



The Changing Environment for Policing, 1985-2008

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Introduction

In 1967, the President's Commission on Law Enforcement and the Administration of Justice published *The Challenge of Crime in a Free Society*. This publication is generally regarded as inaugurating the scientific study of the police in America in particular but also in other countries. Almost 20 years later, the John F. Kennedy School of Government, Harvard University, convened an Executive Session on the police (1985-1991) to examine the state of policing and to make recommendations for its improvement. Its approximately 30 participants were police executives and academic experts. Now, 20 years further on, the Kennedy School has again organized an Executive Session. Its purpose, like the first, is to combine professional with scholarly appraisals of the police and their contribution to public safety.

So the question naturally arises, what are the differences in the environment for policing between these two time periods? Are the problems as well as the institution of the police similar or different from one period to the next? Our thesis is that policing in the mid-1980s was perceived to be in crisis and there was a strong sense that fundamental changes were needed in the way it was delivered. In contrast, police

are considered to be performing well 20 years later by both practitioners and outside observers. Crime has been falling for almost 18 years and any new challenges, including terrorism, appear to be manageable without the invention of new strategies for the delivery of police services. Past experience contains the lessons needed for the future. In our view, this assessment may be mistaken, not because existing policies are defective in controlling crime but because the institutions that provide public safety are changing in profound ways that are not being recognized.

The Policing Environment in 1985

Policing in the United States was under siege in the 1980s for two reasons: (1) crime had been rising from the early 1960s, and (2) research had shown that the traditional strategies of the police were ineffective at coping with it. In 1960, the serious crime rate was 1,887 per 100,000 people. In 1985 it was 5,224, almost a threefold increase. This trend peaked in 1990 at 5,803. Violent crime (i.e., murder, rape, robbery and aggravated assault) rose from 161 per 100,000 people in 1960 to 558 in 1985, on the way to quadrupling by 1991 (Maguire and Pastore, 2007). Crime was, understandably, a big issue, feeding what could properly be called a moral panic.

Prompted by the President's Commission on Law Enforcement and the Administration of Justice in 1967, researchers in universities and private think-tanks began to study the effectiveness of standard police strategies. In the ensuing two decades, studies were published showing that crime rates were not affected by:

- Hiring more police (Loftin and McDowell, 1982; Krahn and Kennedy, 1985; Koenig, 1991; Laurie, 1970; Gurr, 1979; Emsley, 1983; Silberman, 1978; Reiner, 1985; Lane, 1980).
- Random motorized patrolling (Kelling et al., 1974; Kelling, 1985; Morris and Heal, 1981).
- Foot patrols (Police Foundation, 1981).
- Rapid response to calls for service (Tien, Simon and Larson, 1978; Bieck and Kessler, 1977; Spelman and Brown, 1981).
- Routine criminal investigation (Laurie, 1970; Burrows, 1986; Greenwood, Petersilia and Chaiken, 1977; Eck, 1982; Royal Commission on Criminal Procedure, 1981).

These conclusions, despite challenges to some of them on methodological grounds, were considered authoritative. They were so well accepted, in fact, that Bayley could say in 1994 that “one of the best kept secrets of modern life” was that the police do not prevent crime. “Experts know it, the police know it, and the public does not know it” (Bayley, 1994: 3).

No wonder, then, that the first Executive Session concluded that fundamental changes were needed in police strategies. The Session took the lead in developing and legitimating a new model for the delivery of police services — community policing. The key recommendation was that police needed to be reconnected to the public in order both to enhance their crime-control effectiveness and to increase public respect. The strategy for doing this was community policing, including problem-oriented policing (Trojanowicz and Bucqueroux,

1990; Goldstein, 1990). Of the 17 studies published by the first Executive Session as *Perspectives on Policing*, eight featured “community” or “community policing” in the title, and several others discussed the importance of community. George Kelling and Mark Moore, members of the session, argued that the evolution of American policing could be described as movement from a politicized system to professionalism, then to constitutionalism, and ultimately to community policing (Kelling and Moore, 1988).

The first Executive Session also encouraged a new management style for policing, namely, one based on the analysis of crime and disorder problems and the evaluation of remediation programs. This process of description and analysis was to be carried out jointly by police and outside experts, such as academic scholars and management consultants.

