COUNTIES IN COURT: INTERORGANIZATIONAL ADAPTATIONS TO JAIL LITIGATION IN CALIFORNIA

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Criminal justice systems have been described as fragmented and decentralized "nonsystems," but sudden changes in the environments of criminal justice organizations may affect the loose coupling that normally characterizes such agencies. Court orders against county jails create pressures to tighten the loose coupling among local organizational subsystems: the jail, law enforcement, courts, probation, and county government. Using interviews with key officials, court documents, and other archival data, we examined changes in interorganizational relations in three California counties under court orders to reform local jails. While court orders eventually resulted in tighter coupling of the subsystems and more proactive interagency responses, the more reactive mode of response characteristic of loosely coupled subsystems initially led to increased interagency conflict. Adaptations were influenced by the legal, political, and organizational environments of each jurisdiction.

Courts have found conditions of confinement in many jails and prisons to violate constitutional guarantees and have ordered sweeping reforms including the reduction of chronic overcrowding and the improvement of medical care and disciplinary procedures (Bronstein 1980; Jacobs 1980; Feeley and Hanson 1986). In 1990, forty-one states had at least one state prison under a court order or consent decree (National Prison Project 1990), while 31 percent of the nation's large jails (i.e., one hundred inmates or more) were under court order to improve conditions of confinement in 1989 (U.S. Department of Justice 1990).

Sociolegal research on the effects of court orders has been rather sparse and not especially rigorous. First, most research has focused on state prisons (e.g., Crouch and Marquart 1989; Martin

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and Ekland-Olson 1987; Yackle 1989) rather than on local jails (Champion 1991; Harris and Spiller 1977; Mattick 1974; Mays and Bernat 1988; Taft 1983). Second, studies have rarely compared different jurisdictions under court order (Feeley and Hanson 1986; Harris and Spiller 1977). Third, most studies have taken a jurisprudence perspective, focusing on emergent legal norms and standards in correctional law, rather than a sociological jurisprudence perspective (Angell 1968 [1933]; Pound 1968 [1907]), focusing on the broad implications of law for individual and organizational behavior. Finally, unintended effects of legal directives have received particularly little attention (Brown and Crowley 1979; Kidder 1975; Horowitz 1977). Legal actions become transformed by their encounter with the real world, producing "side effects" (Kidder 1975) or "latent effects" (Merton 1968). Court intervention in jails can necessitate adaptation and change well beyond the walls of the institution, altering criminal justice practices and policies.

LOOSE COUPLING IN CRIMINAL JUSTICE ORGANIZATIONS

The criminal justice system is often viewed as a "nonsystem" due to its decentralized and fragmented nature (Eisenstein and Jacob 1977; Feeley 1983; Forst 1977; Gibbs 1986; President's Commission on Law Enforcement and Administration of Justice 1968; Reiss 1971; Rossum 1978). However, dramatic changes in political environments, such as the imposition of court orders, create demands to tighten the "loose coupling" that normally characterizes American criminal justice organizations (Hagan 1989).

"Loose coupling" refers to organizational subsystems that are responsive to one another, yet maintain independent identities and a physical and logical separateness (Cohen, March, and Olsen 1972; Hagan 1989; Weick 1976). In such systems, "structural elements are only loosely linked to one another and to activities, rules are often violated, decisions often go unimplemented, or if implemented have uncertain consequences, and techniques are often subverted or rendered so vague as to provide little coordination" (Hagan 1989:119). As a result of failure to consider important variation in the degree to which criminal justice subsystems are connected, empirical studies of the criminal justice system often leave large amounts of variance unexplained in decisions about arrest, prosecution, and sentencing (Hagan 1989).

Using loose coupling as an explanatory concept, Hagan describes how sudden changes in political environments create demands for tighter coupling, often leading to unexpected criminal justice impacts. The distinction between proactive and reactive problem solving is crucial. For example, proactive policing or prosecution implies that officials actively target certain problems for attention. Proactive problem solving, however, requires a departure from the norm of loose coupling: it necessitates cooperation

and planning from multiple agencies and actors. In an analysis of urban riots in Los Angeles and Detroit, Balbus (1973) suggested that black suspects were rounded up en masse, at least initially, to serve an ostensible order maintenance function ("clearing the streets"). This initial increase in restrictiveness was followed by "uncharacteristic leniency" as bail release became much more frequent than usual ("clearing the jails"). This shift from "normal" court operations required a tightening of the relations between the police, prosecutorial, and judicial subsystems, so that bail decisions became less variable (Hagan 1989).

Similarly, narcotics enforcement and white-collar crime prosecution require a tighter coupling among criminal justice subsystems (Hagan 1989). While reactive police work based on loosely coupled processes and outcomes is the norm, proactive policing requires more tightly coupled relations. Narcotics work requires police to use more controversial tactics to obtain evidence, including undercover work, entrapment, and informants (Skolnick 1966). Police officers are more dependent on prosecutors for feedback on the legal permissibility of evidence, and prosecutors are more dependent on police officers for extensive information and cooperation in the preparation of cases. Such information exchange influences charging decisions and plea bargains engineered to develop cooperation from informants and codefendants. Hagan argues that the proactive prosecution of white-collar criminals requires similar leverage to "turn witnesses." Judges must participate in these decisions as well, since their approval is necessary to implement charge reductions or negotiated sentences.

There is great potential for understanding systems operations and outcomes in those contexts where the surrounding political environment has mandated departures from normal criminal justice operations (i.e., the "reactive" mode associated with loose coupling). Thus, while Hagan's analysis focuses on how changes in political environments demand more proactive responses to certain types of crime, and therefore, tighter coupling among subsystems, the same logic can be profitably applied to the analysis of interagency responses to mandated legal changes such as court orders against county jail systems.

Change in one component of a social system can reverberate through other parts of the system (Katz and Kahn 1978; Lewin 1951; Parsons 1951). In a "system change" model of interorganizational relations (Van de Ven and Ferry 1980), some type of disruption, opportunity, or mandate (i.e., court orders against jails) increases organizations' awareness of needs, problems, or opportunities in their environment, and motivates interorganizational involvement and commitment. Jails interact extensively with law enforcement agencies, courts, probation departments, and local governments (Hall 1985). Court orders against jails represent sudden changes which put pressure on entire criminal justice systems

to adapt by altering the routine processing of accused and convicted offenders. Police book arrestees into jail, the courts try them, jails house them, and probation provides alternative programming for both pretrial and sentenced offenders. County government (e.g., the board of supervisors) is responsible for financial and personnel allocations to these agencies. Such agencies do not necessarily respond to change in a static or unified manner, however; nor are optimal decisionmaking strategies always followed (Cohen et al. 1972).

