

McDonalization of America's Police, Courts, and Corrections

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Part II begins with Chapter 10, which offers an overview of the McDonalization of America's police, courts, and corrections. Matthew Robinson describes how the four dimensions of McDonalization fit all these elements of the legal system. Efficiency is manifest in the police force in the shift from two- to one-person patrol cars, in the courts with the increasing frequency of plea bargaining, and in corrections with the current efforts to expedite executions. In terms of calculability, there is within the police an emphasis on available funds and number of officers on the street; in the courts we find longer sentences and offenders serving a larger proportion of their sentences; and in prisons there is a focus on more prisons, more prisoners, and more executions. Greater predictability is exemplified by police profiling, "going rates," and "three strikes and you're out" in the courtroom, as well as risk classification in the prisons. Finally, increasing control is best exemplified by the new "supermax" prisons. Most distinctive about this essay is its discussion of the irrationality of this seemingly rational process—especially that, in spite of, or perhaps because of, McDonalization, Americans are less sure of receiving justice from the justice system than they have been in the past.

There is no aspect of people's lives that is immune to McDonalization. This includes crime and criminal justice. To date, there is only one published examination of how crime and criminal justice are McDonalized.

David Shichor's article, "Three Strikes as a Public Policy: The Convergence of the New Penology and the McDonalization of Punishment" (1997), demonstrates how the metaphors of getting "tough on crime" and fighting a "war on drugs" have led to penal policies based exclusively on deterrence and incapacitation. These policies have resulted in longer prison sentences, a rapid growth in prison populations, and prison overcrowding. Three-strikes state laws, now in place in more than half of the United States, were meant to increase the *efficiency* of the criminal justice process, were to be based on scientific *prediction* of dangerousness, and were to protect citizens in a *cost-efficient* manner. In fact, the opposite of what was expected has occurred, at least in the state of California, where its three-strikes law is the most widely used among all the states. Billions of dollars have been spent in the application of the state's three-strikes law on relatively minor offenders, courts are

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backlogged with additional trials, and correctional facilities are overpopulated. Although crime fell, it fell everywhere across the country, in states with three-strikes laws and without. California counties that used the laws more had smaller declines in crime than those counties that used the laws less. Similar to the fast-food industry, "rationalized" methods of delivering products have produced irrational results. California citizens are getting the opposite of what they were promised.

This chapter builds on Shichor's preliminary analysis by linking the trend of McDonaldization to increasingly efficient, scientific, costly, and controlled systems of police, courts, and corrections in the United States. Using its basic elements, I illustrate how the McDonaldization of U.S. criminal justice has resulted in irrational criminal justice policy.

Criminal Justice in the United States

The "criminal justice system" is a term that represents the three interdependent components of police, courts, and corrections. There are actually 51 criminal justice systems in the United States, one for each state and one for the federal government. Police agencies are responsible for investigating alleged criminal offenses, apprehending suspected criminal offenders, assisting the prosecution with obtaining criminal convictions at trial, keeping the peace in the community, preventing crime, providing social services, and upholding Constitutional protections. Courts are responsible for determining guilt or innocence of suspected offenders at trial (adjudication), sentencing the legally guilty to some form(s) of punishment, interpreting laws made by legislative bodies, setting legal precedents, and upholding Constitutional protections. Finally, corrections agencies are responsible for carrying out the sentences of the courts by administering punishment and providing care and custody for accused and convicted criminals in line with Constitutional protections.

Although each of these agencies of criminal justice has its own goals, they also share the goals of the larger criminal justice system, which include reducing crime and doing justice. The meaning of reducing crime is clear; doing justice implies both catching, convicting, and punishing criminals *and* assuring that innocent people do not fall victim to wrongful punishment by assuring that individual Constitutional rights are protected.

