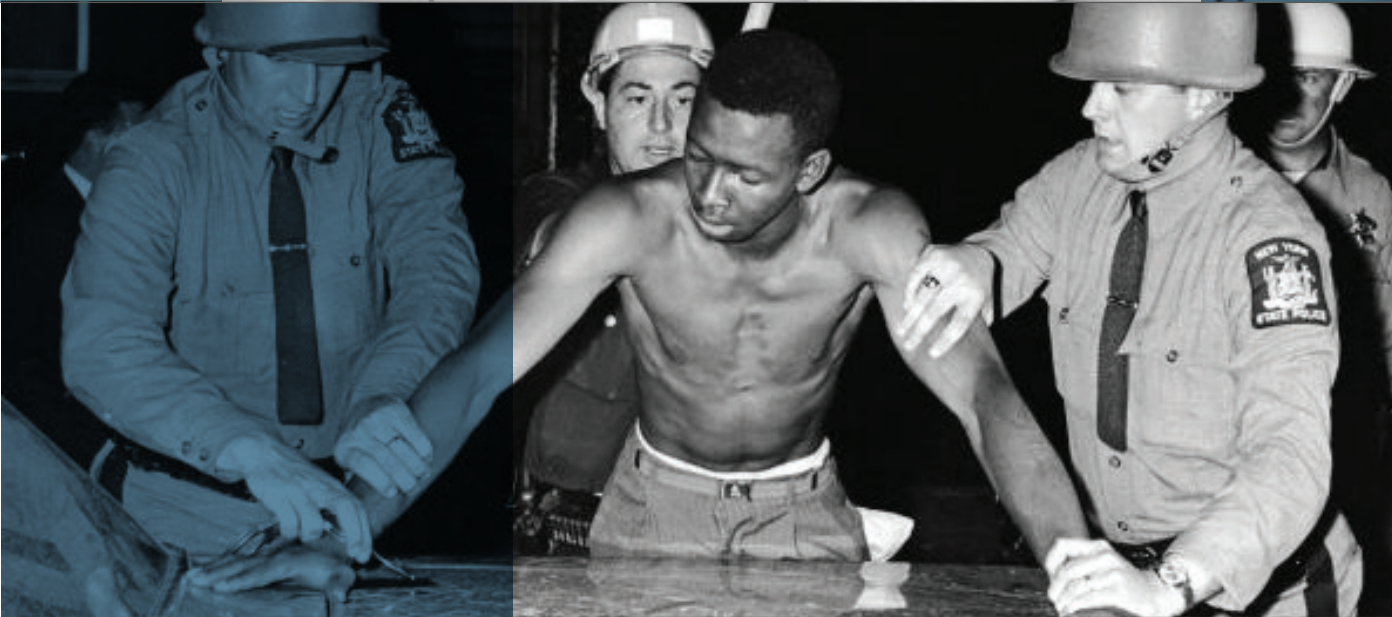


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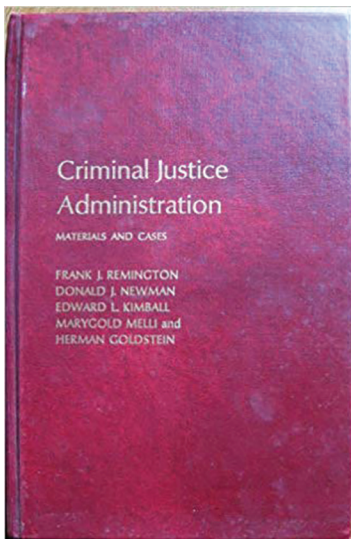
Vol 31 | No 1



## The ABF Survey on Criminal Justice Administration: Origins of the Modern Criminal Justice Paradigm

# The ABF Survey on Criminal Justice Administration: Origins of the Modern Criminal Justice Administration

In the mid-20th century, concern over organized crime was rising across the country. New crime syndicates had established themselves in the late 1940s, leading to an increasing state of alarm among state and local law enforcement officials.



*Criminal Justice Administration: Material and Cases* by Frank J. Remington, Donald J. Newman, Edward L. Kimball, Marygold Melli, and Herman Goldstein. Image courtesy of The Bobbs-Merrill Company, Inc.