A central problem of government organizations is the tendency of ostensibly instrumental institutions to utilize social problems as resources for their own preservation (Selznick 1957). Although evaluations of failed criminal justice reforms have noted this problem, researchers tend to accentuate the technical level of operation (e.g., changes in decisionmaking structures) rather than the attempts by organizations to shape their own agendas through transactions with their environments (Duffee 1989). Criminal justice organizations may actively adapt to pressures for change in "a sociopolitical jujitsu protective of the institution" (Duffee 1989:110). We need to examine more closely how criminal justice organizations adapt to environmental change (e.g., Crank 1990; Ekland-Olson and Martin 1988; Feeley and Lazerson 1983; Jacob 1983; Slovak 1986) and not just how they attempt to achieve manifest, instrumental goals proffered by change agents.

Given the autonomous yet dynamic nature of government organizations, it follows that responses to court orders in different jurisdictions will be at least partly determined by variations in their local legal, political, and organizational environments (e.g., Eisenstein and Jacob 1977). The environments of local jails can be characterized by several dimensions. For example, jail populations and jail capacities reflect official policies at least as much as they reflect actual crime rates (Klofas 1987, 1990; Pontell 1984; Welsh, Pontell, Leone, and Kinkade 1990). Incarceration rates reflect, in part, the harshness of local policies regarding punishment (Kizziah 1984). Expenditures per prisoner reflect, in part, policies regarding acceptable conditions of jail confinement (Harriman and Straussman 1983). Finally, resource allocations to each county criminal justice agency may reflect real or perceived imbalances (Pontell 1984) which can foster interagency competition (Aldrich 1979).

Court orders should significantly tighten the loose coupling that is typical of the organization of criminal justice. Responses to such orders can be characterized as reactive versus proactive. Proactive responses, associated with more tightly coupled subsystems, may include the formalization of exchange relations (e.g., jail task forces and committees) and the development of interagency innovations (e.g., new criminal justice policies and programs). Reactive responses, characteristic of more loosely coupled subsystems, may include more competitive responses such as struggles

for resources and political power (Aldrich 1979). While courts seek to stimulate more proactive responses by criminal justice subsystems to alleviate unconstitutional jail conditions, these agencies are likely to respond, at least initially, in the more typical reactive style associated with loose coupling. A shift toward more proactive styles is expected over time, but forced change is likely to meet resistance, especially if the authority of the change agent (the courts) is perceived as illegitimate by the targets of the intended change (county agencies) (Sieber 1981). The unique environments of each jurisdiction provide contingencies which shape interorganizational responses and subsequent reforms.

We explore in this article how court-ordered change alters interagency relations and social control policies in loosely coupled criminal justice systems. We identify and use different patterns of adaptation to jail litigation to refine theories of court intervention and organizational change, and to suggest better routes for the formation of legal and social policy under the prospect of forced change.

METHODOLOGY

Three California counties were selected for study: Orange, Santa Clara, and Contra Costa. We examinined three counties within the same state to control for potential confounding due to differences in state statutory, regulatory, and case law affecting county government and jails. Each county has a large jail population (more than five hundred), and each has been under court order for unconstitutional conditions of confinement, including overcrowding. They have had divergent litigation histories, however (California Board of Corrections 1986, 1988; Kizziah 1984). While both Orange and Santa Clara counties experienced intrusive, drawn-out court intervention, Contra Costa successfully complied with court orders and averted long-term judicial scrutiny.

We examined three types of data. First, we obtained archival data from state agencies to assess differences in environments. Second, we conducted interviews with criminal justice and government personnel in each jurisdiction to assess interorganizational relations and responses to litigation. Third, we examined and coded court documents to assess differences in litigation process and outcome.

Archival Data

The California Bureau of Criminal Statistics provided statistical profiles for the three counties for the years 1976–86. These profiles contained data on county populations and criminal justice expenditures. The California Board of Corrections, the state regulatory body for county jails in California, allowed us to copy information from their files on jail populations and board-rated capacities for

the years 1976–86. From these data, we also calculated incarceration rates and jail expenditures per prisoner for each county.

Interviews

We used a semistructured "elite interview" method (Dexter 1970; Lofland 1971) to assess interorganizational relations, selecting officials based on their expertise (e.g., Berk and Rossi 1977; Gottfredson and Taylor 1987; *UCLA Law Review* 1973). Our goal was to target the following personnel in each county: the judge(s) who presided over the jail lawsuit; the legal counsel for plaintiffs and defendants; the district attorney; the public defender; the chief probation officer; members of the board of supervisors, and local police chiefs. Although our goal was to contact the head of each agency, we also contacted personnel who were referred to us as knowledgable informants. We "oversampled" Orange County as part of a broader study on policymaker perceptions of jail overcrowding and court orders (Welsh, Pontell, Leone, and Kinkade 1990; Welsh, Leone, Kinkade, and Pontell 1991). We achieved our sampling goal, with two exceptions. First, we were unable to schedule an agreeable interview time with the judge who heard the jail lawsuit in Contra Costa County. Second, the defendants' legal counsel in Santa Clara (office of the County Counsel) refused to be interviewed. Eighty-six interviews were conducted; the breakdowns within each county are shown in Appendix 1.

Interview questions focused on changes in interorganizational relations and agency policies as a result of court orders (Appendix 2). Interviews lasted from thirty to ninety minutes. In all but seven instances, respondents allowed us to tape-record the interviews. In Orange County, interviews were conducted over seven months from September 1987 to March 1988. Interviews in Contra Costa were conducted in February 1989. Interviews in Santa Clara were conducted in February and March of 1989.

We classified interview responses into two main categories, reactive and proactive interagency activity. Within each category we coded the nature of exchange relations between different agencies. Proactive exchange relations included formalization (e.g., creation of interagency committees and task forces to deal with jail problems) and innovation (the creation of cooperative programs to deal with jail problems). Reactive exchange relations included resource competition (competion over resource allocations) and conflict (disagreements over policy or responsibility).

Analysis of Court Orders

The complexity of legal issues facing each jurisdiction may influence responses to court orders. To capture this background, we first prepared a brief history of litigation from analysis of court documents (decisions, orders, status reports, etc.) in each county.

Second, we coded major dimensions of litigation for each lawsuit, including number and type of complaints; number and type of orders; level of court (state vs. federal); lawsuit duration; judicial use of contempt to gain compliance; and use of court-appointed special masters to monitor compliance. We examined interrater reliability by comparing independent raters' codings of each of thirty-seven possible items in complaints and thirty-seven items in orders (e.g., overcrowding, medical care, recreation, sanitation). For complaints, twenty-nine of the items (78 percent) resulted in perfect or substantial agreement, as evidenced by kappa coefficients exceeding .60 (Landis and Koch 1977). For orders, thirty-one of the items (83 percent) showed substantial or perfect agreement. Third, we examined court documents for orders, recommendations, or plans related to interagency responses to county jail problems. We sorted the court excerpts into categories of reactive and proactive responses.

