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Perspectives on Innovation and Reform in Criminal Justice - Forward

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SYMPOSIUM

PERSPECTIVES ON INNOVATION AND REFORM IN CRIMINAL JUSTICE

FOREWORD

MARVIN E. WOLFGANG*

The notion of having a collection of articles on the periphery of traditional thinking occurred to us on the editorial staff nearly a year ago. We believed that an entire issue of the *Journal* should be devoted to new suggestions for analysis of the criminal justice system. Our purpose in this enterprise is to stimulate the creative imagination of our readers, who include researchers, lawyers, agency administrators, judges, and others who are capable of influencing the minds and conduct of men and institutions. There is no substantive theme to this symposium. But there are elements that link this otherwise disparate collection of articles: new analytic perspectives of old problems, with innovative suggestions for reform in criminal justice.

Whether engaged in research or the administration of criminal justice, people have values that guide or govern their decisions. The canons of science and the principals of justice are sets of values which form ideologies. Walter Miller increases our awareness of the ways in which these ideologies affect the functioning of the police, jurists, scholars, and others who work in the field. He points out that the intrusion of these values must be analyzed carefully if we are to understand their impact on major decisions affecting offenders and the social institutions that deal with them.

While Walter Miller views a broad perspective, James Thompson and Gary Starkman draw a narrow focus. Their subject is the judicial acceptance of the "citizen informant" doctrine in the law of search and seizure. The authors suggest that when the informant is an "ordinary citizen," as victim or witness to a crime, law enforcement officers need provide no further evidence of reliability in

applying for a search warrant. Acceptability of this doctrine requires close and logical reasoning and satisfaction that adequate safeguards will be provided against abuse.

Suggestions for abolishing the grand jury are not new, but Judge William Campbell not only concludes the grand jury argument, he makes specific suggestions for its replacement. William Hamilton and Charles Work discuss another malady of the criminal justice system—the backlog of cases in the courts. Instead of advocating more judges and more courts, they analyze a new management program for the prosecutor's office. Their suggestions of diverting some cases while giving priority to others coupled with careful, systematic evaluation and preparation for trial would lead to a major reform of the system.

The computer is man's servant, but man is still master. His fallibility is still reflected in the faulty choice of inputs and his incapacity to cope with information outputs. The human mind, says Leslie Wilkins, rather than the computer, is increasingly faced with the problem of information overload. His warning should serve not only to alert but also to suggest solutions.

In a different vein, Alfred Blumstein and Jacqueline Cohen formulate a model, with empirical testing, of a homeostatic process reflected in society's use of sanctions against criminal deviants. They seek to show that there has been a stability of punishment over time relative to what is defined as criminal; that increased tolerance for deviance reduces the use or severity of punishment. The formulation and its empirical demonstration offer insights for the future of criminal justice.

John Conrad's article reviews the rise of the rehabilitative rationale and examines the modern-day realization that rehabilitation is not achievable within our self-defeating and environmentally alien

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prison system. He offers guidelines for the future of punishment which aim toward satisfying the twin goals of justice and the protection of society.

As can be noted by an excursion of these articles, the symposium has provided the authors the opportunity to present more than simply descriptive pieces of research or legal history. The writers

offer arguments supporting specific positions; they take their stands and push our thinking beyond the borders of the traditional. These are thoughts not meant to revolutionize but to reform a faulty system of criminal justice. If revisions and rebuttal are stimulated by this symposium, we shall have accomplished our purpose.