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THE PATTERN OF EMERGING TACTICS FOR SHIFTING THE OWNERSHIP OF PREVENTION

STRATEGIES IN THE CURRENT WAVE OF CHANGE IN POLICING:

THEIR IMPLICATIONS FOR BOTH ENVIRONMENTAL CRIMINOLOGY AND THE POLICE

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Environmental criminologists and the police, bringing radically different perspectives to their work, have often struggled with a common issue. It relates to the allocation of responsibility for the prevention of crime. Both criminologists and the police frequently support specific strategies that, in their best judgment, will prevent crime, but confront a reluctance on the part of those in a position to implement those strategies to do so. As a consequence, conditions that invite theft or violence are allowed to continue. Police are relegated to responding reactively to those crimes that do occur, through the difficult and often unsatisfactory process of investigation, arrest and prosecution. And substantial public resources are consumed in support of that process.

Because this syndrome so often stymies some of the strongest, most carefully supported crime prevention efforts, any opportunity, however slight, to explore the phenomenon and possibly alter the pattern should be pursued. Such an opportunity is presented by the flurry of change currently occurring in policing. Uneven and sporadic as this change has been, it is raising fundamental questions about what I have come to refer to as ownership—about who should be responsible for taking actions that contribute to the prevention of crime and to greater public safety. The purpose of this paper is to attempt to collect and surface some of these

developments, and to give some shape to them. It is my sense that these developments, embryonic as they are, have the potential to advance, however modestly, our capacity to resolve issues of ownership relating to prevention strategies. But any such advance depends heavily on building a knowledge base that could be used as justification for shifts in ownership. The developments, therefore, have implications for both the police and environmental criminologists and would require much more collaboration than now occurs.

Before exploring some of the current developments and their implications, there is need to step back and acknowledge that the fundamental questions raised by this syndrome have not gone unnoticed, both by those working in environmental criminology and in policing.

Questioning Within Environmental Criminology

One can find numerous examples in the environmental criminology literature of situations in which investigators have drawn attention to the central issues. Paul Ekblom (1986), for example, in his study of shoplifting, having identified some of the specific contributing factors, asks provocatively if a store has a right to pursue profit without regard to the consequences for public expenditure. Graham Farrell and Ken Pease (1993), in their study of repeat victimization, ask if a pub that does not adjust its layout, ambiance, decor and staff in order to prevent assaults nevertheless has unlimited access to the public resources required to process the offenses and offenders by the police and the courts.

Ron Clarke (1995) has provided us with an extended commentary on the issue. Acknowledging that most situational crime prevention has been undertaken in the public sector, where dependence has been placed on achieving necessary coordination among local agencies, he notes that much preventive action can only be undertaken by the private sector, and that such action will predictably complicate management in that sector and require the expenditure of

substantial resources. Quoting an earlier study by Engstad and Evans (1980), Clarke observes that the private sector is rarely willing to “acknowledge that their property or operations are generating a substantial strain on police resources....” They will, he writes, continue to see the resulting crime as a matter for the police to handle.

A lay person might assume that in a society that professes such a strong desire to reduce crime, the availability of hard data that support the value of a crime prevention strategy would quickly win support for that strategy. But as Clarke (1995) and others have documented, the decisions that are made are heavily influenced by concerns about freedom from government regulation, privacy, civil rights, and most especially, the economic costs. And while some of us may not agree with the way in which these factors are weighted, they are appropriate considerations in a democratic, capitalistic society.

For these reasons and others, the connection between research aimed at testing the value of crime prevention strategies and actions based on that research has been slow to develop. Those who labor in other public policy areas will be quick to point out that this phenomenon is certainly not unique to crime prevention; that action often lags behind the development of knowledge, as evidenced recently, for example, by the delays experienced in attempting to reduce the use of tobacco. Others might argue that an insufficiently strong body of rigorously developed research findings has been created to lead policy makers to look to researchers for guidance (See, generally, Sherman, et al, 1997). And still others would contend that, whatever the volume or quality of the research, the ease with which involved parties can simply defer to the police and the criminal justice system is the problem. With an amorphous image of their potential that far exceeds their true capacity, the police and the criminal justice system have become convenient sops of sorts—easily invoked at seemingly no additional costs through the

mere rhetoric of political leaders and those who want to avoid taking on any specific responsibilities or costs.

Questioning Within Policing

Thoughtful police have long recognized that many of the incidents that they are routinely expected to handle could have been prevented—through the actions of residents, organizations, landlords, businesses, manufacturers and other government agencies. In the past, police often translated their awareness into educational campaigns in which they have promoted specific measures to help reduce crime and disorder. On some occasions, they went beyond this, appealing—formally and informally—to the private sector to adopt specific measures, and occasionally even supporting legislation to require that these measures be taken. It is important to note that such efforts have almost always been based on collective experience and anecdotal evidence, not on findings derived from rigorous research. They may make good sense theoretically, but they have not been evaluated.

