management is designed to bring the individual and the organization together, it attempted to help managers use employees to reach desired production goals. The systems management approach recognized that it was still necessary to have some hierarchical arrangement to bring about coordination, that authority and responsibility were essential, and that overall organization was required. Criminal justice organizations are bureaucracies because they are organized into specialized units, and the people interact within the organization and with external organizations.
3. A closed model system is consistent with Weber's view of a bureaucracy. In closed systems, organizational interaction with the outside environment is minimal. Open model systems are aligned with human relations management and are focused on participatory management. There is no clear answer to the question of which type of system is better – it depends on what values the agency emphasizes.
4. Situational leadership theory suggests that the best leadership style is situationally dependent. It assumes that leaders are most effective when they are adaptable. Leadership style is based on the interaction of task behavior and relationship behavior. There are four types of leaders. "Telling" leaders are high in task behavior and low in relationship behavior. "Selling" leaders are high in task behavior and high in relationship behavior. Participating" leaders are low in task behavior and high in relationship behavior. "Delegating" leaders are low in task behavior and low in relationship behavior.

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5. Theory Y is the management view that people are inherently like to work, seek greater responsibility, and are inherently motivated rather than by punishment. Ouchi's Theory Z further emphasizes the importance of participatory decision making in organizations. Theory Z has core elements that include collective decision making, job security, generalized understanding of organizational goals, emphasis on training, concern for employee's and individual responsibility for shared accomplishments.
6. Communication is the use of words and bodily cues to exchange information and express ideas to another person or group.
7. Answers will vary.
8. Generation Yers tend to be more loyal to agencies when they offer training for leadership positions. Generation Yers tend to be team oriented and technically sound. They expect education opportunities, balanced work and play life, and recognition on the job. They may need a workplace that is fun and flexible. Members of Gen Z are just beginning to enter the workforce and it is important for criminal justice hiring decision-makers to understand this group's views on work, and how to engage, collaborate, and retain them.

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Chapter 3

Rights of Criminal Justice Employees

CHAPTER OVERVIEW

After an overview of the relevant employment laws, we discuss recruitment and hiring issues, age discrimination, affirmative action, discipline and discharge, pay and benefits, and safe workplace issues. Then we examine constitutional rights of criminal justice employees as determined by the courts regarding free speech, searches and seizures, self-incrimination, religious practices, sexual misconduct, residency requirements, moonlighting, misuse of firearms, alcohol and drugs in the workplace, workplace harassment, and the Americans with Disabilities Act. Concluding with discussions over the authority of criminal justice administrators to govern employees' appearance and maintain dress codes.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Describe laws and rights affecting criminal justice employees.
- Delineate and describe several aspects and rights of the employment relationship, such as proper recruitment and hiring, disparate treatment, affirmative action, property rights, pay and benefits, and providing a safe workplace.
- Explain the elements of a due process claim under U.S. Section 1983.
- Define the impact of the Fair Labor Standards Act on criminal justice employees.
- Delineate the nature and impact of workplace harassment in criminal justice.
- Review the eligibility requirements for Family and Medical Leave Act benefits.
- Describe the Americans with Disabilities Act.
- Explain the authority of criminal justice administrators to govern employees' appearance and maintain dress codes.

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LECTURE OUTLINE

I. Introduction

1. Rights and obligations of criminal justice employees have changed dramatically.

II. Overview

A. Law and litigation affecting criminal justice employees can arise out of federal and state constitutions, statutes, administrative regulations, and judicial interpretations and rulings. Even poorly written employee handbooks or long-standing agency customs or practices may create vested rights.

1. Fair Labor Standards Act (FLSA; at 29 U.S.C. 203 et seq.)
2. Title VII of the Civil Rights Act of 1964 and its amendments (42 U.S.C. 2000e).
3. Equal Pay Act [29 U.S.C. 206(d)]
4. The Pregnancy Discrimination Act of 1978 [42 U.S.C. Section 2000e(k)]
5. Age Discrimination in Employment Act (29 U.S.C. 623)

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6. Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12112)
7. Section 1983 (codified as Title 42, U.S. Code Section 1983)

III. The Employment Relationship

A. Recruitment and Hiring
B. Disparate Treatment
   1. Bona fide occupational qualifier (BFOQ)
C. How Old is "Too Old" in Criminal Justice?
D. Criminal Justice and Affirmative Action
   1. Reverse discrimination
E. Property Rights in Employment
   1. Four elements of a due process claim under Section 1983:
      a. A person acting under color of state law
      b. Deprived an individual
      c. Of constitutionally protected property
      d. Without due process of law
F. Pay and Benefits
   1. Fair Labor Standards Act (FLSA)
   2. Garcia v. San Antonio Transit Authority
G. Criminal Justice and a Safe Workplace
   1. Occupational Safety and Health Act (OSHA)

IV. Constitutional Rights of Criminal Justice Employees

A. Freedom of Speech and Association
   1. Hatch Acts
B. Searches and Seizures
   1. The Fourth Amendment
C. Self-Incrimination
   1. Garrity v. New Jersey
   2. Gardner v. Broderick
D. Religious Practices
   1. Title VII of the Civil Rights Act of 1964
E. Sexual Misconduct
F. Residency Requirements
G. Moonlighting

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H. Misuse of Firearms
   1. Tennessee v. Garner
I. Alcohol and Drugs in the Workplace
J. Drug Testing

V. Rights of Police Officers

A. Peace Officers' Bill of Rights (POBR)
   1. Written notice
   2. Right to representation
   3. Polygraph examination

VI. Workplace Harassment

A. Title VII of the Civil Rights Act of 1964 and other federal laws
   1. Sexually related improprieties
   2. Hostile work environment

VII. LGBTQ Rights in the Workplace

VIII. Family and Medical Leave Act (FMLA)

A. Eligibility Requirements
B. Amendments to the Act

IX. The Americans with Disabilities Act (ADA)

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X. Break Time for Nursing Mothers

XI. Addressing Grooming and Appearance: Uniform Codes, Beards, and Tattoos

A. Employer's Rights
B. Employees' Rights: Tattoos and Millennials

LIST OF CHANGES/TRANSITION GUIDE

- New case law on drug testing in the workplace
- LGBTQ rights in the workplace
- Updated material on the rights of nursing mothers
- New exhibit involving appearance standards in law enforcement

ADDITIONAL CLASS ACTIVITIES

Guest Speakers

Invite area representatives from law enforcement and/or correctional facilities to discuss the hiring process and how federal statutes have affected recruitment and selection procedures. Ask them to discuss any affirmative action plans currently in operation, if any.

Invite a representative from the human resources division of a local or state police department to discuss the rights of officers in the department. Ask the representative to discuss which

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constitutional rights are mitigated or completely lost and what challenges are posed by the constitutional rights possessed by employees.

Invite a police executive or correctional administrator or a union representative to discuss labor relations issues.

Invite a correctional administrator to discuss the impact of the Americans with Disabilities Act (ADA) on their correctional facility. What types of accommodations is the facility making for physically disabled inmates? What types of reasonable accommodations is the facility making for disabled applicants? What accommodations are the facility required to provide for disabled individuals who are visiting inmates?

Class Discussion Topics

- Invite students to discuss the issue of age in criminal justice. Should there be a mandatory retirement age for police or correctional officers? Should it vary by rank and duty assignment?
- Discuss the pros and cons of affirmative action plans in policing and corrections.
- Discuss the impact of the Fair Labor Standards Act on criminal justice. Why is it the criminal justice administrator's "worst nightmare come true?" Do you think that criminal justice agencies should be exempt from the FLSA? Why or why not?
- Debate the topic of residency requirements. What are the advantages of having police officers live within the geographical limits of their employing jurisdiction? Are there any disadvantages? What should an agency do if an employee is unable to find affordable housing in the local jurisdiction?

