Chapter 15

Shifting and sharing police responsibility to address public safety problems

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The police throughout developed nations are held responsible for addressing a very wide range of social problems[1] that affect public safety. Dealing with the whole of these problems and with each particular problem is, in and of itself, complex, both in understanding the social conditions that give rise to them and in meeting the legal requirements for responding to them. Problems fall to the police for attention for various reasons. Some problems, such as murder, robbery of shops and house burglary, being serious crimes, fall squarely within widely assumed areas of police responsibility. That police should assume some responsibility for addressing these sorts of problems is nearly uncontestable. Other problems, however, such as clearing away abandoned vehicles, rounding up stray animals or taking care of inebriated persons, are only marginally police responsibilities. The argument that police should bear the primary responsibility for addressing them is weaker, although often these duties fall to the police, none the less.

The police are but one institution established to deal with breaches of law and order. But unlike other institutions whose job in maintaining order is rather narrowly prescribed, the police have a residual function. In addition to being seen as the agency of first call when a crime has been committed, they are called on to handle a wide array of other situations in which something has gone wrong - matters that do not clearly fall within the purview of others and where an immediate response is required. To a large extent, problems become police responsibilities when other formal and informal social mechanisms for controlling them have failed; when some degree of coercive authority is deemed necessary for control (Bittner 1970). Historically, this has left the police in a reactive posture, their role defined largely by the default of others in adequately addressing problems.

Precisely what duties and responsibilities police agencies assume varies considerably across jurisdictions. Each police agency's mandate evolves over time through a complex process involving legislation, judicial rulings, labour contract negotiations, budget deliberations, executive orders, community demands and political pressures. This is particularly the case in the USA where

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control of the police rests largely with local governments. Consequently, there can be no universal objective standard by which to determine what are the proper duties and functions of any one police agency: each agency negotiates this within the context of its political and legal environment.

Whilst the volume and complexity of matters the public expects the police to handle accumulate, the capacity of the police, in the form of resources, authority and tactics, remains limited. They cannot assume responsibility for an endless volume and variety of problems. Were police to attempt to assume sole, or even primary, responsibility for addressing such a wide range of problems, such an overwhelming mandate would jeopardize their effectiveness, their efficiency and their capacity to deliver their service in a fair and equitable fashion.

The police must have a means to reverse or minimally control the usual process by which they inherit responsibility for problems; to identify such matters and turn to those within society who are better positioned to take on the responsibility for dealing with them. Where there is reliable knowledge that certain problems can be more effectively controlled by those entities that most directly control the conditions giving rise to those problems, the police have an interest in seeing the responsibility for doing so shifted accordingly. Where it becomes clear that police resources are being disproportionately consumed by reacting to a high volume of incidents, the police are obliged to seek out more efficient methods of either preventing the incidents or, at a minimum, seeing that they are more efficiently handled. And where conventional responses to problems are producing inequitable distributions of police resources and subjecting certain groups disproportionately to the coercive powers of the police, the police are obliged at least to contribute to a public discussion about an equitable apportionment of costs and responsibilities.

Historically, the police have not been adept at marshalling arguments for shifting and sharing responsibility for addressing many public safety problems. For a variety of reasons, the police have endeavoured to meet most new demands placed upon them, however futilely, and at great cost to particular police agencies and the police institution. The police institution lacks a strong tradition for analysing data to bolster arguments as to who ought to do what to control public safety problems. The police are only recently beginning to explore this issue and to adopt a role as broker of responsibility.

Popular conceptions of community policing (or partnership policing) produce images of community groups poised and willing to assist the police in any fashion to fight crime and disorder. Whilst this is sometimes the case, nearly as often it is the case that the community, or some segment thereof, stands reluctant to assume any greater responsibility for crime and disorder, particularly when its own interests, practices or policies are challenged.[2] And so, the police increasingly find themselves in the position of brokering and apportioning the duties and responsibilities of the various entities that have a stake or interest in problems.

In the parlance of economics, the police must find ways to get those who create or contribute to crime and disorder to internalize those costs, to create incentives to shift the costs currently borne by the police (and consequently, by the general tax-paying public) to those who control the conditions that

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eive rise to crime and disorder, and who sometimes profit under the existing arrangements for addressing the problems (Hough and Tilley 1998; see also Chisolm 2000; Hornick *et al.* 2000 for discussions of the economic analysis of crime prevention).

That the police should take the initiative in redistributing responsibility for addressing public safety problems makes sense largely because it is to them that the consequences of societal failures to address problems so often fall. The individuals, groups or agencies contributing to a problem may not even know the problem exists until it is called to their attention by the police; and they may not have any idea as to its magnitude and social costs without the police telling them. And even if they do have a full awareness of the problem, they may have no knowledge about the options for dealing with it, whereas the police bring a much greater body of knowledge and experience to bear.

Effective crime control

Only in the past 30 years has research shed much light on the effect of various police practices on crime and disorder problems (Tonry and Farrington 1995; Sherman *et al.* 1997; Goldblatt and Lewis 1998; US Department of Justice, Office of Community Oriented Policing Services 2000 et seq.; National Research Council 2003; Weisburd and Eck 2004). Whilst the research evidence is far from conclusive with respect to many - indeed, most - police practices, some reasonably reliable conclusions are beginning to emerge. Where the police seek to control problems through the direct exercise of their authority or through their visible presence (that is, where police action serves as the mechanism by which problems are prevented or controlled), the police can have a positive impact on problems to the extent their actions are highly focused on particularly problematic locations and/or persons. Where police actions are unfocused - diffusely applied to many places and persons - their effectiveness is rather limited (National Research Council 2004). This conclusion should lead the police to become more focused in their direct actions.

Direct police actions - most typically in the form of visible police presence, stopping and questioning suspects, arresting or warning violators, building prosecutable cases against offenders, etc. - are all grounded in classical deterrence theory. They seek to control crime and disorder by making potential offenders believe they are likely to be apprehended by the police and, if apprehended, subjected to swift, certain and severe punishment. In many instances, however, the deterrence model fails because the certainty of apprehension is not sufficiently high for the consequences of apprehension to have much effect on offenders' decision-making.