While occasionally pressing others to take steps intended to prevent crime, I believe it is fair to observe that police have, in the past, for the most part tended to accept responsibility for dealing with a wide range of incidents even though it was clear, in many situations, that these resulted from the default of others. Indeed, one of the striking impressions, on examining specific pieces of police business, as is occurring in efforts to implement problem-oriented policing, is just how much of the police function consists of responding to defaults—to tasks that accrue to the police because someone has not done what can reasonably be expected of them. It is almost as if much of policing is defined as the handling of defaults. That notion finds support in the concept of “broken windows” (Wilson and Kelling, 1982), in which the central theme is that one default leads to another, and that the police can profitably take the initiative in reversing this trend. It also finds support in much of the work on routine activity theory (Cohen and Felson,

1979, Felson, 1994, and Eck (19XX), in which the absence or weakness of those influential in the lives of potential offenders, who serve as guardians, and who manage places contributes to crime that ultimately becomes the responsibility of the police. [Broad as it is, this concept of policing as involving the handling of defaults, is limited to fairly concrete measures. Its usefulness would be lost if it was extended to weaknesses, for example, in parenting, in moral teachings, or in the economic or social structure of our society.)

Several factors add to the complexity of this phenomenon:

- The police have little control over their workload. A business or a government agency is free to make a decision which has enormous criminogenic or disorder consequences without any obligation to notify, leave alone engage with the police. A shift to the police can be made at no cost to them.
- Contrary to widely held beliefs, the police, even if they have knowledge about how to handle the resulting problems, often lack the resources and the authority to deal with even the most overt symptoms of them.
- While some of the resulting demands on the police may dissipate over time, most are cumulative. They get piled one on top of the other, without any systematic way of reducing their volume.

The awareness that the police provide a bottomless dumping ground for society's unsolved problems has had many negative consequences for the development of the police, both as an effective institution and as one uniquely equipped to function in ways that support the needs of a democratic and diverse society. Being held responsible for problems about which they can do little pressures police into taking shortcuts, into improvising, and into stretching their authority. When working under acute conditions, it attaches a high value to being aggressive—and there is a thin line between a commitment to aggressiveness and practices that are of questionable propriety and legality. Concern about these problems is among the factors that have contributed to the dramatic reform that is occurring within policing.

Relevant Changes in Policing and Their Significance in Pressing for Reallocations in the Responsibility for Taking Preventive Measures

Much of the change that is occurring in policing comes under such broad labels as community policing, neighborhood policing, problem-oriented policing, or combinations of these words and phrases. But far more important, for our purposes, than the labels, which have lost much of their meaning, are the common elements found within the more advanced programs:

- a shift from reactive policing to proactive practices
- a greater emphasis on prevention
- acceptance of a broader concept of the police function
- acknowledgment that the police are not omnipotent; that they depend on the help of others
- engagement of community members and others in partnerships with the police
- a fresh in-depth analysis of specific problems that the police are called on to handle
- a search for new, creative responses to specific problems, leading to diversification of police strategies
- a lessened dependence on the criminal justice system

These elements are, in many respects, radically new perspectives in policing. Collectively, they have led to a discernible effort to establish more clearly that, in the larger context of policing, it is essential that specific efforts be made to enlist others to assume "ownership" for preventive measures. How is this thrust emerging from the various elements of change in policing?

The police are increasingly aware that they cannot simply get the job done on their own. They cannot commit themselves endlessly to filling all of the gaps that develop through failures in the many other networks of social control. They cannot fix all of the "broken windows." They cannot always substitute for the "absent guardian." Nor do they have the time, the skills, or the resources to fill all of the gaps in the provision of services that, if not otherwise provided, cause consequences of concern to the police.

The community policing movement, in so far as it defines the police job, is awfully open-ended. While the police are urged to broaden their function, little attention has been given to the outer boundaries. The movement carries the implication that, by developing a variety of partnerships with the community, the police will ultimately be relieved of some of their expanded workload. But police find that the broad and rather amorphous concept of achieving this primarily through energizing community organizations is a slow and tedious process that requires constant reinforcement and that often regresses. In the interim, the commitment to community policing often results in the police taking on a steadily increasing volume of specific tasks which quickly results in their becoming overwhelmed. The most common complaint of officers engaged in community policing is that "their plate is full."

It follows, quite naturally, that the more insightful among them conclude that they cannot deal with an endless array of individual incidents; that they must work, at a higher level, to strengthen individuals, institutions, neighborhoods and other networks of social control. This goal, plus the emphasis on being proactive and on prevention, leads inevitably to building more specific relationships that reflect some of the first steps in shifting ownership (e.g., working with landlords and tenants; with teachers and schools; with merchants; and with managers of public facilities).

This rather generalized support for reallocating ownership takes on much more specific form in the context of problem-oriented policing. In advancing this concept, the initial goal was to urge the police to cluster the individual incidents they handle as problems, to analyze these problems in-depth, and to then seek intensively and creatively to identify those strategies that would be most effective in reducing or eliminating the problem. Given a commitment to look broadly for the strategy (well beyond the criminal justice system), it became apparent early on that the most effective tactic could well be one not only outside the capacity of the police to

implement, but outside of government and the public sector as well. This is, of course, consistent with one of the central themes in problem-oriented policing: that the problem is a problem for the community—not, as the concept is often misconstrued, a problem for the police. Such involvement by the police in researching specific problems they routinely handle is relatively new. Most situational crime prevention studies, for example, start with a much broader perspective and are initiated and conducted outside of police agencies, though often with police cooperation.

