PROBLEM-ORIENTED POLICING

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To the memory of
GARY P. HAYES
1945–1985
whose vision and drive encouraged the
explorations on which this book is based.

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PREFACE

The police, especially in our large urban areas, are currently struggling with the overwhelming problems associated with the sale and use of drugs. They are under enormous pressure to deal with indiscriminate shootings of innocent citizens, an escalation of violence among drug sellers, frequent involvement of children in both drug use and sale, and the concern of whole neighborhoods terrorized by drug-related activities. A high percentage of all police business is now affected, in one way or another, by drug traffic and use. And all of this has occurred after at least two decades in which violence and street-order problems already ranked high among the nation's major concerns, and police have been under intense pressure to deal with them.

How can one, in such a stressful atmosphere, responsibly urge the police to take the time to consider, let alone implement, a somewhat theoretical concept for improving policing? Similarly, how can one responsibly suggest that the police give increased attention to seemingly petty behavior like panhandling, noise, and the nuisances created by the homeless and the mentally ill? And, at a time when police misconduct appears to be on the increase in some jurisdictions because of their role in controlling drugs, how can one responsibly propose changes, in policing that broaden the discretion of individual officers, encourage more informal relationships with the community, and develop a more relaxed working environment in police agencies?

These are difficult questions for anyone making proposals related to the police in the 1990s and beyond. Their importance is underlined by the strong, pragmatic strain that has always pervaded policing. One takes on

a heavy burden in exploring theories, principles, and organizing concepts in a field in which there is an ever-present, urgent need to provide immediate relief from threatening problems. Police themselves often express impatience and even disdain when called upon to step back and analyze their work, because they live in a world of violence and disrespect for all the norms that govern our society—a world of guns and knives, of serious injury and death. The instinct for survival (both physical and in their careers) must be a primary concern. Likewise, citizens—and especially their elected officials—display understandable impatience with proposals that they perceive as not immediately responsive to problems about which they feel deeply.

Serious students of the police learn quickly that, despite many existing stereotypes, policing is an extraordinarily complex endeavor. And the more one learns about its complexities, the more puzzling it becomes. Working through this puzzle is a demanding challenge, requiring a unique blend of pragmatic considerations and intellectual capacity. It requires an understanding of the multitude of factors that influence the day-to-day behavior of police officers. It requires a solid understanding of our democracy and its values, and a commitment to their importance. It requires an understanding of our legislative process and the intricacies of the criminal justice system. It requires a realistic assessment of the capacity of the criminal justice system to meet public expectations. And it requires an in-depth understanding of the social, political, and behavioral problems that are of current concern in our society, and of the rapid changes that are occurring—especially in race relations.

Much of the complexity in policing stems from a myriad of conflicts and incongruities built into the police function—some inherent in the nature of the policing task and others created by the approach to policing we have taken over the years. I summarized the most fundamental of these conflicts in the introduction to an earlier work.

> The police, by the very nature of their function, are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted and, when granted, sharply curtailed. The specific form of their authority—to arrest, to search, to detain, and to use force—is awesome in the degree to which it can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact upon the individual. And this awesome authority, of necessity, is delegated to individuals at the lowest level of the bureaucracy to be exercised, in most instances, without prior review and control.
>
> Yet a democracy is heavily dependent upon its police, despite their anomalous position, to maintain the degree of order that makes a free society possible. It looks to its police to prevent people from preying on one another; to

> provide a sense of security; to facilitate movement; to resolve conflicts; and to protect the very processes and rights—such as free elections, freedom of speech, and freedom of assembly—on which continuation of a free society depends. The strength of a democracy and the quality of life enjoyed by its citizens are determined in large measure by the ability of the police to discharge their duties. (Goldstein, 1977)

Perhaps because these requirements seem so incongruous, and therefore difficult to meet, our society has been slow to work through all of the issues that arise in developing a policing institution that can be effective but not threatening to our way of life. Numerous conflicts continue to haunt the police: conflicts, for example, between public expectations and the reality of what the police can do; between the authority and resources that are needed and those that are provided; and between traditional practices and those that may be more effective.

But a crisis such as we are now experiencing with the use and sale of drugs forces us to face some of these conflicts. Thus, while the current problem of drugs appears, on the surface, to preoccupy the police, leaving no room for long-range planning, our efforts to deal with drugs are likely to have a major impact on the shape of policing in the future—just as efforts to deal with labor-management strife, racial conflict, and political protest helped work through complex issues in the past. The drug problem has made us newly aware of the limitations on the capacity of the police. At the same time, the pressure to deal with drugs has not stopped more general efforts to improve policing. To the contrary, major changes are actually occurring in the form of policing today, only some of which are shaped by the need to respond to the drug problem.