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INDEPENDENT STUDENT ACTIVITIES

1. Obtain a copy of the state Peace Officers' Bill of Rights, if it exists. Summarize the main rights given to peace officers in your state. Are there any other rights or protections to which you think peace officers should be entitled?
   Note: Instructors may wish to assign each student a different state to research. This could lead to an in-class discussion of the variations in officers' rights in different states.
2. Research one of the federal employment laws presented in the first section of the chapter. Outline the major provisions of the law and describe how the law specifically affects criminal justice agencies, including any possible exemptions. Research relevant court decisions for this law that affect criminal justice employers. Consider having students (or groups of students) prepare short presentations to the class.
3. Research the recruitment and selection methods for police or correctional officers in your state. What are the minimum requirements that must be met? What tests do applicants go through? Discuss whether these tests adequately and validly test for the types of skills needed for the job.

SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. The rights addressed in the chapter are centered around free speech, searches and seizures, self-incrimination, religious practices, sexual misconduct, residency requirements, moonlighting, misuse of firearms, alcohol and drugs in the workplace, workplace harassment, ADA, and employee appearance and dress code.

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2. Many characteristics are considered when hiring in the criminal justice field. Some include age, height, weight, vision, education, driving ability, intelligence, physically agility, character, and drug screening. The concern is whether or not all these characteristics and standards are necessary for the role or are they discriminatory. Affirmative action is in place to give preferred treatment only to affected groups when all other hiring criteria are equal. A two-step inquiry has been put into place by the Supreme Court that must be satisfied before an affirmative action plan can be put in place.

3. A property interest contracts the view that employees serve "at will" or until their employer no longer needs them. For employees with a property right, there must be a demonstrated cause for termination. Employees are entitled to both a pretermination hearing and a posttermination notice, as well as an opportunity to respond. Having a property interest in employment means that due process must be exercised by a public entity before termination.

4. Criminal justice agencies attempted to regulate what employees say through the creation of policies and procedures. A number of court decisions have attempted to define the limits of criminal justice employee's exercise of free speech. Criminal justice agencies do have an interest in what their employees say because of privacy issues, but the restrictions must be reasonable. When police are at home or off duty they are subjected to the same protections afforded under the 4th Amendment. However, police officers can be compelled to cooperate with investigations of their behavior when ordinary citizens would not. *Gerrity v. New Jersey* and *Gardner v. Broderick* addressed the issues of self-incrimination for police officers. Officers could not be threatened to be fired for not testifying against themselves. It is proper to fire a police officer who refuses to answer questions that are related directly to the performance of their duties provided that the officer has been informed that any answers may not be used later in a criminal proceeding. Some religious practices might be in direct conflict with job requirements and with state law.

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5. Answers may vary. Some information that may be included: Criminal justice employees have many opportunities to engage in unwanted sexual behavior, and may use their power as a means to do so. They should be held to the same standards, or higher than citizens. Many governmental agencies now specify that all or certain members in their employ must live within the geographical limits of their employing jurisdiction, in part so that they may respond more quickly in the event of an emergency. Traditionally CJ agencies have placed limits on outside work officers can perform. The rationale is that it may interfere with the duties. Police agencies typically attempt to limit use of firearms through written policies and frequent training. Criminal justice employees must be able to work with a clear head, without use of drugs and alcohol. Policies might clearly state that no alcoholic beverages be consumed within a specified period prior to reporting for duty. A reasonableness standard is used to determine drug testing in the CJ workplace.

6. Conduct that is sufficiently severe to create a hostile work environment or a supervisor harassing an employee based on race, color, religion, sex, national origin, age, disability, sexual orientation, or retaliation. Inappropriate behavior includes nonsexual contacts that are sexually motivated, voyeuristic contacts, contacts with crime victims, contacts with offenders, contacts with juvenile offenders, sexual shakedowns, and citizen-initiated sexual contacts.

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7. FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. This applies to employees that work for a covered employer and if the employee has worked for a year or 1,250 hours during that time. Same sex marriages now fall under the FMLA. ADA makes it illegal to discriminate against persons with disabilities, and employers are to provide reasonable accommodations. Correctional agency employees are also covered by the ADA.
8. Uniforms serve the specific purpose of making officers easily identifiable. It conveys power and authority. Dress codes may also dictate grooming, accessories, and types of clothing. Employers still have the right to regulate employee appearance and this includes tattoos and body art. These pose an increasing challenge for CJ administrators.

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Chapter 4

Police Organization and Operation

CHAPTER OVERVIEW

Examined are the changing police cultures and addressing police agencies as organizations. The structure of police organizations and the division of labor and activities are discussed. Explanations of policies, procedures, rules and regulations are provided. This chapter generally examines the elements of contemporary police organization, how policing has changed since 9/11, and how organizations have been modified over time to adapt to the community-oriented policing and problem-solving (COPPS) strategy. This chapter concludes with four emerging paradigms: CompStat, smart policing, intelligence-led policing and predictive policing.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Review the movement to defund the police organizations and the related recommendations for a shift to "soft power" and the elimination of school police.
- Explain what is meant by constitutional policing, legitimacy, and procedural justice.
- Describe how police might work toward achieving harmony with their communities.
- Understand why police agencies are arranged into organizations, to include grouping of activities and division of labor.
- Explain the primary components of a basic police organizational structure.
- Identify the seven elements of police organizational structure.
- Define the purposes of policies, procedures, rules, and regulations in police organizations.
- Explain community policing and problem-solving, and why it is a predominate police management philosophy and practice.
- Define the four emerging management paradigms that complement community policing and are used in addressing crime and neighborhood disorder.
- Describe what is needed to transform a good police organization into a great one.
- Relate how and why a police organization would seek to become accredited.

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LECTURE OUTLINE

I. Introduction

A. This chapter examines the need for police leaders to transform their organizations and operations to better meld with the communities they serve.

II. "Organizational Reform" Proposals: Defunding Law Enforcement, Use of "Soft Power," and Eliminating School Police

A. Defund the police

B. Soft power

C. Hard power

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III. Changing Police Culture

A. Adopting Procedural Justice

B. Are the Police "Guardians" or "Soldiers"?

C. Related Concepts: Constitutional Policing and Legitimacy

D. Achieving Harmony

IV. Police Agencies as Organizations

A. The Grouping of Activities

B. The Division of Labor

1. Placement of responsibility
2. Development of expertise
3. Group esprit de corps
4. Increased efficiency and effectiveness

V. Elements of Police Organizational Structure

A. Organizational Structure

1. Functional differentiation
2. Occupational differentiation
3. Spatial differentiation
4. Vertical differentiation
5. Centralization
6. Formalization
7. Administrative intensity

VI. Examples of Police Organization

A. The Basic Organizational Structure

1. Operational/line elements
2. Nonoperational functions – staff/administrative and auxiliary/technical services

VII. Organizational Guidelines: Policies, Procedures, Rules, and Regulations

A. Policies

B. Procedures

C. Rules and regulations

VIII. Existing and Emerging Paradigms in Policing

A. Community Policing and Problem Solving

1. Rationale and Definition

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B. The SARA Problem-Solving Process

1. Scanning: Problem Identification
2. Analysis: Determining the Extent of the Problem
3. Response: Formulating Tailor-Made Strategies
4. Assessment: Evaluating Overall Effectiveness

C. Contributory Strategies: CompStat, Smart Policing, Intelligence-Led Policing, Predictive Policing

IX. Moving a Police Organization from "Good" to "Great"

A. Level 5 leaders

X. Agency Accreditation

A. Commission on Accreditation for Law Enforcement Agencies (CALEA)

List of Changes/Transition Guide

- Organizational reform proposals
- Defunding police
- Use of soft power
- Eliminating school police
- New career profile
- Updates on accreditation

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ADDITIONAL CLASS ACTIVITIES

Problem-Solving Exercise

Divide the class into groups and present them with the problem below. Each group is to analyze the problem using the SARA model and present their findings. Use these to facilitate class discussion

Problem: Officers assigned to your district have been responding to a number of noise complaints, reckless driving, and fight calls in the area of 7500 Commercial Row. This area contains a number of restaurants, bars, and several strip malls that attract juveniles and young adults. Within the past week, there have also been three gang related drive-by shootings and seven gas drive-offs. A majority of the under-aged adults are attracted to the area by a dance club located in one of the strip mall centers and two all-night fast food restaurants. All three locations attract large crowds that loiter and drink alcohol in their parking lots. The owners of the shopping centers and restaurants have also complained about thousands of dollars in vandalism by the loitering youths.