Our nation's justice systems face a continual balancing act attempting to achieve both forms of justice. The pendulum shifts back and forth between an emphasis on catching, convicting, and punishing criminals and an emphasis on assuring that Constitutional rights of suspected offenders are

protected. This chapter demonstrates that the U.S. criminal justice system has become McDonaldized; the result is that U.S. police, courts, and corrections favor the former conception of justice (crime control) at the expense of the latter (due process).

Efficiency and Criminal Justice

The importance of efficiency in America's criminal justice system has always been stressed, but perhaps never in our nation's history as in the past three decades. When systems of criminal justice are more focused on catching, convicting, and punishing criminals than assuring fairness and impartiality, efficiency of the systems becomes the most important value; informal processes are used in place of formal processes to expedite criminal justice operations and to hold a larger proportion of criminals accountable for their criminal acts.

To the degree that cases move through the criminal justice system like an "assembly line," criminal justice practice is much like a fast-food production line. Modern criminal justice practice aims to be efficient, even at the cost of due process rights of defendants. Adherence to efficiency can be seen within each of the components of the justice system, including police, courts, and corrections.

Policing

The increased use of directed and aggressive patrol techniques (aimed at high crime areas), as part of a problem-oriented policing strategy, provide evidence for the emphasis on efficiency in policing. Police occupy certain areas of the city more than others to most efficiently use their resources. The zero-tolerance policing in our nation's largest cities, aimed at eliminating social and physical incivilities (untended people and places) is further evidence of an allegiance to efficiency. These efforts are aimed at doing away with signs of disorder (such as homeless citizens and graffiti) before they lead to major crimes. The fact that directed and aggressive patrol is disproportionately used against the nation's poor (who are disproportionately minor ties) and that zero-tolerance policing produces unnecessary use of police force and hostility between inner-city residents and police seems to be irrelevant to most police agencies because the goal of efficient crime control takes precedence.

The shift from two- to one-officer police cars, based on the realization that one-officer cars are just as effective as those occupied by two officers

provides further evidence for the importance of efficiency in policing. Then, there is the growth of technology in policing, from crime analysis and crime mapping, to fingerprinting and computers in squad cars, suggesting that policing is much more focused on proactive strategies than it has been historically. Changes such as these to police practice in the United States are aimed at making policing more efficient at detecting and even preventing crime. For sure, police are discovering more crime, and the use of additional evidence makes it easier to convict alleged criminals. The effect on the other conception of justice, however, is rarely considered by police.

Courts

The popularity of plea bargaining provides strong evidence for the significance of efficiency in U.S. courts. The ideal of U.S. justice is an "adversarial" process, whereby prosecutors and defense attorneys fight for the truth and justice in a contest at trial. Yet, an administrative system is in effect, as evidenced by the substantial use of plea bargaining in courts; these cases are handled informally in hallways and offices rather than in courtrooms. Instead of criminal trials where prosecutors and defense attorneys clash in an effort to determine the truth and do justice for all concerned parties, prosecutors, defense attorneys, and sometimes judges "shop" for "supermarket" justice through plea bargaining. Amazingly, more than 95% of all accused felons plead guilty and waive their right to trial in exchange for lesser sentences.

Criminal trials are now the exception to the rule of plea bargaining. Plea bargaining is an informal process whereby defendants plead guilty to lesser charges in exchange for not taking up the court's valuable time and spending the state's money on trials. In this process, individuals give up their Constitutional rights to cross-examine witnesses, to present a defense, to not incriminate themselves, to testify on their own behalf, and to appeal their convictions, all in exchange for a dismissal or reduction in charges, and/or a lesser sentence. This is an irrational process driven by efficiency as a value, especially given the evidence that some innocent people plead guilty to crimes they did not commit in the face of overwhelming coercion to plead guilty.