Proposed strategies emanating from police studies might call for bar owners to limit drinking; for merchants to require receipts before exchanging merchandise; or for manufacturers to alter the design of their product. The strategies that are proposed are not always new. To the contrary, they may be old strategies given new impetus; they may be drawn from situational crime prevention studies and other research on crime prevention; or they may have originated in the private sector—especially in private security work. Whatever their sources, police engaged in these inquiries confront, much more frequently and directly than in police practice in the past, the need to persuade private interests to adopt (and assume the cost of) measures judged likely to be effective in reducing specific forms of crime or disorder.

My focus, here, is not on the strategies themselves. They are described in a rapidly growing literature on situational crime prevention and other measures to limit opportunities for crime (Clarke, 1992; add citations to a selection of other collections, or a concise summary). And as we are all aware, there is much work to be done in learning more about them, and especially about their value and effectiveness. (Sherman, et al, 1997) Many of the strategies emanating from the brainstorming of the police are, as we are painfully aware, untested. I will return to this concern. Rather, my focus here is on acknowledging the much greater openness of the police to these strategies and, most specifically, on the processes that seem to be emerging through

which the police succeed in getting others to adopt prevention strategies—to take ownership of them.

Moving into this arena of persuasion—into advocating the adoption of strategies to reduce crime and disorder—is a radically new role for the police, and, as such, subjects the police to criticism on several fronts: that they have selfish motives in divesting themselves of onerous tasks; that their advocacy, by the very nature of their function, is inherently coercive; and, perhaps most important, that they are thereby placing additional burdens on already burdened victims. It is important to address these concerns, but before doing so, there is need to describe more clearly the overall pattern of developments emerging from current police reforms.

An Emerging Hierarchy of Methods for Shifting the Responsibility for Preventive Actions

One helpful way of looking at the shifts in the allocation of responsibility for taking ownership of crime prevention measures is to place them in a typology based on the means by which the shift was achieved. Thus, for example, some transfers in ownership occur in response to a straightforward request made by the police, acknowledging that the simplest request, coming from a person with police powers, has some coercive element attached to it. In other instances, the police may, subtly or very publicly, embarrass the parties into assuming responsibility for the conditions. In still others, they may persuade legislative bodies to enact regulations or city attorneys to bring civil suits. The difference in the classifications in the typology—in the means by which the shift was achieved—reflect a scale of coercion, ranging from education and a forthright request to, at the other end of the scale, regulation and, ultimately, litigation. Thus, the classifications can be arranged, roughly, in hierarchical order as set forth in Figure 1. They are described and illustrated at some length in Appendix I.

Figure 1

HIERARCHY OF MEANS UTILIZED IN THE SHIFTING OF OWNERSHIP
FOR CRIME PREVENTION STRATEGIES
EMERGING FROM THE CURRENT WAVE OF REFORMS IN POLICING

BRINGING OF A
CIVIL ACTION

LEGISLATION MANDATING
ADOPTION OF PREVENTIVE

CHARGING A FEE FOR POLICE SERVICE

WITHDRAWING POLICE SERVICE

PUBLIC SHAMING

PRESSING FOR THE CREATION OF A NEW
ORGANIZATION TO ASSUME OWNERSHIP

ENGAGING ANOTHER EXISTING ORGANIZATION

TARGETED CONFRONTATIONAL REQUESTS

STRAIGHTFORWARD INFORMAL REQUESTS

EDUCATIONAL PROGRAMS

A number of other factors or variables in this conceptualization immediately become apparent. Assuming it is the police who are taking the initiative in promoting a shift in ownership, one would hypothesize that:

- the higher the financial cost involved in assuming responsibility for implementing a crime prevention strategy, the more likely it is that police will have to resort to higher steps in the hierarchy;
- the higher the police move in the hierarchy, the more important it is that they enlist the support of their superiors, other public officials and, on occasion, legislative bodies; and
- the higher the police move in the hierarchy, the greater will be the need for convincing evidence of the value and effectiveness of the specific crime prevention strategy that they are advocating some external entity implement.

The latter hypothesis highlights the increasingly important role that research on the effectiveness of crime prevention measures has in policing—especially with regard to some of the central elements in current police reforms. Ideally, whenever the police encourage citizens to take preventive measures, the value of those measures should be clearly established—just as the most elementary advice of any professional should be based on a body of knowledge. The implication in the schematic is that the more pressure the police apply, the more solid that support must be. In the converse, the more solid the support for a prevention strategy, the more justification in taking increasingly coercive measures to implement it. Police, like many before them, have learned in this process that information is power.

In the materials set forth in Appendix I, it will quickly become apparent that the overall picture of some of these shifts in ownership is not neat, and the use being made of systematic analysis, research, and existing research findings in support of them is even less so. That should not come as a surprise. As this writer has repeatedly pointed out, there has not, until recently, been any significant effort within policing to inquire in a systematic way into the behavioral problems

police are called on to handle, to experiment with alternative ways of responding to these problems, and to evaluate the results of these experiments (Goldstein, 1990). The eclectic collection of examples--a potpourri of sorts—reflects the relatively primitive state of this development. It is helpful to note that questioning about police effectiveness—and the move to make some use of data and research—may take place at two stages: (1) in efforts to analyze a problem by inquiring into it, identifying contributing factors, and tentatively identifying potentially effective ways of dealing with it; and (2) in evaluating the effectiveness of a new response (a prevention strategy) that is put in place. The two efforts are often entangled. If it were possible to separate them out, most initiatives so far would fall into the first category. Quality evaluations in support of transfers of ownership are rare. But the two forms of inquiry should be of equal significance to criminologists because criminologists could contribute in important ways to advancing the initial analysis of segments of police business and because one would have difficulty getting to the second stage without initially going through the first stage.