The rising concern over organized crime led to decades of scholarship by national crime commissions, which resulted in a criminal justice model known as the Progressive Era Paradigm. The Progressive Era Paradigm relied on official data and undertook no direct observations of criminal justice agencies in action, which led to ideological assumptions about the administration of justice. According to these assumptions, a series of actors operated according to the letter of the law and never used discretion in their decision-making process. Any divergence from applying full law enforcement was perceived to be evidence of some political, institutional, or moral failure to punish wrongdoers.

The American Bar Foundation (ABF) recently marked the 50th anniversary of the final book of five published on the ABF Survey on Criminal Justice Administration (*Criminal Justice Administration: Materials and Cases*, published in 1969 by Remington et al.), which swept aside the Progressive Era Paradigm. The ABF Survey was the first to gain insight into the day-to-day operation of criminal justice agencies, relying less on official data and more on observational research. The ABF Survey used empirical observations to carefully examine the criminal justice process, from defendants' first contact with police to contact with the courts, probation, and parole.

# 1 Justice Administration: Modern Criminal Justice Paradigm

The ABF Survey marked a significant paradigm shift in the study of criminal justice. It prompted a view of a fuller, more comprehensive view of the administration of criminal justice consisting of a series of critical decision points, interactions, and discretionary decisions by the police, prosecutors, judges, probation officers, and other actors. The Survey became the most extensive empirical investigation of the administration of criminal justice covering nearly seventeen years of study. Its findings created insights that eliminated myths, created a

The Survey became the most extensive empirical investigation of the administration of criminal justice covering nearly seventeen years of study.

new base of knowledge, and had a significant impact in bringing about improvements in criminal justice.

## ORIGINS OF THE ABF SURVEY

The formation of the ABF Survey began in 1953, at the suggestion of U.S. Supreme Court Justice

Robert H. Jackson. Recognizing the threat of organized crime as a central social and political issue, he gave a speech to the American Bar Association (ABA) urging them to begin a program of empirical research that would address the “breakdown, delay and ineffectiveness of U.S. law enforcement.”



Completed in 1954, the American Bar Center in Chicago, IL was the agency for all ABA and ABF activity. While most of the property was owned by the University of Chicago, the university deeded part of the property to the ABF, a nonprofit created by the ABA. Image courtesy of the University of Chicago Photographic Archive, Special Collections Research. Center, University of Chicago Library.



Until then, crime surveys relied almost exclusively on printed records of information about arrests, prosecutions, and convictions. This sort of work did not allow for insight into what led police to arrest individuals, how judgments were made that led to charges, or any other actions that made up the routine administration of justice.

Because little was known about the day-to-day administration of justice, Justice Jackson noted, it was challenging to propose meaningful reforms. To find out more, empirical research was needed. The goals, he said, were not just effective law enforcement but also protection of individual rights. He recommended research on the points at which the existing process could be used, purposely or unconsciously, to harass or jeopardize innocent persons.

The ABA had recently created the American Bar Foundation in 1952, with the mission of becoming the preeminent provider of empirical research fundamental to legal institutions and legal processes. The Survey on Criminal Justice Administration was among the ABF's first major projects, providing the Foundation with the opportunity to devote significant time, effort, and resources to a long term, empirical research program. This was instrumental in establishing the ABF as a center for high-quality research that guides the legal profession, the academy, and society.

### The Survey Process: Examining the Administration of Criminal Justice

To guide the Survey process, Arthur Sherry, a law professor

from the University of California created a 190-page project plan. The plan called for the study of “organization, administration and operation” of 1) police, 2) prosecution and defense, 3) courts, and 4) probation, sentence, and parole. The research plan was flexible and open-ended, intended as an exploratory ethnographic study. It aimed to systematically and directly observe criminal justice agencies in operations, and in this way, provided a roadmap toward a new paradigm.

From 1955 through 1957, field teams of observers went into cities and rural areas of Wisconsin, Kansas, and Michigan. In an unprecedented move, researchers did on-the-ground observational research of both low- and high-visibility daily criminal justice practices. Their approach focused on decision-making and examining what police, prosecutors, judges, probation and parole officers did in everyday practice. They observed the discretionary actions that took place at each decision point, rather than assuming that the ‘law on the books’ was followed and that legal analyses sufficed.

