Herman Goldstein is, quite simply, a legend in his — or any — time. Law enforcement officers, whether they know it or not, engage in police work everyday that has been profoundly influenced by the critical thinking of this one unsung man. It is no overstatement to say that much of the "revolution" that has taken place in policing over the last 20 years is attributable to Goldstein.

In a sense, Goldstein is a fascinating study in contrasts: a police expert who never wore a uniform; a law professor who was never a lawyer; a giant in his field who prefers to mingle with those in the trenches.

It was in 1960 that Goldstein, then in his early 30s, began observing what police do — at all hours of the day and night, in all areas of the city of Chicago, where he worked. Serving as an executive assistant to Superintendent O.W. Wilson, himself a policing legend, Goldstein was not the type to sit contemptuously pushing papers from one side of his desk to the other. His firsthand observations of the police function would lead to what is recognized as one of the seminal scholarly articles in modern-day policing: "Police Discretion: The Ideal vs. the Real." Published in 1963, the article was the first to acknowledge that police officers possessed and exercised considerable discretion in their day-to-day activities. Nowadays, police discretion is all but taken for granted, but such was not the case in the 1960s. Goldstein's observations were nothing short of an epiphany for the police profession.

Goldstein left the Chicago Police Department in 1964 to join the faculty of the University of Wisconsin Law School, where he has stayed to this day, currently as a professor emeritus.

A prolific writer, Goldstein's works, like the text "Policing a Free Society," continue to be required reading for those with a serious interest in policing. But it was another article that Goldstein wrote, this time in 1979, that would pave the way for policing in the 21st century: "Improving Policing: A Problem-Oriented Approach," which appeared in the journal Crime and Delinquency, prompted a number of progressive police departments, including those in Baltimore County, Md., Newport News, Va., and Madison, Wis., to experiment with this bold new method of thinking about and conducting the business of law enforcement. In 1990, he wrote the book "Problem-Oriented Policing," which expanded on his earlier article. And the rest, as they say, is history.

In the interview that follows, Goldstein talks with Law Enforcement News about a variety of topics, notably the past, present and future of his intellectual property, problem-oriented policing.

A LEN interview with Professor Herman Goldstein, the “father” of problem-oriented policing.

"In many respects we've been immature in the way we've viewed change in policing. One of the weaknesses is the feeling that in order to advance the field, we've had to discredit past approaches. I don't think that works."

LAW ENFORCEMENT NEWS: You've often been called the father of problem-oriented policing. Generally speaking, how is the offspring doing?

GOLDS: It's hard to say. It's a big country. When one floats an idea, and it takes off in many different directions here and abroad, well, I think I would have two — oh, several — observations.

One is that clearly, problem-oriented policing and problem solving have sort of become part of the vocabulary of policing. That has some very great benefits, but I also have some great concerns. The benefits are that, in a very uneven sort of way, police, sometimes at the top and more often at the beat level, are doing a lot of creative work in looking systematically and analytically at pieces of their business, and given the license to do so, are coming up with some very innovative responses to longstanding problems. I think that's generated a lot of creative thought and has tapped the expertise, the energy and the resourcefulness of police officers, and has given the officers a great deal of satisfaction on the job.

The down side is that ideas of a conceptual nature tend to get trivialized. There are many situations in which claims are made that departments have adopted problem-oriented policing, where the progress, in fact, has been very superficial and often lacks an understanding of what it is that we've been trying to achieve in pushing for a greater focus on the substance of policing.

LEN: In the early going, problem-oriented policing and community policing were generally viewed as two different and distinct concepts. Somewhere along the line, though, the distinctions have gotten mushed and the two are now often used interchangeably. Have the concepts merged, or has the nomenclature of community policing taken over?

GOLDS: I see a major difference between the two concepts, but I should quickly add that I have great difficulty with the labels that we put on changes in this field. I recognize that for purposes of communication there's a need for labelling in order to emphasize what we're trying to do. But I think the labels come and go, just as, let's say, the label of team policing came and went. The more important thing is in the details, the specific programs that make up these different concepts.

I've always assumed that community policing, and the package of changes commonly conveyed by that term, is designed to place emphasis on one great need in policing, which is to engage the community, to emphasize the point that the job of social control essentially in our society depends upon networks other than the police, that the police can only facilitate those networks and support them. Problem-oriented policing, on the other hand, places the major emphasis on the need to reconceptualize what the police are doing more generally, to focus attention on the wide range of specific problems that police confront and to try to encourage a more analytical approach to those problems. Then, as a result of that analysis, to think through different strategies, one of which is to engage more intensively with the community in the context of dealing with that particular problem. That's a big difference, but I think the difference is primarily in emphasis. We need more engagement in community; we also have a critical need for thinking differently about what the police are expected to do and investing heavily in systematic analysis of the various pieces of police business.