Thus, while I acknowledge throughout this volume the intense pressure on the police and the preemptive quality of the drug problem, I have guarded against the tendency for concern about drugs and related problems to unduly influence explorations about the future of policing. We need a broad conceptual framework in policing that helps the police build a strong, sensitive institution, with refined methods of operating, that can better transcend the crisis of the day, whether that crisis be labor-management strife, racial conflict, political protest, drugs, or some yet-to-be-identified social problem. In a democracy in which complex social problems will always place heavy demands on the police, we have an obligation to strive constantly—not periodically—for a form of policing that is not only effective, but humane and civil; that not only protects individual rights, equality, and other values basic to a democracy, but strengthens our commitment to them. The importance of meeting this need has nourished this effort.

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Work on this book was initiated with support from the National Institute of Justice, as part of its grant to the Police Executive Research Forum (PERF) for further experimentation with problem-oriented policing. I appreciate the confidence that this support reflects, especially on the part of James K. Stewart, the Director of the National Institute and Darrel W. Stephens, the Executive Director of PERF. Additional support was received from the Graduate School of the University of Wisconsin, the University of Wisconsin Law School, and the Evjue Foundation.

The central concept of this book—the focus on problems—grew rather naturally out of an approach that several of us on the Law School faculty adopted a long time ago in the teaching of criminal justice administration. My colleagues in this endeavor, Frank J. Remington and Walter J. Dickey, made the special contributions that come from frequent discussion and sharing of experience. I also greatly appreciate the support of two other colleagues, David E. Schultz and Orrin L. Helstad, who, through the Continuing Legal Education program, enabled me to start work on this project.

I am indebted to the leadership of the several departments that were among the first to experiment with problem-oriented policing: Chief Cornelius J. Behan and Colonel Phillip G. Huber, Baltimore County, Maryland; Commissioner Kenneth Newman and Chief Superintendent Tony Burns-Howell, London Metropolitan Police; Chief David C. Couper, Madison, Wisconsin; and Chief Darrel W. Stephens and his successor, Jay A. Carey, Newport News, Virginia. They afforded me numerous opportunities to learn from their experiences. I am especially indebted to the many officers of all ranks in these and other departments—especially those at the street level—who, through their participation, contributed so much to the development of the concept and provided feedback to me. My respect for their skill, experiences, and commitment makes me want to cite them by name, too, for their contribution is equally important to that of top management, but their number precludes my doing so.

The experimentation with problem-oriented policing that was undertaken in collaboration with the Madison, Wisconsin, Police Department resulted in a four-volume report, coauthored with Charles E. Susmilch. I drew heavily on segments of that report for use in Chapter 6 on the identification of problems and in Chapter 7 on their analysis.

Michael S. Scott, formerly my research assistant and now on the PERF staff, played a special collaborative role. In the conceptual stages, he helped outline the project, and he subsequently reviewed the relevant literature and organized the material then available. He prepared a first

draft describing alternative responses, on which I have drawn heavily for Chapter 8. And he carefully critiqued each draft of the manuscript and assisted in filling gaps.

I benefited much from those who, at my request, took the time to provide detailed comments on draft material: Chris Braiden, Diane Hill, John E. Eck, Jay Meehan, William Saulsbury, Darrel W. Stephens, and Mary Ann Wycoff. Other reviews acquired by McGraw-Hill came from John A. Conley, University of Wisconsin–Madison; Donald J. Newman, State University of New York–Albany; and Samuel Walker, University of Nebraska at Omaha. The differing perspectives they brought to bear, reflecting their varied involvement in policing, sensitized me to the several audiences to which the book is addressed.

For editorial support, I was fortunate in enlisting two veterans whose skills appear to be in increasingly short supply. Elizabeth Uhr, with her exceptional editorial judgment and sharp pruning ability, greatly improved the manuscript. Lucille Hamre, with the painstaking care that spoiled all of us who ever worked with her, cleaned up earlier drafts of the manuscript and prepared the bibliography. I have been greatly aided throughout the project by the secretarial assistance of Diane Roessler and Lynda Hicks.

Herman Goldstein

CHAPTER 1

INTRODUCTION

The police field has received more serious attention in the past three decades than in all the previous years of organized police service. This attention has resulted in many advances. Among these the most significant, in my opinion, is an increased openness within the field—a greater willingness to critique police work, to support research, to experiment, and to debate more freely the merits of new proposals for change.

In this welcome atmosphere of questioning and exploration, I have argued that the most commonly articulated proposals for improving policing do not go far enough (Goldstein, 1979). They concentrate on means rather than ends. They dwell on the structure, staffing, and equipping of the police organization, with the assumption that such efforts will eventually result in an improvement in the quality of policing. To develop a form of policing uniquely equipped to fulfill the complex needs of a free and diverse society, police reform must have a more ambitious goal.

Our society requires that the police deal with an incredibly broad range of troublesome situations. Handling these situations within the limitations that we place on the police is the essence of policing. It follows that efforts to improve policing should extend to and focus on the end product of policing—on the effectiveness and fairness of the police in dealing with the substantive problems that the public looks to the police to handle.

Serious in-depth exploration of these substantive problems opens many new doors for constructive change in policing. It often leads to new ideas for improving effectiveness; to ways of engaging both the police and the community more productively; and to dealing with conditions that have undermined efforts to improve the police in the past. Most important, it leads to a whole new perspective of policing.