The field team members rode in police cars, observed police station behavior, and watched prosecutors as they reviewed cases and charged defendants. They also sat in courtrooms, spoke to judges, and watched arraignments sentencing. Finally, they observed probation officers and sat with parole boards to understand the supervision,



Paradize Valley, Detroit, Michigan, 1942. A business and entertainment African American neighborhood that was later transformed in the 1960s. Image courtesy of William Vandivert, The LIFE Picture Collection via Getty Images

release and revocation of decisions. They took extensive field notes on their observations and sent in their field reports for collecting, classifying, and coding.

This project resulted in over 2,000 field reports on the daily activities of the police, courts, prosecutors, and more. The observations covered many of the key decision stages in the criminal justice process from arrest to prosecution and conviction, revealing findings that even the most preeminent experts had not previously noticed or observed. The researchers described problems encountered at different decision points in the administration of criminal law, the actions taken, and the explanations for them. The Survey specifically focused on the “low-visibility” decisions of all participants in the criminal justice system, which were not widely known nor understood.

The observations covered many of the key decision stages in the criminal justice process from arrest to prosecution and conviction, revealing findings that even the most preeminent experts had not previously noticed or observed.

These decision points had not previously been reflected in formal criminal justice literature prior to the ABF Survey.

The ABF Survey was completed throughout the 1950s and included the first observational studies that revealed the fundamental differences between ‘law on the books’ and law in action. The findings were included in five books, published through the 1960s, and were revelatory for legal scholars and practitioners alike. By the time the final book on the subject was printed in 1969, the field of criminal justice administration scholarship was transformed.

The ABF Survey included the first observational studies that revealed the fundamental differences between ‘law on the books’ and law in action.

## PIONEERS OF THE SURVEY

### Frank Remington and Lloyd Ohlin

To lead the Survey, the ABF relied upon Frank J. Remington and Lloyd E. Ohlin. Together, they served as pivotal figures to



FRANK J. REMINGTON  
Image courtesy of University of Wisconsin Athletic Hall of Fame

shape the Survey’s research objectives and helped create a new criminal justice paradigm. The ABF hired Frank J. Remington to serve as the director of the Survey. He was a law professor at the University of Wisconsin and an expert in criminal court procedures. He had previously worked on major criminal law reform projects, including assisting in rewriting Wisconsin’s criminal law system. As Director, Remington was responsible for the day-to-day functions of the Survey. He reviewed field reports from the research team, providing



LLOYD E. OHLIN  
Image courtesy of Harvard Law School Special Collections

them with feedback by checking for ambiguities in the research and noting issues that needed further investigation. Remington was also the editor of five books based on the ABF Survey findings.

Lloyd E. Ohlin served as the chief research consultant in the ABF Survey team. He was a sociologist for the Illinois Parole and Pardon Board. At the time of the Survey, he became Director of the Center for Education and Research in Corrections at the University of Chicago. Ohlin also served as a staff criminologist actuary at the Illinois State Penitentiary in Joliet, which allowed him to understand the complexities of the administration of justice.

## The Ford Foundation

The ABF Survey received over \$500,000 in grants from the Ford Foundation, the single largest grant for criminal justice research at that time. The Ford Foundation was known for investing in pioneering research, the development of expertise, and institution building. As the wealthiest private foundation at the time, it was able to support large projects, including those deemed too politically sensitive to be funded by private agencies. The Ford Foundation was attracted to the ABF's goal of exploratory research in a relatively neglected area of American social policy. With this generous funding, the Ford Foundation also aimed to help establish the ABF as a new

institution, which would carry on valuable work in the field of law.

## KEY FINDINGS OF THE ABF SURVEY

### Creating a new Criminal Justice Paradigm

The Progressive Era paradigm regarded the administration of justice in terms of discrete agencies and actors. In this view, it was the police who acted first, then courts, then correctional agencies, with little interaction between them. The findings of the ABF Survey turned this idea upside down, creating a new modern paradigm. The results showed that the police, courts, and correctional agencies were interconnected, with multiple actors and officials interacting in complex patterns to shape decisions. It also revealed that the administration of criminal justice included the pervasiveness of discretionary decision-making.