The Policing Environment in 2008

When the second Executive Session met in January 2008, crime in the United States had declined dramatically since 1990. The serious crime rate (Part I crimes) had fallen to 3,808 per 100,000 people by 2006, a decline of 34 percent (Maguire and Pastore, 2007).¹ Even though the violent crime rate was still three times higher in 2006 than in 1960 (474 versus 161 per 100,000 people), it had declined by 37.5 percent since its peak in 1991, a huge change for the better. The police, in particular, feel that the decline vindicates their crime-control efforts, notably the strategy attributed to Bill Bratton of New York City, of the strict enforcement of laws against disorder

and the management technique known as *zero tolerance*, managed through COMPSTAT (Bratton and Knobler, 1998; Eck and Maguire, 2000).

The decline has been so dramatic that it offset the continued questioning by analysts of the importance of police action in controlling crime (Eck and Maguire, 2000). Furthermore, there are now positive findings about the efficacy of certain police strategies. The most authoritative summary of this research comes from a panel of the National Research Council (Skogan and Frydl, 2004).

Reviewing all research conducted since the President’s Commission (1967) and available in English, the panel reaffirmed the findings of the 1970s and 1980s that the standard practices of policing — employing more sworn officers, random motorized patrolling, rapid response and criminal investigation — failed to reduce crime when applied generally throughout a jurisdiction. It should be noted that most of the research on these topics, except for analysis of the effect of the number of police employees on crime, dated from the earlier period. At the same time, the panel found that police could reduce crime when they focused operations on particular problems or places and when they supplemented law enforcement with other regulatory and abatement activities.

The strongest evidence for effectiveness was some form of problem solving, especially when focused on “hot spots,” that is, locations accounting for a high volume of repeat calls for police service.

¹ The FBI, which provides the statistics on crimes known to the police, stopped calculating a rate for the entire Part I index after 2001. It did, however, continue to publish rates for both violent and property crime, from which a total rate for all Part I crime can be calculated.

Nonenforcement options included changing the physical design of buildings and public spaces, enforcing fire and safety codes, providing social services to dysfunctional families, reducing truancy and providing after-school programs for latch-key children.

By 2008, police executives could feel much happier about their efforts to control crime than they had 20 years before. Scholars, too, agreed that strategies used since the 1980s were efficacious, by and large.

This is not to say that police leaders currently feel that they can rest on their laurels nor that the environment for policing is entirely benign. Police executives understand that they are confronting several challenges, some new and some old:

- **Declining budgets and the rising cost of sworn police officers.** The cost of policing has quadrupled between 1985 and 2005, according to the Bureau of Justice Statistics (Gascón and Foglesong, 2009). The causes are rising labor costs for both sworn officers and civilian personnel, increased demand for police services and the growing complexity of police work. As a result, police budgets are increasingly at risk, with some cities reducing the number of police officers per capita.
- **Terrorism.** The primary impact of the Sept. 11 terrorist attack on state and local policing in the United States has been to improve their capacity for risk assessment of local vulnerabilities and first-responding in the event of terrorist incidents (Bayley and Weisburd, 2009). Although threat

assessment and first-responding are understood to be core responsibilities of local police, their role with respect to counterterrorism intelligence gathering and analysis is more problematic. At the moment, most intelligence about terrorism comes from federal sources. Some observers take the view that local law enforcement, especially in the United States with its radically decentralized police system, does not have the personnel or skills to collect operational intelligence in a cost-effective way. Others argue, however, that local general-duties police who work among the population are essential for detecting precursor terrorist activities and building cooperative relations with the communities in which terrorists live (Bayley and Weisburd, 2009). Many police executives are critical of the federal government, therefore, for downgrading its law enforcement attention from nonterrorist crime and for reducing its support for local community-responsive and crime-prevention activities.