RESULTS

Background of Litigation in the Three Jurisdictions

Contra Costa

Contra Costa County is located just east of San Francisco. On 27 December 1984, Superior Court Judge Richard Arneson appointed the county public defender to represent inmates after a flurry of habeas corpus petitions were filed complaining of conditions at the main detention facility in Martinez (*Yancey v. Rainey* 1985). Inmates complained of overcrowding and inadequacies in access to courts, food services, personal hygiene and sanitation, grievance procedures, ventilation, and recreation. On 31 March 1985, Judge Arneson issued his only orders. The sheriff was directed to do everything within his power to reduce overcrowding, but no population cap was set. Improvements were ordered in each of the areas complained of by petitioners. The court relinquished jurisdiction on 30 June 1986, and no subsequent orders have been issued.

Santa Clara

Santa Clara County is located southeast of San Francisco. Santa Clara has faced lawsuits over both the men's (*Branson v. Winter* 1981) and the women's jails (*Fischer v. Geary* 1979). The women's case, filed in U.S. District Court on 6 October 1976, centered primarily around issues of overcrowding, which also led to scarce resources in other areas (e.g., beds, bedding, clothing, food, showers, space, staff supervision). It was the men's jail case, however, that created the greatest difficulties for litigants and judges, and that case is the main focus in this study.

On 28 April 1981, the Public Interest Law Firm of Santa Clara filed an amended complaint alleging nineteen violations of in-

mates' civil rights (42 U.S.C. § 1983) and constitutional rights at the men's main jail in San Jose, including overcrowding, brutality, and deficiencies in medical care, access to courts, food service and preparation, recreation, personal hygiene and sanitation, grievance and disciplinary procedures, use of isolation cells, and written rules of conduct. The sheriff, the jail commander, the county board of supervisors, and the County of Santa Clara were named as defendants.

Initial orders by Superior Court Judge David Leahy required defendants to make greater use of pretrial (10 October 1981) and postconviction (4 December 1981) release measures to reduce jail populations. Judge Leahy was successfully challenged by the county and disqualified on 3 March 1982 for failing to issue a summons to the district attorney (a real party at interest). Over the next eight years, the case consumed the energies of four judges. After Leahy was disqualified, Alameda County Superior Court Judge Bruce Allen took over and issued the first of many orders on 19 March 1982. Judge Allen specified population caps of 700 at the main jail (effective 24 March) and further reductions to 637 inmates by 3 May, warning that failure to comply would be punishable by contempt. He later ordered the county controller to issue checks to pay for numerous jail renovations, and he ordered the county to begin plans for new jail construction immediately. On 14 October 1982, the county filed its first appeal of Judge Allen's orders, setting the stage for a long and bitter battle to follow. By 22 November 1982, Judge Allen was becoming frustrated with noncompliance by the county. He stated:

> This court will not tolerate the miserable overcrowding in the jail which was existent in March when these hearings began. The responsible executives in the Sheriff's Office, Board of Supervisors, and the County Executive have offered nothing whatever in response to this most pressing problem. (Order of 22 Nov. 1982:4)

Although the Court of Appeals vacated many of Judge Allen's orders, Allen continued to issue orders directing the county to allocate funds for jail improvements. A remarkable episode of judicial activism ended when Judge Allen resigned on 24 May 1983. Eugene Premo, then the Presiding Judge of Santa Clara County Superior Court, agreed to take the case. The parties signed a consent decree on 7 June 1983, marking the first time that substantive issues of confinement (e.g., medical care, access to courts) were dealt with. Judge Premo also appointed Thomas Lonergan, former jail commander in Los Angeles, as special master. Noncompliance continued, however, and on 7 March 1984, Premo threatened the county board of supervisors with contempt and fines of $2,000 each for failing to provide ninety-six new beds as specified by the consent decree. In a status report to Judge Premo (24 June 1985:1), Lonergan complained of resistance by the county: "The County

seems to perceive the Compliance Officer as a party, rather than the agreed upon neutral expert, and the Agreement as a document subject to their control, not the Court's." On 20 December 1985, Judge Premo resigned from the case, and the entire Superior Court bench disqualified itself from hearing the case.

The state Judicial Council appointed retired Alameda County Superior Court Judge Spurgeon Avakian to take over. Judge Avakian issued numerous orders regarding the release of pretrial inmates and early release of sentenced inmates. He soon extended population caps to all county jail facilities. In his written order of 17 June 1986, he cited the county's "disturbing record of noncompliance" (p. 1). On 16 March 1987, Judge Avakian found the county in contempt of court for once again failing to build ninety-six new jail cells on time. The board of supervisors were fined $1,000 each and were sentenced to serve five days in their own jail. The contempt was annulled by the Court of Appeals on 17 September 1987 (*Wilson v. Superior Court* 1987), and Judge Avakian resigned from the case.

Alameda County Superior Court Judge Henry Ramsey took over on 24 September 1987. At the same time, a new central jail was being constructed, and the county was preparing to transfer control of the jail from the sheriff to a newly created County Department of Correction. After the county prevailed in a separate court battle with the sheriff and deputy sheriff's association (*Beck v. County of Santa Clara, Winter v. County of Santa Clara* 1988), control was handed over to a new director, the new jail opened in early 1989, and Judge Ramsey relinquished jurisdiction on 18 September 1989.

Orange County

Orange County is located south of Los Angeles County along the California coastline. A lawsuit filed by the ACLU on 22 October 1975, alleged nineteen violations of inmates' civil rights (42 U.S.C. § 1983) and constitutional rights at the main jail in Santa Ana, including overcrowding, brutality, and inadequacies in medical care, access to courts, recreation, grievance and disciplinary procedures, personal hygiene provisions, and inadequate sanitation. The sheriff, the jail commander, and the county board of supervisors were named as defendants.

