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INTRODUCTION

Is It Possible to Prepare for a Criminal Justice Future?

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One of the leading social demographers of his day, Philip Hauser (1961) wrote a warning to those who would listen:

America is in the midst of a population crisis that threatens our traditional way of life. It is a crisis that becomes more severe with every day of the 1960s. It promises to become a national catastrophe and is already costing us heavily in money, terrible social problems, and lost liberty. (p. 31)

Of course, he was talking about the generation that would become known as the *baby boomers*. Birth rates ballooned as it was noted that between 1940 and 1960, the U.S. population grew by 48 million (Easterlin, 1962). It was the largest growth spurt in the country since its founding.

While those populating these numbers were looked upon with suspicion by society's elders (as they always have) and those basking in the glow of VE (Victory in Europe) and VJ (Victory over Japan) Days, Hauser's observations were prescient. They were followed by one of the pioneers of cohort analysis, Princeton University social demographer Norman Ryder, in a report to the President's Science Advisory Committee (cited in Wilson, 1975, pp.13–14), who warned:

'There is a perennial invasion of barbarians who must somehow be civilized and turned into contributors to fulfillment of the various functions requisite to societal survival.' That 'invasion' is the coming of age of a new generation of young people. . . . In 1950, and still in 1960,

the 'invading army' (*those aged fourteen to twenty-four*) (italics added) were outnumbered three to one by the size of the 'defending army' (those aged twenty-five to sixty-four).

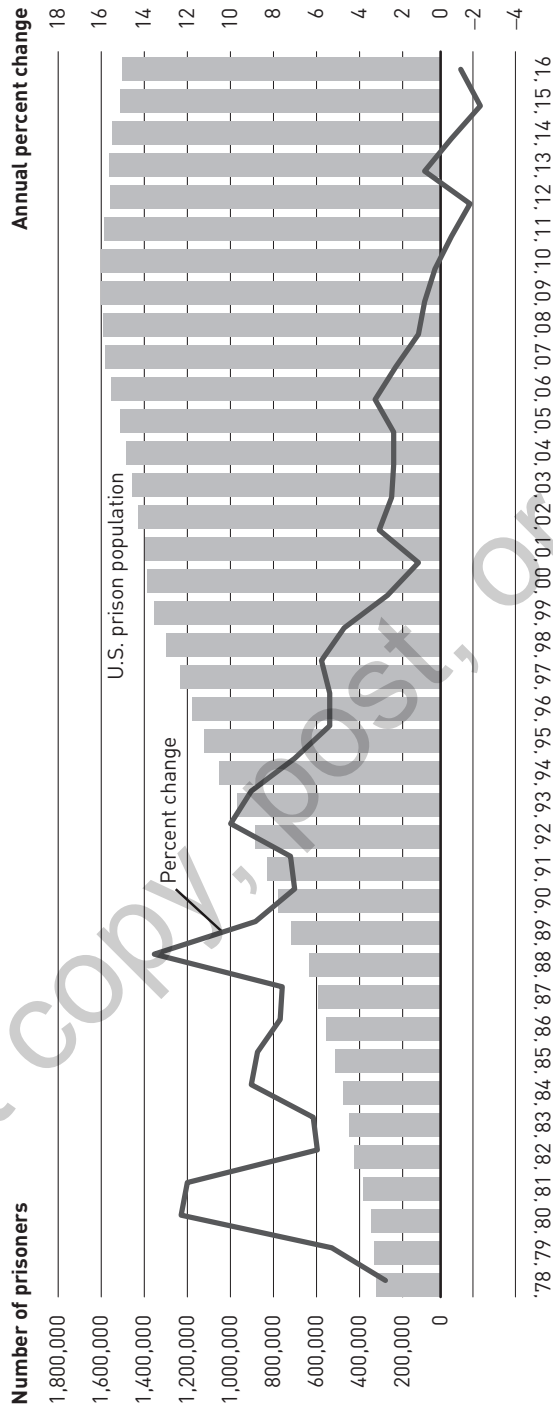
What Hauser and Ryder were both suggesting was that the country was unprepared for what would accompany the birth rate boom. This new generation would realize shortages in schools, teachers, hospitals, doctors, nurses, housing, sanitation, and other social services; the list went on but clearly included the growth of the criminal justice system as well. Eventually, cultural awareness and technology caught up and some semblance of zero population growth flattened the population curve (Ryder & Westoff, 1971) in the later 1960s. But the numbers included the multitude who would then avail themselves to the field of cohort analysis and demography and give quantitative support to the reality that available social resources lagged behind the need of those who would require those services.

The social science caution of correlation not equaling causation is relevant here. It is true that given their numbers alone, even if their activity and behavior only remained constant with earlier generations, they would still have necessitated expansion and increased attention to those interactions that caused harm and necessitated societal response. Still, in this context, it was the standard that a low-end minimum age for juvenile delinquency is 7 years of age, and it is widely acknowledged that juveniles become most active as teenagers (i.e., Ryder's invading army of Barbarians).