Concerns About Police Activism and the Blaming of Victims

Use within the same breadth of words like “coercion”, “power”, and “police” evokes feelings of discomfort in many, and returns us to two of the three concerns previously flagged as making the police vulnerable in this new role.

The first relates to the propriety of the police advocating that others assume responsibility for implementing crime prevention measures. Given the awesome power of the police, it is fully understandable why some feel strongly that the police ought not to be involved actively in trying to influence who does what with regard to crime prevention. But concern about the possible abuse of power ought not to preclude the police from using their knowledge and expertise as a basis for recommending more effective responses to community problems. The

police need a "conversion mechanism" through which they use their first-hand knowledge to start the process of energizing a broader response to those problems, just as firefighters, for example, need the opportunity to inform communities about the causes of fires and have need to enlist, with varying degrees of coercion, different segments of the community in taking responsibility for preventing them. The protection from abuse should be in the high standard set for the police to support their advocacy with facts. And that need can best be met by the research that should precede a proposed shift in ownership.

The second issue relates to the added burden which a shift in responsibility may place on the victims of crime. Merchants who are victimized by shoplifters take umbrage on being forced to take responsibility for implementing crime prevention measures. Often citing the fact that they are both victims and taxpayers, they ask the police why they, like all citizens, cannot look to public resources to deal with the problem. Likewise, the victims of residential burglaries may be understandably annoyed when police, as part of their response, urge that they take certain steps in protecting their property, especially if they must bear the cost of doing so. Ken Pease and Graham Farrell (1993) set out some of the dimensions of this issue in their initial exploration of repeat victimization, and label it an especially vexing problem. It was cited again as an especially puzzling part of their explorations in 1995 (Anderson, Chenery and Pease). But there is at least some hint that the acquisition of new knowledge and new insights about crime prevention strategies may, itself, contribute to reducing the complexity of this issue; that the use of hard data as a basis for communicating with victims in a clear, convincing and sensitive way may assuage feelings of guilt about the crime having occurred and the potential anger on being asked to be the one to accept some responsibility for its not being repeated. Candor and openness, supported by solid information, may be the most effective way of gaining cooperation.

Thus, in a somewhat circuitous manner, there is at least the potential that the major concerns most likely to be raised about police involvement in the brokering of prevention strategies can be lessened in some measure by stressing that the critical shifts in ownership be informed by facts; that research should be made an integral part of the process.

Implications for Environmental Criminology and the Police

If these observations provide a reasonably accurate reflection of what is occurring in the somewhat subtle, tenuous process of engaging more entities in taking ownership for crime prevention, and if recent changes in policing have, in fact, given impetus to the process, the implications for the police, environmental criminology, and other researchers become clearer.

- Given that they can better engage other parties in preventing crime with ideas that are supported by research (avoiding the need to resort to more coercive means), the police have an added incentive to take the initiative in conducting inquiries into specific, substantive problems. Struggling day-to-day with an endless volume of isolated incidents, they have the initial capacity to collect those incidents into clusters (problems) and to subject those problems to analysis.
- Police are close to the problems. They have much data, many insights, and valuable experience. They have demonstrated that they are creative and have many ideas. And, with appropriate sensitivity to concerns about misuse of their somewhat authoritarian position, they can be effective advocates for the adoption of these ideas. But they need the type of help that environmental criminologists are in a position to provide in analyzing specific problems and, most especially, in measuring the value of strategies for dealing with them.
- Given the importance of the cost factor, there is a critical need, as Ron Clarke has noted (1995), to engage economists in environmental crime studies, just as economists have, for example, been involved in assessing the costs and benefits of preventive measures relating to the environment or medical care.
- To contribute in a meaningful way to meeting the needs raised here, environmental criminologists must themselves develop their capacity to analyze specific problems and their methods for measuring the impact of prevention strategies. The pressure for meeting scientific standards of proof will increase as the results of their efforts, used to support the adoption of crime prevention measures, are increasingly subject to scrutiny in the public forum by public policy makers, legislators, judges and juries.
- The field of environmental criminology itself must develop its capacity to support police efforts by developing a larger cadre of trained personnel, by connecting those individuals to police agencies, and by developing a new set of relationships that, based on mutual respect, enable the two fields to communicate more

effectively with each other. It is this need that Ron Clarke explores in much greater depth in his paper.

Conclusion

This exploration, at its heart, is about bringing two fields that should relate more directly to each other closer together, with the potential that such a relationship would advance efforts to deal with problems of crime and disorder. To build such a relationship, both fields, in my opinion, must first recognize their limitations.

- Police, in seeking to improve their operations, suffer from the failure over the years to build a dimension into policing that invests in researching the problems they are repeatedly called on to handle, with the goal of identifying the most effective means for dealing with them. They need the assistance of trained researchers to do so.
- Criminologists are, for the most part, committed to studies of the etiology of crime. Relative few, among them, focus on methods by which it can be reduced. To do so, they must engage with that agency most directly involved in responding to crime.

