

Problem Solving Quarterly

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Policing Peddlers in the City

New York, NY—Historically, New York City's Lower East Side has been a haven for newly arrived immigrants offering low-income families low-cost housing in Manhattan. In the early 20th century, peddlers lined the streets selling wares ranging from clothes to vegetables. Many of the area's residents viewed street peddling as the first step toward becoming a Macy's or Bloomingdale's. Since then, however, environmental and traffic concerns have led the city legislature to restrict street peddling.

In December of 1984, the Community Patrol Officer Program (CPOP) in Manhattan's ninth precinct was established. CPOP attempts to combine the traditional law enforcement functions of a foot patrol officer with those of a community patrol officer who has the training and ability to pursue creative solutions to problems.

Since the inception of the CPOP unit in the ninth precinct, officers received constant

complaints concerning problems created by unlicensed general vendors, licensed vendors who peddle from vans and peddlers selling books and magazines.

A review of citizen's complaints revealed that some of the peddlers had been harassing pedestrians, selling stolen property and leaving trash on the sidewalk. In addition, peddlers took over large parts of the sidewalk and attracted crowds, both of which made it difficult for pedestrians to pass.

Many of the area's residents viewed street peddling as the first step toward becoming a Macy's or Bloomingdale's.

Many of the complaints came from the business community. They felt the peddlers interfered with business and discouraged shoppers from frequenting the area. They also felt that the crowds the peddlers attracted blocked the entrances to their stores and dissuaded the customers from

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Conference to Address Needs of Practitioners

The Police Executive Research Forum (PERF) and the San Diego Police Department will host the second national Problem-Oriented Policing Conference in San Diego from Nov. 6-8, 1991. The conference, **Problem-Oriented Policing. Practice and Politics**, will focus on both the practical application of problem-solving strategies and the broader policy and political issues related to the operation of a problem-oriented policing agency.

"This conference is designed to appeal to line officers, supervisors and police managers who are using problem-solving strategies to address problems in their communities. It is also designed for chiefs and city managers who need to deal with some of the policy issues and political implications of problem-oriented policing," said Darrel W. Stephens, executive director of PERF.

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(Peddlers, cont. from p.1)
entering. The community patrol decided to focus on pedestrian and vehicular traffic congestion, as well as on the litter created by the peddlers. Each one of these posed a different type of problem and demanded a different type of solution.

Book Peddlers

On St. Mark's Place, from 2nd to 3rd Avenues, the book peddlers had taken over the sidewalk, in many instances forcing pedestrians to walk in the streets. In most cases the book peddlers were protected by the First Amendment. Officers are required to establish a balance between providing space for pedestrians and allowing book peddlers the leeway in which to exercise their First Amendment rights.

Community Patrol Officers William Rautenstrauch and Robert Wranovics informed all the book peddlers that a twelve-foot path must be maintained for pedestrians. In order to avoid any misunderstandings, a solid white line was painted on the sidewalk indicating the twelve-foot demarcation. Peddlers were allowed to set up tables between the white lines and the curb. In areas where there was not a twelve-foot path "No Peddling" was stenciled on the sidewalk. Surprisingly, the book peddlers not only are complying with these regulations, but also like the idea of knowing exactly where they can and cannot peddle.

Licensed Peddlers

The licensed peddlers habitually double- and triple-parked on Broadway from East 8th Street to East Houston Street. They sold their merchandise directly from their vehicles. This was the cause of extreme motor vehicle congestion. The CPOP

unit tried a number of different approaches to correct this situation. The parking signs were changed from "No Parking, Monday through Friday, 8 am to 4 pm" to "No Standing, except trucks loading or unloading." This meant that peddlers could not stop their vans to sell their goods. In addition, officers issued summonses for violation of peddler regulations under the New York City Environmental Control Board.

The CPOP officers enlisted the help of the department of traffic to target ticketing efforts on Broadway and tow illegally parked vans. The towing program has helped to persuade the peddlers to park their vans away from Broadway, thereby opening parking spaces for shoppers. It has also reduced the double parking and congestion significantly.