U.S. District Court Judge William P. Gray called for numerous reforms in his order of 3 May 1978, including increased availability of telephones, visits by minor children, access to magazines and newspapers through the mail, a minimum of fifteen minutes to eat meals, a minimum of eight hours of sleep prior to court appearances, restrictions on the use of administrative segregation cells, and posting of written rules of conduct. Most significantly, however, overcrowding had become more serious since the original

complaint three years earlier. Judge Gray was displeased by the conditions he saw at the jail (*Stewart v. Gates* 1978):

> I noticed several instances in which an inmate was sleeping on his assigned mattress that had been placed directly on the concrete floor of a cell, immediately adjacent to the toilet, because all of the bunks were allotted to other prisoners. If the public, through its judicial and penal system, finds it necessary to incarcerate a person, basic concepts of decency, as well as reasonable respect for constitutional rights, require that he be provided a bed. (450 F. Supp. at 588)

Accordingly, Judge Gray ordered that every prisoner detained more than one night was to be given a bed. Overcrowding worsened, however, and in a motion for contempt filed on 21 November 1984, the ACLU alleged that over 400 inmates were still sleeping on the floor. On 20 March 1985, Judge Gray found the sheriff and the board of supervisors in contempt of court for intentionally violating his orders. The defendants were fined $50,000 plus $10 per day for each inmate who slept on the floor more than one night. Judge Gray ordered that the fine be used to hire a special master to monitor compliance with the court's orders, and he appointed retired prison warden Lawrence Grossman to serve that role. A population cap was placed on the main jail on 15 August 1985, specifying reductions to 1,400 inmates by 31 March 1986, and later, 1,296 inmates on 9 December 1986. Judge Gray relinquished jurisdiction on 1 July 1988, satisfied that the county was taking sufficient steps to reduce overcrowding.

Table 1 provides a snapshot of major dimensions of litigation in the three counties. Fewer orders were issued in Contra Costa (eight) than in the other two counties; the lawsuit lasted a relatively short time (18 months); and neither contempt orders nor special masters were used to gain compliance. In contrast, lawsuits lasted much longer in Orange (152 months) and Santa Clara (101 months), involved more total orders, and involved the use of contempt orders and special masters. While some of these different outcomes reflect differences in the complexity of legal issues in each case, lawsuit duration and contempt also reflected failed at-

Table 1. Major Dimensions of Litigation in Three California Counties, 1975–1986

			Santa Clara	
	Contra Costa	Orange	*Branson*	*Fischer*
Level of court[a]	Superior	Federal	Superior	Federal
No. of complaints	7	19	19	10
No. of original orders	8	12	4	9
No. of modified orders	0	17	143	40
Lawsuit duration (months)	18	152	101	155
Use of contempt	No	Yes	Yes	Yes
Use of special master	No	Yes	Yes	Yes

[a]Superior = Superior Court of California; Federal = U.S. District Court.

tempts at settlement which preceded and ran concurrent to court hearings (Horowitz 1977). To understand responses to court orders, it is useful to consider at least two other dimensions: (1) the local legal, political, and organizational environments of each jurisdiction; and (2) the degree of coupling between county agencies.

Differences in Environments

We suggested that relevant aspects of the jail's environment included differences in the usage and application of punishment in each county, partially reflected by jail populations and capacities, incarceration rates, and criminal justice expenditures over time. The three counties differed significantly in their jail populations and capacities (Table 2). Santa Clara experienced the greatest growth in jail population from 1976 to 1986 (225 percent), Orange County the least (144 percent). However, jail capacity lagged behind jail population growth in all three counties. Orange County expanded its jail capacity the least (84 percent), while Contra Costa expanded its jail capacity the most (119 percent). Santa Clara experienced the greatest shortfall between jail population growth and expansion of capacity (225 percent − 109 percent = 116 percent).

Table 2. Changes in Average Daily Jail Population and Board-Rated Capacity, 1976–1986

	1976	1986	% Change[a]
	Contra Costa County		
Average daily jail population	316	867	174
Board-rated capacity	315	689	119
	Orange County		
Average daily jail population	1,173	2,862	144
Board-rated capacity	1,395	2,567	84
	Santa Clara County		
Average daily jail population	958	3,111	225
Board rated capacity	1,276	2,668	109

SOURCE: California Board of Corrections inspection reports.

[a] % change in average daily jail population (ADP) = [1986 ADP − 1976 ADP)/1976 ADP] × 100.

Each of the counties experienced only modest population increases from 1976 to 1986 but underwent rapid increases in incarceration rates (Table 3). In Orange and Contra Costa, the incarceration rate approximately doubled, while the rate in Santa Clara nearly tripled. Orange County jails spent the least per prisoner in both 1976 and 1986. Contra Costa spent the most, registering a slight increase from 1976 to 1986, while Orange and Santa Clara showed substantial decreases. These results suggest that each county experienced an incarceration boom unrelated to increases

in general population, with Contra Costa evidencing a much higher quality of confinement than the other two counties. In contrast to traditional jails, Contra Costa operates a "direct supervision" jail which has been designated by the National Institute of Corrections as a "model jail" (Gettinger 1984; Wener, Frazier, and Farbstein 1987).

Table 3. County Population, Incarceration Rate, and Per Prisoner Expenditures, 1976–1986

	1976	1986	% Change[a]
	Contra Costa County		
County population	602,100	729,800	+21.2
Incarceration rate per 10,000 pop.[a]	5.2	11.9	+128.8
Per prisoner expenditures[b]	$15,242	$16,399	+7.6
	Orange County		
County population	1,752,100	2,171,200	+23.9
Incarceration rate per 10,000 pop.[a]	6.7	13.2	+97.0
Per prisoner expenditures[b]	$9,387	$7,872	−16.1
	Santa Clara County		
County population	1,214,800	1,403,300	+15.5
Incarceration rate per 10,000 pop.[a]	7.9	22.2	+181.0
Per prisoner expenditures[b]	$16,242	$10,253	−36.9

SOURCES: California Board of Corrections, *Jail Inspection Reports;* California Bureau of Criminal Statistics, *Annual County Profiles.*

[a] Average daily jail population divided by county population.

[b] Jail operating budget divided by average daily jail population. Excludes capital expenditures on jails. Figures were converted into constant dollars (1982=100; 1976=62.0; 1986=118.3) using the National Deflators (state and local purchases) provided by the California Department of Finance.

Counties also varied in their budget allocations to each agency (Table 4). Jails received an increasing proportion of the total budget in all three counties from 1976 to 1986, with Contra Costa experiencing the largest increase. Santa Clara jails received the greatest proportion of county criminal justice funds in 1986, while Orange received the lowest. Probation received decreasing shares of funds over time in all three counties, perhaps reflecting "get tough" policies of the early 1980s (Cullen, Clark, and Wozniak 1985). The sheriff's share of criminal justice funds remained a relatively constant proportion of total expenditures except in Santa Clara, where this proportion was halved. Interview responses indicated serious conflict between the sheriff and the county executive over spending. Allocations to other functions (courts, district attorney, and public defenders) remained relatively fixed over time, although Orange allocated proportionally more funds to its courts (but not jails) than did the other two counties.