Within both fields, there have been significant developments within the past two decades that create the potential for progress. The work in situational crime prevention and, more generally, in environmental criminology is encouraging. The changes that have occurred in policing have created a new atmosphere of openness, a greater willingness to assess police capacity realistically, and a desire to explore in-depth pieces of police business. The central point of this paper is that these developments in policing have gained further impetus from the pattern emerging in policing in which, based on varying degrees of exploration, police have begun to contribute to a redistribution of responsibility for implementing crime prevention strategies. The success of these efforts is largely dependent on the quality of analysis and evaluation that is behind them.

With the urging of greater collaboration, there is need for a cautionary note. The public is often, these days, disillusioned with the guidance emanating from the scientific model that affects

their lives. They regularly hear conflicting findings, for example, about what they should eat and about the relative value of competing treatments for common illnesses. They find it disconcerting when matters that seemed settled are reopened as., for example, recently happened with regard to air bags in cars. Concerned about the loss of life in automobile accidents, a costly commitment was made to installing them. But there is now much question not only about their effectiveness, but about the quality of the research on which the decision to require them was based. Work on establishing a relationship between research and practice in policing that is designed to prevent crime and disorder should be seen in this larger context. The police are late arrivals in beginning to make use of the scientific model for gaining insight into the problems they are called on to handle, and for evaluating the effectiveness of their responses. The nature of both the problems and the police function makes use of the scientific model not only difficult but, some would argue, of questionable application. It is imperative that the effort be encouraged. But moving along these lines requires a high level of tolerance for experimentation, and a healthy dose of humility in the claims that are made.

Appendix I

MEANS UTILIZED IN THE SHIFTING OF OWNERSHIP¹

Educational Programs

Police have, with greatly varying degrees of intensity, 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 programs. Some of these efforts are targeted at specific constituencies. A central theme, in all of these efforts, is that those to whom the message is delivered are in a position to take actions that will protect themselves. The material and presentations are generally low-key: one can take the advice or ignore it.

Much of the advice provided in the past has been drawn from police experience. A high percentage of what is conveyed is simply good common sense (e.g., lock your car, remove items from sight in the car, create the impression that an unoccupied home is occupied, etc.). Much of it is based on what I have come to refer to over the years as an extensive body of police expertise—insights acquired through years of experience. The value of this expertise is often underestimated, except when it is sometimes popularly heralded as “street smarts.” That it is largely untested is worrisome, but—collectively--does not totally diminish its value. The fact that this material is packaged and often presented in polished form (e.g., brochures) as the recommendation of the agency does give it an imprimatur that carries the impression it is more scientific than is warranted. The critical need, in the past, has been to capture, test and refine police expertise, and thereby contribute to a more formal body of knowledge to support police practice.

That is currently being done, as police increasingly incorporate into their educational programs the results of research made available to them and as they subject their own practices to analysis. Building on past efforts, recent initiatives in examining specific problems illustrate how some police agencies are advancing their efforts by using an analysis of readily available data to underpin the educational effort in which they subsequently engage.

- 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 teenagers how they can reduce their risk of victimization. A start was made on trying to evaluate the results of the effort.

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See the explanation and qualifying comments on p. 11 in the text.

- Analysis of residential burglaries identified large sliding glass picture windows as the most common form of entry. Armed with the statistics establishing this fact, the police developed a flier that offered suggestions on how to secure such windows and arranged for widespread distribution. The results were not evaluated.
- Collecting and analyzing 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. 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, etc. It is not yet clear how the advice that originates from within police operations squares with independent research findings.
- Analysis of car thefts enables police to alert owners of those cars most vulnerable to theft, and to urge them to adopt one of several anti-theft devices deemed likely to reduce such theft.

Straightforward Informal Requests

The oldest and the most common means by which police shift ownership is through the simple process of making a forthright request in the context of their responding to a specific problem. Here, the police are not simply broadcasting prepared advice on prevention to a large audience. Rather, they are much more targeted in asking citizens, often on an ad hoc basis, to resolve a problem of immediate concern to them by taking a specific action. And because the request is made by a police officer, it carries the vague implication that there may be some consequences if it is ignored.

This process is so much a part of day-to-day police operations that it seems overly academic to bring it into this framework and characterize it somewhat pretentiously as a transfer in the ownership of a problem's solution. But the framework would be incomplete without it.

Efficiency dictates many of the actions taken. A person whose radio is annoying a neighbor is asked to take responsibility for turning it down. Often, the police officer is simply informing the citizen of something he or she was not aware of, and the citizen gratefully and graciously complies with the request. But because these actions are so numerous and so varied, it is obvious that while the ad hoc character of the requests may be based on solid knowledge or have a foundation in good police practice or policy, they may be based on no more than myth, they may be thoughtless, or, at worse, callous. Some of the most severely criticized practices in policing, such as the practice of requesting the parties in a domestic altercation to stop their fighting and to treat their dispute as a civil matter, were the result of unquestioned resort to shifting ownership onto the victims and offenders. The common comforting advice, in the context of repeat victimization, that "lightning does not strike twice" was, based on the subsequent research, misleading.

The use of straightforward requests is quite naturally the first step to which police turn when they want specific individuals to take responsibility for reducing specific problems. A positive response obviates the need to go further. Thus, for example, police will typically ask local merchants to voluntarily control the sale of spray paint in order to reduce graffiti, before they contemplate resorting to any stronger measure. It behooves the police to seek to assure that the request, however informal, is sound.