Indirect police action, whereby the police seek to convince or compel others to take actions which in turn will control particular crime and disorder problems, holds significant promise for controlling crime and disorder problems (Laycock and Tilley 1994; Buerger 1998). Increasingly, it is in this realm of activity that the police should improve their knowledge and skill. This notion is reinforced by criminological theories that stress the importance

of opportunity (Felson and Clarke 1998). If the opportunities for problems can be controlled, the problem behaviour itself stands to be better controlled. For the most part, the police themselves have limited control or influence over the social and environmental conditions that create these opportunities for problem behaviour: others often have more.

Methods for achieving a shift in responsibility for public safety problems

The police can apply a range of methods to get others to assume greater responsibility for public safety problems (Goldstein 1996). A range of methods varies in terms of the degree of pressure or coercion the police apply to achieve their objectives.

In its ultimate form, police efforts to shift responsibility for public safety problems would entail the police assisting others to develop a capacity to identify and rectify problems without the need for police intervention. A prime example occurs where the police work at the neighbourhood level to help residents develop what sociologists term 'collective efficacy' or 'the ability of neighbourhoods to realize the common values of residents and maintain effective social controls' (Sampson *el al.* 1997). Short of a complete shift in responsibility for a public safety problem, in most instances the police will look to shift part of the responsibility (or share it) with regard to a specific problem or set of problems, bounded in time and location.

The methods described in Box 15.1, originally conceived by Goldstein (1996), are not intended to be exhaustive or definitive, but rather illustrative. The methods begin with those that generally are the least coercive measures and proceed to those that are generally increasingly coercive.

Assigning responsibility for addressing problems

There are few firm rules that dictate who is primarily responsible for addressing particular public safety problems. What rules, for example, dictate who bears primary responsibility for a retail theft problem: the police, the shop, consumers, the insurance carrier? For every problem there are several entities that contribute to the problem and therefore plausibly bear some responsibility for its remediation. The factors that determine legal and moral responsibility for public safety problems, as well as the processes and sources of authority under which such determinations are made, merit further discussion, but are beyond the scope of this chapter.

Factors determining the appropriate degree of pressure the police ought to bring to bear

Much of the art of policing is in determining the appropriate degree of pressure or coercion that ought to be brought to bear on a situation in order to resolve it. Police officials who elect to try to shift responsibility for public safety problems

Box 15.1 Methods of police pressure on others to accept responsibility for community problems (from least degree of pressure to greatest)

- Educating others regarding their responsibility for the problem.

- Making a straightforward informal request of some entity to assume responsibility for the problem.

- Making a targeted confrontational request of some entity to assume responsibility for the problem.

- Engaging another existing organization that has the capacity to help address the problem.

- Pressing for the creation of a new organization to assume responsibility for the problem.

- Shaming the delinquent entity by calling public attention to its failure to assume responsibility for the problem.

- Withdrawing police services relating to certain aspects of the problem.

- Charging fees for police services related to the problem.

- Pressing for legislation mandating that entities take measures to prevent the problem.

- Bringing a civil action to compel entities to accept responsibility for the problem.

must consider, amongst other factors: the justification for the pressure in the first instance (including the costs borne by the police and the community in the status quo); the reasonableness of the police requests of others (including the standards of proof the police must carry to establish that reasonableness); the probability that a new set of responses to the problem will have long-term preventive value; the likelihood that key constituents will endorse or accept the new police proposals (which is influenced by the complexity of the issue at hand); and the nature and degree of, and consequences for, resistance to police attempts to share or shift responsibility (including the potential risks and costs to the police organization and its officials for pressing controversial proposals).[3]

A central theme that emerges from reviewing problem-oriented policing initiatives is that in most instances the police do not set out with an overriding objective to divest themselves of responsibility for various and sundry tasks, but rather their efforts to shift responsibility for addressing particular problems is the direct product of a careful analysis of the factors giving rise to problems with the objective of developing a new response to the problem that is more effective. It is on the basis of careful exploration of problems that the police are led to conclude that somebody ought to be doing something different to control that problem better. And whilst some individuals will not question the basis on which the police make such requests, police requests are greatly strengthened if they can explain persuasively the rationale for the request, including how compliance with the request will address the problem, the basis for police knowledge about the effectiveness of the proposed response, what

measures the police have already taken to resolve the problem, the limitations of those measures and the benefits to all concerned if new practices are adopted voluntarily.

Increased usage of this process for brokering responsibility is the result of several factors in policing: the new emphasis on being proactive and on prevention; the new emphasis on and capabilities to conduct detailed analysis of the police workload; the resulting recognition that incidents often cluster around a concentrated source which, if dealt with effectively, has the potential greatly to reduce the magnitude of the problem; and the new emphasis that police agencies deliver value for money.

The process leading up to police efforts to shift or share responsibility typically involves documenting the magnitude of the specific problem, identifying the conditions contributing to the problem and establishing the link between those conditions and the individual, business or organization deemed responsible for them. Thus, the gathering of detailed information, including statistical data, is an integral part of the process *before* it moves forward. Emphasis is placed on the accuracy and fairness of the documentation in order to present the strongest possible case.

Some might express discomfort with the police dealing with citizens in so heavy-handed a manner. Those concerns are certainly justified if requests are made, with the threat of more serious action, without supporting facts. A high standard of care in putting together those facts is an effective protection from such abuse. In-depth inquiry into a specific problem may clearly identify the problem and even point to specific preventive measures that seem warranted and are potentially effective. The collection of hard data about a specific problem plays a central role in establishing the need for the organization in the first instance, in convincing others as to the seriousness of the problem, and as evidence where the prevention strategies involve taking legal actions. Ideally, data would also be collected in order to evaluate the effectiveness of the strategies employed. The police must realize that efforts to shift responsibility can become an adversarial process in which they had best be prepared to document thoroughly both the conditions being exposed and the evidence they have that the person being named is indeed responsible for them. And they should be confident that the measures that they are pressing to be adopted are likely to be effective. Particularly when the proposed shift in responsibility has a major economic impact, the police can anticipate that the proposed action will be challenged in the courts, and that judges will become involved in weighing the adequacy of the evidence offered in support of adoption of the regulation.