The dominant perspective of policing is heavily influenced by the primary method of control associated with the work—the authority to enforce the criminal law. This influence is so strong that police officers are commonly referred to as law enforcement officers—a misnomer that uses only one of the methods they employ in their work to characterize all that they do. This common view has not only distorted our perception of the police role; it has disproportionately influenced the operating practices, organization, training, and staffing of police agencies. If, in a sharp departure from this traditional perspective, one begins with an analysis of each of the varied problems police handle and only then proceeds to establish the most effective response, one's perspective of policing is reversed. Rather than cling to the simplistic notion that the criminal law defines the police role, we come to realize that policing consists of developing the most effective means for dealing with a multitude of troublesome situations. And these means will often, but not always, include appropriate use of the criminal law.

The full significance of this change in perspective is illustrated by the current crisis relating to drugs. Because sale and possession of drugs are criminal, the traditional perspective of the police leads the public to look to the police as the agency having primary responsibility for the problem. The police, in turn, continue to depend most heavily on the criminal law in responding to the problem, though the pervasiveness of drug sale and use has overwhelmed their resources, and the process of detection, arrest, and prosecution is difficult and often futile. The current crisis is gradually forcing recognition—on the part of both the public and the police—that much more is required than simply law enforcement. Some police agencies recognized this long ago; others have yet to do so. With this new awareness, then, the challenge is to determine what use should be made by the police of the criminal law (given the difficulty of the process and limited resources); what other means are available to the police for dealing with the problem; and what the police (given their first-hand knowledge of the magnitude and complexity of the problem) should be urging others to do in responding to it. Thus, in its rough outlines, what is happening in reaction to the drug crisis, belatedly and somewhat clumsily, illustrates a larger need that exists with regard to each of the behavioral problems police are expected to handle.

A proposal for incorporating greater concern for the end product of police work into efforts to effect change in the police was initially outlined in the 1979 article cited above and has since been referred to as "problem-oriented policing." The label is a mixed blessing. It greatly facilitates communication among those who fully understand the concept, eliminating the need to define all of its elements in each interchange. But use of the phrase also creates the great risk that, when the concept is widely broadcast under the abbreviated label, it will be drained of much of its meaning. Concern about this risk was among the factors that stimulated the writing of this book.

While problem-oriented policing builds on the best of the past, it is obviously much more than just a new tactic or program to be added on to prevalent forms of policing. It entails more than identifying and analyzing community problems and developing more effective responses to them. In its broadest context, it is a whole new way of thinking about policing that has implications for every aspect of the police organization, its personnel, and its operations. With an ever-present concern about the end product of policing as its central theme, it seeks to tie together the many elements involved in effecting change in the police so that these changes are coordinated and mutually supportive. It connects with the current move to redefine relationships between the police and the community. Fully implemented, it has the potential to reshape the way in which police services are delivered.

This book describes problem-oriented policing as the concept has developed since it was first proposed. I have built on the points originally made in the 1979 article, expanding on the basic elements of the concept, demonstrating how these elements tie together, and explaining how they meet some of the long-term needs of the police. This effort has been greatly enhanced by the opportunity to observe and learn from the experiences of a number of police agencies that, in varying degrees, were among the first to implement the concept—especially those serving Baltimore County, Maryland; Newport News, Virginia; Madison, Wisconsin; New York City; and London. The large number of individuals who have been involved in the difficult task of introducing the concept into the "real world" of policing have contributed a great deal to its fuller development. If I fail to credit them at appropriate times, it is simply because—in the process of melding ideas and with the rapidity of developments in other cities—I can no longer distinguish who contributed what.

To lay a foundation for describing all the dimensions of problem-oriented policing, I first summarize briefly, in Chapter 2, the progress made in policing in recent years. Then, in Chapter 3, I critique the current state of the field, identifying the several factors that have contributed most directly to development of the problem-oriented approach to

improvement. In Chapter 4 I set forth the basic elements of the concept as they have evolved, and in Chapter 5 I report on the early experiences in implementing the concept.

Building on these experiences, the second half of the book is devoted to exploring ways in which the police can develop their capacity for dealing with community problems. Chapter 6 considers what is involved in identifying problems—big and small. Chapter 7 outlines various approaches to analyzing problems. And Chapter 8, the longest chapter, identifies and critically examines a wide range of alternatives that police might consider in fashioning more effective tailor-made responses. Chapter 9 describes the numerous changes that will be required in the management of a police agency so that management policies and practices support—rather than impede, as they often now do—efforts to concentrate on the problems that constitute police business. And in Chapter 10, I reflect on the prospects for implementation.

Whether one views problem-oriented policing as a concept, a theory, a philosophy, or a plan, it obviously has a tentative character to it. It is open-ended. It invites criticism, alterations, additions, and subtractions. I stress this point lest the effort to be as specific as possible in communicating the idea is interpreted as unduly definitive of its shape. Throughout the book, I raise questions with the specific intent of stimulating others to contribute to further development of this overall approach to improving policing and to critique what is set forth here.