Additional Material on Broken Windows

Consider discussing the broken windows concept, which was developed by James Q. Wilson and George Kelling in 1982, and which is considered by many to be the theoretical basis of community policing. The broken windows theory suggests that neighborhood disorder creates fear. Certain neighborhoods send out "signals" that encourage crime (deteriorated housing, unrepaired broken windows, etc.) For the police to reduce fear and fight crime in these areas, they must rely on citizens for help and support. Essentially, the theory suggests a relationship between

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disorder, neighborhood decay, and crime. Wilson and Kelling suggested that the focus of police patrol needs to move from crime fighting to order maintenance and community preservation.

Wesley Skogan expanded on this premise, identifying two main categories of disorder that affect a community's quality of life: human behavior (public drinking, street harassment, street corner prostitution, etc.) and physical disorders (vandalism, abandoned buildings, uncollected rubbish, etc.)

Guest Speakers

Invite a community policing officer to class to explain how COPPS is used in the local community. If the department has a crime prevention bureau, an officer from this section could also be invited, to discuss "smart policing" initiatives and other crime prevention programs and techniques that are being used by the department.

Invite a police supervisor, middle manager, or administrator to explain their organization's structure and the impact of the quasi-military style of policing.

Invite a police administrator from an accredited police agency to discuss the process of accreditation, why they chose to go through the process (which is voluntary), and what impact it has had on the agency.

INDEPENDENT STUDENT ACTIVITIES

1. Have students independently obtain information about an area police department's organizational structure (preferably one that is practicing the COPPS strategy), focusing on the structure's fluidity, rank structure, division of labor, lines of communication, and so on. Emphasis should also be placed on the extent to which policies and procedures, rules and regulations, and general orders are used to guide the organization.
2. Using smart policing initiatives, identified in the text, have students devise low-cost situational prevention methods to reduce a specific type of crime on campus. Students may want to focus on assaults in a dormitory setting, auto thefts from a parking garage, thefts from the campus bookstore, underage drinking, or parking problems.
3. Assign students to perform a problem-solving exercise, using the SARA model, focusing on a particularly crime-ridden neighborhood, beat, or area of the local community. This may be assigned as either an independent or group project.

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SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. Calls to defund the police began to escalate after the May 2020 death of George Floyd at the hands of Minneapolis police. It was fueled by the Black Lives Matter movement and emphasizes the need to redirect some funding away from police towards other service entities. The movement does not call for eliminating the police, but for the police to move away from a system that does not appear to work, especially for people of color. The movement to defund the police also supports shifting funding to soft power initiatives, which are police initiatives that focus on non-law enforcement activities, such as partnerships with social workers, teachers, and social service agencies to solve problems. The defunding movement also led to the elimination of school police organizations in many cities, although there are both pros and cons to this.

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2. Police leaders can implement change through a change in values and missions. They may also provide diversity training. They may also change policy and procedures to make changes. They should instill commitment and accountability.
3. A good starting point is to recruit, train, and diversify the agency to reflect their community makeup and give the community a way to have a voice. Placing greater emphasis on police transparency, particularly given the lack of national information concerning police shootings.
4. Police agencies fit the definition of an organization because they divide up work and establish lines of authority and communication. The primary components of a basic police organizational structure include two main elements. Operational or line elements involve policing functions in the field. The primary line element is patrol, while secondary line elements include activities such as investigative and youth activities. Nonoperational functions involve all non-line activities and are divided into two main categories. Staff or administrative services are usually people oriented (recruitment, training, planning and research, public information services, community relations, etc.) while auxiliary services involve functions that a nonpolice person rarely sees (jail management, property and evidence, crime lab services, dispatch, etc.).
5. The seven elements of law enforcement organization are: functional differentiation, occupational differentiation, spatial differentiation, vertical differentiation, centralization, formalization, and administrative intensity. Functional differentiation is the degree to which tasks are broken down into functionally distinct units. Occupational differential measures distinctions within the staff and the extent to which an organization relies on specially trained workers from distinct occupational groups. Spatial differentiation is the extent to which an organization is spread geographically. Vertical differentiation focuses on the hierarchical nature of an organization's command structure, including segmentation, concentration, and height. Centralization is the extent to which an organization's decision-making capacity is concentrated in a single individual or a small, select group. Formalization is the extent to which employees are governed by specific rules and policies. Administrative intensity refers to the proportion of organizational resources committed to administration.
6. Policies are written guidelines that are general in nature and serve to further the organization's philosophy and mission. Procedures are specific guidelines that serve to direct employee actions. Rules and regulations are specific managerial guidelines for officers, such as not smoking in public.
7. Community policing and problem-solving is a philosophy and strategy of policing to detect and prevent crime. It acts like a tool for police officers to address recurrent problems that plague communities. They consume a majority of police agency time and resources, but often actively involve the community.
8. CompStat requires police commanders to generate frequent crime activity reports, so officers begin proactively thinking about ways to deal with crime in terms of suppression, intervention, and prevention. Smart policing emphasizes the use of data and analytics as well as improved crime analysis, performance measurement, and evaluation research. Intelligence-led policing originated in Great Britain, where police believed that a relatively small number of people were responsible for a comparatively large percentage of crimes; they believed that officers would have the best effect on crime by focusing on the most prevalent offenses occurring in their jurisdiction. Often they are integrating crime analysis and intelligence analysis to understand crime and police more effectively and efficiently.

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9. Collins coined the Level 5 leaders as a hierarchy, where leader's skills transform the organization from mediocrity to excellence. Leaders have ambitions that put the organization first, and do not exhibit enormous egos. They have legislative-type skills. They hire the right people. For an organization to move from good to great, it needs to assemble the right team and then decide where the organization is going.
10. To become accredited, a police agency must choose one of CALEA's tiers of accreditation and then work through the process. Accreditation includes a self-assessment process, which provides agencies with many opportunities to institutionalize community policing. Accredited agencies generally provide more training for their officers and require higher minimum educational requirements for new officers, are nearly twice as likely to require drug testing for sworn applicants, and are more likely to operate special units for drug laws and child abuse cases.

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Chapter 5

Police Personnel Roles and Functions

CHAPTER OVERVIEW

The roles of law enforcement executives, adapting Mintzberg's model of chief executive officers to policing in order to better understand what roles police executives play and what they actually do are examined. The career path of a chief is discussed, as well as the politics that surround this position. More specifically the functions of chiefs of police and sheriffs, and then consider the roles and functions of middle managers (captains and lieutenants), supervisors (sergeants), and patrol officers are examined. The chapter concludes with a discussion on diversity and sexual harassment.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Describe each of Mintzberg's three main roles of the chief executive officer (CEO).
- Explain how one might go about preparing for a career as a police chief executive officer to include the kinds of activities that compose an assessment center process.
- Describe in brief local police departments and sheriff's offices in terms of personnel and selected policies.
- Review the duties of chiefs of police, including how they must navigate the political arena, whether it is better to select chiefs from within or to hire from the outside, and the recent spate of terminations and resignations.
- Define the nature and duties of sheriff's offices.
- Review the tasks performed by middle managers (captains and lieutenants) and first-line supervisors (patrol sergeants).
- Identify the tasks of patrol officers, traits that make a good officer, and some means of recruiting quality personnel.
- Describe the issues facing police executives due to COVID-19, suicide, and the return of war veterans.

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LECTURE OUTLINE

I. Introduction

A. This chapter generally examines the roles and functions of law enforcement chief executives (chiefs of police and county sheriffs), middle managers (typically including captains and lieutenants), first-line supervisors (sergeants), and patrol officers.