Emerging trends in police efforts to shift responsibility for public safety problems

As the police increasingly adopt a problem-oriented approach to their work, an approach which emphasizes the careful analysis of the causes and conditions for crime and other public safety problems, and which encourages the police to seek alternatives to criminal arrest as means of preventing crime

and controlling problems (Goldstein 1990), some new patterns regarding police actions are emerging. Amongst the more interesting new patterns is the increasing tendency of the police to leverage their knowledge, influence and authority to shift and share responsibility for addressing public safety problems by getting others to take actions that lead to more effective responses to problems and that alleviate the burden on the police continually to respond to repetitive incidences of crime and disorder.[4]

In the absence of systematic studies of police efforts to shift responsibility for public safety problems, it is possible to gain some cautious insights into this emerging pattern by examining cases in which the police have done so. One source of information about what the police are doing that they themselves deem innovative is police agency submissions to award programmes that recognize innovation in problem-oriented policing. The two most prominent award programmes are the Herman Goldstein Award for Excellence in Problem-oriented Policing (administered in the USA)[5] and the Tilley Award (administered in the UK)[6].

Whilst it should come as no surprise that police reports submitted to these award programmes would highlight police efforts to share and shift responsibility for public safety problems (doing so is strongly encouraged under a problem-oriented approach), one does get the impression that police agencies are finding some measure of success in their efforts to do so (Read and Tilley 2000; Scott 2000; Rojek 2003).

How one defines and measures such claims is tricky because it is often the case that the police apply several different responses to address a problem, some of which are direct actions (e.g. police enforcement, police presence) and some of which are indirect actions of the sort listed above. Teasing out the effects of each response in isolation of others is methodologically challenging. Moreover, in most instances, project reports of the type submitted to these award programmes provide an evaluation or assessment that falls short of rigorous social science standards. The evidence offered of the effectiveness, efficiency and equity of the new responses usually satisfies the standards to which the police are held, which are not always the standards of scientific research.

Much of the body of knowledge the police rely upon is based on insights the police acquired through years of experience. The value of this expertise is underestimated by those who rely only on the highest standards of social science and policy analysis to inform policy decisions and, conversely, overestimated by those who believe that 'street smarts' trump research-based knowledge. Although much police knowledge about how to prevent and control many problems is largely untested, it does not totally diminish its value. That this knowledge is sometimes packaged and presented in polished form does give it an imprimatur that carries the impression it is more scientific than is warranted. There remains a critical need to capture, test and refine police expertise, and thereby contribute to a more formal body of knowledge to support police practice. And so, whilst advocating that the police increasingly shift responsibility for public safety problems has not definitively been proven to be the correct course of action, the examples to date are none the less suggestive of a promising new direction for policing.

A discussion and examples of the successful application of each method, primarily drawn from the Goldstein and Tilley Award programmes, follow. In many instances, the police and others employ a variety of methods to address a problem, thereby complicating efforts to understand precisely what effect each method had on the overall problem. Moreover, the methods employed are not mutually exclusive. For example, where the police succeed in encouraging another agency to make confrontational requests to persons causing problems, or the police persuade a legislative body to enact a law charging special fees for police services, in effect a combination of methods has been employed.

Educating others regarding their responsibility for the problem

The police have long been involved in systematically conveying information to the public on how they can prevent crime. They do this through presentations, brochures and a variety of programmes. Some of these efforts are aimed broadly at the general public; others targeted at specific constituencies. Educational messages and programmes are directed either at potential victims (i.e. how to avoid being victimized) or potential offenders (i.e. how to avoid offending). A central theme in all these efforts is that those to whom the message is delivered are in a position to take actions that will protect themselves either from victimization or legal sanction. The educational material and presentations are generally low key: one can take the advice or ignore it. Educational messages to potential offenders adopt a helpful tone rather than a warning tone: they are aimed at people who are inclined to obey the law, but who might offend out of ignorance or carelessness:

- San Diego police analysis of the total volume of sexual assault cases drew attention to the high percentage of such cases that were acquaintance rapes involving teenagers. Using the detailed reports on each case, the sexual assault unit identified the patterns of conduct that led to the assaults. They then constructed a curriculum designed to be taught in the schools, using the facts and statistical information they derived from their study to inform students how they can reduce their risk of victimization. The initiative produced brochures - different ones for male and female students - that sought to inform students, in language and using scenarios familiar to them, about what constitutes acquaintance rape and how women can avoid being victimized by it and men avoid being accused of it (San Diego Police Department 2001).

- Collecting and analysing their experiences in dealing with crime and disorder problems in apartment complexes, police agencies are increasingly developing manuals for both landlords and tenants, and are sponsoring seminars at which such material is presented (Bureau of Justice Assistance 2000). The goal is to encourage both the tenants and the landlords to assume more of the responsibility for conditions in their housing units, and to take specific prevention measures, such as enforcement of occupancy as set forth in the leases, control over entry, locking systems, control over public areas, prohibitions against illegal activity on the premises, etc. Persuading

rental property owners and managers to lease only to responsible tenants, to enforce rules governing proper behaviour on the premises, and to design and maintain properties in ways that discourage problems can be more effective than criminal law enforcement in many instances.

- The police in Piano, Texas, developed an informational presentation for the owners and managers of stores that were licensed to sell alcoholic drinks about the problem of underage drinking and what measures could be taken to help store clerks comply with the law prohibiting sales of alcohol to minors. Although sterner warnings and enforcement were essential components of this initiative, the police did learn that some clerks were confused about the law and about how to detect fraudulent attempts to purchase alcohol. Consequently, the informational programmes were more than a polite way of issuing warnings; they in fact helped some people inclined to obey the law to do so (Piano Police Department 2003).

- Police in Lancashire and in Portland, Oregon, have conducted or supported programmes to educate hotel and motel owners about methods for recognizing and preventing common crimes - ranging from burglary to prostitution to drug manufacturing - from occurring in their establishments (Lancashire Constabulary 2000; Campbell Resources, Inc. n.d.).

