

Discretion, Justice And Democracy: A Public Policy Perspective. Carl Pinkele and William C. Louthan, eds., Iowa St. University Press, 1985. 135 pp. hardback.

In this book of readings, Pinkele and Louthan have gathered together articles related to the important issue of discretion. The authors define discretion as "the ability of one who occupies an official position in the law implementation system to act with considerable autonomy." The readings have been arranged so that relevant issues concerning discretion are introduced, then various agencies in the system are examined to explore the operation of discretion in their particular roles. Although discretion has often suffered from negative connotations, i.e. individual discretion (power) equals tyranny, in these works it is presented as an integral part of our system of government and the criminal justice system.

Distrust of individual power is expressed in political history by the phrase "we are a nation of laws and not men." It is represented in our judicial system by the concept of "blind justice." The legacy of Beccaria includes the guiding principles of equity, impartiality and "fairness" in place of tyranny. But these noble philosophies are unable to meet the demands of a purely human system. Equity becomes inequity when similar treatment is prescribed for dissimilar people. So the concept of individualized justice is necessary, along with its corollary — discretion.

Actually we are probably not much concerned with officials having discretion — as long as their decisions are acceptable. It is only when we disagree with the decisions that we become concerned about discretion. Very few believe, however, that discretion has no place in our system. Nor is it, necessarily, antithetical to concepts of accountability and responsibility. The first couple of articles in this book discuss how best to control discretion, certainly not how to eliminate it.

In the first article, Pinkele argues discretion is a necessary part of a healthy democracy and it is in the political process itself that discretion can and should be controlled. He cites the inability or lack of advisability in controlling discretion through administration or laws. They are either inadequate or overcontrolling: "So long as we have the opportunity to apply democratic criteria, political action is not only enough of a check upon tyranny, it is a better solution to the discretionary dilemma than is generating more rules and retreating from realization of the essentially political nature of the problem" (p. 12). Although one may argue with the author's conclusions, and certainly there seem to be other avenues of control to which the author did not give credit (i.e.

Discretion Justice And Democracy A Public Policy Perspective

Joycelyn M. Pollock



Discretion Justice And Democracy A Public Policy Perspective:

Discretion, Justice, and Democracy Carl F. Pinketele, William C. Louthan, 1985 **Public Administration and Law, Third Edition** David H. Rosenbloom, Rosemary O'Leary, Joshua Chanin, 1996-09-12

A Practical Handbook for Public Administrators

Despite the sizeable literature on administrative law and the courts few books adequately demonstrate how judicial decisions have transformed American public administration thought and practice Public Administration and Law is the first book of its kind to comprehensively examine the impact of judicial decisions on the enterprise of public administration A practical guide for practitioners this book goes beyond a theoretical framework and provides concrete advice for real world situations Rather than abstractly and generally discuss doctrines such as procedural and substantive due process the book analyzes their application to specific contexts in which administrators engage individuals Written in a non technical fashion the volume discusses contemporary federal administrative law and judicial review of agency action or inaction It clearly explains the general framework that controls agency rule making adjudication release of information and related issues In addition a section is included on the burgeoning and litigious field of environmental law and advice is presented as to what public administrators need to know about environmental regulations and what can happen to those who fail to head them Now in its second edition this handbook is a must for public administrators who want to successfully avoid judicial scrutiny and challenge of their official actions

The First Civil Right Naomi Murakawa, 2014

The explosive rise in the U S incarceration rate in the second half of the twentieth century and the racial transformation of the prison population from mostly white at mid century to sixty five percent black and Latino in the present day is a trend that cannot easily be ignored Many believe that this shift began with the tough on crime policies advocated by Republicans and southern Democrats beginning in the late 1960s which sought longer prison sentences more frequent use of the death penalty and the explicit or implicit targeting of politically marginalized people In The First Civil Right Naomi Murakawa inverts the conventional wisdom by arguing that the expansion of the federal carceral state a system that disproportionately imprisons blacks and Latinos was in fact rooted in the civil rights liberalism of the 1940s and early 1960s not in the period after Murakawa traces the development of the modern American prison system through several presidencies both Republican and Democrat Responding to calls to end the lawlessness and violence against blacks at the state and local levels the Truman administration expanded the scope of what was previously a weak federal system Later administrations from Johnson to Clinton expanded the federal presence even more Ironically these steps laid the groundwork for the creation of the vast penal archipelago that now exists in the United States What began as a liberal initiative to curb the mob violence and police brutality that had deprived racial minorities of their first civil right physical safety eventually evolved into the federal correctional system that now deprives them in unjustly large numbers of another important right freedom The First Civil Right is a groundbreaking analysis of root of the conflicts that lie at the intersection of race and the legal system in America

Justice Fragmented George C. Pavlich, George Pavlich, 1996 Exploring real life experiences of community mediation practices in Canada the author develops some of Foucault's central ideas on governmentality

Law and Society Steven Vago, 2012 Law and Society tenth edition provides an informative balanced and comprehensive analysis of the interplay between law and society This text presents an overview of the most advanced interdisciplinary and international research theoretical advances ongoing debates and controversies It raises new levels of awareness on the structure and functions of law and legal systems and the principal players in the legal arena and their impact on our lives In addition it looks at the legal system in the context of race class and gender and considers multicultural and cross cultural issues in a contemporary and interdisciplinary context Provided by publisher