II. Roles of the Police Executive: The Mintzberg Model for CEOs

A. The Interpersonal Role

1. The figurehead
2. Leadership
3. Liaison duties

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B. The Informational Role

1. Monitoring/inspecting
2. Dissemination
3. Spokesperson duties

C. The Decision-Maker Role

1. Entrepreneur
2. Disturbance handler
3. Resource allocator
4. Negotiator

III. Local Police Departments Today

A. About 18,000 municipal university and college, county, state, tribal, and federal law enforcement agencies in the U.S., with about 700,000 sworn full-time officers

B. About 15,322 general purpose police departments, with about 468,000 full-time sworn officers and about 131,000 full-time nonsworn/civilian employees

a. Most are small; 71% serve jurisdictions of less than 10,000 residents

b. About 1 in 8 sworn officers is a woman and about 1 in 4 is Black or Hispanic

IV. Preparing for a Career as Law Enforcement Executive

A. Vying for a Law Enforcement Executive's Position: What Works

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B. Tips and Preparation for the Assessment Center

V. Chiefs of Police

A. Expectations and Advocacy

B. Who is Today's Police Chief: A Profile

C. Promote from Within, or Hire from Outside?

D. Navigating the Political Arena

E. Today's Chief: Under Fire and Being Fired

VI. The Sheriff

A. Functions commonly associated with the sheriff's office

1. Serving and/or implementing civil processes
2. Collecting certain taxes and conducting real estate sales for the county
3. Performing routine order-maintenance duties by enforcing state statutes and county ordinances, arresting offenders, and performing traffic and criminal investigations

B. Sheriffs have a unique role in that they typically serve all three components of the justice system

1. Law enforcement (with patrol, traffic, and investigative functions)
2. The courts (as civil process servers and bailiffs)

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3. Corrections (in the county jails). In many urban areas, civil process duties consume more time and resources than those involving law enforcement.

VII. Middle Managers: Captains and Lieutenants

A. Important tasks of middle management

B. Tasks generally performed by the lieutenant

VIII. First-Line Supervisors: The Patrol Sergeant

A. Seeking the Gold Badge

B. Assuming the Position: General Roles and Functions

C. Basic Tasks

D. Types of Supervisors

1. Traditional
2. Innovative
3. Supportive
4. Active

IX. The Patrol Officer

A. Basic Tasks

B. What Traits Make a Good Officer?

1. Incorruptible, well adjusted, people oriented, and good cognitive skills

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C. Addressing a Front-End Problem: Recruiting Quality Officers

X. Recent Issues Facing Police Executives

A. COVID-19

B. Suicide

C. Returning war veterans

LIST OF CHANGES/TRANSITION GUIDE

- Local police departments and sheriff's offices today (personnel and policies)
- Recent spate of police chief firings and resignations
- Exhibit on recruiting and hiring people of color by HBCU
- Recent issues facing police executives
  - COVID-19
  - Suicide
  - Returning war veterans
- New case study on critical-incident communication

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ADDITIONAL CLASS ACTIVITIES

Discussion of Models of CEO Roles

The text uses the Mintzberg model to help explain and delineate the roles of law enforcement executives. Consider discussing other models that might be used instead. This could also be assigned as an out-of-class research assignment.

Guest Speakers

Consider inviting a guest speaker from a local or county police agency.

- A law enforcement administrator, middle manager, or first-line supervisor could discuss the organization structure of the agency, the person's roles and management style, and other related matters.
- Other guest speakers could include a personnel manager (to discuss personnel management and EEO laws), a city manager or political officeholder (to explain the traits and qualities that are preferred in police chief candidates), or a police union officer (to explain collective bargaining).
- Invite a law enforcement agency representative or a city or county human resources manager to explain how the assessment center functions (if one is used) and how the local police executive is hired and evaluated.
- Do the same with a local police executive to determine how mid-level managers (i.e., captains and lieutenants) and first-line supervisors are promoted and evaluated.
- Invite a first-line supervisor or middle manager from a police agency to explain their management style, role, functions, challenges, professional development opportunities, involvement with budgeting, evaluation of subordinates, etc.

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Class Discussion Topics

- Invite the students to discuss what they believe makes a "good" and "bad" police officer? What are some possible flaws in the hiring process that is described in the text? What are some of the flaws in the socialization of recruits into the police subculture? This topic could also be given as an out-of-class written assignment.
- Have students debate whether or not police applicants should be denied employment for being "too smart."
- Have students review Exhibit 5.3 ("The Police Hiring Process in Kansas City, Missouri") and discuss whether activities on social networking and social media sites should be considered as a part of the hiring process.

INDEPENDENT STUDENT ACTIVITIES

1. Have students interview a local sheriff or chief of police to learn the extent to which (a) the Mintzberg model applies to their specific role and functions and/or (b) politics affects their role and functions.
2. Have students examine the contemporary nature of the police chief's and sheriff's duties in their area to determine what qualifications they possessed in order to attain their present positions. They may also determine how the roles and functions of police chiefs and sheriffs (and, by extension, their employees) differ.

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3. Assign students to interview a first-line supervisor in a local law enforcement agency to determine why the roles and functions of that position are considered to be some of the most complex in the police hierarchy.
4. Have students interview local police executives regarding their views about whether police officers should have a college degree, and their reasons behind their opinions. Ask the executives about their view concerning what constitutes a "good" police officer.

SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. The three Mintzberg roles are the interpersonal, the informational, and the decision-maker roles. In the interpersonal role the CEO acts as a figurehead, and has leadership and liaison duties. In the informational role the CEO engages in tasks relating to monitoring/inspecting, dissemination, and spokesperson duties. Finally, in the decision-maker role the CEO serves as an entrepreneur, a disturbance handler, a resource allocator, and a negotiator.
2. There are over 15,000 general-purpose police departments in the U.S. They employ about 468,000 full-time sworn officers and about 131,000 full-time civilian employees. Most are small, with about 71% service jurisdictions of fewer than 10,000 residents. Overall, about 1 in 8 sworn officers is a woman and about 1 in 4 is Black or Hispanic. Among local departments, 97% have written policies or procedural directives addressing the use of deadly force, 88% addressing civilian complaints, 82% addressing racial profiling, 73% addressing active shooters, 48% addressing body-worn cameras, 48% addressing cultural-awareness training, 42% addressing mass demonstrations, and 41% addressing acts of terrorism.
3. To prepare for an executive position, a person should make sure they meet the educational requirements, get to know what is required for the position, and seek mentors. Understanding what is required in the position, and being prepared for simulated exercises will be beneficial.
4. The police chief is the top official in a municipal police department while the sheriff is the top official of a county law enforcement agency. Both have political responsibilities. Most police chiefs have a graduate degree, are in the 56–60 age category, and hold a short tenure in this position. More than half are hired from outside the department. In most cases, police chiefs are appointed, while sheriffs are elected. Sheriffs tend to be older than police chiefs and are less likely to be college graduates and to have specialized training. Sheriffs serve all three components of the justice system: law enforcement, the courts, and corrections (in the local jails).
5. Middle managers coordinate agency unit activities and sees that the administrative strategies and overall missions are carried out. Middle managers report to higher administrators and supervise subordinates. They assist the captains in running the shift, but may fill in for sergeant roles if needed. Sergeants are the lowest level of management. Sergeants supervise, directs, controls, and evaluates the work of field personnel and ensures the policies and procedures are being followed. They resolve employee conflicts and places employees where resources are most needed.
6. Bad politics involves making bad decisions in order to boost a career or leverage a favor. Good politics involves making decisions that improve the culture of the organization, aid the community, and improve the law enforcement agency.
7. Police perform four basic functions: (1) enforcing the laws, (2) performing services (such as maintaining or assisting animal control units, reporting burned-out street lights or stolen traffic lights and signs, delivering death messages, checking the welfare of people in their homes, delivering blood), (3) preventing crime (patrolling, providing the public with information on locks and lighting to reduce the opportunity for crime), and (4) protecting the

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innocent (by investigating crimes, police systematically remove innocent people from consideration as crime suspects). Officers should be incorruptible, well adjusted, people oriented, and have good cognitive skills. Recruiting candidates requires focusing on the positive aspects of policing, publicizing in the right areas, and include practice tests. One HBCU has begun operating its own police academy, to help attract recruits of color to policing.