- To address the problem of children being hit by cars, the police in Hamilton-Wentworth, Ontario, spearheaded an initiative to develop educational materials and programmes to teach children how to cross streets safely. The materials and programmes were built upon a careful understanding of how young children best learn and apply new rules and skills and was informed by advice from traffic engineers, child educators, child-care professionals, parents and public health officials (Hamilton-Wentworth Police Department 1994).

- The police in Blackpool, UK, helped develop an educational campaign to inform visitors to this seaside resort community how to behave properly in and around licensed establishments and thereby avoid becoming either an offender or a victim (Lancashire Constabulary, n.d.).

Making a *straightforward informal request of* some entity to assume responsibility for the problem

The use of straightforward requests is quite naturally the first step to which the police turn when they want specific individuals to take responsibility for reducing specific problems. A positive response obviates the need for increased pressure.

Here, the police are not simply broadcasting prepared advice on prevention to a large audience. Rather, they are much more targeted in asking citizens to resolve a problem of immediate concern to them by taking a specific action. And because the request is made by the police, it carries the implication that there may be some consequences if it is ignored. Often, the police are simply informing the citizen of something he or she was not aware, and the citizen gratefully and graciously complies with the request:

- In Chula Vista, California, the police concluded that new housing developments were vulnerable to burglary because many homes were not properly designed to safeguard against it. The police developed a presentation based upon their analysis of the problem, complete with recommendations for how new homes could be designed and built to deter burglary. They made their presentation to the corporate executives of the largest housing development companies in the target area and ultimately entered into a memorandum of understanding with the developers in which developers agreed to install recommended locks and windows in all new houses, and assist the police with other burglary prevention measures. The police did not persuade the developers to agree to all their recommendations, but they achieved some improvements without resort to confrontation or coercion. Early indicators were that the new measures were contributing to significantly improved burglary rates in the target area compared to control areas (Chula Vista Police Department 2001).

- After exhaustive analysis of the problem of thefts of appliances from houses under construction, the police in Charlotte-Mecklenburg, NC, reached the conclusion that the best method of preventing such thefts was for builders to delay installing the appliances until after the house purchase had been completed and the house could be properly secured by the new owner. The police prepared a detailed presentation of their crime analysis findings to house builders and secured voluntary agreements from several builders to adopt the proposed policy. Thefts of appliances in the target area were reduced significantly (Clarke and Goldstein 2003).

Making a targeted confrontational request of some entity to assume responsibility for the problem

One of the clearest results of recent changes in policing is the increased tendency of police agencies to confront aggressively those judged to have some responsibility for a large volume of incidents that fall to the police to handle. The police typically resort to this more confrontational mode after they find that straightforward requests are ignored.

Community policing efforts, which place so much emphasis on cultivating relationships with citizens affected by problems, also contribute to increased use of confrontational requests. In having to deal with a drug house, a troublesome bar or disorderliness in a park, for example, the police may feel empowered to be more confrontational by virtue of the support they receive from aggrieved citizens.

Typically, the police document evidence of the problem and how it is caused or aggravated by the actions or inactions of certain parties. The resulting documentation is presented to the party deemed responsible, along with a request that preventive measures be taken. The hope is that, confronted with the overwhelming nature of the documentation, the party will agree to assume responsibility for taking preventive measures - out of a sense of obligation to do so. But, depending on the specific situation, the confrontation may be bolstered by subtle implications or more overt threats that failure to comply will result in more coercive measures. The potential for more coercive

measures argues for a high standard of accuracy by the police in documenting conditions:

- The Peel Regional Police in Ontario made a practice of determining where persons arrested for drunken driving had their last drink. The police identified licensed establishments with a high incidence of serving persons subsequently arrested for drunken driving and forwarded this information to the local liquor-licensing board. Armed with these data, the liquor-licensing officials then confronted the owners of the problem licensed establishments, advising them to take measures to prevent recurrences. The licensing officials offered detailed advice and training for licensed establishment staff as to how to meet their legal obligations. These confrontational requests were made prior to the initiation of a formal investigation in order to give the proprietors of licensed establishments the opportunity to come into voluntary compliance with the law (Peel Regional Police 1996).

- The St Louis police informed a finance company that a residential property it financed was being used for illegal drug trafficking. This indicated to the finance company that their investment might be at risk, perhaps of being seized by the government. Realizing that an outright foreclosure and eviction of the elderly resident might bring adverse publicity for the finance company, they instead opted to pay the resident to relinquish the property and move out. The finance company then took possession of the property, thereby eliminating the drug trafficking problem (Hope 1994).

- The Miami police persuaded wholesale fruit and vegetable stallholders to improve their practices for disposing of discarded produce, to clean up and improve the appearance the commercial area in which they operated, and to improve the traffic flow and parking of commercial vehicles, all as part of an effort to reduce crime and disorder in a large commercial produce market. These improvements helped reduce the population of transient criminals in the area and alleviated traffic congestion (Miami Police Department 2002).

Engoging another existing service agency that has the capacity to help address the problem

This method involves arranging a shift of responsibility for one or more crime prevention strategies to another agency of government or to a non-profit organization providing service in the community.

Much of police business consists of handling problems and cases that fall through the cracks in the 'social net' or constitute an overflow stemming from the limited resources of other agencies - for example, mentally ill persons who are not adequately cared for in the community; drug addicts who do not receive treatment services; parks, playgrounds and housing developments that are not adequately maintained; and cars and homes that are abandoned, etc.

In-depth inquiry of the type called for in problem-oriented policing often identifies a default or a gap in service that, if corrected, would potentially reduce the problem. Initially drawn to police attention as a crime or law enforcement problem, penetrating inquiry often redefines the problem and more clearly

identifies the conditions contributing to it. Thus, a problem initially reported as disorderly, threatening teenagers may, on analysis, turn out to be a problem of strained relationships between senior citizens and teenagers brought on by the policies of a neighbouring school. Engaging the school authorities in exploring preventive strategies may well result in their taking responsibility for them.

When the police identify preventive strategies which they then broker to other agencies, this can cause tensions with those agencies. Other agencies often resent what they perceive as police efforts to set their agendas or to off-load work on to them. This is particularly so during periods of retrenchment in government spending when budgets are limited.