The ABF Survey was the first to use empirical research to reveal the complexity of the administration of criminal justice. According to Malcolm Feely, Professor of Law Emeritus at the University of California-Berkeley, the term “‘administration’ implies discretion, the need for leadership, adjustments, coordination, and in short the ‘human touch.’” Before the ABF Survey, there was no field of criminal justice administration. The results of

the Survey helped expand this idea, including viewing criminal justice as a “system.” According to Feely, the term “system” is “a reference to system theory that developed from complicated machines and assembly lines and then was transferred to ‘human’ interactions whose parts should be synchronized to work...as a whole.” The term now widely used as criminal justice “system” was later populated by the President’s Crime Commission’s Task Force Reports on Courts and Science and Technology.

### Law on the Books vs. Day-to-Day Administration

The ABF Survey increased the visibility of previously confidential and not widely understood practices, including police questioning, prosecutors reducing charges in exchange for guilty pleas, and parole release decisions. These processes were rarely reflected in formal literature about criminal justice.

Before the ABF Survey, substantive criminal law was viewed as a given. The criminal process was assumed to consist of simple law enforcement such as arrests, prosecutions, and punishment of criminal offenders. The ABF Survey shifted the focus to the day-to-day administration of the criminal justice agencies. In the everyday work of the criminal justice administration, various problems were solved not only through law



reforms on the books, but also through various “accommodations, bargains, and distortions.”

Observations revealed that beyond the traditional criminal problems, the criminal process also handled various social issues, including family difficulties, mental illness, and financial disputes. Because the criminal process was complex, the role of the police was also complicated. Members of the public viewed police as crime fighters but also expected them to serve as problem-solvers and peacekeepers. The police were not only called upon to fight crime, but also to handle unpredictable incidents including responding to a wide range of disputes, directing traffic, finding missing persons, handling stray animals, and even providing first aid.

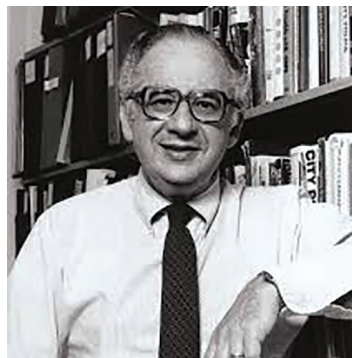
## The Pervasiveness of Discretionary Decisions

The Survey’s findings dispelled long-standing myths about the administration of criminal justice, such as the idea that the primary role of the police is law enforcement and the belief that it is possible to eliminate discretion by actors within the criminal justice system. Observations by the ABF Survey team found that, contrary to previous assumptions, the administration of justice was permeated by discretionary decision-making.

Within the administration of criminal justice, the ABF Survey

illustrated that the most critical discretionary actions were made at the bottom, not the top, of the criminal justice bureaucracy. Police on the streets, district attorneys, and probation officers often decided when and how to act. The team found that structured legal norms did not guide much of the decision-making by police. Rather, their decision-making was improvised and created to simply “get the job done.”

The ABF Survey was the first to reveal the challenges faced by all actors in the administration of criminal justice, in balancing the competing calls for applying legal rules and a sensitive appreciation of situational and human needs. From arrests to plea bargaining, officials used discretion to balance the need for justice with empathy, sensitivity, and moral motivation to gauge behavior and make ethical decisions. Unfortunately, field researchers observed that discretionary decision-making could sometimes lead to unlawful



HERMAN GOLDSTEIN  
Image courtesy of University of Wisconsin-Madison Law School, Gargoyle

The ABF Survey was the first to reveal the challenges faced by all actors in the administration of criminal justice, in balancing the competing calls for applying legal rules and a sensitive appreciation of situational and human needs.

arrests and casual unprofessional conduct by police.

Herman Goldstein, who later became Professor of Law Emeritus at the University of Wisconsin-Madison with a focus on policing, was a researcher on the ABF Survey team. Goldstein and his team conducted observational research on the day-to-day functions of the police in Detroit, Michigan. There, the ABF Survey team witnessed police misconduct, including a group of four police officers nicknamed the “big four,” who roamed an unmarked Buick with weapons such as pistols, sledgehammers, and axes. The “big four” would drive around town looking for bars to raid and targeting black citizens. They would participate in harassment and police brutality.

Racism and discrimination were evident in discretionary decision-making. Black citizens were mistreated and unlawfully searched and seized, while members of the LGTBQ community were often harassed. In one instance, a black citizen was severely beaten after photographing a group of officers who were bowling in Pontiac, Michigan. Unlawful arrests were also conducted as police routinely broke into buildings to obtain evidence and created “clean-up” squads by staging gambling riots.