8. Kansas City has an extensive hiring process in order to secure the best recruits. They require a written exam, a physical abilities test, a pre-employment polygraph examination, a background investigation, a ride-along, an oral board interview, a psychological examination, and a physical examination.
9. Over 370 law enforcement officers suffered line-of-duty deaths from COVID-19 in 2021, more than deaths from gun violence, car accidents, heart attacks, or other causes. Another challenge for executives is suicide, as police officers are at a higher risk of suicide than people in any other profession. Finally, while military service is a good stepping-stone for persons who want to enter law enforcement, and veterans are overrepresented in policing, there are some bad influences that can come with a military experience (particularly combat deployment). One survey of police chiefs found 14% more citizen complaints against veteran officers than those without military background, 28% more psychological issues, 10% more excessive violence, and about 50% more excessive use complaints.

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Chapter 6

Police Issues and Practices

CHAPTER OVERVIEW

This chapter begins with a discussion of fatal police shootings, including recent data and some examples. It continues with information on public opinion of protesters, the police, and police reform. Specific reforms that the public wants to see are discussed, as well as an examination of whether or not current police training and the roles of the police should be changed to better match current public opinion. Federal investigations into the police, legislative actions as a way of reforming the police, and three particularly controversial topics (deployment of federal police in local communities, the use of military gear in local communities, and the use of less-lethal weapons) are discussed. The chapter concludes with examples of international reactions and reforms that occurred in the aftermath of the killing of George Floyd.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Describe the number and nature of fatal police shootings per year in the United States.
- Characterize public opinion toward protesters, police, and police reform since the highly publicized death of George Floyd in 2020.
- Explain which specific police reforms are most strongly favored by the public as well as some obstacles to their being realized.
- Provide some examples of legislative action taken by government entities to effect, to some extent, police reform in their jurisdiction.
- Review why the deployment of federal officers and the use of military gear in local communities are both controversial practices, as well as some arguments for their use.
- Delineate some international reactions to George Floyd's death.

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LECTURE OUTLINE

I. Introduction

A. The chapter focuses on the issue of fatal police shootings, particularly the impact of George Floyd's death.

1. Police reform
2. Less-lethal weapons

II. Fatal Police Shootings: Data and Examples

III. Public Opinion Toward Protesters, Police, and Police Reform

IV. Wanted: Specific Police Reforms

A. Military gear

B. Police distrust

V. Change the Training and Roles of the Police?

A. Police role

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VI. Department of Justice Investigations
VII. Legislative Action
VIII. Deployment of Federal Officers in U.S. Cities
IX. Use of Military Gear by Local Police
X. The Role of Less-Lethal Weapons in Police-Community Confrontations
XI. International Reactions to Floyd's Death

List of Changes/Transition Guide

- Completely revised chapter that now discusses:
  - Fatal police shootings
  - Public opinion of protesters, the police, police reform, and specific reforms
  - Whether or not police training and the roles of the police should be changed
  - Federal investigations of the police
  - Legislative actions to put reforms into place
  - Deployment of federal police in local communities
  - Use of military gear in local communities
  - Use of less-lethal weapons
  - International reactions and reform following George Floyd's death
  - A case study and figure concerning the above

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ADDITIONAL CLASS ACTIVITIES

Additional Material on Police Use of Military Gear

Consider discussing the Biden administration's response to police militarization. The 1033 Program, administered by the Department of Defense, transfers surplus military equipment to federal, state, and local law enforcement agencies throughout the U.S. President Obama placed significant restrictions on this program, which were later lifted by President Trump. During his first weeks in office, the Biden administration announced that on January 26, 2021, which was termed "Equity Day," President Biden would sign several criminal justice-related executive orders, including one that would reinstate the Obama-era restrictions on 1033. However, while he did sign an executive order that ended Department of Justice contracts with private prisons, he took no action on 1033.

On May 25, 2022, President Biden issued a law-enforcement focused executive order that restored the original Obama-era restrictions on the transfer of military equipment and imposed additional restrictions as well. The order applies to a variety of relevant programs, including the 1033 Program. It does include language that ensure law enforcement agencies can continue to access and use appropriate military equipment for events such as disaster-related emergencies, active shooter events, anti-terrorism events, and similar scenarios.

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Additional Material on Supreme Court Rulings on the Police Use of Deadly Force

Consider reviewing the legal restrictions on police use of deadly force. Originally, the common law principle authorizing the use of deadly force to apprehend any fleeing felon was accepted in America. The *fleeing felon doctrine* gave police a considerable amount of discretion in the use of deadly force. However, over time, as police ability to capture an escaping offender increased, the justification and necessity for the fleeing felon rule was called into question. In 1985, the U.S. Supreme Court declared the fleeing felon doctrine unconstitutional in the case of *Tennessee v. Garner*. The Court stated that use of deadly force to prevent escape of all felony suspects, regardless of circumstances, is constitutionally unreasonable. If a suspect poses no immediate threat to the officer or to others, the harm resulting from failure to apprehend does not justify use of deadly force

- The Court stated that deadly force against a felony suspect is reasonable only in certain circumstances:
- To prevent escape when the suspect has threatened the officer with a weapon
- When there is an immediate threat of death or serious injury to the officer or others
- If the officer has probable cause to believe the suspect committed a crime involving inflicting (or threatening) serious physical injury

The Court also stated that, if feasible, the officer must give some warning before using deadly force

This case mandated the acceptance of the *defense of life* doctrine. It overturned all fleeing felon statutes in the country and produced a new minimum standard for the use of deadly force. Research has found that the number of citizens killed by police has declined since the adoption of more restrictive deadly force policies, while the number of police injured or killed has not increased.

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Issues concerning police use of force and individuals with mental disorders are worthy of discussion although the proportion of incidents of use of force with persons having actual mental disorders is relatively small, it remains that dealing with such persons is a significant portion of the police workload.

Guest Speakers

Invite an Internal Affairs officer, or another individual who is responsible for investigating police use of force in a local department, to discuss how police use of force incidents are handled. The officer could discuss how use-of-force occurrences are reported, what data are collected, how the events are investigated, and what procedures officers must follow after a use-of-force event, particularly the use of deadly force.

Invite a member of a local police force to discuss what types of military gear the department uses, and if/how the use of that gear affects how the department is viewed by the community.

Invite a patrol officer to discuss the various less-lethal weapons that are used in the department. The officer could discuss how they are trained in the use of these weapons, whether officers prefer to use these weapons or to rely on lethal force, and what controls are put in place to ensure that officers do not misuse these less-lethal weapons.

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INDEPENDENT STUDENT ACTIVITIES

- Using information from local newspapers, research the extent of use of force in your local department. How often has there been an incident of an officer using deadly force? What has happened after such an incident? (e.g., was there an internal investigation? External investigation? Lawsuit filed against the department?) Were there public protests in the wake of any of these events? How does the department react to concerns about use or misuse of deadly force?
- Have students research changes in state and local legislation in the wake of the death of George Floyd. Instructors could assign each student a separate jurisdiction to research, and conduct a comparison of legislative action in class.
- Have students research police academy training programs and identify how much time is spent on use-of-force training, compared to training on activities that could de-escalate a situation and reduce or eliminate the need for the use of force. Have them examine how much time is spent focusing on dealing with social issues such as calls involving people with mental illness.
- Using information from local newspapers, research events of biased policing in your local area. How are accusations of biased policing handled? What types appear most common? Which racial/ethnic groups are most likely to be targeted?