The health, streets and building inspection departments in local authorities, and the not-for-profit organizations serving, for example, the mentally ill, battered women and run-away children must weigh the initiatives recommended by the police against other priorities. The documentation of the case by the police, and the links they are able to establish between what they find and what they recommend, are critically important.

Equally important is for the police to try to establish an atmosphere of trust and mutual understanding between themselves and the agencies whose interests overlap those of the police. The whole movement towards greater institutional partnerships has been tremendously important in this regard. Whether partnerships are mandated by legislation, as is the case in the UK, or are either wholly voluntary or compelled by executive decrees, as is more common in the USA, police requests that other agencies change their policies and practices are much better received if the members of those other agencies understand and trust the police perspective. Indeed, some agencies may not see such police requests as coercive at all but, rather, helpful. Police documentation of a problem has been used by local authorities and other statutory organizations to justify programmes they have long advocated. Non-profit private groups have used police documentation to help them justify expansions in their programmes and supporting budgets:

- A police constable in Lancashire succeeded in resolving a longstanding problem in which a scrapyard was used by local criminals to sell stolen vehicles and generally was a source of nuisance to the community. The constable did so, not by enforcing the criminal law as had been done so often before, but rather by referring the matter to the local Environmental Protection Agency. That agency found, upon inspection, that the scrapyard was inadequately protected against the emission of hazardous pollutants. By imposing new environmental protection requirements, the scrapyard operator opted to close the business instead (Lancashire Constabulary 1999b).

- The police in Blackpool, through careful data analysis, made a persuasive case to outside agencies that the most prolific drug-addicted criminal offenders ought to receive immediate and intensive drug treatment and social services immediately upon release from incarceration. This ran counter to conventional practices whereby many newly released offenders had to wait long periods for drug treatment, by which time most had resumed using

drugs and committing crimes. The police engaged with probation officials, prosecutors, social workers and drug treatment providers to ensure that qualifying offenders who are willing to accept such services receive them in a timely and reliable fashion. A twelve-month evaluation indicated that the initiative had yielded a 30 per cent reduction in reported crime in the target area with no evidence of geographical displacement (Lancashire Constabulary 2003).

- Similarly, the police in Fremont, California, succeeded in persuading the local domestic violence victim assistance programme to accept direct referrals from police officers. The police demonstrated through analysis that there was a critical need to give high-priority services to repeat victims of domestic violence. Previously, victims themselves had to seek out the services. An assessment of the intervention indicated a demonstrable reduction in repeat calls for police service to assist victims of domestic violence. In this instance, whilst the police themselves assumed greater responsibility for dealing with chronic domestic violence, through their closer working relationship with other service providers, they were able to concentrate limited police and social service resources on the most problematic individuals (Fremont Police Department 1997).

- The police in Charlotte, NC, initiated discussions with the Mexican consulate and with local banks to persuade recent Mexican immigrants to use secure financial services (e.g. bank and chequing accounts, wire transfers) in order to reduce the amount of cash carried by, and often stolen from, immigrants. The police recognized that immigrants' lack of trust and understanding of American financial institutions discouraged them from adopting safer, and often less expensive, financial practices (Charlotte-Mecklenburg Police Department 2002).

Pressing for the creation of a new organization to *assume responsibility for the problem*

The police are not always in a position themselves to implement the measures that they conclude will best address the problem, and there may not be any other appropriate entity to do so. The police may then find themselves in the role of advocate for the creation of a new entity with the mandate and resources properly to address the problem.

With the increase in efforts to organize neighbourhoods, especially in large urban areas, it is frequently not necessary for the police to be the primary catalyst. They can often retreat to a supportive role. And there are situations in which the community organization grows on its own out of a concern about a given problem, with the police enlisted by them in support of their objectives. However, as the organizations come into existence and are sustained, the police find that they are gradually transferring responsibility for specific prevention strategies to them:

- In an effort to reduce the large demand upon police resources by divorced parents seeking assistance with the enforcement of child custody court orders, Fresno, California, police helped establish and promote the use

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of a privately owned and operated programme called the Child Custody Program. The programme assists parents with child custody exchanges by providing a safe facility in which both parents can come to exchange the child without need to interact with one another. The Child Custody Program helps mediate disputes between parents about custody orders. The police also worked with the courts to develop a process by which parents could file their own reports to the court alleging breaches of custody orders. This new programme and new procedures reduced the volume of calls for police service for this problem by about half. The police interest in preventing domestic disputes and violence related to child custody was met in a more efficient manner (Fresno Police Department 1999).

• Glendale, California, police organized an effort to create a new centre for day labourers as a means of eliminating the disorder, drunkenness, fighting, loitering, noise, litter and traffic congestion attendant to an unregulated day labourer market. Police secured commitments from private charitable organizations to operate the centre and its programmes (including social services, language improvement classes, and legal and labour negotiation services). The local transport authority agreed to provide the land and a local building-supply company agreed to donate the materials to construct the new facility and staff to help operate it. An advisory board comprising representatives of all stakeholders was created to oversee the centre. The police then persuaded the local authority to pass an ordinance requiring all day labourers to go through the day labourer centre to secure employment. The net result was a dramatic reduction in all aspects of the problem; a marked improvement in the employability, wages and working conditions of labourers; and a substantial reduction in demand on police and other emergency services (Glendale Police Department 1997).

• Racine, Wisconsin, police concluded that part of the solution to cleaning up drug-infested neighbourhoods was to purchase problem properties and convert them either for police use as community police stations or refurbish them and sell them to responsible occupants. In order to accomplish this, the police convinced local business leaders to establish a new private not-for-profit organization that could buy and sell real estate for the purposes established by the police and city government. This new arrangement led to the purchase and rehabilitation of a significant number of residential properties and inspired other private redevelopment in troubled neighbour-hoods. The initiative yielded dramatic reductions in violent and property crime, and calls for police service and substantial improvements in the housing stock in the target areas {Racine Police Department 1999).