- **New immigrants, both legal and illegal.** Until recently, most American police departments took the view that enforcing immigration was a federal rather than a local responsibility. They took this view, in part, because they wanted illegal immigrants to feel free to approach police when they were victims of crime, particularly when they were exploited by employers. Police executives felt that even people who were in the country illegally deserved protection under the law. Recently, however, driven by growing anti-illegal immigration feelings in their jurisdictions, some police departments have begun to enforce

immigration regulations. As anticipated, this has alienated these communities at the very moment when the importance of connecting with immigrants — legal as well as illegal — has become imperative as a response to terrorism. Not only may foreign terrorists take cover in immigrant communities but these communities, especially if they are disadvantaged and marginalized, may produce their own home-grown perpetrators. Great Britain and France have both experienced this phenomenon. Thus, the threat of terrorism raises difficult questions about the scope, intensity and methods of law enforcement in immigrant communities.

- **Racial discrimination.** Charges of unequal treatment on the basis of race have been a continual problem for police since the rise of civil rights consciousness in the 1960s. Concerns raised about the substantial amount of discretion possessed by frontline police was one of the first issues taken up by police researchers more than 40 years ago. Various aspects of policing have been implicated — arrests, use of force, shootings, street stops, search and seizure, offense charging and equality of coverage (Fridell et al., 2001; Skolnick and Fyfe, 1993; Walker, 2003). Not only is racial discrimination an enduring issue for police executives to manage but its potential for destroying the reputation of police agencies and the careers of officers is hard to exaggerate. It is the allegation that every police chief dreads.

- **Intensified accountability.** Oversight of police performance, with regard to effectiveness in controlling both crime and personal behavior, has grown steadily in the past few years. The monitoring of institutional performance has been part of a governmentwide movement to specify measurable performance indicators. External oversight of individual behavior has involved complaints commissions, citizen review panels and ombudsmen. Many would argue that the quality of policing with respect to crime control and personal behavior has improved over the last half of the 20th century as a result of these developments. The public, however, seems more skeptical, especially with respect to the behavior of individual officers. At least that would be a fair reading of the fact that in the United States as well as other English-speaking countries, the demand for greater oversight of police behavior continues to grow, fed by the media's insatiable appetite for stories about police misdeeds.

There are two aspects to what is being asked for: (1) holding the police to account for performing the services for which they were created — crime prevention and criminal investigation and (2) disciplining officers who behave improperly in the course of their duties. Today, more than 100 of America's largest cities have some sort of civilian oversight of police behavior compared with only a handful in the early 1990s (Walker, 2003). Independent civilian review of complaints against the police has been established in the last three decades in Great Britain, New Zealand, Australia and Canada. But this

is only the most visible tip of a larger iceberg. Oversight has also intensified in the form of tighter financial auditing, performance indicators mandated by governmental and quasi-governmental bodies, enactment of more stringent legal standards and federal consent decrees. This is in addition to what seems to police to be an unappeasable media appetite for revelations about police, and even ex-police, misbehavior.

- **Police unions.** While acknowledging the reasons that led to the growth of police unions, police executives complain about its impact on management. In particular, they criticize the reflexive defense of work rules that inhibit strategic innovation and organizational change, the elaborate procedures required to discipline poorly performing officers, and the inculcation of an occupational culture preoccupied with tangible rewards.

Although all of these current challenges certainly complicate their work, police executives do not view them as a crisis for policing as was the case in the mid-1980s. These challenges are complex and difficult but manageable within the competence of experienced executives. With the arguable exception of terrorism, they do not require a shift in the strategies of policing.

Embedded in this sense of achievement among police professionals is frustration with the gap between objective measures of public safety and public perceptions. Although crime may have declined, the public's fear has not. Police commonly

attribute this discrepancy to the exaggeration of crime by the media and the failure to give credit where credit is due.

The Looming Watershed

We believe that policing may be approaching, if not well into, a period of change that will significantly affect what police do and how they do it. It may be as significant as the period after 1829 when Sir Robert Peel created the London Metropolitan Police. The choice of 1829 as the reference point is not rhetorical. This year marked the beginning of the gradual monopolization of the police function by government. Starting in 1829, governments in Anglo-Saxon countries, much earlier in Europe, assumed responsibility for policing — for hiring, paying, training and supervising. What is happening now is the reverse of that: nation-states are losing their monopoly on policing.

The pressures eroding the monopoly of governments within national boundaries to create and manage policing come from three directions:

- The internationalization of policing.
- The devolution of policing to communities.
- The growth of private policing.