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SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. In 2019, there were 999 fatal police shootings, in 2020, there were 1,021, and in 2021, there were 853. A Harvard study found that Black Americans are 3.23 times more likely than White Americans to be killed by police, although this varies widely depending on where one lives, from 1.81 times greater than White deaths in the Atlanta area to 6.51 in the Chicago area. A recent survey by the Bureau of Justice Statistics found no statistically significant difference in the percentage of White people (12 percent) and Black people (11 percent) who experienced police-initiated contact. However, the survey also found that Black and Hispanic people are more than twice as likely to experience use of force by police than White people are; and, if force is used, people of color are more likely to perceive it as excessive.
2. Answers will vary, as this requires an opinion. However, evidence regarding the general public views towards the police may be included. Only 61% of White Americans view the police favorably (down from 72%) and only 38% of Black Americans do. The number of Americans holding an unfavorable view of police has risen from 18% to 31%. In September 2020, 44% of Americans were found to disapprove of protests (in the wake of those being held over George Floyd's death). There is general support for many types of police reforms, although less than half of Americans surveyed in 2021 support limiting police access to and use of military hardware.
3. Some of the types of police reforms most favored by the public include changing management so officers with multiple incidents of abuse could be terminated (98 percent); a requirement that officers have good relations with the community (97 percent); and changing management practices so that officer abuses are punished (96 percent). However, there are clear obstacles to enacting these types of reforms, including the need to maintain "good relations" with the community, the need for the support of police unions, and the need to conform to the officers' bill of rights (where it exists).

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4. A wide variety of legislative actions were taken after Floyd's death. Some examples:
   - A program in Denver that allows 911 dispatchers to send mental health personnel to nonviolent incidents.
   - Maryland repealed its police bill of rights, which had shielded police from investigation and discipline.
   - A law in Washington D.C. that prohibits police from using tear gas or riot gear to break up protests, bans the use of chokeholds, strengthens disciplinary procedures, and speeds up the release of body camera footage and names of officers involved in fatal shootings.
   - Multiple bills in Washington State that included bans on police use of chokeholds, neck restraints, and no-knock warrants; a requirement of officers to intervene if their colleagues engage in excessive force; creation of an independent office to review the use of deadly force by police; and a requirement of officers to use "reasonable care," including exhausting de-escalation tactics, in carrying out their duties. The use of tear gas and car chases was restricted, and it was made easier for citizens to sue officers who inflict injury.
   - A law in Nevada that gave the state attorney general the authority to investigate allegations of police abuses and made it harder for police to obtain no-knock search warrants.
   - Minneapolis banned most no-knock raids, most chokeholds, "warrior training" programs, and officers from shooting at moving vehicles.
   - Assembly Bill 392 in California generally narrows the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape, or to overcome resistance and how it is to be subsequently evaluated.
   - Several large police agencies (including New York, Los Angeles, Chicago, Philadelphia, and Houston) banned chokeholds after Floyd's death, while others moved to strengthen, and publish, police disciplinary procedures and outcomes, and release body camera footage much faster than ever before.
   - In New York, a three-judge panel of the federal appeals court cleared the way for the city to release hundreds of thousands of police disciplinary records. This decision represented a major milestone in what had been a long and bitter political battle to open the records to public scrutiny. The ruling, which also affects firefighters and corrections officers, overcame strong efforts by officers' unions to block the records' release, while civil liberties groups had long argued that making the materials public would make it harder for problematic officers to escape significant punishment.
   - Cariol's Law legally requires officers in Buffalo, NY to intervene if another officer uses excessive force.
5. The deployment of federal officers in U.S. cities is controversial because local authorities have been unable to oppose this type of deployment. Additionally, it may aggravate the situation that the officers were deployed to stop. The use of military gear in local communities is also controversial. A show of military-style force may negatively impact police-community relationships and may serve to escalate tensions in communities.
6. The video of George Floyd's killing was viewed around the world and led to widespread protests, despite COVID-19 restrictions. Examples the events that occurred include:

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- Japan: Marches were held as both a gesture of solidarity with protesters in the United States and a call to confront racism at home, where there is discrimination against biracial individuals.
- Nigeria: A special anti-robbery squad killing of a young man prompted protests by youths who were angry about government corruption and police killings; the protests went global when protesters were shot by the military. U.S. Black Lives Matter personnel demanded justice.
- Australia: Some of the largest post-Floyd protests occurred here, with tens of thousands of people protesting and carrying names of some of the 476 Aboriginal and island persons who had died in police custody over the past two decades.
- United Kingdom: Mid-2020 saw protesters tear down a statue of a 17th-century slave trader here, where police data suggest that Black people are nine times as likely as White people to be stopped and searched by police in England and Wales.
- France: In mid-2016 police apprehended a young man who later died in their custody; his last words were reportedly “I can’t breathe.” Protests that erupted and resurged after Floyd’s death drew attention to police violence, with activists saying there is a long history of brutality there. A ban on chokeholds was announced.
- Brazil: This nation was already in crisis when word of Floyd’s death reached its shores, as racial injustice had already been emphasized when the president compared Black people to cattle, celebrated police brutality, and tried to remove communities from protections. Protests brought unprecedented attention from the media, and major companies introduced Black-only hiring programs.

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Chapter 7

Court Organization and Operation

CHAPTER OVERVIEW

This chapter opens by going inside the courts, considering their special nature in our country, as well as typical courtroom decor and decorum. Next, the chapter discusses how the courts attempt to get at the truth within the controversial adversary system of justice. The nature of our dual court system, comprising federal and state-level courts, is examined next; included are discussions of two entities (the Judicial Conference of the United States and the Administrative Office of the U.S. Courts [AO]) that administer those at the federal level. The discussion of the federal court system focuses on the U.S. Supreme Court, appeals courts (with emphasis on the District of Columbia Circuit Court of Appeals), and district courts; the overview of state courts includes their courts of last resort, appeals courts, and trial courts (including the major trial courts having general jurisdiction and limited-jurisdiction lower courts). Included in the discussion of state court systems is a look at the historical, functional, and financial advantages of statewide court unification/centralization.

CHAPTER OBJECTIVES

- After reading this chapter, the student will be able to:
- Understand the meaning and importance of court decor and decorum.
- Describe the ramifications of the adversarial system.
- Review the organization and administration of our dual (federal and state) court systems.
- Delineate the roles and functions of the Judicial Conference of the United States and the Administrative Office of the U.S. Courts.
- List the four components of court unification, how a unified court is organized, and the functional and financial advantages of court unification.
- Explain state courts and trial courts of general and limited jurisdictions.
- Describe why the courts' caseloads have increased.
- Review historical attempts to streamline the court systems in both England and the United States, as well as some reasons for and examples of doing so.
- Describe the influence of courts on policymaking.

LECTURE OUTLINE

I. Introduction

A. This chapter opens by going inside the courts, considering their special nature in our country, as well as typical courtroom decor and decorum. Focused both on the federal and state court systems.

II. Inside the Courts: Decor, Decorum, Citizens

A. Hallowed Places

B. Justice in the Eye of the Beholder

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C. Seeking Truth in an Adversarial Atmosphere

D. A Dual Court System

III. Federal Courts: Organization and Administration

A. The U.S. Supreme Court: Its Jurists, Traditions, and Work

1. Courtroom Participants; Judges and Advocates
2. Inside the Court: Revered Traditions and Practices
3. Inside the Court: Recently Appointed Associate Justices
4. Caseload and Conferences
5. Administration

B. U. S. Courts of Appeals

1. Judges, Jurisdiction, Caseloads

C. U. S. District Courts

1. Judges, Jurisdiction, Caseloads

D. Judicial Conference of the United States

E. Administrative Office of the U.S. Courts

IV. Comparing Federal and State Court Systems

V. State Courts of Last Resort and Appeals

A. Courts of Last Resort TBEXAM.COM

1. Intermediate Courts of Appeals

VI. Trial Courts

A. General Jurisdiction: Major Trial Courts

B. Limited Jurisdiction: Lower Courts

VII. "Unification," "Consolidation," "Reform": Streamlining the Courts

A. Courts in Early England: A Desire to Unify

B. The United States: A Historical Hodgepodge

C. As It Stands Today

D. Two Examples at the Extremes

VIII. The Influence of Courts in Policymaking

LIST OF CHANGES/TRANSITION GUIDE

- New material on recently appointed Supreme Court justices
- Expanded material on courts of last resort

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ADDITIONAL CLASS ACTIVITIES

Guest Speakers

Invite a federal district court judge to discuss the federal judicial system, including how judges and justices are appointed, caseload issues, and how different levels of federal courts operate.