The original approval of plea bargaining by the Supreme Court in 1971 was based more on the pragmatic concern that the criminal justice system could not assure every accused criminal his or her Constitutional rights rather than a concern for justice. In other words, plea bargaining achieves only one thing—a more efficient court. Most criminologists and criminal justice scholars view plea bargaining as an unjust process driven by large numbers of caseloads, understaffed courts, and the renewed emphasis on

using law enforcement to solve drug use and public order offenses. That is, it does not protect the right of citizens to a criminal trial, nor does it give the guilty what they deserve.

Corrections

A renewed emphasis on efficiency can be found in the increased use of incarceration to achieve incapacitation and deterrence of large numbers of inmates. The United States has shifted its focus away from the treatment of individuals to the handling of aggregates, creating the illusion of a more efficient system of justice. The net of criminal justice is now cast much wider than in previous decades. Increased use of imprisonment is discussed in the following section on calculability. Here, it simply should be noted that a greater use of imprisonment implies to consumers that the criminal justice system will be more efficient in preventing crime because it will prevent criminality by those currently locked up (hence serving the function of incapacitation) and instill fear in those considering committing crimes (hence serving the function of deterrence). In fact, prisons offer little protection from crime, especially in the long run; approximately 90% of inmates will be released. Criminals typically enter prisons uneducated, unskilled, and unemployable. They typically exit the same way, but also angry, bigger physically, stigmatized, and to a large degree, dependent on the government.

Other evidence of increased efficiency in corrections includes legislative efforts to expedite executions by limiting appeals and the elimination of gain time and parole by states and the federal government. In terms of the former issue, speeding up the application of the death penalty is an effort to increase the deterrent effect of the punishment. Convicted murderers on death row will now spend an average of more than 10 years on death row. This has led states to push for expediting the process. Federal law now allows death row inmates only one federal appeal unless new evidence proves clearly and convincingly that the person is innocent. Ironically, the nation's capital punishment machinery is actually less efficient than ever. Whereas more than 100 people nationally are sentenced to death every year, less than 50 are now executed. This is one reason why there are now more than 3,000 people awaiting executions in American prisons. The elimination of gain time and parole (early release from prison) is a major factor contributing to prison overcrowding, which is another irrational result of the supposedly rational criminal justice system. More than a dozen times, federal courts have ordered state correctional facilities to reduce overcrowding or face major fines and withdrawal of federal funding.

Calculability and Criminal Justice

A greater emphasis has been placed on calculability in criminal justice during the past three decades—policymakers seem much more satisfied with *more* criminal justice (quantity) than with *better* criminal justice (quality). Victimless crimes have at virtually all times in our nation's history been criminalized, and we have fought numerous wars on drugs; yet, the most recent such war under Presidents Ronald Reagan, George H. Bush, Bill Clinton, and George W. Bush has stressed much more criminal justice intervention than at any time in our nation's history. As a nation, we have spent hundreds of billions on the war on drugs since 1980; the cost of the drug war increased from more than \$1 billion in 1981 to more than \$20 billion in 2003. The federal agency responsible for the nation's drug war—the Office of National Drug Control Policy (ONDCP)—changed its budgeting approach in 2003, removing dollars spent on law enforcement and imprisonment for the war on drugs from the budget (even though state governments and the federal government are still spending that money). This miraculously shrunk the size of the drug war budget to “only” \$12 billion. Yet, in 2005, there were 250,000 people incarcerated in prisons for drug offenses. At roughly \$25,000 per year per inmate, that's more than \$6 billion for imprisonment costs caused by the drug war. These costs are no longer part of the budget! Also not included in the drug war budget are dollars spent arresting those in possession of drugs. There were 1.4 million people arrested for drug law violations in 2006; 13% of all arrestees for that year. More than 80% were arrested for mere possession of drugs. The largest portion of drug war funding is intended for domestic law enforcement (policing in the United States) as opposed to treatment and prevention; domestic social programs (such as welfare) have also been cut dramatically to pay for the war on drugs. The largest spending increases between the end of the Clinton presidency and the latest year of the George W. Bush presidency (1996 and 2008) were for international spending and interdiction, whereas prevention and treatment increased less. Research shows that the most effective means of curbing drug abuse is through prevention and treatment; yet, the justice system operates on the dubious premise that if we just do more of what has already proven ineffective, eventually it will work.