Unlicensed Peddlers

Not only were the unlicensed vendors a problem unto themselves, (i.e., they were not licensed) but, more importantly, they generated large amounts of litter which cluttered the sidewalk. In addition, they crowded the sidewalk, forcing pedestrians to walk in the street.

CPOP officers Toni DeMeo and Alicia DeCurtis used a combination of tactics in dealing with the unlicensed general vendors. They persuaded the sanitation department to pick up trash twice a day at peddling locations. The officers issued summonses and confiscated merchandise from unlicensed vendors. Confiscating the merchandise discouraged the unlicensed peddlers from returning to the same area. After the vendors had left, the sanitation department would sweep up trash

or merchandise remaining on the sidewalk.

In addition to these tactics, Officers Mark Ficeto and Thomas McHale wanted to make sure there was enough space for pedestrians on the sidewalk. They set up steel barriers along the sidewalk to present a physical barrier to the peddlers. The barriers forced the peddlers to make room for the pedestrians.

Once the CPOP officers recognized that what they first thought was a single problem (that of street peddling) was a combination of three smaller ones, the problems became more manageable. By breaking "peddlers" down into book peddlers, licensed and unlicensed peddlers, they were able to develop individualized solutions tailored to each one of these groups.

Law Enforcement Joins Up to Problem-Solve

Are you familiar with PERF's nationwide, state-of-the-art communication system, **METAPOL**? **METAPOL** is a valuable research and communication tool. One entry on **METAPOL** provides the potential for responses from a nationwide network of law enforcement professionals. At the same time, it provides 24-hour access to information that would normally cost more to obtain in staff time, postage or long distance calls.

Those interested in joining the debate and staying abreast of issues that effect the future of the law enforcement community should contact Sophia Carr, Research Associate, at PERF (202) 466-7820.

How to Get Lieutenants Involved. Administrative Problem-Solving

Editor's Note: Problem-oriented policing redefines the role of the police officer. It asks the officer to do more than respond to citizen's complaints. It asks them to begin to respond to citizens' needs. Just as problem-oriented policing redefines the role of a police officer, so too the implementation of problem-oriented policing presents new challenges to police administrators. First, departments must actively facilitate problem-solving among their officers. Second, as officers address problems on the neighborhood or beat level, departments must encourage police administrators within the agency to problem-solve on larger issues:

Most of the articles published in Problem-Solving Quarterly address street officers' responses to problems. The articles that follow illustrate efforts by administrators to participate in the problem-solving process. They should provide guidance to police agencies in their efforts to reformulate the role of police administrators in a problem-oriented police department. Our purpose in publishing them is to shed some light on another aspect of problem-oriented policing— administrative problem-solving.

Transit Police Eliminate Inconvenience

New York, NY—The young man was scratching his name on the plexiglass window of the subway car. The transit police officer who spotted him arrested him for criminal mischief, defined in New York as a misdemeanor constituting the defiling of property. The officer took the 18-year-old to transit police headquarters. Since the youth was not the target of an outstanding warrant and was able to produce satisfactory identification, he was eligible for a Desk Appearance Ticket (DAT). A DAT is a document issued to offenders who have committed minor violations or certain misdemeanors, and who are not being sought on active warrants. The DAT releases the defendant on his own recognition with a mandate to appear in court on an assigned date.

The young man was photographed and fingerprinted. He then waited while the officer completed the paperwork for the arrest. Three hours later, the vandal was released with his DAT. It was a fairly brief detention for

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Auto Accidents Averted

Philadelphia, PA—Police vehicle accidents are a concern to all police departments. The economic cost of these accidents are high and the safety of both officers and citizens are at risk when police respond to routine as well as emergency assignments.

The south police division of the Philadelphia Police Department is comprised of four patrol districts, with about 450 patrol officers assigned to each. Approximately 80 percent of the officers on patrol drive marked police vehicles. In 1987 the division had 99 accidents.

In October 1988, Lieutenant Mike Hasson took on the task of reducing the south division's accident rate. To get a feel for the nature of the problem, he conducted a survey of officers.