• Police in Fontana, California, worked with over 20 local charities, churches and businesses to form a new network of services for homeless individuals, many of whom were creating extraordinary problems for the police by their criminal and disorderly behaviour. The so-called 'Transient Enrichment Network' consolidated services for homeless individuals, providing a central facility where each homeless individual's special needs - whether mental or physical health, job placement, housing, food and shelter or substance

abuse - could be diagnosed and addressed. This new network inspired police officers to deal more directly with homeless individuals, confident that doing so in many cases would lead to improvements in the individuals' behaviour and life circumstances. Early results were overwhelmingly positive with over 500 individuals benefiting from the programme in its first two years of operation. Moreover, crimes and calls for police service attributed to homeless individuals declined substantially (Fontana Police Department 1998).

Shaming the delinquent entity by calling public attention to its failure to assume responsibility for the problem

This is often an intermediate step between the type of private confrontation described earlier and resort to legal action. The stakes in resorting to public shaming are high. For many individuals, businesses and agencies their public reputation is of great value to them; having the police publicly discredit them can have significant long-term consequences. In some instances this method of shifting responsibility might be perceived as the most coercive. Consequently, the police typically use this method after more private methods of persuasion have failed. The police goal is to call to public attention the nature of the problem, the factors that cause or contribute to the problem, the reasonableness of police requests of others, the refusal of others to co-operate and the arguments for holding others to account for their contributions to the problem:

- The police in Lancashire sent official letters to registered owners of vehicles spotted cruising around areas in which street prostitution was a problem (Lancashire Constabulary 2003). Although the tone of the letters was purely educational, the unspoken effect (and no doubt, intention) of the letters was to expose kerb crawlers to possible shame by creating a risk that other persons might open and read the letters. Alternatively, the police in many jurisdictions collaborate with local media outlets to publicize the arrests of persons caught soliciting prostitutes (Buffalo Police Department 2001).

- Police officers in Green Bay, Wisconsin, sought local media coverage to expose the irresponsible practices of certain publicans, as well as the reluctance of certain public officials properly to enforce alcohol-licensing sanctions, in their effort to reduce alcohol-related problems in a neighbourhood. These actions, in combination with other actions, resulted in the closing of several problem pubs and bars through stricter enforcement of alcohol-licensing provisions and a significant reduction in calls for police service to the area, all of which inspired new economic development in and a nearly complete transformation of the area (Green Bay Police Department 1999).

- The police in a number of jurisdictions have developed ranking or rating schemes by which they communicate to the general public the relative security of different vehicles, alarm systems, houses, apartment complexes or parking facilities (Clarke and Goldstein 2003). The 'Secured by Design'

scheme operated by the British police is a prime example of how publicity for meeting safety and security standards can become institutionalized. This sort of publicity both rewards the manufacturers and operators of responsibly designed and managed products and properties with favourable ratings as well as penalizes those with unfavourable ratings.

- The police in Delta, British Columbia, sought to persuade a reluctant video-arcade owner to redesign and improve management of the arcade to reduce problems associated with disorderly youth in and around the arcade. The police recruited the assistance of a local university's environmental criminology students who conducted a detailed study comparing this arcade with others in the area not having the same problems. The findings, which clearly demonstrated the inadequacies of the problematic arcade's design and management, were presented to local government officials, and reported in the mass media. As a result of this adverse publicity and persuasive findings the arcade owner agreed to the requested changes and the city council enacted a new by-law requiring minimum safety and security provisions for all arcades in the jurisdiction. Attendant calls for police service declined substantially- Perhaps the ultimate measure of success was achieved when the arcade owner began advertising that his arcade was safe and secure because it adhered to the highest standards of the industry (Delta Police Department 1997).

Withdrawing *police services relating* to certain *aspects of the problem*

The police occasionally seek to force adoption of a prevention strategy by refusing to respond, investigate, arrest or take other official actions after police requests of involved parties to take measures to reduce their likelihood of victimization have been rebuffed. Typically, this occurs in the context of a business operation when the evidence is overwhelming that the problem can be eliminated if the affected party were to implement certain measures, but which they have proclaimed they will not implement, usually out of concern that doing so would reduce their sales.

A decision to withdraw services must be sensitive to the disparate impact on those who may not be in a position to afford the most elementary steps required to prevent the offence; when imposing that cost may force an individual out of business; and, as an additional consequence, deprive a depressed neighbourhood of a vital business or service.

This method is only rarely employed by the police, most likely because they are reluctant to be seen as an agency that refuses to perform what many persist in seeing as 'their job'. The police continue to worry that failure to respond to any request for assistance might result in their failing to attend to a more serious infraction than that which was originally reported.

Most types of cases in which the police withdraw service are those in which the offence arises out of a commercial transaction that is arguably a civil matter rather than a criminal one. A few such examples are follows:

- Some police agencies refuse to respond to reports of motorists who drive away from a self-service petrol ('gasoline' in the USA) station without paying

if the station has experienced a high volume of drive-offs and has been requested to require prepayment, but has refused to install such a system. Alternatively, the police might merely refuse to send out a police officer to take a report of a petrol drive-off, but instead require petrol station staff to file a form with the police.

• The police might refuse to investigate cases in which diners leave a restaurant without paying, particularly if the restaurant has a poor system for monitoring customers and collecting their payments.

• The police might advise shops which have cheques returned to them for lack of sufficient funds that the police will not take the responsibility to go after the cheque passer, especially if the outlet does not require proper identification or maintain a registry of those from whom cheques will and will not be accepted. Or a police agency might require that any merchant expecting the police to process bad cheque cases must obtain a fingerprint on the back of the cashed cheque.

• The police might refuse to record as thefts failures to return rented property such as videotapes, tools, appliances or furniture, knowing that the posting of a credit card or other security will eliminate the practice. So-called 'rent-to-own' stores can generate a high volume of reported thefts in some jurisdictions where reporting requirements are relaxed.

Other than commercial transactions, the most common type of incident for which the police might refuse to provide service is for intrusion alarms that have not been verified as suspicious (see the example and reference under 'Pressing for legislation', below).