Policing

Politicians in the 1990s promised to place “100,000 *more* cops on the street.” In September 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act; the stated purpose of which was “to

prevent crime, punish criminals, and restore a sense of safety and security to the American people.” This law allowed for the hiring of 100,000 new police, the construction of thousands of new prison cells, and the expansion of the death penalty to dozens of additional types of murders. Assuming that we ever achieve the goal of 100,000 more police, there will never actually be anything close to 100,000 more police on the streets *at one time*. It takes at least five additional officers to provide one additional officer on the street around the clock because of varied shifts, vacations, illnesses, and so forth. An additional 100,000 new police officers would only account for 20,000 additional officers around the clock. An additional 100,000 police on the street would increase the ratio of police officers to citizens from 2.7 per 1,000 citizens to 3.1 per 1,000 citizens. This largely symbolic promise was aimed at little more than appealing to Americans' allegiance to calculability, a value promoted by the fast-food industry. In other words, citizens will not actually be safer, even though they may intuitively be satisfied with the government for trying.

We also see calculability in asset forfeitures in the nation's drug war. The reward for police is being allowed to confiscate and keep some drug-related assets. To some degree, law enforcement officials have come to rely on drug assets to purchase equipment and conduct training so that police can exterminate drug use. The majority of law enforcement agencies in the United States have asset forfeiture programs in place. Federal agencies seize hundreds of millions in cash and property annually. The irony of police using drug assets to fight drug use is lost on taxpayers, who are the primary criminal justice consumers.

Courts

Longer sentences have been put in place for virtually all crimes, which is indicative of calculability because citizens have been sold on the idea that more punishment is better. It is also evident in laws that require offenders to serve greater portions of their sentences—the so-called “truth in sentencing” laws. A truth in sentencing law was first enacted in 1984, the same year that parole eligibility and good-time credits were restricted or eliminated. Approximately 30 states and the District of Columbia met the Federal Truth-in-Sentencing Incentive Grants program eligibility criteria. Eleven states adopted truth in sentencing laws in 1995, one year after funding was established by Congress. Incentive grants were awarded by the federal government to 27 states and the District of Columbia, and another 13 states adopted a truth in sentencing law requiring some offenders (usually violent offenders) to serve a specific percentage of their sentence.

Corrections

Calculability means building *more* prisons, sending *more* people to prison, and sending *more* people to their deaths through capital punishment. The imprisonment rate in the United States has historically been relatively constant. It has fluctuated over the years, but never until the 1970s did it consistently and dramatically increase. In fact, scholars had written about the “stability of punishment” because there was so little fluctuation in the nation’s incarceration rate for so long. Beginning in 1973, the United States began an imprisonment boom unprecedented in our nation’s history.

Since the early 1970s, there has been approximately a 6% increase each year in imprisonment, although this has slowed in the 21st century. In the 1990s, the growth in imprisonment was between 3% and 9% every year; this fell to 2% each year between 2000 and 2005. Approximately half of the increases have occurred because of violent criminal incarceration, and much of the remainder is because of drug incarcerations; from 1980 to 1993, the percentage of prisoners in state prisons serving sentences for drug offenses more than tripled and in federal prisons more than doubled. By 2005, 20% of all incarcerated people were locked up for drug crimes. The United States now has more than twice the rate of prisoners per 100,000 citizens as any other democracy, and more than 5 times the rate of democracies such as Canada, England, Germany, and France. Even though the United States has only 5% of the world’s population, it boasts nearly 25% of the world’s prisoners.