The ABF Survey Team also found that prosecutors and correctional officials did not follow legal norms. Defense attorneys often gave a misleading account of their actions to their clients, prosecutors detained suspects longer under false pretexts, and correctional officials were even ignorant of the law.

Police misconduct was not only a result of the lack of administrative rule but also as a response to the public’s demands to control organized crime, including gambling and disorder. In turn, the role of police became convoluted.

Although actions were taken in some places to restrict the role of discretion in decision-making, field researchers documented the fluid nature of this. Their observations showed that efforts to limit the discretion of some officials nearly always lead to shifts of judgment from other officials.

## Plea Bargaining

Before the ABF Survey, research revealed that few arrests resulted in prosecution, trial, conviction, or imprisonment. At the time, people were presumed guilty if arrested or charged, and refusal to prosecute or convict was viewed as a “failure” to punish wrongdoers. The ABF Survey team took a different approach. They tried to understand the decisions made by prosecutors and other agencies rather than focusing on whether their approach was desirable.

Field researchers conducted observations in Milwaukee, Wisconsin and Detroit, Michigan, where legal requirements differed. They found that prosecutors and other agencies tried to accommodate to what the law required. Although the law did not mandate sentencing in Milwaukee, it did mandate sentencing in Detroit. As a result, what is now known as “plea bargaining” became common in Detroit. The ABF Survey team found that the plea-bargaining process was led by consideration of what was thought to be a proper outcome in each individual case. This was used as an alternative to prosecution and conviction, especially in less severe offenses in Detroit.

Observations from the ABF team revealed that the informal procedure of charging and plea-bargaining is complex and difficult because of the conflict between applying the law and the desire

to provide a suitable outcome for each case. The Survey showed that although judgment as to what was an appropriate outcome for a case was always considered, the stage where it was applied varied from jurisdiction to jurisdiction. This often depended on if the law required a mandatory sentence, as it did in Detroit.

The ABF Survey revealed ambiguity on whether the decision to charge was an executive or judicial responsibility. For instance, cases occasionally came directly to the prosecutor, leaving out police involvement altogether. The ABF Survey led to changes to the Federal Rules of Criminal Procedure to increase formal requirements for plea bargaining.

At the time of the ABF Survey, defendants often faced prosecutors

Observations from the ABF team revealed that the informal procedure of charging and plea-bargaining is complex and difficult because of the conflict between applying the law and the desire to provide a suitable outcome for each case.



on their own. But since the 1950s and 60s, plea bargaining has seen even more changes than those prompted by the Survey, including more use of defense counsels. According to Professor Feeley, attempts to provide defendants with more protection in the criminal process has allowed defendants to have “someone to ‘bargain’ with the prosecutor.” However, Feeley adds that prosecutors have also gained more resources. Some new forms of plea bargaining have paved the way for harsher sentences and the ability for police and prosecutors to pile charges. As a result, Feeley says plea bargaining today continues to be structured to “give prosecutors the upper hand.”

## DISSEMINATION AND IMPACT

When the ABF Survey findings were released in the 1960s, it was revelatory for legal scholars and practitioners alike. The Survey included the first observational studies of police, prosecutors, judges, and probation and parole officers, and the findings proliferated due to the detailed descriptions of the day-to-day operations and interactions among criminal justice agencies. The Survey offered something of interest for almost everyone—in fact, the civil rights movement capitalized on the findings to investigate whether the decision-making process in the criminal justice process demonstrated patterns of discrimination.

The Survey helped transform the field of criminal justice. A national crisis over crime and justice prompted President Lyndon B. Johnson to create a President’s Commission on Law Enforcement and the Administration of Justice in 1965. The ABF Survey’s principal findings were incorporated into the Commission’s reports, mainly because members of the Survey played critical roles in the Commission. Goldstein and Remington even served as co-authors on the Commission’s “Task Force Report: The Police.” The Crime Commission has long been identified as the primary source of information about the criminal justice system. But the critical findings come directly from the ABF Survey.

## Publications Based On the Survey

The ABF Survey produced a library of research on the customs of police, prosecutors, attorneys, judges, and others who shape the administration of the criminal process. Though it took time for the field research and the results to be issued, the influence of the Survey was vast.