The survey revealed some surprising facts, the most startling of which was that officers felt they were responsible for at least 50 percent of all police vehicle accidents. Although rookies were in more accidents than veterans, they accounted for the largest

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POP Challenges Evaluations

By John Stedman

Across the nation, many police administrators have looked to **problem-oriented** policing as a way to improve the delivery of police services. While problem-oriented policing is an effective strategy for addressing many of the issues facing policing today, it **frequently** challenges the management style of an agency's chief administrator, managers and first-line supervisors, especially in the area of personnel **evaluation**.

In most law enforcement agencies, the personnel evaluation system is a product of *civil* service reform efforts. These efforts attempted to create objective and measurable **evaluation** criteria applicable across a class of jobs. They often resulted in creation of evaluation criteria that were used for jobs **throughout** an organization, or, in some cases, for the entire *city* or county.

Personnel evaluations are used for a variety of purposes: review of performance, pay **increases**, **promotions, training, development** and discipline. They are

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(Transit, cant. from p.4)

the defendant, however, the officer's work was just beginning. Sometime within the next five days, the officer was to appear at the Early Case Assessment Bureau (ECAB), a section of the district attorney's office which prepares complaints to present in court. The assistant district attorney would draw up the complaint. The complaints are based on statements made by the arresting officer.

It was not unusual for an officer to lose a full tour of duty waiting for his DAT complaint to be drawn.

After signing the intake log at ECAB, the officer retired to a lounge with his newspaper and morning coffee to wait for a meeting with an assistant district attorney.

The officer's wait would depend on the degree of arrest activity that day. Felonies and misdemeanor arrests in which the prisoner is held for a court appearance would be called before the DAT. If, for example, a narcotics sweep had been conducted the night before, producing scores of felony arrests, the officer would have to wait many hours to be heard.

At that time it was not unusual for an officer to lose a full tour of duty (eight hours and 35 minutes) or more waiting for his DAT complaint to be drawn. The department would spend a day's pay plus approximately \$30 an hour in overtime pay for the arrest. In addition, the public was deprived of the benefit of having him on patrol for the length of

time consumed during the arrest process.

When finally called, the officer told the assistant district attorney what he had observed. The narration of events took all of five minutes.

The transit police department decided to do something about this costly and inefficient process. They discussed the problem with the district attorney's office.

The problem was rooted in New York State Criminal Procedure Law which initially created the DAT to avoid procedural delays. Although created to save time and money, the DAT process tended to add hours and dollars to the arrest process.

It was a time-honored practice in New York for an assistant district attorney to draw a complaint based on a personal interview with the arresting police officer. Like so many long-standing practices, it had become accepted without question. A fair reading of the law revealed that a personal interview of the officer by the assistant district attorney was unnecessary.

Working closely with the district attorney's office, the transit police created a deposition form that was simple and all-inclusive. The paperwork for the most common misdemeanor charge was reduced to a series of check-off boxes, able to be filled out by either a civilian or an officer. For the few arrests that did not fit the form, a supplemental page was added so the officer or victim could narrate the event.

The form had precise instructions about the required wording of the narrative. At the bottom of the page was a legal

phrase that, when signed, turned the form into a sworn statement acceptable in court. This eliminated the need for an arresting officer to meet with an assistant district attorney.

These forms and other necessary paperwork were packaged together for arresting officers and assistant district attorneys. The arresting officer did not need to appear in the complaint room at all. Instead, one liaison officer could bring all the DAT arrest packages for a given day to the ECAB for complaints to be drawn.

The new, streamlined procedure, known as the "DAT Express," began last year as a pilot project in one of the five counties that comprise the City of New York. The experiment was initiated in the busiest jurisdiction, New York County (the borough of Manhattan).

A fair reading of the law revealed that a personal interview of the officer was unnecessary.

The project has been greeted with enthusiasm by police officers and district attorneys alike. The officers no longer have to wait in the complaint room all day. The district attorney's office now receives all the paperwork in one complete package. In addition, the department gains a day of patrol from an officer who might otherwise have spent that tour of duty in a waiting room. What used to consume an entire workday for approximately 30 officers is now completed in a single morning by

(Continued on next page)

(Accidents, cont. from p.3)
 group of officers on patrol and therefore were represented in accidents more often.

If officers look beyond emergency runs to the impact reckless driving has on the community, they would use more care in responding to calls.

The officers believed that the division was capable of reducing accidents by 40 percent. Most serious accidents were the result of responding to emergency runs, many of which were crimes in progress.