Invite a lower court judge (they may be known as a magistrate, justice, or justice of the peace) to discuss how the lower court operates in your state and its relationship with the state trial court.

Additional Material on the U.S. Supreme Court

Consider discussing how different groups of justices on the Supreme Court make different types of decisions: Some tend to be more liberal while others take a more conservative approach. This may be illustrated by reviewing some of the most recent Supreme Courts, including the Warren Court (1953–69), the Burger Court (1969–86), and the Rehnquist Court (1986–2005).

The Warren Court, named for Chief Justice Earl Warren, is often considered one of the most liberal in the history of the Supreme Court, making a number of rulings that expanded the application of the U.S. Constitution to civil liberties. It reversed the traditional 'hands off' policy of the court and became involved in cases dealing with the rights of suspects and offenders, resulting in what has become known as the 'due process revolution." The Warren Court also sat on the landmark *Brown vs. Board of Education* case which desegregated schools in the U.S.

The Burger Court was more conservative, which may have been expected given the number of justices on that court appointed by President Richard Nixon. However, the Burger Court did not overturn Warren Court rulings and, in some cases, even extended Warren Court doctrines. The Court ruled on controversial issues such as capital punishment, the constitutional right to abortion, and affirmative action.

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The Rehnquist Court was significantly more conservative and overturned or narrowed many of the decisions made by the Warren and Burger courts.

Court Choices

There are many different legal systems in the United States (the federal system as well as separate systems in each state), each with its own laws to uphold and policies to which to conform. Consider discussing how the choice of court in which to hear a case can have an impact on the outcome of the crime. For example, if a serial killer committed crimes in multiple states before being apprehended, prosecutors might choose to try the offender in a death penalty state rather than in one in which the maximum sentence would be life imprisonment. Similarly, a crime that violates both federal and state laws may be prosecuted in either jurisdiction.

INDEPENDENT STUDENT ACTIVITIES

1. Interview a trial court judge. Discuss the types of issues judges deal with and how judicial decisions affect public policy.
2. Assume you are an advisor to the state government. You have been asked to review the topic of court unification. Prepare a report that outlines the pros and cons of unification and a recommendation as to whether or not your state court system should be unified.
3. Assign students to observe a criminal trial in progress in a federal, state, or local courtroom as a way of gaining insight into how courts operate, including courtroom décor and decorum.

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SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. Judicial activism refers to rulings that deviate from legal precedent as a means of effecting legal and social change. They may be over controversial or political issues. Examples will vary.
2. The adversarial system is the legal system whereby two opposing sides present their arguments in court with there being a winning side. It may become at battle that is not centered around guilt or innocence. The adversarial system shift the attention of the finding of truth to who is more effective at winning. Safeguards have been put in place to aid in finding the truth, like evidence being tested through cross-examination and power is lodged with several members of the courtroom workgroup.
3. The dual court system is divided between the federal court system and our state court system which is comprised of 50 individual state court systems. Federal U.S. Supreme Court is the highest and oldest court and focuses on constitutional issues or issues of legal importance. Federal U.S. Court of Appeals reviews some criminal cases, but mostly reviews cases originating from administrative agencies. Federal U.S. District Court is primarily the federal criminal court, and some jurisdiction over state courts. State supreme court mainly decides cases surrounding the state constitution. Some states have an intermediate court of appeals to review lower court decision. States also have trial courts that may be referred to as circuit or district courts.
4. Federal courts decide on federal issues, including the U.S. Constitution, and there is only one federal court system. The state court systems are individual court systems that litigate on state issues. State issues may be passed to the federal system.
5. Courts of limited jurisdiction are called the workhorses of the state court system because they are created and maintained by city or county governments and they oversee over half of the court cases in the state court systems.
6. Court unification is the reorganizing of the state court systems to improve and streamline the process. One manner of centralizing a state's court system would be to consolidate the system into one single-tier court with one rule-making authority and a centralized administration. The system would have one budget approved by the legislature. Illinois and New York represent examples of a highly and poorly unified state system.
7. Jurisdiction is the power or authority given to a court by law to hear certain kinds of cases. Types of jurisdiction includes diversity jurisdiction, limited jurisdiction, and original jurisdiction. Jurisdiction is needed to provide clarity of which court will oversee which type of case.
8. Policymaking involves establishing rules, principles, or guidelines to govern actions by ordinary citizens and persons in positions of authority. Court rulings on laws written by legislature impact citizens daily. There is a balance needed on the jurisdiction that the courts have over policymaking.

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Chapter 8

Court Personnel Roles and Functions

CHAPTER OVERVIEW

This chapter opens by defining and distinguishing the terms judicial administration and court administration and then considering judges: how they ascend to the bench, benefits and problems of the position, and some thoughts on good judging and courtroom civility; included here are discussions of a revised code of conduct for state and local judges, some ethical considerations concerning judges' use of social networking sites, and a definition and some examples of what is meant by the "appearance of impropriety." Then, the chapter specifically examine the judge's role as the ultimate judicial administrator and evaluate the quality of administrators' work. Notorious cases are presented.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Define and understand judicial administration and court administration.
- Understand the methods of judicial selection: partisan elections, nonpartisan elections, merit selection, and appointment.
- Discuss the benefits and problems encountered by judges, including the problems faced by newly appointed judges.
- Describe how civility is maintained in the courtroom, the meaning of good judging, and a new model code of conduct for state and local judges.
- Explain some issues surrounding judges' personal and professional use of electronic social media/networking sites.
- Provide a description of the "appearance of impropriety" concept as it applies to judges (and other criminal justice employees), as well as its importance and how it functions.
- Delineate the duties of judges who serve as court managers, including the chief justice of the U.S. Supreme Court.
- Relate the importance of court clerks.
- Define the six major duties of court administrators.
- Review several strategies that judges follow in determining the quality of administrators' work.
- Delineate the components of jury administration, including special considerations during notorious cases.

LECTURE OUTLINE

I. Introduction

A. This chapter opens by defining and distinguishing the terms judicial administration and court administration and then considering judges. It closely examines all aspects of these roles, including existing problems and how to evaluate these positions.

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II. Defining Judicial Administration

III. The Jurists

A. Methods of Judicial Selection

1. Partisan and Nonpartisan Elections
2. Gubernatorial/Legislative Appointments

B. Judicial Benefits and Problems

1. Mastering the breadth of law they must know and apply
2. Administering the court and the docket while supervising court staff
3. Coping with the psychological discomfort that accompanies the new position

IV. Good Judging, Courtroom Civility and Judicial Misconduct

A. What Makes for "Good Judging"?

B. Problems of Their Own: Types of Judicial Misconduct

C. A Revised Model Code of Conduct for State and Local Judges

1. Model Code of Judicial Conduct

D. A Thorny Issue: Judges' Use of Electronic Social Media Sites

1. Avoiding an appearance of impropriety

V. What Does "Appearance of Impropriety" Mean? An Example

VI. Judges as Court Managers

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A. Roles

1. Statewide jurisdiction for state Supreme Court chief justices
2. Local jurisdiction: a trial judge is responsible for administering the operations of their individual court
3. Presiding or chief judge: supervising several courts within a judicial district

VII. Court Clerks

VIII. Trained Court Administrators

A. Development and Training

B. General Duties

1. Reports, personnel administration, research and evaluation, equipment management, preparation of the court budget, and training coordination.