In addition to the five books published on the findings of the ABF Survey, other publications resulted from the new information. From 1956–1966, Donald Newman’s work created a serious discussion on plea bargaining. In

1967, Raymond Parnas released the first scholarly article on police handling of domestic disturbances, which was in part based on the Survey’s field reports and written at the suggestion of Remington. That same year, Sanford Kadish studied the field reports of the ABF Survey and created an article on “the crisis of overcriminalization.”

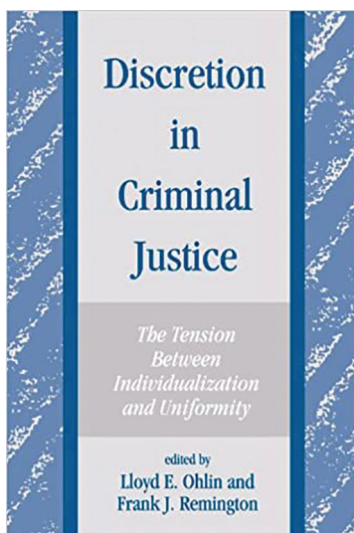
Also influenced by the ABF Survey, Herbert Packard published his book, “The Limits of the Criminal Sanction,” in 1968. Remington’s experience with the ABF Survey led him to create the first casebook on the administration of criminal justice. His work, “Criminal Justice Administration: Cases and Materials,” became the model for social-science oriented textbooks.

The ABF Survey produced a library of research on the customs of police, prosecutors, attorneys, judges, and others who shape the administration of the criminal process.

Remington and Ohlin also helped establish one of the first academic programs to examine the administration of criminal justice. They served as consultants and

advisors for the curriculum of a new criminal justice school at the State University of New York at Albany (SUNY-Albany).

Before the ABF Survey, academic programs focused on teaching theoretical criminology rather than the daily operations of criminal justice. But the Survey's view of criminal justice as a system allowed a new academic field to emerge. Criminal justice academic programs appeared in colleges and universities in the late 1960s and 70s, which emphasized the administration of criminal justice. This scholarship brought together the various agencies involved in criminal justice, including police, courts, and corrections into one system. As a result, one agency did not dominate academic interest and research over the other.



*Discretion in Criminal Justice: The Tension Between Individualization and Uniformity* edited by Lloyd E. Ohlin and Frank J. Remington. Image courtesy of State University New York Press, Albany

The publication of the ABF Survey results brought a large amount of scholarly attention to the field of criminal justice. However, it also emphasized the need for further criminal justice research. The Survey did not provide a solution to controlling crime but instead brought attention to the need to examine the daily practices of the crime control agencies (such as police and courts) to better understand the realities of the world of criminal justice.

## FORGOTTEN SURVEY

Although the ABF Survey played a pivotal role in the field of criminal justice, several factors rendered it relatively unknown. While an entire library of research and field reports were completed, none of the Survey's contributors wrote their account of the project in its entirety. The project contained such a massive amount of data that it was challenging for the ABF staff to distill all the evidence into published studies.

The publication of the books written on the ABF survey findings was delayed for years due to personal and organizational reasons, including high restrictions of its distribution because of confidentiality. Instead, the significant results of the Survey were absorbed by other projects, particularly the President's Crime Commission and its reports. The findings also influenced several other projects, especially the

American Bar Association's Standards for Criminal Justice.

By the time the books containing the ABF Survey findings were finally published, the field of criminal justice had already been altered. According to Professor Feeley, public discourse had changed, and a 'get tough' on crime initiative took over. The way people discussed public issues had changed due to racial tensions and the government's focus on the War on Crime. Meanwhile, the ABF Survey had focused on how to improve the administrative aspect of criminal justice.

Over time, subsequent work has overshadowed the ABF Survey. Work done in the 1970s and '80s revealed that there was little awareness of the ABF survey. But the ABF Survey forced scholars across legal and social science fields to expand their focus beyond official statistics to understand the

The ABF Survey forced scholars across legal and social science fields to expand their focus beyond official statistics to understand the true complexity of the criminal justice process.

true complexity of the criminal justice process.

## AFTER THE SURVEY

Although the impact of the ABF Survey was masked by delay and the complexity of the rapidly changing political environment, it was nevertheless profound. The Survey not only produced considerable new knowledge, but it also redefined the legal field.