If the baby boom can have an agreed-upon start as approximately a calendar year after the end of World War II (summer–fall 1945), the first boomers came into the world 9 months later, in spring–summer 1946, which they did. If this is then juxtaposed to the social scientific reality that delinquency and subsequent criminal activity has its own onset around adolescence, then sometime around the fall of 1960 would mark the onset of the boomer crime wave. That is, if a grossly oversimplified explanation for what happened is offered.

What is relevant here is that the overall crime rate did increase over the last three decades of the 20th century. Street gangs, problem-oriented policing, stop-and-frisk, prison overcrowding, mass incarceration, and more became part of contemporary cultural awareness and the scientific lexicon (and fodder for big-dollar grant subsidies to study these issues) as crime rose to proportions not seen previously. Another less often discussed truth emerged as well. Federal funding through programs such as the Law Enforcement Assistance Administration and the Law Enforcement Education Program encouraged colleges and universities to create and rush into place academic certification offerings in the study, practice, and examination of crime and criminal justice. Degree programs soon gained credibility, popularity, and FTEs as scholars emerged, or were anointed, to address this new interest and take advantage of

FIGURE 1.1 ■ United States Crime Rate (gray line) Over United States Incarceration Population



Source: Bureau of Justice Statistics (2016). National prisoner statistics, 1978–2015.

the economic boon that was also a feature of this epoch. And then something mystical and unexpected happened. In the early 1990s, crime rates started to come down—not just decrease but dramatically fall. The slope of the curve became precipitous.

The above figure (see Figure 1.1) is provided for illustration purposes. In spite of the bimodal peaks and valleys that bracket the 1980s' generally upward slope, a positive increase can be seen from the start of this graph in 1978, but the actual increase began much earlier, in 1960. As contested by Wilson (1975), the increase can be attributed to the emergence of the baby boom cohort who matured into Ryder's Barbarians and then persisted through their generation, approximately the ensuing 30 to 35 years. It took society a while to react and develop the tools and technology required to effect remedies to the onslaught. But the reality is that no one really knows why the drop happened.

Attention yielded results. Scholarship produced theory and recommendations to combat crime, more intrusive police surveillance and processing techniques arose; better investigation techniques led to more arrests; the Supreme Court turned back some of the more controversial offender's rights precedents and instructed criminal justice practices to be, at minimum, equally as involved with the rights of victims; more convicts were incarcerated; the prison-industrial complex mushroomed across the country; and more attention and social resources were directed to those urban arenas where critical population mass and crime often centered. Economists Donohue and Levitt (2001) even attributed the decline in crime to the unintended consequences that those potential criminals simply did not exist because of legalized abortion, simply an outcome of ersatz regulated birth control. Many suggestions were made, and many on this list likely interacted, albeit unknowingly, to affect change. However, the most reasonable explanation lies with the combined implementation, in part, of all of these efforts in concert.

This figure is further included to illustrate another issue regarding criminal justice policy and practice over this period. That is, that while there has been a demonstrable decrease in crime commission, likewise it has been accompanied by a steady and disproportionate increase in the incarceration rate (represented here as the histogram). In spite of fewer crimes being committed, nationwide, the national incarceration rate has increased unabated. Crime spikes have occurred periodically but were followed by similar many depreciations, leading to the reality that the overall crime rate is nowhere near what it was at the end of the 20th century, while the incarceration rate remains distressingly robust.

Perception is critical to crime recognition and criminal justice practice. Beccaria's (1963) delineation of crime categories informs the type of punishment that follows: (1) most serious: crime against the state; (2) most prevalent: crime that injures or affects the security of and/or the property of individuals; and (3) most

recognized: crime that affects the public peace. Crime occurs by people against people. These tenets influenced our founding fathers and led to the criminal justice system existing today. This is also a reminder that as Quinney (2001) suggests, society creates definitions of crime based on its own ethnocentric criteria, and thus, cultural attention and law evolves, ebbs and flows, and is both quick and slow, simultaneously, to care or not care.

Attempting to link theory construction to policy creation to the world of criminal justice is challenging. Crime spans the breadth of human endeavor and interaction, from the seemingly irrelevant to the dramatically profound. Science is an active, problem-solving endeavor but predicting future events is beyond its scope or reach. Moral panics—societal reactions to wrongs—have everything to do with the creation of criminal justice and crime policy. Individual senses of justice, fairness, right, and wrong, as well as level of response, retribution, and retaliation, are all tied into jurisprudence, law creation, and social identity. There is also a link to the intrinsic need of people to do something. Ignoring or passively watching a disagreeable behavior be committed when it is in one's ability to stop, mitigate, neutralize, or prevent any ensuing harm to another is not what we do or who we are.

Approaching the end of first quarter of the 21st century underscores the reality that crime, its explanation, and any attempt to frustrate, or curb its existence, remains a worthwhile goal. There are several contemporary concerns that have attracted the attention of popular culture and have influenced the focus, deliberation, and context of criminology and crime policy. Colorado, Washington, and California have responded to the failure of prohibitions to effectively curtail marijuana use by enacting legislation that legalizes not only its medicinal but recreational use. The opioid crisis reminds us that villains are not only found lurking in society's dark corners (see Quinones, 2015). Or even that society's dark corners can be found in the open in myriad public locations. Sexual predation has been encountered in virtually every arena in which people interact. The entirety of corporate (broadly defined) entrepreneurs and public policy laborers and decision makers must be held accountable for the need to create predation-safe environments. These latest realizations have seized media attention away from what has long been the central concern of criminal justice, race and crime, race and criminal justice, and race and criminal justice practitioners. A discussion of crime in all of its orientations must include a discussion of race matters.