In short, policing is being pushed up, down and sideways from its traditional mooring in government.

The Internationalization of Policing

Policing has shifted away from national governments because of the development of a genuinely international police capacity and increased international collaboration in law enforcement. The United

Nations now has more than 11,000 police recruited from about 118 countries and deployed in 13 missions. The United States currently contributes 268 police to UNPOL (formerly CIVPOL). Although UNPOL's primary mission is "to build institutional police capacity in post-conflict environments" (Kroeker, 2007), its officers have been armed in Kosovo, Timor-Leste and Haiti and enforce laws alongside the local police. It is worth mentioning that this is part of a broader development of international institutions of justice, including the development of a portable international criminal code, courts and tribunals authorized to try individuals, and prisons for persons both convicted and under trial.

The United States now collaborates widely with law enforcement agencies abroad. As of February 2010, the FBI has offices in 70 cities overseas and the DEA has offices in almost 90 (see FBI and DEA home pages). The United States trains more than 10,000 police a year at its four International Law Enforcement Training Academies (located in Budapest, Bangkok, Gaborone and San Salvador) and brings many more trainees to the United States. The United States also participates in a host of international task forces and ad hoc law enforcement operations that focus on drugs, terrorism, trafficking in people and, more recently, cyber-crime, including pornography. The United States has also encouraged — some would say "pressured" — countries to bring their laws into conformity with American practice, for example, with respect to wiretapping, the use of informants, asset forfeiture, and the Racketeer Influenced and Corrupt Organizations Act (Nadelman, 1997;

Snow, 1997). American influence, direct and indirect, has been so powerful that Chris Stone says there has been an "Americanization of global law enforcement" (Stone, 2003). The United States, furthermore, has begun to create a reserve force of police and other criminal justice experts that can be deployed at short notice to countries emerging from conflict.

If policing is a fundamental attribute of government, along with external defense, then the world has begun to create a world government of sorts. Although seeds of this movement preceded the first Executive Session, a major impetus was the fall of the Berlin Wall in 1989 and the subsequent implosion of the Soviet Union (Bayley, 2006).

The Devolution of Policing to Communities

The attitude of police generally in the Western world, but especially in its English-speaking democracies, toward collaborating with members of the public who act voluntarily to improve public security has undergone a major change since the 1980s. No longer viewed as nuisances or dangerous vigilantes, these people are now seen as "co-producers" of public safety. This transformation of view is attributable in large part to the acceptance of community policing, which the first Executive Session was instrumental in promoting. Police in democratic countries now actively encourage citizen participation by sharing information, training volunteers, consulting the public about priorities, mobilizing collaborative crime-prevention programs, enlisting the public as informants in problem solving, and soliciting help from city planners, architects and the designers

of products to minimize criminal opportunities. Neighborhood Watch is probably the best known police-citizen partnership. Others include Business Improvement Districts, mobile CB-radio patrols, and private-sector programs for providing equipment and professional skills to police departments.

It has become axiomatic in policing that the public should be encouraged to take responsibility for enhancing public safety. As police themselves now recognize, they cannot do the job alone. Public participation is seen by police and academics alike as a critical contributor to police effectiveness and thus to public safety.

The Growth of Private Policing

Policing is being pushed sideways by the growth in the private security industry. Estimates of its strength are not exact because “private security” covers a wide range of activities — e.g., guarding, transporting valuables, investigating, installing protective technology and responding to alarms — and is supplied by companies commercially to others as well as by businesses to themselves. The U.S. Department of Labor estimated that there were slightly more than 1 million private security guards in 2005 (U.S. Bureau of Labor Statistics, 2005). That would be 49 percent more than the number of full-time sworn police officers in the same year (673,146) (Maguire and Pastore, 2005, table 1.68). A report issued by the International Association of Chiefs of Police (IACP) and the Community Oriented Police Services (COPS) Office estimated, however, that in 2004, the number was about 2 million (IACP, 2005). If that were true, there would be almost three times as many private security personnel as full-time

police officers. The discrepancy between figures of the Department of Labor and those of IACP-COPS may have arisen because the larger estimate includes in-house security provided by private organizations, whereas the Department of Labor figures only include the personnel of companies providing security services commercially. The larger figure is the one most often cited in commentaries on private policing (Cunningham and Taylor, 1985; Singer, 2003).