As Professor Feeley states, the ABF Survey “drew in a great many scholars who otherwise would not have been drawn into criminal justice research and teaching, (including) the creation of the School of Criminal Justice Administration at SUNY-Albany.” The ABF Survey participants went on to make significant contributions. Remington became a consultant to the President’s Commission on Law Enforcement under Lyndon Johnson; Ohlin became a faculty member at Harvard Law School and served in various presidential administrations, including becoming a special consultant on delinquency under John F. Kennedy. Goldstein was not only a law professor at the University of Wisconsin but also helped reform the police department in Chicago. As a result of its success, the ABF continues to make an impact as it became what is now known as a center for continuing empirical research in the legal field.

“The ABF Survey demonstrates how, from its origins, the ABF has been dedicated to innovative and influential empirical research on the operation of law,” said Ajay K. Mehrotra, ABF Executive Director and Research Professor. “This historic research on the administrative system of criminal justice was not only a landmark study, it also set the standard for all future empirical and interdisciplinary research in the area and at the ABF.”

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FRONT COVER: Detroit, Michigan, circa 1955. A police officer patrols the Northlands shopping complex, an area that was administered as a precinct by the local police force. Image courtesy of Getty Images

FRONT COVER: N.Y, circa 1960s. State Troopers arrest a man for breaking Rochester’s curfew, a rule established during three days of riots. Image courtesy of Getty Images.

*The ABF Survey demonstrates how, from its origins, the ABF has been dedicated to innovative and influential empirical research on the operation of law.*

—Ajay K. Mehrotra ABF Executive Director and Research Professor



# THE ABF TODAY: Q & A

*Editor's note: We asked four ABF Research Professors for their take on the ABF Survey and the impact it has had on the ABF and the broader legal profession. Below is their input, with answers edited for clarity.*

## **Q: What does the ABF Survey mean for the legal field today?**

### **Traci Burch:**

(The ABF Survey) changed the way we study criminal justice bureaucracy and how they serve communities and their clients. It gives us a different set of criteria for which to evaluate agencies.

### **John Heinz:**

As professor Samuel Walker said (in his work), the ABF research during the 1960s established the field of

criminal justice studies. It showed how to do that research, that one needed to get out into the field and collect data and that it wasn't all the "law of the books."

### **John Hagan:**

I think the ABF Survey had its most significant effect in putting this emphasis on how cases come in and how they pass through the system. It gave us the first classic findings of the great attrition in cases, and of the discretion that was involved in those kinds of decisions. It's hard to imagine a

time in the field of criminology where we didn't know about that. From that point on to the present, people have paid a lot of attention to the processing of cases through the system and the disparities between racial class groups in terms of what happens, which cases continue, and which don't.

### **Elizabeth Mertz:**

Prior to the ABF Survey findings, the idea was that if each case doesn't get prosecuted, that's a failure on the part of the prosecutors. Another assumption was that if prosecutors



**TRACI BURCH**  
Associate Professor  
of Political Science,  
Northwestern University

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# with ABF Research Professors

charged someone, then that person must have committed a crime. These ideas now seem so naïve by today's standards.

## Q: How does the ABF Survey continue to affect legal education?

### Traci Burch:

It probably helps people to think more holistically about how systems work together, (and) about how of all the possible cases of wrongdoing that the government can pursue, the number that actually become cases where people get sent to prison is relatively small. We think about how the system is designed. In looking at a system, it helps us to

see biases in terms of how we lose people along the way or how certain people are impacted in the system that we might not see if we just look at the endpoint.

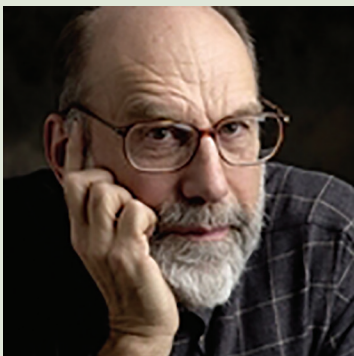
### John Heinz:

I started teaching criminal law in 1965. When I took criminal law as a student in law school, and when I taught it in my beginning years of teaching, it was all about the "law of the books." It didn't tell you much about how the criminal law really worked. It didn't tell you anything about the volume of cases, about the race of the people going through the courts, (etc.). That wasn't a part of criminal justice education in those days. I think

a lot more has come into legal education, a more fully developed picture of what the criminal justice system looks like and all the agencies that are involved.