- As knowledge is acquired about specific forms of crime and disorder, officers can be provided with a more informed basis for disposing of incidents through requests made of those involved in the incidents. Thus, for example, drawing on the UK studies on repeat victimization in the context of residential burglaries, officers can be equipped, at the very first stages, to make requests of victims to take measures that will protect them from further victimization.
- Officers in some departments are now trained to follow a set protocol in responding to such problems as obscene phone calls, stalking, and those domestic disputes not rising to the level of a crime. As part of that protocol, they are taught to request the victims to take specific preventive measures in order to put a stop to behavior usually of a continuing nature, attributable to a single offender.
- Police specializing in investigating international trade in large shipments of drugs discover that computer chips stolen through internal theft from their manufacturers are being used as barter in paying for the import of the drugs. They request that the chip manufacturers place a serial identification on the chips so that they can be traced. But in this instance, the manufacturers refuse, contending that the cost of doing so would exceed the cost of their losses. The police are not in a position to dispute that claim, nor can they document the larger costs that importation of the drugs has to society.

Targeted Confrontational Requests

One of the clearest results of recent changes in policing is the increased tendency of police agencies to aggressively confront 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.

Increased usage of this process is the result of several factors: the new emphasis on being proactive and on prevention; the discovery, through problem-oriented policing, that the analysis of related incidents often leads to a concentrated source which, if dealt with effectively, has the potential to greatly reduce the magnitude of the problem; and the related popularity of the concept of dealing with "hot spots." Community policing efforts, which place so much emphasis on cultivating relationships with the residents of an area, 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, police may be buoyed by the support they receive from residents in the affected area to be more confrontational.

The process leading up to confrontation 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.

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, for example, publicity (with its potential effect on image and, in the case of a business, in a loss of customers); license revocation, as in the case of a bar; or legal action, in

the form of abatement. The potential that failure to respond to the request may lead to any of these actions contributes to the high standard of accuracy in the initial documentation of the conditions.

In this era of increased concern about government regulation, some might express great 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.

While a commitment to detailed, careful analysis is central to this process, the effectiveness of this confrontational technique for shifting ownership of crime prevention measures, where that is judged to be overdue, has not been rigorously analyzed. Another weakness may also be found in the absence of clear support for the relationships drawn between the conditions identified and the recommendations made to correct them.

- Neighborhood officers compile a 214 page summary of crime and disorder problems at three addresses, including detailed accounts of conditions contributing to the problems. They then arrange for a series of meetings with owners and tenants at which they outline the steps that, in their judgment, both can take to reduce the magnitude of the problems.
- Police confront the owner of a parking facility attached to a large department store with evidence of the extraordinarily high percentage of thefts from vehicles in the entire area that are occurring in that facility, with specific recommendations for preventive measures.
- Police confront the owner of a bar with evidence of the high, disproportionate percentage of drinking drivers detected city-wide who, on investigation, are found to have had their last drinks in the bar, with recommendations to institute more effective controls over sales.

Engaging Another Existing Service Agency

This involves arranging a shift of ownership 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: e.g., mentally ill persons who are not adequately serviced in the community; parks, playgrounds, and housing developments that are not adequately maintained; 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: e.g., a study of street robberies may highlight the need for improved lighting or for the trimming of trees so that existing lighting is more effective. 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 neighboring school. Engaging the school administrators in exploring preventive strategies may well result in their taking ownership of them.

That the police should be the agency to take the initiative in redistributing ownership in such cases is, on reflection, understandable. The consequences fall to them to handle. The agencies contributing to the 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.

The frequency with which police, on being encouraged to analyze and address problems, end up identifying preventive strategies which they then broker to other agencies, has caused tensions between the police and other government and non-profit service agencies. They often resent pressures that are seen as efforts on the part of the police to set their agendas. In this period of retrenchment in government spending, their budgets are very limited.

Thus, in the competition for limited resources, the importance of having a factual basis for police recommendations again surfaces. The health, streets and building inspection departments in city government, and the non-profits 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.

The agencies involved may not see such initiatives on the part of the police as coercive, but rather very helpful. Police documentation of a problem has been used by other city agencies to justify programs they have long advocated. Non-profit private groups have used police documentation to help them justify expansions in their programs and supporting budgets. And businesses have used police recommendations to reduce costs and increase profits.

- Police are frequently called to a public library to remove street people who act disorderly or misuse the facilities for sleeping, bathing, or simply extended shelter in extreme cold or hot weather, with consequences for other library patrons. Given the sensitivity of library personnel to protecting the rights of all citizens, including street people, to use the library's facilities, staff are perplexed. Police document the problem and analyze its contributing factors. Police recommend that the library establish highly specific rules that enable intended use and discourage disruptive use, and that staff be engaged in training designed to equip them to apply the regulations. With the library staff taking ownership of the solutions, police retreat to a supportive, back-up role.
- Police confront large numbers of under-age students in a college community who, precluded from patronizing licensed premises, are invited to party in crowded private apartments where the permanent occupant sells them alcoholic beverages. Dealing with this as an enforcement issue is difficult, often ineffective, and engenders the hostility of the students. On studying the problem, the police realize that while the consumption of alcohol and the illegalities of both sale and consumption are of central concern, the greater public interest is in the safety of the students. A sudden fire could be disastrous. They seek to persuade a city administrator that greater effectiveness in dealing with the problem of primary concern can be achieved by engaging the inspection and enforcement capacity of the building and fire departments. Such reassignment has the advantage of also redefining the problem in the eyes of the students whose cooperation with the police is essential as to many other matters.