The growth of private security appears to be a phenomenon of the last quarter of the 20th century (Nalla and Newman, 1991). It was first documented in *The Hallcrest Report: Private Security and Police in America* (Cunningham and Taylor, 1985), which estimated the number at 1.5 million. This was more than twice the number of public police at that time. Although the use of private security was certainly visible to police officials in the 1980s, the number of *commercial* private security personnel has grown by as much as two-thirds. Their number rose sharply immediately after the Sept. 11 attack, fell in 2003 (although not to pre-Sept. 11 levels) and has continued to increase (U.S. Bureau of Labor Statistics, 2007). It is reasonable to assume that the number of *in-house* private security personnel has also increased, though perhaps not as much.

Worldwide, there are now more private police than government-run police: 348 versus 318 per 100,000, according to a survey by Jan Van Dijk (2008). The highest rates are in the United States, Canada and central Europe. Britain and Australia also have slightly more private security personnel than public police (Australian Bureau of Statistics, 2006;

European Union, 2004). In the European Union, only Britain and Ireland have more private than public police (European Union, 2004). Statistics are not available for Latin America, Africa, and South and Southeast Asia, but private security is certainly very visible there.

The point to underscore is that worldwide, and dramatically in the United States, there has been a steady growth in the number of private “police.” If visible guardians are a deterrent to crime, as the routine-activities theory of crime asserts and as police themselves strongly believe, then one reason for the decline in crime in the United States since the early 1990s might be the growth in private security. As far as we are aware, analyses of the crime drop in the United States have not tested for this possibility.

The effect of these three changes in the environment for policing is to diversify the providers of public safety. Governments, especially country-based governments, no longer direct or provide public safety exclusively. The domestic security function has spread to new levels of government but, more important, to nonstate actors, volunteers and commercial providers. The police role is now shared. This is not simply saying that there are now both public and private police. Public and private policing have blended and are often hard to distinguish. Governments hire private police to supplement their own police; private entrepreneurs hire public police. We are in an era of what Les Johnston refers to as hybrid policing (Johnston, 1992).

Until now, assessments of the police have focused on two questions: How can they be made more effective, and how can the behavior of individual officers be improved? Now, we suggest, a third question has arisen: Who is responsible for policing?

Changes Within Public Policing

Not only are changes occurring in the environment that may affect the structure of policing but police themselves are in the process of changing the way they work. The factors driving this are (1) the threat of terrorism, (2) intelligence-led policing and (3) DNA analysis. Each of these developments transfers initiative in directing operations to specialists who collect and analyze information and away from both general-duties police and the public. Ironically, these changes could undo the signature contribution of the 1980s — community policing.

The Threat of Terrorism

Although many anti-terrorism experts understand the importance of working with communities, especially immigrant ones, counterterrorism centralizes decision making, shifting it upward in police organizations and making it less transparent. In the aftermath of Sept. 11, a new emphasis has been placed on the development of covert intelligence gathering, penetration and disruption. In the United States, the development of covert counterterrorism capacity has been unequally distributed, being more pronounced in larger police forces. Where it occurs, important questions arise about legal accountability as well as operational payoff. These issues are familiar to

police, having arisen before in efforts to control illegal narcotics and organized crime.

Intelligence-Led Policing

Intelligence-led policing² utilizes crime mapping, data mining and the widespread use of closed-circuit television monitoring, which all rely on analysis based on information collected from impersonal sources. It thereby empowers senior commanders to develop their own agendas for law enforcement rather than consulting with affected communities.

DNA Analysis

DNA analysis allows crimes to be solved without witnesses or confessions. Research in the 1970s showed that the identification of suspects by victims and witnesses was essential to the solving of most crimes (Greenwood, Petersilia and Chaiken, 1977). Detectives, contrary to their fictional portrayals, work from the identification of suspects by the public back to the collection of evidence to prove guilt. DNA changes that, emphasizing forensic evidence over human testimony, promising a technological solution to criminal identification.