Hasson felt that if officers looked beyond the emergency run to the impact reckless driving had on the community, they would use more care in responding to calls. The goal of the project was to

Year	South Division	+/-	Southwest Division	+1-	Entire City	+/-
1987-1988	5.9		6.7		6.1	
1988-1989	4.1	-1.8	6.1	-.8	5.3	-.8
1989-1990	4.2	+1	7.8	+1.7	6.0	+7

change officers' orientation from merely responding to isolated incidents to taking into consideration the effect his or her driving might have on the safety of the community.

Supervisors conducted accident scene investigations and made recommendations to officers on how to avoid accidents in the future. Monthly bulletins were published identifying the most common types of accidents

and ways to avoid them. Officers involved in accidents that were caused by carelessness or excessive risk-taking were admonished for their failure to act responsibly. In all, accountability was stressed on every police run and patrol districts with good driving records were complimented monthly.

Hasson implemented the program in 1988. In 1987 south division had 5.9 accidents per 100,000 miles driven. In 1988 this fell by 1.8 accidents to 4.1 accidents per 100,000 miles driven. In 1989 this rose slightly to 4.2 accidents per 100,000, however the increase was substantially less than the increases experienced by the southwest division and the city as a whole (see table below).

South division has just completed the second year of the program. In this second year they are starting to see the results of the program. Heavy damage accidents were cut in half, from eight to four. The number of officers injured was reduced by

three, from 20 to 17. All in all, they have been able to slow their officers down.

At present, the department is looking at the program in south division and in the near future, a department-wide program will be instituted.

For more information contact:
Lt. Mike Hasson, Philadelphia
 Police Department at (215)
 686-3015.

(Transit' cont. from p.4)
 one liaison officer and an assistant district attorney.

The paperwork for the most common misdemeanor charge was reduced to a series of check-off boxes.

The transit police estimate that they are saving over 12,000 tours of duty a year in Manhattan alone. There were some raised eyebrows, one from a judge who was heard to say the first time the new forms appeared in his courtroom, "This can't be legal, it's so simple. If it were legal, someone would have thought of it before."

The judge was wrong. The deposition forms have been accepted and are a huge success. During the first nine months, the new method was used in almost 1,000 arrests by the transit police in Manhattan. In addition, the DAT is used to record witnesses' statements and they no longer need to be interviewed by an assistant district attorney.

In March of 1990 the program was expanded to two other jurisdictions, the Bronx and Brooklyn. In Manhattan, plans are now being made to extend the use of the simplified deposition forms to felonies. Although felonies were never offenses which required a DAT, the new deposition forms could still be used to avoid a trip to the district attorney's office.

For more information contact:
Dean Esserman, New York
 Transit Police at (212) 330-3441.

(Evaluations, cont. from p.5)
usually conducted at the end of a set period of time and are used to review performance during that period. They frequently rely upon standardized rating forms, which identify the criteria for evaluation. The employee may have an opportunity to challenge or have input on the rating received but usually has little say on the appropriateness of the criteria used for evaluation. Generally, supervisors meet with the employee and present their ratings and, sometimes, discuss them with the employee. With some systems, goals for improvement are determined at this time. The evaluation is then forwarded to upper management and the personnel department.

This traditional approach fails when applied to the performance of officers involved in problem-solving efforts.

This traditional approach to evaluating personnel fails when applied to the performance of officers involved in problem-solving efforts. In departments where problem-solving takes place, the role of patrol officers and supervisors should be redefined. Such a redefinition has implications for two crucial performance appraisal components: the evaluation criteria and the relationship between supervisors and subordinates.

Evaluation Criteria

In the past, police administrators have followed the professional model and attempted

to control and standardize officer behavior. This has been reflected in their performance evaluation criteria.

In traditional approaches to policing, officers are given discrete tasks to perform that may or may not address the overall response to a problem. For example, in an area where there are recurring citizen complaints of loitering, public drunkenness and disorderly conduct, an officer is typically expected to make frequent checks of the location, take police reports when appropriate and make arrests when violations are observed. The tasks here include driving by the location with certain regularity, making arrests, determining when a report is required, and properly completing the necessary report forms.