Table 4. Total County Criminal Justice Expenditures and Allocations to Each Agency, 1976–1986 ($000,000)

	Contra Costa		Orange		Santa Clara	
	1976	1986	1976	1986	1976	1986
Total county criminal justice budget less local police expenditures (a municipal expense)	$552.34 (100.0%)	$740.83 (100.0%)	$1,037.05 (100.0%)	$1,774.50 (100.0%)	$754.35 (100.0%)	$1,273.00 (100.0%)
Jails	$48.14 (8.7%)	$142.16 (19.2%)	$110.03 (10.9%)	$225.47 (12.7%)	$155.56 (20.6%)	$319.04 (25.1%)
Courts (all expenditures, incl. court-related functions)	$109.32 (19.8%)	$145.49 (19.6%)	$277.72 (27.6%)	$531.33 (29.9%)	$153.70 (20.4%)	$267.71 (21.0%)
Sheriff (excludes jail expenditures)	$123.66 (22.4%)	$172.98 (23.3%)	$201.61 (20.1%)	$399.11 (22.5%)	$275.80 (36.6%)	$199.22 (15.7%)
District attorney	$66.29 (12.0%)	$87.33 (12.0%)	$105.69 (10.5%)	$211.19 (11.9%)	$83.08 (11.0%)	$185.47 (14.6%)
Public defender	$38.55 (7.0%)	$43.78 (5.9%)	$42.06 (4.2%)	$136.13 (7.7%)	$35.58 (4.7%)	$53.69 (4.2%)
Probation	$166.37 (30.1%)	$147.76 (19.9%)	$269.60 (26.7%)	$271.18 (15.3%)	$206.18 (27.3%)	$247.87 (19.5%)

SOURCE: Adapted from California Bureau of Criminal Statistics, *Annual County Profiles.*

NOTE: All figures are in hundred thousands of dollars. Figures were converted into constant dollars (1982 = 100; 1976 = 62.0; 1986 = 118.3) using the National Deflators (state and local purchases) provided by the California Department of Finance.

Reactive and Proactive Responses to Litigation

Contra Costa

Organizational relations in Contra Costa reflected relatively tight coupling prior to court intervention and increased proactive responses following court intervention. Tight coupling may be partially related to differences in scale (see Tables 2 and 3). According to one official:

> The bigger you get, the more problems you have. But in this county, I think we've been very lucky to have people who can communicate with each other. I think the current sheriff . . . and the prior sheriff before him, had good working relationships with all the city police chiefs and with the courts. . . . So I think the individuals here, whether the system produces the individuals or otherwise, I don't know, but I think the sheriff and the judges and the police chiefs and the district attorney all try to work together.

Minimal court intervention (Table 1) and proactive responses were facilitated by a preexisting network of relations among county agencies. First, one judge hears all jail writs, and his office

is located close to the jail. One official stated that the sheriff and the judge often met with county officials when particular jail problems required attention: "I think he [the judge] has the ability to sit down with the sheriff and county administrator in his conferences. You know, the guy brings the writ in, and he has a hearing, and they sit down and he says, 'Well, why don't you fix it?' "

Several criminal justice committees emerged following the court order, and interagency contacts between officials (i.e., sheriff, police chiefs, judges, district attorney, probation) increased. Such meetings, respondents suggested, helped air grievances, even if they didn't always result in unanimous agreement: "You know, I think those things help. At least people are communicating, so before somebody takes the public stand, you've had a lot of communication . . . the edges get worn off. . . . I'm sure they don't always get what they want . . . but it helps for everybody to know what is really the cutting edge of grievances being espoused."

Committee discussions facilitated the cooperation required for proactive policy decisions to reduce overcrowding. According to respondents from the sheriff's office and local police departments, discussions helped secure the cooperation of local police agencies to issue citations for misdemeanant suspects rather than booking them into the county jail. One official stated:

> We have a number of committees that assist us in keeping that communication going. For one, as far as other law enforcement agencies, we have a Chiefs Association. . . . It's all the police chiefs in the county and [the sheriff] and the District Attorney. And that is the body we use when we are talking about the citations. . . . We have a number of county-wide protocols that are not mandated on anybody, but everybody has basically agreed to, and feel that that is a good way to operate.

Another committee that had been very useful, according to several respondents, was the Criminal Justice System Executive Counsel, composed solely of county officials: the sheriff, the district attorney, the presiding judge of the superior court, the chairman of the Judges' Association of the Municipal Court, the public defender, the chief probation officer, and a representative from the board of supervisors. This committee led to at least two innovations which helped to control jail populations by speeding offender processing: a video arraignment program (inmates could enter a plea from the jail, rather than awaiting transport to court), and the district attorney's early disposition program, developed in cooperation with the sheriff, the public defender, and the municipal and superior courts. In this program, pretrial inmates were screened early after their admission to jail, resulting in speedier decisions to either release, charge, or dismiss.

Alternatives to incarceration were expanded following the court order in attempts to control burgeoning jail populations. A

county supervisor suggested that court orders gave the sheriff more leverage to seek interagency cooperation for alternative programs: "politically, it helps the sheriff to have a court order because then it's not just liberalism sneaking through into the sheriff's political agenda, it is the court telling the sheriff you must take care of this problem, and you must take care of it in a responsible way." For example, subsequent to court orders, pretrial release programs were greatly expanded, including citation release by both sheriff's deputies and local police agencies, and "release on own recognizance" (ROR) by the courts. Work programs were also increased with the cooperation of the local courts. The sheriff operates a work furlough center, where inmates work during the day, and return to minimum security custody at night. Other sentenced offenders (approximately 700–800 per month, according to one respondent) work off their sentences rather than going to jail. The number of inmates on county parole quadrupled, according to interviewees, resulting in the release of about fifty convicted offenders in one six-month period. An electronic surveillance program was also initiated with the cooperation of the probation department, whereby convicted offenders serve a portion of their sentences confined to their own homes. The probation department worked closely with the sheriff on the electronic surveillance and county parole programs, and probation worked closely with the courts to screen potential inmates for pretrial release and alternative sentencing.

Emerging proactive adaptations, however, may coexist in a state of tension with other responses more characteristic of loose coupling. For example, one police official was somewhat skeptical about the usefulness of committee participation: "They're all working on their own political agenda." However, this same respondent felt that committees had led to more consistency in practices among county agencies. Several other reactive responses were observed.

One means used by the sheriff to cope with overcrowding was the citation and release of large numbers of misdemeanor suspects at the jail with a promise to appear in court (Cal. P.C. 853.6). One respondent felt that this practice led to a "revolving door" syndrome: "Many judges in this county are not totally pleased with the citation process, especially when bench warrant cases are cited out. Failure to appear bench warrant cases come in, and they release them again. You can't get them back in court." While most officials felt that the sheriff's department did a good job of ferreting out the least serious offenders for citation release, some felt that dependence on citation release corrupted the integrity of the rest of the system.

Resource competition was occasionally a source of strain between county agencies. A probation official suggested that jail spending diverted funds from other county programs:

> A: And where does the money come from to operate it? The very limited money they have under their discretionary control . . . and one of the largest competitors for the discretionary monies of any county in the state of California is the sheriff's department and the probation department. We are almost entirely funded by the county; and so is the Sheriff's Department.
> Q: So, a little bit of competition . . .
> A: A little bit . . . to say the least!