C. Evaluating Court Administrators

IX. Jury Administration

A. Notorious cases

LIST OF CHANGES/TRANSITION GUIDE

- New material on judicial misconduct
- Expanded coverage of the use of social media by the judiciary

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- New material on state court administrators
- Evaluating state court administrators
- New Deliberate and Decide on social media and the judiciary

ADDITIONAL CLASS ACTIVITIES

Guest Speakers

Consider inviting a court administrator or court clerk to speak to the class about judicial administration and court management, and discuss their various duties.

Invite a local or state judge to speak to the class about recent court reform, including what changes have been made, why they were considered necessary, and how they were brought about. The judge could also discuss issues relating to courtroom administration and how administrators are evaluated.

Class Discussion Topics

- Assume that your state selects judges using the partisan election method. Invite students to discuss what factors would influence their voting decisions, what qualifications they think are important, and what personality traits they think are characteristic of "good judges." This topic could also be given as an out-of-class written assignment.
- Have students debate whether or not the chief judge or justice of a court should be determined by seniority or whether other factors should be taken into consideration.
- Federal judges frequently are appointed for life and can only be removed from office by impeachment. Discuss why the Constitution provides for lifetime appointment of federal judges and have students debate the pros and cons of this method and whether it should be continued or changed.

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Judicial Misconduct

Consider expanding on the chapter's discussion of judicial misconduct. One concern that is only briefly mentioned in the text is the problem of older judges who refuse to leave the bench despite concerns regarding mental acuity. Some states have imposed mandatory retirement ages for judges, usually round 70 years of age, and the Supreme Court has ruled that this does not constitute age discrimination. Every state has a judicial conduct commission charged with the responsibility of investigating allegations of judicial misconduct and disciplining judges when necessary. Many state commissions have websites which will provide more information on this topic.

INDEPENDENT STUDENT ACTIVITIES

1. Assume you are a state governmental advisor and have been asked to recommend the best method for judges to ascend to the bench. Prepare a report for the governor and state legislature that outlines the pros and cons of each method and makes a recommendation for which method should be used in your state. Additional information on judicial selection may be found at: http://www.pbs.org/wgbh/pages/frontline/shows/justice/
2. Interview several rural and urban court clerks to determine how their duties, functions, and role perceptions differ.

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3. Using information from local newspapers, research events involving judicial misconduct. How are accusations of judicial misconduct handled? What types appear most common? What are the main responses?

SUGGESTED ANSWERS TO QUESTIONS FOR REVIEW

1. Judicial administration involves the day-to-day and long-range activities of those persons who are responsible for the activities and the functions of the court. There are many different types of courts, there is usually no formal training for the position, and the roles of the work of an administrator has changed over time. A court's policy decisions inevitably intertwine with administrative decisions. Definitions often separate the judicial and nonjudicial functions of the court.
2. The ABA adopted the Model Code of Judicial Conduct to provide standards of ethical conduct for judges. The Model Code covers a wide ranges of conduct, including sexual harassment, accepting gifts, and when to disqualify themselves from hearing a case.
3. Answers will vary as this question asks for an opinion. However, answers could include the following information: ABA offered the guideline of judges participating on electronic social networking as long as they are in compliance with the Code of Judicial Conduct and avoid any conduct that would undermine the judge's independence, integrity, or impartiality, or create an appearance of impropriety. One standard may be not having a "friend" on your social media that is a coworker or colleague in which it could be perceived that a favor may be given.
4. Appearance of impropriety occurs where someone creates a circumstance or situation that appears to raise questions of ethics. An example might be for a judge to have a "friend" on social media who is an attorney who has cases in the judge's courtroom.
5. The Conference of State Court Administrators encourages policies, principles, and standards for court administration. They facilitate cooperation and an exchange of ideas among court administrators. They promote modern techniques and try to improve administrative practices and effectiveness. The Institute for Court Management also provides training for this role.
6. Initially the court clerk was an officer of the court who was responsible for clerical filings and record keeping. Today most courts have court administrators, who are generally appointed or elected.
7. The key for the evaluation of court administrators is to base evaluation criteria on the specific duties of the court administrator. Evaluations can be formative (designed to provide feedback for future improvement) or summative (designed to assess past performance) or both. Data used in evaluation of court administrators may be statistical as well as perception-based.
8. The general duties of court administrators include reports, personnel administration, research and evaluation, equipment management, preparation of the court budget, and training coordination. With respect to composing a jury, the court administrator is responsible for compiling a master jury list, drawing a smaller venire or jury pool from that list, and sending summons out to the selected citizens. With respect to sequestering a jury, the court administrator must deal with logistical problems, consider security issues, and consider the personal needs of the jurors. When dealing with notorious cases, court administrators must deal with medica requests; logistics for handling crowds, the media, and security; and the management of the court's docket for other cases. A notorious case may require the use of a larger courtroom to accommodate many attorneys.

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Chapter 9

Court Issues and Practices

CHAPTER OVERVIEW

The chapter begins with a consideration of the so-called "CSI effect," and whether or not it has an impact on court operations and actors. Next, because history has shown that our courts—like the rest of our society—can be mean and brutish places, we review courthouse violence, its basic forms, and how to perform a threat assessment. We then discuss how problem-solving courts (focusing on drug, mental health, and veterans' courts) are expanding and using their authority and innovative techniques. Then, we examine the dilemma of delay (including its consequences, suggested solutions, and two systems of scheduling cases) and review how the spreading concept of ADR is used to decrease litigation and court backlogs. In a related vein, we look at two recent U.S. Supreme Court decisions concerning federal sentencing guidelines. Next, after a look at media relations and the courts, we briefly consider how courts have become more successful at grant writing in difficult financial times.

CHAPTER OBJECTIVES

After reading this chapter, the student will be able to:

- Distinguish the differences between the due process and crime control models.
- Define the "CSI effect" as it relates to court operations and actors.
- Describe courthouse violence, both actual and potential, and what must be done to assess and deal with threats to court actors.
- Describe the growing trend toward problem-solving courts.
- Review the problems and consequences of, and solutions for, trial delays.
- Diagram and explain the two systems used in scheduling cases.
- Relate the importance of alternative dispute resolution (ADR) for decreasing litigation.
- Describe a recent major U.S. Supreme Court decision concerning federal sentencing guidelines.
- Explain the courts' role in media relations.
- Discuss such issues as juveniles being waived into adult criminal court jurisdiction, the exclusionary rule, and the use of cameras in the courtroom.

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LECTURE OUTLINE

I. Introduction

II. Is There a "CSI Effect"?

III. Courthouse Violence

A. Shooters in the Courthouses

B. General Types of Court Violence

1. Non-targeted
2. Targeted

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C. Conduction a Threat Assessment
   1. Identifying the threat
   2. Assessing the threat
   3. Investigating the threat
   4. Managing the threat

IV. Problem-Solving Courts

A. Origin, Functions, and Rationale
B. A New Role for the Courtroom Work Group
C. Drug, Mental Health, and Veterans' Courts
   1. Extent and Effectiveness of Drug Courts
   2. Rationales and Methods of Mental Health Courts (MHCs)
   3. Diverting Veterans into Treatment

V. The Dilemma of Delay

A. "Justice Delayed—"
B. The Consequences
C. Delays During the COVID-19 Global Pandemic
D. Suggested Solutions and Performance Standards
E. Case Scheduling: Two Systems
   1. Individual calendar system
   2. Master calendar system
   3. Which System is Better?

VI. Decreasing Litigation: Alternative Dispute Resolution

VII. Supreme Court Decisions on Federal Sentencing Guidelines

A. The Sentencing Reform Act of 1984
   1. *U.*S. *v. Booker*
   2. *Gall v. U.S. and Kimbrough v. U.S.*

VIII. Courts' Media Relations

IX. Other Issues and Practices

A. Pretrial Decision Making: The Use of Risk Assessments
B. Are "851 Notices" Being Overused and Abused?
C. Time to Rethink Juvenile Waivers?
   1. Judicial waivers
   2. Prosecutorial waiver

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