The ironic fact remains, however, that drug use trends have largely been unaffected since 1988, and drug abuse levels have actually increased. Crime rates have fallen, but 75% of the declines have been due to factors outside of criminal justice, such as an aging population, economic improvements, legalized abortions, and so forth. An increased commitment to calculability—more criminal justice—has not resulted in substantial reductions in crime rates or drug use and abuse.

Predictability and Criminal Justice

If one were to assess fairly the performance of our nation’s criminal justice system in terms of crime control over the past century, one could conclude that there is little likelihood of being subjected to it; that is, the most predictable thing about it has been its futility. Even today, the chance of being apprehended, convicted, and sentenced to imprisonment is highly unlikely for all crimes other than murder.

The criminal justice system operates on the assumption that catching, convicting, and punishing criminals serves as a deterrent to crime (it causes

fear in people, and thus they do not commit crimes). The most important factor in the effectiveness of deterrence is the certainty of punishment, that is, the likelihood of being punished. Research on deterrence has consistently found that the severity of a sentence has less of a deterrent effect than sentence certainty. United States criminal justice performs poorly in providing certain, swift punishments that outweigh the potential benefits of committing crimes. For every 100 serious street crimes (as measured in the National Crime Victimization Survey), about 40%, or 40, are known to the police (as measured in the Uniform Crime Reports). Of these 40, only one-fourth (approximately 10) will lead to an arrest. Of these 10, some will not be prosecuted, and others will not be convicted. Only about 3% of the original 100 serious street crimes will lead to an incarceration.

Putting more cops on the street and increasing the use of prison sentences are efforts to make criminal justice outcomes more predictable. Yet, these efforts do not result in crime prevention. The criminal justice system will never know about most crime unless we put a police officer on every street corner in the United States and give police greater freedom to investigate alleged crimes. As long as Americans desire freedom from an overzealous government and value their Constitutional protections, the criminal justice system will largely be a failure.

Policing

Police officers now attempt to apprehend suspects by using offender profiling methods, which allow them to develop a picture of the offender based on elements of his or her crime. The scientific method has always been a part of modern policing, at least since the 1830s under Sir Robert Peel in England. Only in the past two decades, however, has offender profiling been used by police. The aims of this are to increase the accuracy of predictions about who committed crimes based on the characteristics of the crime scenes left behind by offenders.

Police also try to accurately predict who is likely to get into trouble with the law before they commit criminal acts. They focus on particular types of people because of their own personal experience or that of their institution and profession, which suggests that certain people are more likely to violate the law. This practice, known as “police profiling,” results in startling disparities in police behavior based on class and race. Police use “extralegal” factors such as race, ethnicity, gender, and so forth, as a proxy for risk. This is supported by courts as legitimate when extralegal factors are used in conjunction with some legal factor. For example, courts have stated that as long as the totality of the circumstances warrants the conclusion of the officer

that the subject was acting suspiciously, race can be part of the circumstances considered by the officer. So, an African American male driving the speed limit on a major highway would be suspicious, not just because of the man's skin color, but because no one drives the speed limit on a major highway. In this scenario, police officers may suspect the man of transporting drugs. These elements of predictability in policing lead to difficulties in police-minority interactions, disproportionate use of force against people of color, and disrespect for the law generally. Studies in dozens of states as well as national data collected by the Bureau of Justice Statistics now show police profiling to be a reality.

Courts

Courts in the United States are highly predictable in much of what they do. The main actors in this process within the criminal courts—the prosecutor, the defense attorney, and the judge—enter the courtroom daily knowing essentially what will happen each day. The courtroom workgroup is made up of this collective of individuals who interact, share goals, follow court norms, and develop interpersonal relationships. This concept is important because it helps us understand why their overriding concern is speeding up the process and finishing cases as efficiently as possible, often to the detriment of doing justice. It also helps us understand how legal issues can be predictably resolved. Ideally, members of the courtroom workgroup play their own roles and have their own goals; in reality, each member's main job is not to rock the boat in the daily operations of U.S. courts.