Similarly, another official suggested that the sheriff and probation got more resources as a result of court orders to reduce jail crowding, while the district attorney battled just to maintain previous levels of resources. Data only partially validated official perceptions (Table 4). The sheriff received a greater proportion of the county criminal justice budget for jails in 1986 (19.2 percent) than in 1976 (8.7 percent), but the sheriff's allocation for law enforcement and other functions remained stable. In contrast, probation received far less in 1986 (19.9 percent) than in 1976 (30.1 percent). The district attorney's allocation remained constant from 1976 to 1986 (12 percent), but indeed constituted a smaller share than that of the sheriff or probation. These changes indicate that while tighter coupling seems to have occurred as a result of court orders, such increased coordination did not eliminate reactive responses (i.e., resource competition and policy conflicts). Although tightened coupling increases proactive responses to interagency problems, therefore, it does not entirely preclude reactive responses.

Santa Clara

Agency responses to court orders in Santa Clara were largely autonomous and reactive, although more proactive responses eventually developed. The compliance officer, Tom Lonergan, was delegated significant powers by judges to mediate between agencies in attempts to effect systemic solutions. In one of many detailed reports to the court, however, Lonergan's comments exemplified the loose coupling that so strongly characterized these subsystems: "There is a vast opportunity in the interaction of these governmental units for tasks to go unaccomplished, for responsibility to be ignored, for excuses to be offered instead of accomplished goals" (*Branson v. Winter* 1984:5).

The compliance officer felt that more concerted efforts toward interagency cooperation were needed if the courts were to end their long-standing involvement in the county's jail affairs. His statements suggested that feuds between different agencies had escalated the conflict and had led to an unrealistic dependence upon the courts to resolve disputes:

> Until there is commitment from each agency in the criminal justice system . . . the problem with population control and management by crisis will continue. The local agencies must be made to realize that the solution lies within their own grasp and control and until they are willing to expend the effort necessary, will always elude them. Looking to the court to solve problems created by local policy decisions is an abuse of process, and has led to the present stalemate. (*Fischer v. Winter* 1987:10–11)

Respondents suggested that court orders created a "siege mentality" whereby each agency attempted to protect its own interests. One official stated "litigation created some of the most convoluted thinking I've ever seen." At one point, for example, the sheriff defied court orders by refusing probation officers entry into the jail to screen inmates for alternative programs (personal interview).

The local legal, political, and organizational culture of Santa Clara contributed to the reactive stance demonstrated by county agencies. Santa Clara tripled its incarceration rate between 1976 and 1986 (Table 3), and yet experienced the greatest shortfall between jail population growth and jail capacity (Table 2). Indeed, one respondent suggested that the various agencies all wanted to look tough on crime for political reasons, and found it convenient to blame "radical" judges for litigation problems:

> That was the problem. Nobody would . . . take a stand, like a Judge Allen. Or a Judge Avakian. Everybody would take pot shots at the judges for doing what they were doing, but they were doing something. They were taking unpopular stands, but they were having an effect. Nobody else wanted to do that. They all wanted their particular group in and wanted to look like they were hard on criminals, and then blame the judge.

Resource competition also hindered proactive problem solving. One respondent suggested that the litigation had had a positive effect on probation, "because it's got the probation department involved in the jail alternatives business . . . and we've been able to add staff." Indeed, probation increased its raw budget from 1976 to 1986, although its share of the total county criminal justice budget decreased by 8 percent (Table 4). A more dramatic 21 percent decrease, however, was seen in the sheriff's law enforcement and administrative budget. Evidence suggested that this decrease was a direct result of conflict between the sheriff and the board of supervisors.

The board of supervisors, according to several respondents, accused the sheriff of deliberately overrunning his budget year after year, necessitating diversion of general funds from other county departments. The sheriff, perceiving that his interests were in conflict with those of the county, eventually hired his own legal counsel. One respondent noted how strained relations were at one

point: "There have been times when to interview the sheriff, for example, and a county executive, I'd have to have their lawyers present in order to be able to talk to them."

Various attempts at proactive interagency solutions eventually emerged, but only after persistent judicial prodding. One offical suggested that before the litigation: "Everybody was doing their own thing. Everybody was behaving according to their statutory mandate, but the cooperation between agencies in looking at a common issue, which is jail overcrowding, *nobody* is going to own that issue."

Numerous committees were eventually formed to deal with interagency issues related to jail litigation, but respondents expressed mixed views about their effectiveness. Some committees lacked direction according to one respondent: "frequently they are in sort of an existential despair." The Justice System Steering Council, for example, was perceived as a loose, voluntary coalition of different department heads, resembling a dinner club atmosphere. Other committees, it was suggested, were dominated by "special interest groups" which pursued their own agendas. Certain agencies, according to one respondent, had not yet reached the point where they could sit down as equals and negotiate: "there is an undertone of contest all the time between executive, judicial, and legislative branches in the county government." The Law Enforcement Executive Council (LEEC), which included police chiefs, sheriff's and probation representatives, the district attorney, and the County Department of Corrections, was given more positive reviews. One respondent stated: "I think that's been real effective because we get down to the real nuts and bolts issues."

Numerous interagency reforms, including the use of alternatives to incarceration, were stimulated by court orders. After Judge Avakian took over the case in 1986, he ordered the sheriff to release all misdemeanor suspects with bails of $5,000 or less (*Branson v. Winter,* 7 May 1986). In 1988, 34,853 accused misdemeanants were cited and released at the jail. Further, suspecting that high-profile policing led to many unnecessary bookings into the county jail, a review of police charging practices was ordered (*Branson v. Winter,* 17 June 1986). Judge Avakian also ordered a review of prosecutorial screening procedures, suggesting that the district attorney took too long to file charges. Finding that county agencies were unwilling or unable to effect solutions on their own, Judge Avakian directed the compliance officer to facilitate interagency cooperation in developing alternatives: "The compliance officer is authorized and directed to recommend and encourage the use by the various agencies involved in the arrest and detention of prisoners of all possible alternatives to confinement" (*Branson v. Winter,* 17 June 1986:7).

The public service program (PSP) operated by the sheriff expanded greatly as a result of court orders. Sentenced offenders

performed community work (e.g., parks and roadway maintenance) to reduce their sentences. An average of 400 inmates per month were on this program in fiscal year 1987–88. The probation department, in cooperation with local courts, initiated a "Community Alternatives" program, which diverted sentenced offenders from jail and provided individualized programs (e.g., community service work, restitution, counseling). According to one respondent, about 450 offenders over a three-year period were given this option. Probation also implemented an electronic surveillance program in September 1987 to reduce jail population. In its first ten months, the program processed 255 offenders (Lang 1988). The program was expanded to process about 200 people per month in early 1989. The probation department also increased screening of eligible offenders for county parole and work furlough as a direct result of court orders. About 200 people were on county parole in February 1989, and about 260 male inmates were on work furlough.