Charging *fees for police services related* to *the problem*

This method seeks to recoup the costs to the police for providing a particular service from the individuals who directly benefit from that service. The rationale for such cost-recovery schemes is that certain individuals make an excessive claim upon public police resources; that they consume more than their fair share or more than their tax payments reasonably entitle them to. In some jurisdictions legislation authorizes the police to seek the recovery in court of the actual costs of police investigations from defendants (see Oakland Police Department 2003 whereby the police successfully recovered $35,000 in investigative costs from the owners of a problem motel). Elsewhere, police and other emergency rescue agencies charge thrill-seeking adventurers for the costs of rescuing them when their adventures go awry. Increasingly, the police are extending the cost-recovery principle to property owners whose premises generate an inordinate volume of calls for police service (e.g. bars and apartment complexes).

Although fee schemes are not intended as penalties, and therefore typically are limited to recovering no more than the actual marginal cost to the police agency, they nonetheless provide an economic incentive to individuals and businesses to keep their costs for police services under control by keeping problem behaviour under control.

- Amongst the most common problems the police must deal with are alarms from security systems installed in businesses and especially residences. They account for an extraordinarily large percentage of police business in commercial areas, in wealthy suburban areas, in resort areas out of season and even in large urban areas. Well over 90 per cent of all such alarms are false, resulting from malfunctioning of the system, animals or error on the part of the alarm's owner. This is an example of a situation in which the business person or resident has taken responsibility for a prevention strategy but has reimposed a major cost associated with that strategy back on the police. In response, the police in many jurisdictions have arranged for the enactment of an escalating set of fees that are assessed after a set number of false alarms are handled, thereby pressuring the owner to take actions that will prevent the alarms from registering falsely. In still other areas, a fee is also assessed annually in anticipation of whatever services the police may be called upon to render in connection with the alarm, including simply maintaining their readiness.

- The police in Halton, Ontario, successfully addressed chronic problems involving alcohol-related crime and disorder (and several large riots) at a large dance club in part by shifting some of the costs for police service back to the club's owners. Strict law enforcement and efforts to close the club had proven impractical and ineffective. The police successfully lobbied for a change in the liquor-licensing law so that liquor licences carry a stipulation that excessive consumption of police resources to ensure safety and security will result in the costs of those excess police resources being charged to the licence holder (Halton Regional Police Service 2003).

Pressing for legislation mandating that entities take measures to prevent the problem

In addition to having recourse to the many laws that directly proscribe illegal and harmful conduct by individuals, the police have long been aided by a variety of regulations (including city or county ordinances, by-laws, state statutes, administrative regulations, etc.) that are designed to regulate various conditions that have potential to foster offending and harm. They reflect a legislative judgement that certain businesses, organizations or individuals, by virtue of the activities in which they are engaged, have certain responsibilities to assure that those activities are carried out in ways that are safe and orderly. The prime example is the extensive regulation of premises dispensing alcoholic drinks. Primary responsibility for the measures to prevent disorder and crime within licensed premises rests with those who dispense it. The police role is secondary - to reinforce the responsibility of the owners through regulatory enforcement. The police are often in a position, by virtue of special knowledge they acquire by analysing problems, to propose specific new laws and regulations that assign responsibility for controlling criminogenic conditions to certain individuals, businesses or groups, and provide penalties for failing to do so.[7]

Adoption of such measures is typically preceded by discussion in the public forum and, somewhat more formally, in hearings held on a piece of

legislation. The police may be amongst the proponents. Occasionally, they are the initiators. And in the typical scenario, the individuals on whom the burden of any new mandates will fall are the opponents. The evidence in support of adoption is more often anecdotal than rigorously acquired. Some efforts are made to introduce data of varying quality. One exception to this pattern are the heated debates over the requirement that convenience stores be required to maintain two or more staff on duty at specified hours of the day. Those debates have drawn heavily on the studies that have sought to measure the value of this strategy, and have been made especially contentious because of the conflicting results of those studies:

- To reduce residential burglaries, some cities have incorporated into their building codes certain design and construction features that prevent burglary. Some such codes go well beyond simply requiring locks on doors and windows and govern such features as lighting, natural surveillance, and door and window strength (see, for example, Overland Park, Kansas 2003).

- As part of an initiative to reduce injury from assaults with glass objects on the streets of Liverpool, Merseyside Police persuaded Liverpool City Council to enact a new requirement that the proprietors of licensed establishments be responsible for preventing glass (drink glasses and bottles) from being removed from the premises. The police then persuaded the Home Office to approve new legislation that would authorize police to confiscate any glass containers carried on the streets in Liverpool city centre. This combination of legislative acts helped produce a dramatic reduction in the volume of glass-related injuries occurring in the target area (Merseyside Police 2001).

- Salt Lake City, Utah, police persuaded its city council to enact an ordinance requiring companies that sell home and business intrusion alarm systems to provide the initial response to and investigation of all alarm activations prior to summoning the police. This policy, known as 'verified response', nearly entirely eliminated police responses to false intrusion alarms. Evidence to date suggests that this policy has had no adverse effect on the underlying problem intrusion alarms are intended to address - burglary - and have yielded substantial savings in police resources that are then available for other, more productive, activities (Salt Lake City Police Department 2001). Interestingly, the 'verified response' policy supplanted a more commonly used measure to shift responsibility for false alarms - that of charging alarm customers fees to offset the costs of police response. The fee system has demonstrated some effect in reducing the volume of false alarms, but not to the degree of 'verified response'.

Bringing a civil action to compel entities to accept responsibility for the *problem*

Several avenues are open by which the police and others can bring actions in the courts to force individuals or an organization to take responsibility for implementing preventive measures (see generally, Mazerolle and Roehl 1998).

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This process is normally reserved for the most egregious conditions and as a last resort because, with some exceptions, the process is difficult and the costs are high. Amongst the numerous forms of civil actions the police might either initiate or support are nuisance abatement orders (in the USA), anti-social behaviour orders (in the UK), civil injunctions and restraining orders, civil asset forfeitures, civil fines, enforcement of codified regulations and evictions.