- Police identify a number of families whose members are repeatedly involved in matters that become the concern of the police, involving not only crime and disorderliness, but such problems as drug and alcohol addiction, non-support, physical and mental illness, truancy, landlord-tenant disputes, etc. They document several cases and then propose to county government that a program be established that brings a representative of all social services serving each family together in order to develop a coordinated response. A pilot program is financed. While not abdicating their responsibility to respond to immediate concerns, the police now feel that they have engaged others in a more sensible way in taking ownership of a coordinated response to the clusters of problems.
- Officers working with residents of a community experiencing a high crime rate quickly recognize that much of the criminal conduct is related to a bar located in the heart of the community. They establish that the owner has flaunted the regulations covering such a licensed premise, and that the state agency, strapped for resources, has not responded to the few complaints that have been filed. The police, working with the community, document through logs and videos the activity occurring in and about the bar and, with citizen support, present their findings to the state regulatory agency. After a hearing, the agency assumes responsibility for monitoring corrective measures.

Pressing for the Creation of a New Organization to Assume Ownership

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. But the police may not be in a position to implement the measures themselves, and there may not be any other appropriate entity to do so. In the context of community policing, it is common, when confronted with such a situation, for officers to engage segments of the community in taking ownership for the prevention measures, with the objective not only of dealing more effectively with the problem, but, in the course of doing so, strengthening the community in ways that may enable it to deal effectively with other problems as well.

With the increase in efforts to organize neighborhoods, 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 ownership of specific prevention strategies to them.

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.

- Two neighborhood officers conduct an in-depth study of a long existing problem of prostitution on one of the main boulevards in their area. After examining all aspects of the problem, they identify those prostitutes who most commonly operate in the area. Documenting their past history and current activities, they explore the feasibility of obtaining injunctions in order to curtail their illegal conduct while not interfering with their otherwise normal use of the area. While they could have served as the petitioners, they decide that this preventive strategy would be far more effective if they engaged as the petitioners the merchants whose premises lined the street and who were most directly affected by the

problem. Through their involvement in the legal process, the merchants assumed ownership of this innovative response.

- Residents along a busy thoroughfare express concern about the excessive speed of the motorists after a child is injured by one of them. Complaints are registered with the police, who see them as part of a larger pattern of demands for increased enforcement. The community takes the initiative in developing their own strategies which include, among other things, lawn signs in front of each home on the thoroughfare appealing to motorists to slow down and an agreement with frequent users, like taxis, utility trucks, and city service vehicles, that their drivers would always drive under the limit, thereby impeding speeders. The police committed themselves to a random intensification of enforcement. The affected community took ownership of the speeding problem and the strategies for dealing with it. Regrettably, conduct so easily subject to before and after measurement was not measured, with the result that there was no evaluation to support the apparent success of the project.
- An officer is assigned to work in a high crime area, suffering from all of the related problems associated with such an area: poor housing, unemployment, a myriad of social problems, idle youth, and—not unexpectedly—an absence of any sense of community. The officer identifies a woman with enormous potential for leadership. He also connects with several chief executives of corporations who join together to lend support to needed change in the area. With substantial resources made available to identified community leaders, buildings are rehabilitated through a process in which unemployed residents are trained to make the repairs; employment services are provided; social services for the area are coordinated; recreational opportunities are created; and residents are ultimately encouraged to take ownership of their own housing.

Public Shaming

This is often an intermediate step between the type of private confrontation described earlier and resort to legal action.

Police officers have learned that the stakes in resorting to public shaming are high; that this clearly becomes an adversary process in which they had best have their “ducks in order.” Translated, this means that they had better 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 have a high potential for being effective.

- A police agency calls a news conference to draw attention to a slum landlord whose properties are breeding grounds for crime, outlining the measures the police want the landlord to implement.
- Originating from the cumulative work done on preventing car theft, the legislation enacted by Congress that requires annual publication of statistics on the most frequently stolen vehicles is an excellent example, at that level, of publicity that has the dual role of alerting consumers to a potentially higher risk of them and pressuring automobile manufacturers to make design changes that will remove them from the list in subsequent years.
- In response to complaints about motorists speeding, police have increasingly been making the equipment available to community groups that immediately displays the speed of cars to their drivers. This is primarily educational, though it involves an element of shame. In an

extension of such programs, community groups record the license plates of offenders and subsequently contact them. The community monitors are especially harsh in their castigation when the drivers are, rather than passers-through, residents of their own communities.

Withdrawing Police Services

Police occasionally seek to force adoption of a prevention strategy by refusing to investigate and make arrests after the involved party has been given the opportunity to do so. 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 offense; when imposing that cost may force an individual out of business and, as an additional consequence, deprive a depressed neighborhood of a vital retail outlet, such as a convenience store.

- Police refuse to respond to reports on motorists who drive away from a self-service gas station without paying if the station has been requested to require pre-payment, but has refused to install such a system.
- Police refuse to respond to the scene on receiving a report that a diner has left a restaurant without paying, having urged the restaurant to have waiters assume the responsibility for collecting tabs. They may invite the restaurant to file a report through the mail.
- Merchants who have checks returned to them for lack of sufficient funds are told that the police will not take the responsibility to go after the check passer, especially if the merchant does not require proper identification or maintain a registry of those from whom checks will be accepted.
- A police agency requires that any merchant expecting them to process bad check cases must obtain a fingerprint on the back of the cashed check.
- Police refuse to accept as reported thefts the failures of video renters to return tapes, knowing that the posting of a credit card or other security will eliminate the practice.