In Santa Clara, many interagency solutions emerged only after persistent pressure from the courts. The local legal and political culture mitigated against proactive problem solving, as five judges met with marked resistance to their attempts to increase coordinated system planning. Although court intervention had the latent effect of increasing interagency conflict, it also stimulated more proactive reforms than were previously attempted.

Orange County

Initial responses to court orders in Orange County were marked by interagency conflict and competition. Until the county and the sheriff were found in contempt of court for noncompliance in 1985, the board of supervisors had left all jail matters to the sheriff. One official noted how relations intensified following the contempt order:

> Well, before the contempt order . . . we really weren't getting this kind of information. . . . So the board really didn't begin to crystallize the issue until after that. And so after that, there was a threat of contempt and that they would go to jail. Then they began to say, "Hey, wait a minute, we don't want to go to jail, and something's wrong here. For the last several years we have left it up to the CAO [county administrative officer] and the Sheriff . . . to get recommendations for the board." And they weren't getting good recommendations. So then the board began to get actively involved directly into managing the jail.

After the contempt order, the board increasingly called upon the special master to supply information about jail conditions, demonstrating the previous loose coupling which existed: "what happened was that the board used [the special master] as a go-between them and the sheriff." The special master was perceived as filling

an important information gap: "we certainly appreciate anything he's been able to do, because he really pointed out some things that we didn't know."

The sheriff enjoyed strong political power that rivaled that of any individual board member. As a result, the board proceeded cautiously following court orders, while simulateously lamenting its own lack of control over jail affairs:

> The board has some reluctance to get too deeply into some of this stuff in the sense that if the board starts imposing on the sheriff certain release dictates, then we're treading on the turf of a person who is powerful in his own right because he's an elected sheriff . . . but also it exposes the board to some potential liabilities in terms of the jail overcrowding litigation that we really don't have muscle in that area.

Further evidence of loose coupling was demonstrated by conflicts between the sheriff and local judges. Some judges felt that the sheriff had attempted to diffuse blame for jail problems by criticizing the sentencing practices of local judges:

> When jail overcrowding first became a real hot issue, it looked to us as if the sheriff was attempting to put the judges in the middle, and to switch the blame from them to us: "Judges, look at all the people you're putting in jail; if you would do other things, we wouldn't have jail overcrowding." The problem is our job is to punish people. . . . So it was tempting to put us in a position of having to release people. And we weren't going to be put in that position. My position is: I'm going to put people in jail. If the sheriff wants to release them, that's the sheriff's business—not my business. I'm doing my job.

In contrast, some court officials were willing to broaden the role of the judiciary in a more coordinated approach to jail overcrowding: "We have to look for alternatives. We can be unrealistic about this and just say 'do crime, do time' and turn to the sheriff and say 'that's your problem, buster.' We try to do that traditionally."

While alternatives to incarceration can potentially alleviate jail overcrowding, such efforts require planning and coordination among multiple agencies. In Orange County, alternatives were not even considered until court intervention reached its peak:

> When this whole jail overcrowding issue came to the forefront, then the board members began to take it more seriously. More seriously by the fact that the court was beginning to say "Well, look, you aren't providing the sheriff what he needs." I think they then began to look at alternatives for incarceration.

Until Judge Gray's 1985 contempt order, county officials had not seriously considered alternatives. In 1983, five years after Judge Gray's initial order, Orange ranked fourteenth of nineteen large California counties in the use of alternatives such as county parole,

early release, and pretrial release (California Board of Corrections 1985). As one official noted, this aspect of the local political environment had already twice led to denials of applications for state funding:

> We were turned away twice on the basis that the Board of Corrections was not convinced that Orange County had looked at alternatives to incarceration. At that point in time and history, I would have agreed with the Board of Corrections. I mean, Orange County was in a situation where if you asked them, "What have you done? What alternatives?" [They would say,] "Well, nothing. We still lock them up the old-fashioned way." Then they said, "too bad. Go back and do your homework."

Agency reports indicate that court intervention led to the serious consideration of alternatives. In a 1988 report to the board of supervisors (Correctional Consultants of California 1988:II-2), the special master, having then been appointed as a consultant to the county, stated: "Subsequent to the contempt of court finding, the county and sheriff initiated a series of actions designed to reduce overcrowding and meet the requirements of *Stewart v. Gates*."

Following the contempt order, the board requested that the County Administrative Office (CAO) conduct "a review of non-capital intensive alternative solutions to the jail overcrowding crisis (County Administrative Office 1986:1)." It was at this time that the first serious attempts at coordinated problem solving emerged: "To assist with the development of this document, the CAO has elicited input from the General Services Agency, the Environmental Management Agency, the Courts, the Sheriff-Coroner, the Probation Department, the County Counsel in Orange County as well as other counties, and various state agencies" (ibid.).

Several new programs were implemented following the contempt order. Orange County created a supervised electronic confinement (SEC) program in 1986 in response to recommendations by the probation department and the special master. During a twelve-month pilot program (Schumacher 1987), 133 inmates were placed on SEC. The sheriff also expanded his work release program (i.e., inmates work off their sentences at a rate of ten hours for one day off), and the courts have increased the use of community service as a sentencing alternative (e.g., freeway clean-up crews), processing over 2,500 offenders in 1986. A county parole program was also implemented in response to court orders. A report by the CAO to the board of supervisors (1986:41) stated:

> With the impetus of meeting the steadily decreasing population limits set by the Federal Court and the estimation by the Sheriff of the need for additional bedspace to stay within those guidelines, the CAO requested County Counsel to review the applicable statutes and case law that set forth the provision for County Parole programs and the regulations pertaining thereto.

About thirty to forty inmates were released under this program in 1987.

Like Santa Clara, autonomous and reactive problem solving remained the norm in Orange County for a considerable time. While Judge Gray attempted to stimulate coordinated planning by county agencies, loose coupling mitigated against proactive reforms and contributed to a latent effect of increased competition and conflict among subsystems. Although court intervention initially heightened conflict, it eventually led to tightened coupling and more proactive reforms.

DISCUSSION

Sociolegal theory and research on the effects of court-ordered jail and prison reform have been scarce. The loose coupling concept advances understanding of how criminal justice subsystems respond to sudden changes in their environments such as court orders. Court orders facilitated shifts toward tighter coupling in each county, but responses varied according to the unique legal and political environments in each jurisdiction.