Because of the strong interpersonal relationships among workgroup members, *going rates* are established in bail and sentencing. The process of plea bargaining, discussed earlier, serves as an excellent example. In studies of plea bargaining, cases are disposed of with great regularity and predictability meaning that the resulting sentence is reliably predicted based on the nature of the charges and the defendant's prior record. A going rate is established for particular types of crimes committed by particular types of people, one which becomes established over time and which is learned by each member of the courtroom workgroup. Plea bargains typically closely parallel this going rate, and defendants charged with particular crimes can easily learn what sentence they are likely to face if they plead guilty.

At the sentencing phase in the courts, criminal penalties are highly predictable. Generally, the most important factors include the seriousness of the offense and the offender's prior record, so that the more serious the offense and the longer the prior record, the more severe the sentence will be. Mandatory sentences now establish a minimum sanction that must be served

on a conviction for a criminal offense. Thus, everyone who is convicted for a crime that calls for a mandatory sentence will serve that amount of time. Indeterminate sentences that allowed parole and determinate prison sentences that could be reduced by good-time or earned-time credits have been replaced by mandatory sentences across the country. Furthermore, sentencing guidelines have been established to make sentences more predictable and scientifically based on a set of criteria including prior record, offense seriousness, and previous interactions with the justice system. Sentencing grids reduce the discretion of judges and thus shift power to government prosecutors. The sentencing guidelines that produce such predictable sentences at the federal level were recently struck down the United States Supreme Court. So far, nothing has been created to replace them, meaning sentencing at the federal level may become more disparate based on factors such as race, class, and gender of offender.

The best example of mandatory sentences are the three-strikes laws, discussed earlier, which are in effect in more than half of our states. The logic of three-strikes laws is to increase penalties of second offenses and to require life imprisonment without possibility of parole for third offenses. These laws usually do not allow sentencing courts to consider particular circumstances of a crime, the duration of time that has elapsed between crimes, and mitigating factors in the background of offenders. The offender's potential for rehabilitation, ties to community, employment status, and obligations to children are also not taken into account. In other words, sentencing laws aimed at increasing predictability end up also producing illogical sentencing practices. A large share of people sentenced under three-strikes laws are actually very minor offenders who have created little harm to society; yet, each will be incarcerated in a prison at a cost of approximately \$30,000 per inmate per year.

Corrections

Risk classification in corrections entails a great degree of prediction, as well. Individuals convicted of crimes can be put on probation, incarcerated in jail or prison, or subjected to some intermediate sanction; one's punishment is determined largely by offense seriousness, prior record, and behavior during previous criminal justice interventions. Each form of punishment entails more or less supervision, fewer or greater rules to follow (e.g., probation versus intensive supervision probation), and/or greater restrictions on movement and activities (e.g., minimum versus maximum security). The most violent and/or unmanageable inmates are now placed in isolation or incarcerated for 23 hours of the day in super-maximum security (supermax) prisons. These issues are discussed in the section on control that follows.

Control and Criminal Justice

In the past three decades, the United States has witnessed a rapid expansion of criminal justice, an expansion that is driven not by facts about crime or increasing crime rates but instead by politics, fear, and an increasingly punitive attitude about crime and toward criminals. This expansion is literally unparalleled in history; yet corresponding decreases in crime have not been achieved. Indeed, street crime decreased throughout the 1990s, but only about one-quarter of this decrease is attributable to imprisonment.

Policing

Under the guise of the war on crime and the war on drugs (and now the war on terrorism), U.S. police have been freed to gather and use much more evidence against suspects to obtain criminal convictions in court. For example, police are empowered to stop, detain, and question people who fit the "profile" of drug couriers in airports, even without probable cause. They are permitted to use dogs to search travelers' luggage without probable cause. Police are entitled to stop motorists without probable cause and to conduct searches of automobiles without a warrant. They are permitted to obtain warrants based on informants' tips. Police enjoy the "good-faith exception" that allows courts to use evidence obtained in error by the police as long as police erred in good faith. Police also can claim exigent circumstances to justify gathering and using unlawful evidence, including evidence that was in their plain view or within reach.