Studies relating to the problem of drugs inevitably focus attention on drug houses. The search for an alternative simply to acquiring evidence and making arrests has led the police to dust off largely unused abatement proceedings and to obtain new, specifically tailored legislation that enables them, through a court proceeding and upon presentation of adequate evidence, to seize properties associated with a high incidence of crime. Their authorization to do so, punctuated by some successful efforts, is intended to pressure landlords to take greater responsibility for control of activities on their properties. It is the threat of an abatement action that often renders targeted confrontational requests effective.

In one of the more novel uses of civil actions, the Safe Streets programme, based in Oakland, California, trains local citizens in acquiring the evidence needed to petition in small claims court for the abatement of a drug house, with no requirement of a lawyer and with any receipts from the sale of the premises to be distributed amongst the petitioners. Police involvement in this process is limited to co-operation with community members as they seek police documentation, in support of their case, of criminal activity occurring in or near the premises.

An emerging, although as yet unsettled, development in the USA is for the police to support civil lawsuits against gun manufacturers or distributors as a means of controlling gun-related violence. If such suits succeed, it will prove an extraordinary example of how the police and their local governments can compel a large industry to assume significantly greater responsibility for the harm associated with its products:

- The police in Oakland, California, filed a civil suit against the parent corporation of an international motel franchise for failure to control drug dealing, prostitution and assorted crime and disorder on its property (Oakland Police Department 2003). The suit followed repeated attempts by the police to educate the property manager and corporate executives about the problems at the motel, request improvements and warn them of possible legal consequences. In this case, the police worked progressively towards more coercive methods in a careful, measured manner. Indeed, the special unit of the Oakland Police Department that brought the civil action had developed a formal process for documenting such problems and bringing increasing levels of pressure to bear upon property managers and owners.

- Royal Canadian Mounted Police in Burnaby, BC, collaborated with government tax, fire, building, health, immigration and licence inspectors to inspect and file code violation charges against the owner of three blocks of flats which police had found were being used for organizing large-scale

illegal immigrant drug trafficking. The owner resisted government efforts to improve the management of the properties and consequently they were closed by the government and emptied of tenants. This led to geographic displacement of the drug market to a nearby public transport station (where the police persuaded the managers to make design improvements to deter drug dealing) and the displacement of the base of operations to other nearby blocks of flats (where the police helped property managers form an information-sharing network to prevent problem tenants from securing leases) (Royal Canadian Mounted Police 2002).

Conclusion

Amidst the seemingly perpetual debate as to what role the police can play in controlling and preventing crime and disorder - from the pessimistic view that police actions are largely inconsequential in the face of larger social conditions, to the optimistic (perhaps hubristic) view that the police can control crime rates almost unilaterally (Bratton 1997) - there is a growing body of evidence that, indeed, the police can play a central role in crime and disorder control, though perhaps more through indirect than direct action. And so, if societies are seriously interested in purposely controlling crime and disorder rather than reactively hoping for improvements in the large social conditions that influence offending, they would do well to reconsider how best to capitalize upon their investments in the police. Rather than viewing the police institution as the institution of first and last resort when matters pertaining to public safety go awry, societies might better view the police as an informed early-warning system, an institution with the mandate, resources and opportunities to identify and understand threats to public safety and the professional expertise to recommend corrective courses of action that ought be taken. To be sure, there is much about the police institution to be improved to fully justify this role as broker of public safety responsibilities, but much to suggest that this is the direction worth taking.

Selected further reading

Readers are especially encouraged to read two publications cited in this chapter, both of which explore similar themes: Gloria Laycock and Nick Tilley's chapter 'Implementing crime prevention' in Tonry and Farrington's volume (1994) and Michael Buerger's article, 'The politics of third-party policing' in Mazerolle and Roehl's volume (1998). The best and most complete articulation of the problem-oriented policing approach is to be found in Herman Goldstein's seminal work, *Problem-oriented Polking* (1990).

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in an unpublished paper presented at the Sixth International Seminar on Environmental Criminology and Crime Analysis in Oslo, Norway, 23-25 June 1997 and in subsequent presentations. Professor Goldstein further contributed new insights, research and critiques to this chapter.

Notes

1. The term 'problem' has assumed a precise definition in policing: 'the broad range of troublesome situations that prompt citizens to turn to the police' (Goldstein 1979); 'a cluster of similar incidents, whether crime or acts of disorder, that the police are expected to handle' (Goldstein 2001); 'a group of incidents...similar in some way... (that are) of direct concern to the public... (and which) fall within the broad range of the police function' (Eck and Spelman 1987); 'repetitive harmful events in the community that the public expects the police to address (Eck and Clarke 2003).

2. The British Crime and Disorder Act 1998 obliged the police to work in partnership with others on public safety concerns, but perhaps more importantly, other government agencies were reciprocally obliged to work in partnership with the police. Many British police officials have come to view this reciprocal obligation as amongst the most significant developments towards better control of crime and disorder.

3. See Buerger (1998) for an interesting discussion of the new political landscape that the police will find themselves in as they press for indirect action to control crime and disorder.

4. Set aside from this consideration are those problems or duties that the police seek to transfer to others because the police believe they do not properly fall to the police to handle in any respect. Many police agencies find themselves, for various reasons, performing all manner of duties that have little to do with their core functions. Some argue that tasks such as providing funeral and banking escorts, teaching moral values to schoolchildren, guarding construction sites, transporting probation violators to jail, investigating intrusion alarms, etc., should not be police duties. This chapter is primarily concerned with those problems that the police widely accept as falling within their public mandate and which the police feel obliged to do something about. But, police acceptance of some measure of responsibility for dealing with a problem does not and should not automatically burden the police with the sole responsibility to fix it.

5. The Herman Goldstein Award for Excellence in Problem-oriented Policing was initiated in 1993 by the Police Executive Research Forum in Washington, DC and is currently administered by the Center for Problem-oriented Policing. To date there have been some 700 submissions to the programme.

6. The Tilley Award programme was initiated in 1999 by the Home Office Policing and Reducing Crime Unit (now the Crime and Policing Group). To date there have been some 250 submissions to the programme.

7. Legislative enactments of this sort are to be distinguished from those which merely give the police more authority to arrest offenders, provisions which, whilst potentially useful, reinforce the notion that the police bear primary responsibility for controlling problems.

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