Court orders initially created unexpected or latent effects as agencies resisted the court's demands for greater interagency coordination and planning. For example, the Santa Clara County sheriff resisted attempts by probation to screen inmates for alternative programs, while the Orange County sheriff accused local courts of not doing their part to help deal with overcrowding. Interagency conflict and power struggles sometimes developed in response to court orders. In Santa Clara, the board accused the sheriff of attempting to use the lawsuit to command greater manpower and institutional resources. Resource competition also constrained interagency cooperation somewhat in each county observed. Some agencies perceived resource shortages because county funds were diverted to jails, although these notions were only partially validated by the data. Counties in California are indeed financially strapped, due largely to tax reforms of recent years (Koehler 1983). The lack of finances does not permit the violation of inmates' constitutional rights (*Gates v. Collier* 1974; *Miller v. Carson* 1975), however, and jails have thus obtained a grudging priority in county budgets.

Tightened coupling and more proactive responses eventually emerged in each county. Judges, especially in Santa Clara, attempted to engineer broad cooperation between county agencies to solve their own problems. Proactive responses included the creation of formalized exchange structures such as jail overcrowding committees and interagency task forces. In addition, new programs which required interagency coordination to reduce jail populations were created in response to court orders (e.g., early screening pro-

grams, pretrial release programs, electronic surveillance, and county parole).

The specific legal, political, and organizational environments of each jurisdiction influenced interagency relations and responses to court orders. For instance, markedly less resistance and more proactive interagency activity was observed in Contra Costa, where a higher degree of interagency coordination existed before the court orders. The study findings also suggest that relatively tight coupling prior to court intervention facilitates subsequent development of proactive interagency responses to court orders. Contra Costa is somewhat smaller than the other two counties in terms of population and the attendant size of county government, and observed differences in tight coupling may be partially due to scale alone. Future research should examine the role played by the size of the system in facilitating or inhibiting loose coupling. However, counties also differed in their punishment practices, budgetary allocations, and behavior of key actors.

The leadership styles and attitudes of key actors (e.g., Stogdill 1974) were influential forces within the political environments of each jurisdiction. In Santa Clara, for example, personal acrimony and political struggles between the sheriff and the county executive hampered interagency solutions to jail problems. In Orange County, a powerful sheriff largely insulated himself from the influence of the board of supervisors. In Contra Costa, the sheriff actively cultivated interagency cooperation. Criminal justice subsystems certainly do not constitute rational forms of bureaucracy in the Weberian sense (Feeley 1973), but creative leadership from one or more officials may enhance tight coupling and expedite proactive solutions. Conversely, "lack of vision" among leaders (Bennis 1976) may contribute to loose coupling and reactive rather than proactive agency responses. Our data do not allow us to clearly separate individual characteristics from other aspects of the environment, but management styles such as the "human relations" approach (Homans 1950), the "systems" approach (e.g., Katz and Kahn 1978), and the authoritarian "Theory X" style (McGregor 1960) may provide useful heuristics. Reciprocal influences between key actors and their environments need to be more carefully examined in order to determine how symbiotic rather than divisive interagency relationships develop.

The present results suggest the utility of the tight coupling concept for studying criminal justice system adaptations to environmental change. However, more refined empirical assessments are needed. For example, how often do different agencies interact with each other? What resources are exchanged, and with what degree of reciprocity? How dependent is one agency upon another? How do incumbents rate the quality of their interactions with each other? Standardized surveys and interviews (e.g., Hall and Clark 1975; Van de Ven and Ferry 1980) could be developed specifically

to assess relations and tight coupling among criminal justice subsystems. We could then more carefully examine the interactive effects of environment (e.g., jail capacity, incarceration rates, resource distribution, per prisoner expenditures, traits of officials) and litigation process (e.g., use of contempt orders and special masters, nature of complaints and orders) on interagency relations and responses.

Court-appointed special masters and group level structures such as task forces and committees may provide significant vehicles for enhancing tight coupling. The special master in Santa Clara was able to initiate discussions between highly polarized county officials and subsystems, while group structures were particularly productive for developing cooperative solutions in Contra Costa. Because of their considerable flexibility and diversity, the use of special masters (e.g., Brakel 1979; Montgomery 1980; Nathan 1979; Sturm 1985; *Yale Law Journal* 1979) and group level structures and processes (see Kaufman 1985; Susskind and Cruikshank 1987) merit closer attention as part of a broad-based approach to systemic problems and solutions.

One further caveat is necessary. While courts act as catalysts for change, their powers to effect correctional reform are limited to achieving minimum constitutional standards (Feeley and Hanson 1986; Harris and Spiller 1977; Yackle 1989). Judges must consider the "totality of conditions" in reaching their decisions (*Rhodes v. Chapman* 1981), but overcrowding persists in each county even though judges have relinquished jurisdiction. Judges may lack the authority, desire, and expertise to manage jails (Cooper 1988), but counties may need to demonstrate proactive responses to disengage themselves from court involvement.

Demands created by court orders tighten the "loose coupling" that normally characterizes criminal justice agencies. Court orders sparked proactive reforms, but they also fueled conflict by requiring involuntary, increased coordination among agencies that typically deal with problems in an autonomous, reactive manner. If loose coupling functions to protect organizational legitimacy by reducing evaluability and hiding disjunctures between political claims and actions (Duffee 1989), forced interagency activity may be highly resisted. Conflict, however, may be necessary before organizational reform is possible (e.g., Brager and Holloway 1978; Coleman 1957). Future research should explore the contingencies that shape interorganizational responses to sudden environmental changes such as court-ordered reform. While the courts are not omnipotent as vehicles of reform, they can be powerful catalysts for organizational change.

APPENDIX 1
BREAKDOWN OF INTERVIEWS IN THREE COUNTRIES

Agency	Orange County	Contra Costa County	Santa Clara County	Total
Judges	5	0	2	7
District attorneys	4	1	4	9
Public defenders	2	2	2	6
Legal counsel	3	1	1	5
Probation	6	2	2	10
Police	18	2	2	22
Sheriff or county department of corrections	2	2	2	6
Board of Supervisors	7	3	2	12
Other county executives	0	0	2	2
Other[a]	5	0	2	7
Total	52	13	21	86

[a] Other: director of county department of corrections, 1 special master, 1 professional corrections consultant, 1 community service director, 2 court administrative officers, and 1 dean of a local law school.

APPENDIX 2
INTERVIEW QUESTIONS

1. What are the major factors that have led to jail overcrowding and court orders in your county, and what changes have court orders brought about?
2. What means have been used to reduce overcrowding, and how effective have they been (e.g., early release, alternatives to incarceration)? What problems have surfaced?
3. Do problems in interagency communication contribute to overcrowding or court orders?
4. How have jail overcrowding and court orders affected policy and decisions at your branch of the criminal justice system?

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