The effect of these developments — the threat of terrorism, intelligence-led policing and DNA analysis — impels the police to rely more on their own intellectual and physical resources and on centralized decision making for agendas and strategies. It lessens the importance of consulting with and mobilizing the disaggregate resources

of communities. It also favors enforcement as the tool of choice over preventive strategies of regulation and abatement. These changes in orientation may be necessary and may raise police effectiveness, but they also represent a return to the sort of insular professionalism that characterized policing before the 1980s.

The Challenges of Change

The changes described both inside and outside the established police structures and functions create issues that will have to be confronted. With the expansion of private policing, public safety may become more inequitably distributed on the basis of economic class. The affluent sectors of society, especially its commercial interests, may be more protected, and the poor sectors less protected (Bayley and Shearing, 2001). This trend could be exacerbated if the tax-paying public at the same time withdraws its support from the public police in favor of private security. There are indications that this has already occurred in public education, where people with the means to pay for private schools are increasingly reluctant to support public education. If this should occur in policing, a dualistic system could evolve — responsive private policing for the affluent, and increasingly underfunded public policing for the poor (Bayley and Shearing, 2001). The political consequences of this could be calamitous.

Furthermore, who is to hold private policing to legal and moral account? Public police in the United States and other democracies have been made accountable in many ways. Public police executives themselves often argue that they are

² Intelligence-led policing may be confused with evidence-based policing. Intelligence-led policing refers to the targeting of operations on the basis of specific information, whereas evidence-based policing refers to shaping of operational strategies on the basis of evaluations of their efficacy.

too accountable, meaning they are scrutinized too closely, too mechanically and at a substantial cost in reporting. Private policing, however, is imperfectly regulated and it is unclear whether existing law provides sufficient leverage (Joh, 2004; Prenzler and Sarre, 2006).

So, an ironic question arises: Is there a continuing role for government in ensuring an equitable and lawful distribution of security at the very time that government is losing its monopoly control? Should it accomplish by regulation what it no longer can by ownership? If so, how should this be done? In particular, what agency of government would be responsible for it?

The internationalization of policing also raises issues of control and legitimacy. Simply put, whose interests will be served by policing under international auspices? Will it be collective interests articulated by constituent states and powerful organized interests, or by the needs of disaggregate populations represented through participative institutions? Democratic nation-states emphasize the needs of individuals in directing police. It is not at all clear that international institutions will do the same, although they have taken impressive steps on paper to articulate comprehensive standards of police conduct (U.N. High Commissioner for Human Rights, 1996).

Finally, we submit that policing may be facing a clash of cultures as the public increasingly demands participation in the direction and operation of policing while at the same time police agencies become more self-directing and self-sufficient in their use of intelligence resources.

This issue is not new. It is the same issue that policing faced in the 1980s and that was tackled in the first Executive Session. How important is public legitimacy for police effectiveness and public safety? How can the support of the public be maintained while police take advantage of powerful new technologies that may decrease interaction with them?

Conclusion

In the United States and other developed democracies, changes are occurring that may undermine the monopoly of state-based policing as well as its community-based paradigm. In pointing out these changes between 1985 and 2008, we are not making value judgments about them. These changes may have made the police more effective at providing public safety without infringing human rights in unacceptable ways. We call attention to these changes because their potential effects are enormous and largely unappreciated. They constitute an invisible agenda as consequential as the problems discussed in the 1980s.

Twenty years ago, policing was in the throes of what is now regarded as a revolution in its operating approach. It shifted from a philosophy of “give us the resources and we can do the job” to realizing the importance of enlisting the public in the coproduction of public safety. Policing today faces much less obvious challenges. Current strategies and technologies seem to be sufficient to deal with foreseeable threats to public safety, with the possible exception of terrorism. If this is so, then policing will develop in an evolutionary way, fine-tuning operational techniques

according to experience, particularly the findings of evidence-based evaluations. If, however, changes in the environment are reshaping the structure and hence the governance of policing, and adaptations within the police are weakening the connection between police and public, then we may be entering a period of evolutionary discontinuity that could be greater than that of the 1980s, perhaps even of 1829. Both the role of police in relation to other security providers and the soul of the police in terms of how it goes about its work may be in play today in more profound ways than are being recognized.

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