Charging a Fee for Police Services

This has been more often proposed (e.g. Pease, 1979) than tried. It is an extension of the previous step in the hierarchy: police services will be withdrawn, but will continue to be available on payment of a fee.

- In somewhat of a variation on this theme, police who undertook a study of student rowdiness proposed—and had enacted—a city ordinance that authorized the police to impose a fee of \$500 if they were required to return to premises within a set period of time after making a request that the noxious behavior be brought under control.
- Among the most common problems 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 ninety percent 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 ownership of a prevention strategy but has reimposed a major cost associated with that strategy back on the police. In response, 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.

Legislation Mandating Adoption of a Preventive Strategy

Police have long been aided by a variety of regulations (enacted in the form of city ordinances or state statutes) that are designed to strengthen community controls. They reflect a legislative judgment 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. There is no better example than the extensive regulation of premises dispensing alcoholic beverages. Primary ownership of the measures to prevent disorder and crime within premises engaged in the sale of alcohol rests with those who dispense it. The police role is secondary—to reinforce the responsibility of the owners through enforcement of the regulation.

In the past, both ordinances and statutes of this nature addressed broad concerns of public safety, designed to prevent health, fire, and environmental hazards as well as crime and disorder. In recent years, there has been an increased use of legislation that places the emphasis on implementing measures specifically designed primarily to prevent crime and disorder.

[In acknowledging the increased use of legislative regulation, it is important to distinguish these laws from that new legislation which simply prohibits specific forms of behavior, such as loitering for purposes of selling drugs or harassing panhandling. These enactments simply authorize the police to take enforcement action, and in that sense reinforce the reactive role of the police. Some would argue that they are preventive measures for what they try to achieve through deterrence, but that is not the type of prevention strategy—involving a shift in ownership—on which we are focusing here.]

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 among 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 a staff of two clerks 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.

- In an effort to reduce graffiti, ordinances have been adopted that ban the sale of aerosol paint or control the sale of spray paint by curbing sales to minors and/or by requiring that spray paint be displayed in locked cabinets.

- In attempting to reduce residential burglaries, many cities now require, as part of their building codes, that all doors in apartment complexes be equipped with dead-bolt locks.
- Studies of car theft have led to legislative enactments that tighten requirements relating to the sale of cars and especially the certification of titles to ownership.
- To reduce the likelihood of disturbances at large gatherings, legislation has been enacted that imposes requirements on the sponsor of the event, relating, for example, to consumption of alcohol, provision of rest room facilities, use of amplification equipment, and both the area and hours in which the event is held.
- The epidemiological studies of violence have been used in support of the legislation requiring the screening of gun purchasers.

When regulation has a major economic impact, as is projected regarding the ban on spray paint, it can be anticipated that the regulation 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. Thus, in a sea-saw battle in Chicago, the judge at the trial level thought the evidence of the effectiveness of a ban on spray paint was not convincing; the appeals court thought it was; and the regulation is now on appeal to the U.S. Supreme Court.

Bringing of a Civil Action

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. This process is normally reserved for the most egregious conditions—as a last resort—because, with one notable exception, the process is difficult and the costs are high.

- Studies relating to the problem of drugs inevitably focus attention on drug houses. The search for an alternative to simply acquiring evidence and making arrests has led 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.
- Studies of the problem of prostitution often identify one or more motels whose owners profit from multiple rentals, in the course of a day, by prostitutes and their customers. As with drug houses, abatement proceedings have been used to reduce the availability of such facilities, with the focus not only on the acts of prostitution, but on the profits realized from supporting illegal conduct.

Whereas it is the police that, in the above illustrations, initiate a civil action in the interest of putting an end to criminal conduct and preventing future crime, the plaintiff may be a person seeking redress primarily for past damage or injury, but where the opportunity to do so—and the successes realized—may be a general deterrent and, thereby, an effective way in which to aid police by motivating others to take preventive measures. In premises liability cases, as they are called, the aggrieved party typically alleges that premises owners failed to provide proper security or maintained conditions that contributed to the occurrence of a crime. (For a comprehensive discussion, see Gordon and Brill, 1996; Eck, 1997) The litigation in these cases,

often well funded by private sources because the stakes are so high, has the potential for providing a helpful arena in which the cause and effect claims of criminologists are subject to severe scrutiny, albeit it by judges and juries in a legal forum, rather than by fellow researchers in scholarly exchanges and publications. Absent scientific evidence, Eck warns, "we cannot assume that the threat of premises liability suits will increase the use of crime prevention and, even if it does, we cannot assume that the investments in more crime prevention lead to greater public safety" (Eck 1997).

- Before the current spate of premise liability litigation, many of which focus on CEPTED measures, inquiries into the drinking driver problem led to pressure (and sometimes action) to shift the responsibility for preventing drinking and driving to licensed dispensers of alcohol and private hosts by holding them liable for dispensing practices alleged to result in deaths, injuries and damage both within and beyond the premises.

In one of the most novel uses of civil actions, the Safe Streets program, based in Oakland, 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 an attorney and with any receipts from sale of the premises to be distributed among the petitioners. Police involvement in this process is limited to cooperation with community members as they seek police documentation, in support of their case, of criminal activity occurring in or near the premises.