One of the Nixon administration's landmark legislative enactments was the Juvenile Justice and Delinquency Prevention Act of 1974. It demanded that four critical provisions be instituted in the handling of juvenile offenders. First, it called for the deinstitutionalization of status offenders. That is, because of the demonstrated overreach of the juvenile justice system, the Act stipulated

that juveniles, whose offenses were based specifically on their age (i.e., status), could not be detained in youth detention facilities or adult jails. So truants, runaways, and incorrigibles were systematically removed from juvenile custody and system attention.

Next, the act demanded that any juvenile being detained for investigation or for his or her own protection could not be held in the same space as an adult offender. In fact, they must be separated by “sight and sound” from each other. A rider to this provision called for “jail removal.” If facilities could not be provided and juveniles had to be detained in adult jails, this was allowable only as an exception and not the rule of jurisdictional policy.

The last provision is significant to this discussion. The act called for a resolution to the justice system’s recognized disproportionate minority confinement (DMC). No gainsayers existed arguing a contrary position. It was universally accepted that however the examination was framed, juveniles of color were much more likely to be apprehended, processed, and incarcerated than their white counterparts. This obviously then produced a similar effect on the clientele of the adult system. Of interest here, is that the act has been reauthorized a number of times by Congress, and while the first three provisions have been addressed, all that has happened to the last is that the letter “C” in DMC was changed from *confinement* to *contact*. Georgetown University’s Center for Juvenile Justice Reform has taken a further step and rebranded DMC and is offering training to jurisdictions so that they may become RED (reducing ethnic disparities) certified. Funding and hand-wringing on how to address this long-standing situation continues.

Taking a step back chronologically, what can further be tied to these recognitions is one of the fundamental findings of the 1965 President’s Commission on Law Enforcement and the Administration of Justice report, *The Challenge of a Free Society* (1967). Arising from the turmoil witnessed in virtually every metropolitan area in the country in the 1960s, President Johnson recruited criminal justice experts to examine and then, based on their best analysis and interpretations (an early form of evidence-based practices), offer recommendations on how to improve literally every aspect of the criminal justice system. Along with producing task force reports in nine areas of concern—police, courts, corrections, juvenile delinquency and youth crime, organized crime, science and technology, assessment of crime, narcotics and drugs, and drunkenness—suggestions on how to remedy the confrontation problems law enforcement personnel and citizens were experiencing their cities were included in the report. Regarding policing, a very specific recommendation was this:

The ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees (p. 109).

Simply, the commission called for college graduate police officers. Almost universally, this recommendation has been ignored by the law enforcement community. While the benefits of a college education and the practice of policing have been demonstrated over a range of scientific investigations, data on how many departments actually have a 4-year degree as a baseline hiring qualification are impossible to find (Paoline, Terrill, & Rossler, 2014). A small minority of departments report having an education requirement beyond high school equivalency, some ask for completion of 60 college credits. Finding any department that requires a bachelor's degree is grueling. This standard must be considered in context with another reality in that possession of a college degree does not insure that that candidate will succeed as an effective/efficient law enforcement officer. While the 4-year college experience clearly provides the advantages of: a broad-ranged education, diverse social interaction, and decision-making and critical-thinking opportunities that are critical to contemporary policing, there are other intangible, practical assets not taught in a college classroom.

The commission further called for better police–citizen relations. A clear benefit of a liberal arts college education is the diversity of (in some cases, forced) interactions with a range of social others. Not simply tolerance but acceptance that solipsism is acceptable must be assertively rejected.

These two public policies can be juxtaposed here as a discussion of the range of concerns that are brought into focus with the recognition that finding examples throughout the social media or the nightly news of inappropriate police and citizen interactions is not difficult to do. Race and crime could potentially have very different outcomes if the educational quality of those engaged in a dissolute encounter were greater. Tough, dangerous decisions that have undergone immediate critical examination or even that are the product of rigorous evidence-based practice analysis could produce radically different results. Blame or fault is not the goal here; solutions that may lead to more positive outcomes are. If you have not had a chance to read *Los Angeles Times* reporter Jill Leovy's (2015) remarkable account of homicide investigators and the cases that they investigate, spending time with *Ghettoside* would very much be worth your effort with these considerations in mind.

Why Hauser and Ryder's observations about our collective future began this conversation is that the decade of the 2010s leading into the 2020s has seen a modest uptick in crime. While it may appear that violence, oppression, and avarice have remained unimpeachable in many venues and situations, the overall rate of crime and any connection to most of the sociodemographic variables that inspire the social sciences has not produced the dramatic criminal increases found by "The Greatest Generation." The progeny of the baby boomers have now reached or are now reaching the age of Ryder's Barbarians; we will see what the years reveal.

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ORIENTATION

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PART I

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