Also, police can seize a person's property through asset forfeiture programs based on suspicion of drug activity. The burden of proof falls on the accused to prove that he or she is not involved in the drug trade; even when this is accomplished, the government can keep up to 30% of the property for administrative purposes. All of this is inconsistent with the presumption of innocence and due process, as well as at least one conception of justice defined earlier. More importantly, these changes in the law enlarge the net of control cast on citizens of the United States.

The USA PATRIOT Act, passed by Congress in the wake of the terrorist attacks of September 11th, 2001, allows police the right to access medical, financial, library, educational, and other personal records of any person as long as a significant purpose is for the gathering of foreign intelligence and to forbid librarians and business owners and employees from informing people that their records have been requested or seized. Government agents can request warrants from the top secret Foreign

Intelligence Surveillance Court in New York City to collect evidence even in the case of non-terrorism criminal matters, without probable cause of criminal activity, as long as the government swears it is collecting vital foreign intelligence information as part of the investigation. According to a report by the United States Justice Department, the USA PATRIOT Act has been used across the nation for normal criminal matters totally unrelated to terrorism. The USA PATRIOT Act also allows government agents to tap any and all phones of citizens and monitor their Internet use, tracking every phone call made and received and every web site visited. Under orders from the Justice Department, police can also enter people's homes and seize their property without even informing them a search has taken place (through "sneak and peak warrants"). Further, law enforcement agencies are empowered to spy on religious and political organizations and individuals without any evidence of criminal activity.

Courts

As noted earlier, these changes in policing abilities are largely because of court decisions. The federal judiciary and the Supreme Court in particular have become more firmly entrenched in crime control values rather than due process values. That is, judges nominated by conservative presidents and appointed by conservative senators have, during the past three decades, eroded many of the gains for U.S. civil liberties won during the Warren Supreme Court of the 1960s. They have done so, at least in theory, to make it easier for the criminal justice system to exert control over criminals.

The Rehnquist Court was the least likely Court in the past four decades to decide cases in favor of individual defendants and most likely to decide cases in favor of state governments, respectively. The Rehnquist Court was associated, at least in part, with the strongly conservative nature of the Chief Justice himself. For example, Rehnquist's successful efforts to limit federal habeas corpus appeals stemmed from his disgust over what he saw as abuses of such appeals by criminal defendants during his career as a lawyer and judge.

Since the 1980s and especially in the 1990s, the federal government has exerted more and more influence over state and local governments when it comes to crime control efforts. As a result, federal courts are empowered to restrict the rights of criminal defendants and to broaden the power of crime control agencies, thereby increasing the power of the government and the amount of control it has over the lives of citizens. And this is exactly what they have done, especially in matters related to law enforcement powers in the wars on crime and drugs.

Corrections

In the 1970s, 1980s, and 1990s, state spending for correctional budgets dramatically increased but fell for non-Medicare welfare, highways, and higher education. These figures are evidence of increased control efforts by the criminal justice system. They are also criticized for being a disinvestment in the nation's future. Funding in the first decade of the 21st century continued to grow, even as states faced the promise of long-term budget deficits due to the economic downturn in the United States.

The clearest control issue in criminal justice revolves around corrections. Correctional facilities are now state of the art in terms of their use of technology to manage inmates. Increased use of other technologies include electronic monitoring of offenders under house arrest.

The so-called supermax prisons are the epitome of control. Offenders in supermax prisons have restricted contact with other inmates and with correctional personnel. Many inmates are locked in their cells for most of the day. The stark cells have white walls and bright lights on at all hours of the day and night. Front doors are completely closed, and there are no windows. Examples of supermax facilities include Marion (Illinois) and Pelican Bay (California). In such prisons, prisoners are confined to their cells for 23 hours per day and can only take showers 2 to 3 times per week. When inmates are transferred, they are shackled in hand cuffs and sometimes leg irons. Temperatures inside these facilities consistently register in the 80s and 90s.