### John Hagan:

One of the things that I have always found amusing in retrospect is thinking back to when I first took an undergraduate course about crime in the late 1960s. There was still this article that was a classic about policing called, "The Policeman as Philosopher, Guide, and Friend." What would happen to you if you wrote an article with that kind of title today? You would be laughed away! That article reflected this kind of idea about problem-



JOHN P. HEINZ

Owen L. Coon Professor Emeritus, Northwestern University School of Law

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oriented policing and that we could make policing more friendly, more respectful to citizens, get better results, and that would be building on the wisdom of officers out in the field. It was such a different time.

### Elizabeth Mertz:

When the joint ABF-Wisconsin research team first went out and looked at what was going on in a systematic way across different places and with a research protocol at hand, they were just blown away. The criminal justice system was nothing like what people had thought. It was all discretion. Officials were making it up as they went along because they just didn't have any sense of what their guidelines should be. That may not have changed much, but at least we know much more about what's happening. There is now a more developed sense of how people in the field get instruction.

### Q: Why is it important to acknowledge the administrative aspect of criminal justice as studied by the ABF Survey team?

### Traci Burch:

In political science, there is a gap between how the law is written and policymakers' intention, and the implementation stage and the action. Sociologists as well look at how what they call "street-level bureaucrats" are implementing things. Therefore, it's good to see whether there are gaps in how a policy was intended versus the actual action. To evaluate administrative programs, we kind of shed light on that disconnect and think it helps show ways that we can fix problems as they arise in ways that policy and lawmakers didn't intend.

### John Heinz:

The criminal justice system doesn't work a lot of the time as a "system" because it is loosely coupled. The ABF has made a lot of contributions. It shows where the system functions efficiently as a system and where it doesn't function. It's like any other large organization.

### John Hagan:

Knowing that the process is important was crucial in terms of setting a foundation that could begin to observe the changes as they were starting to happen. It's interesting to think that up until this piece of research, most of what was done in criminology was what we call "etiology," studying the causes of what makes people criminal. This idea of looking at the system and how it responds to these behaviors, answers to these people, that was all new and different and it shifted the focus.



**JOHN HAGAN**

John D. MacArthur Professor  
of Sociology and Law,  
Northwestern University

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**Elizabeth Mertz:**

If you think of the ABF Survey as one of the founding efforts of our research tradition, it set up a model that you can still see today. That model includes researchers focusing with precision on the law in the real world and being given the room they need to innovate.

They have the freedom to work at the cutting-edge, to honestly confront issues that come up, to consult an interdisciplinary group of experts. People like Goldstein and Remington had an eye to the real-world; they wanted to give back. For example, Goldstein spent a lot of his life trying to help police reform.

**Q: What is the significance of the ABF Survey for the ABF?****Traci Burch:**

I think it has ensured that we continue to have a strong group of people at the ABF who are interested in studying criminal justice. It has resulted in a research faculty and a strong cohort of doctoral fellows who continually are interested in studying criminal justice and are at the forefront of cutting-edge research. I think that early tradition helped establish criminal justice as an essential part of what the ABF does.

**John Heinz:**

Since the 1960s, the ABF has always devoted a major share of its research effort to criminal justice. That is a regular and continuing part of our work, building on

the foundation established by the Survey.

**John Hagan:**

The ABF became a unique site and opportunity for putting serious time and effort into your research because we have the chance not just to teach but also to do research and get funding for research. I think the tradition is still very much with us, especially when we are reminded of it with pieces like this.

**Elizabeth Mertz:**

The idea of taking people who you know deeply care about the problem and have the expertise, and giving them room to work in an area and push against accepted wisdom, that to me is one of the things that characterizes most ABF research. It is a rare luxury, and the ABF tries to honor that tradition.

**ELIZABETH MERTZ**

John and Rylla Bosshard  
Professor of Law Emerita,  
University of Wisconsin

*The idea of taking people who you know deeply care about the problem and have the expertise, and giving them room to work in an area and push against accepted wisdom, that to me is one of the things that characterizes most ABF research. It is a rare luxury, and the ABF tries to honor that tradition.*

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