Harvard Law Review, 1988

Handbook on Artificial Intelligence and Expert Systems in Law Enforcement Edward C. Ratledge, Joan E. Jacoby, 1989-09-26 As the complexities and problems that plague law enforcement agencies continue to proliferate the need to utilize every available tool has led to the application of expert systems to law enforcement activities This first book to explore this application is both practical and conceptually clear as it explains the potential utility of expert systems and their impact on operations and management Such systems can support command and control through computer aided dispatching assist in the solution of high volume crimes such as residential burglaries aid in the design of programs for the apprehension and prosecution of career criminals and repeat offenders upgrade personnel through enhanced training programs and provide an improved method for the delivery of technical assistance and training services Until now literature to assist organizations that could benefit from this technology has been scarce Ratledge and Jacoby have geared their discussions to a wide audience which includes both practitioners and the academic community This handbook offers clear systematic explanations of the applications of expert systems in the world of law enforcement It discusses the impact of these systems on traditional ways of policing and crime solving and details a set of practical guidelines for jurisdictions considering the use of expert systems The text is designed to present information in an order that progresses from general to technical aspects of the subject The first two chapters provide an overview of expert systems as they apply to different law enforcement areas and discuss the policy issues they create The next section describes practical applications of expert systems in computer aided dispatching crime solving and training Chapter 4 explains the basic steps in building expert systems its terminology and general characteristics Chapter 5 offers an introduction to artificial intelligence and its uses in problem solving and expert systems Written with the expert systems designer or data processing manager in mind Chapter 6 reviews the problems encountered in linking inferencing to data processing and the efficiencies and technical requirements of the system In Chapter 7 a case study of the Baltimore County Police Department's expert system for residential burglaries is presented and the steps taken in the development of that system are described Included in the valuable appendices are a list of vendors two bibliographies including an annotated one relating to current policing issues and one dealing with technical publications and a glossary This timely handbook will

enable practitioners in criminal justice to make informed decisions regarding the implementation of expert systems It also provides up to the minute information for computer system consultants and academicians and students in computer science and criminal justice administration **Michigan Law Review** ,1986 **Public Affairs Information Service Bulletin** Public Affairs Information Service,1985 **Sage Public Administration Abstracts** ,1986 *Prosecutorial Discretion in Germany's Rechtsstaat* Shawn Boyne,2007 **Political Science Quarterly** ,1981 Offers timely analysis of both domestic and foreign policy issues as well as of political institutions and processes *Oregon Law Review* ,1984 Vol 1 14 include the proceedings of the Oregon Bar Association previously issued separately as Proceedings of the Oregon Bar Association at its annual meeting **Ethics in Crime and Justice** Joycelyn M. Pollock,1989 Current comprehensive and well documented this book explores ethical issues in each of the sub systems of criminal justice The first three chapters offer basic definition of morality and ethics and then show the relationship of each to the principle of justice *The Least Dangerous Branch?* Stephen P. Powers,Stanley Rothman,2002-11-30 Is the American judiciary still the least dangerous branch as Alexander Hamilton and legal scholar Alexander Bickel characterized it Unlike legislatures or administrative agencies courts do not make policy so much as direct and redirect policy as it is implemented The judicial contribution to policymaking involves the infusion of constitutional rights into the realm of public policy and as the government has grown the courts have become more powerful from doing more and more of this Powers and Rothman explore the impact of the federal courts providing a brief account of the development of constitutional law and an overview of the judiciary s impact in six controversial areas of public policy Busing Affirmative action Prison reform Mental health reform Procedural reforms in law enforcement Electoral redistricting In each of these areas the authors review significant cases that bear on the particular policy exploring the social science evidence to assess the impact of the courts on policies and the consequences of that intervention Powers and Rothman conclude that judicial intervention in public policy has often brought about undesirable consequences sometimes even for the intended beneficiaries of government intervention **The Law and Politics of Police Discretion** Gregory Williams,1984-12-07 This study examines the discretionary decision making of U S police officers with respect to the decision to arrest It finds that socioeconomic status age sex and personal appearance are among the factors influencing police arrest decisions as well as the background prejudice experience and personality of the individual officer It concludes that strong and coordinated efforts on the part of police state and local government and the judiciary will be needed to implement guidelines to control arrest decisions *Buffalo Criminal Law Review* ,2000 **Intergovernmental Relations and Public Policy** ,1985 *Policing America* Kenneth J. Peak,2000 This book provides readers with a comprehensive view of the often obscure world of policing with in depth coverage of today s major topics It explores the methods and issues personality and problems and attitudes and beliefs of those persons who enforce federal state and local laws Chapter topics include the rights of police officers women and minorities in policing private policing unionization contract and consolidated policing

civilianization accreditation higher education and stress A real world focus gives insight to one of the most difficult and challenging occupations in America Career overviews highlight information on the various fields of police work for those considering making it their future Given their prominence and authority in our society consumers of police services will also find this a provocative read *Contemporary Public Administration* Dennis J. Palumbo, Steven Maynard-Moody, 1991

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