The supermax facility gives us another interesting parallel between criminal justice and the fast-food industry. Technically, nothing can be *more* maximum than "maximum" custody, yet now we have supermax custody. In fast food, french fries used to come in small, medium, and large. Now they come in medium, large, and extra large: The extra-large sizes are "supersized," "biggie sized," and even "super supersized" and "great biggie sized." French fries provide the fast-food industry top profit margins. The McDonaldized fast-food industry tricks consumers into paying very high prices for a very small portion of potato using deceptive terms such as those just mentioned to convince consumers they are getting a good deal; the McDonaldized criminal justice system creates the illusion through the term "supermax custody" that these institutions keep Americans safe. In fact, most supermax inmates will one day be released into society, having to readjust to living with other people. And the costs to taxpayers just to build such facilities can be more than \$130,000 per inmate.

Despite a rallying cry against big government, the nation's federal government controls states by mandating certain criminal justice activities for

funding. It assures control over state efforts to reduce crime by promising billions of dollars to states that follow its lead. Two examples include allocating prison funds to states that require offenders to serve at least 85% of their sentences and encouraging states to try juveniles as adults. States agree to engage in such criminal justice practices so that they will not lose resources from the federal government. Hence, criminal justice policy at the state level flows less from its potential efficacy than from the state's financial concerns. The politicization of crime at the national level has created this paradox, another irrationality of U.S. criminal justice.

Control in criminal justice affects not only those subjected to policing and criminal penalties, but also has great effects on those who work within the nation's criminal justice system, including police, members of the courtroom workgroup, probation and parole officers, and personnel inside our nation's correctional facilities. Much like workers in the fast-food industry, workers in criminal justice agencies are trained *not* to think and question but to simply operate in a preordained way. Police officers act in ways consistent with the values of their subculture, members of the courtroom workgroup act in ways consistent with the norms of the court, and courtroom personnel, correctional officers, and parole and probation officers are constrained by large numbers of caseloads. This is McDonaldization at its finest. In the fast-food industry, workers have been de-skilled to the point of absurdity in an effort to produce a consistent, predictable product and to minimize the likelihood of employee error. Many of the jobs in criminal justice are also requiring fewer and fewer critical-thinking skills.

Conclusion

This chapter specified some of the relationships between McDonaldization and the U.S. systems of police, courts, and corrections. From the analysis presented, it is clear that our criminal justice system has fallen victim to McDonaldization and its basic dimensions. Given the frequency of exposure to our nation's fast-food establishments, Americans have probably come to expect these qualities from many institutions and services other than fast-food restaurants. Americans now expect easy solutions to complex problems such as crime. This makes it easier for politicians to tout and sell fast and easy solutions to the nation's crime problem.

Unfortunately, as U.S. police, courts, and corrections have become McDonaldized, irrational policies have resulted. That is the major point of this chapter: The criminal justice system, much like the fast-food industry, has rationalized, but in the process has delivered something entirely different;

because of its increased devotion to the values of McDonaldization—efficiency, calculability, predictability, and control—irrational policies have developed out of a rationalized system of criminal justice. Americans are now less sure of receiving justice from their justice systems. This is true even though we have created *more* criminal justice today, even though we have made criminal justice practice *more* predictable, and even though Americans may now believe they are safer because of *more* control over criminals exerted by the government.

Thinking Critically

1. What are the advantages of McDonaldizing the police, courts, and corrections?
2. What are the disadvantages of McDonaldizing the police, courts, and corrections?
3. If you could choose one of these to McDonaldize, which one would it be? Why?
4. If you could choose one of these that it would be a bad idea to McDonaldize, which one would it be? Why?
5. Is U.S. criminal justice better or worse off because of McDonaldization?