Creativity and freedom of action will not be of value in this approach. However, in a problem-oriented police department, the officer's tasks for responding to the same loitering complaint are different. The officer is responsible for identifying locations where loitering, public drunkenness and disorderly behavior occur rather than waiting for them to surface through citizen complaints.

Once he or she has identified problem areas, the officer is expected to gather information about the problem. For example, who hangs out at that location? Why are they there? How are their actions affecting others? What makes the location more attractive to them than another location? Information gathering may involve talking with people who frequent the problem location or surveying local residents and businesspersons.

The officer uses this information to identify different ways of responding to the problem. The analysis may suggest responses that are made up of tasks vastly different from those performed under the traditional approach. The officer selects and implements a response. After implementing the response, the officer evaluates the effectiveness of the response.

In departments where problem-solving takes place, the role of patrol officers and supervisors should be redefined.

In order to be successful, problem-solving officers must have the freedom to act within broader boundaries than previously prescribed. They perform different types of tasks when searching for a response to a problem. These tasks are not easily evaluated by the criteria developed under the traditional approach to policing.

Supervisor/Subordinate Relationship

Problem-solving is a dynamic activity. As officers gather information, analyze problems, explore alternative approaches and evaluate responses, their ideas about how to deal with a problem may change. They may find themselves *in* unfamiliar territory, considering non-traditional responses. They may lack access to needed resources.

Supervisors will need to work closely with their officers, discussing and revising goals throughout the officers' problem-

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(Evaluations, cont. from p.6)
solving effort. They will need to know how to set and negotiate goals, recognize and encourage creativity and identify and arrange for resources.

Officers and supervisors will need to work together to establish broader boundaries as well as a range of acceptable actions within those boundaries. They must also work together to set up mutually agreed-upon goals and evaluation criteria. As the problem-solving officer is given increased responsibility, their supervisors must allow them greater flexibility.

To manage problem-solving officers, supervisors need to possess and use effective personal interaction skills. They will need to be more flexible and provide more encouragement and support to their officers. They will have to make themselves available to their officers for discussion of problems and ways of addressing them. They must help officers in obtaining or coordinating resources. In short the role of supervisors in a problem-oriented police department should change from that of controller to that of facilitator.

Every department implementing problem-oriented policing needs to think about and plan for the impact implementation will have on the existing performance appraisal process. In the next issue of **Problem-Solving Quarterly**, we will review ways in which some police departments have responded to the need for revised personnel evaluations.

**John Stedman is a Senior
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(Conference, cont. from p.1)

Bob Burgreen, chief of the San Diego Police Department, said his agency looks forward to hosting this conference so that the department's practitioners can share the benefits of their experience with other police agencies around the country. Burgreen's department began implementing problem-oriented policing in 1987.

The conference will include presentations from San Diego but will also feature practitioners from many of the other agencies around the country who are engaged in problem-oriented policing. It will consist of interactive workshops, break-out sessions and plenary sessions featuring national experts on problem-oriented policing. Police personnel of all ranks are encouraged to attend, as are municipal and county executives and other public officials.

Since the mid-1980's, PERF has pioneered the concept of problem-oriented policing, providing technical assistance and training to hundreds of police agencies implementing the policing strategy.

Participation in the Second National Problem-Oriented Policing Conference will be on a first come-first served basis. To register, send payment to PERF, 2300 M Street, N.W., Suite 910, Washington, DC 20037. The early registration fee (prior to Sept. 1) is \$260 for each conference participant; the regular registration fee is \$295. Payments may be made by cash, check or purchase order. Credit cards are accepted. Checks should be made payable to PERF. Call (202) 466-7820 for more information.

Submissions

When submitting descriptions of problem-solving efforts for the newsletter, remember to consider the following questions:

- What is the problem?
- For whom is it a problem?
- How has the department handled the problem in the past?
- What information was collected about the problem?
- Were there any difficulties in getting the information?
- What was the goal of the problem-solving effort?
- What strategies were developed to reach that goal?
- What agencies assisted the police department in achieving the goal?
- Was the goal accomplished?
- What would you recommend to other police agencies interested in addressing similar problems?

Send submissions to:

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