LEN: Community policing and problem-oriented policing often started in police departments with very progressive chiefs, sometimes working hand-in-hand with researchers, and from there it moved into the political arenas, with mayors and other officials sometimes insisting that their police departments adopt the concept — at times, using it as a campaign issue. Now it's even moved to the Federal level, with the President himself pushing heavily for community policing. Do you think this was a healthy pattern of development?

GOLDS: My own sense is that improvements in policing would progress at a faster rate if we looked to the bright lights and the talent that we have within the police establishment to do the
"If you have police officers who are more trusted, who are free to take on various functions and think creatively about new alternatives, then, indeed, I think that a major change is occurring and has occurred."

GOLDSTEIN: I agree with that concern. On the other hand, I’m not so worried about those agencies that have enlightened leadership and the strength of conviction with which to experiment. I’m more worried about the large number of agencies that, without a solid foundation, are simply imitating what they understand in very rough terms to be the model that they should be building. What worries me is that mass of change that is not carefully thought through, that is without sound foundation, that lacks adequate understanding, and that is not appropriately connected with the wide range of supportive changes that have to take place. Because it can become so dominant that it can, as I said earlier, discredit what is essentially a good idea. It can become homogenized, diluted and trivialized. A police department will claim major success in its innovation, but if you look at it carefully, it’s simply a warmed-over version of the already well-promoted and implemented in policing 34 years ago.

LEN: It is generally well recognized that problem-oriented policing emanated from your earlier groundbreaking work on police discretion. With community policing and problem-oriented policing taking the direction that it has, are line officers making better use of their discretion now than they did in the past?

GOLDSTEIN: I find the answer to that rather difficult because I see that process as so complex. That is, if we get away from the simplistic use of labels, whether community policing or problem-oriented policing, then what I see in the way that change is occurring in policing is multifaceted. For example — and here we get beyond the simplistic use of labels — it involves broadening the police function. It involves rededicating public expectations. It involves less dependence on the criminal justice system. It involves developing new alternatives and strategies for getting the job done that are outside the criminal justice system. It involves recognizing discretion and structuring that discretion. It involves being proactive rather than reactive. It involves changing the nature of the organization to support all of those things. And it involves giving the officers more freedom and license to do their job in the field.

LEN: With respect to the Federal push for this, we’re talked to a lot of people who feel that this funding for community policing has driven out funding in other areas. Do you think that’s true? What could we be doing with limited research funding if we weren’t dealing with all this community policing stuff? Are there innovations we’re missing out on as a result?

GOLDSTEIN: I agree to a great extent with that assessment. My impression is that over the years, the policing field itself has rather consistently and progressively given rise to or produced a large number of innovations, which, taken together and properly orchestrated, point the way for major overall improvement in the field. To a great extent, the injection of a massive amount of money into police work will inevitably draw attention away from those efforts and push people to do something that is thought of as sort of imitation and may not have a solid base.

When the Federal Government was first initiated, I gave a talk to NUP, and I made the observation that the picture of change taking place in policing reminded me very much of a scene at a large beach on a Sunday afternoon, where a bunch of kids were all lined up at the shore making sandcastles. Some of them were very, very impressive and elaborate, and others were not so impressive and just randomly thrown together.

GOLDSTEIN: I think the lines are clearly drawn. For one thing, when you have young people coming in who are oriented in a different way, and whose generational values are different, you don’t get the same kind of hangups, the same kind of rigid thinking that you would have on the part of older people — for the same reason that my outlook as to how to get things done in this world is different from that of my children. There’s a generational kind of change. Another is that we are drawing into police departments people with different orientations. Recruitment processes are gradually being modified so that we’re not cloning people of the past, and we are gradually changing criteria as to who we’re looking for as police officers.

There’s another factor, and that is, behind the objection to community policing, rarely articulated for obvious reasons, was concern on the part of the police that this represented a caving in to community interests, when there was a dichotomy between what the police stood for and what the community stood for. There’s a lot of people who feel that in the past community policing had some baggage attached to it because of what it was; it was sort of reflected a cop-out, a plea of guilty to the fact that we were not as nice as we should have been in relating to the community. Therefore, to buy into it meant that we were guilty. I think much of that has gradually been modified with these various changes that I referred to, so there’s not as much conflict.

LEN: Many departments lately, certainly New York City is a good example, have incorporated an aggressive crackdown on quality-of-life offenses under the auspices of community policing. And such an approach is generally felt to have contributed to the development of a large number of new offenses, but in ways that other departments around the country have been doing for years as a matter of routine. I worry a great deal about the capacity of a department to move quickly from one posture to another in a catch-up sort of manner, because I think it often results in a lack of refinement. That absence of capacity to do it naturally over a period of time in a refined manner can lead to a lot of negative consequences. When you look at the short-term benefits, you may create some very serious long-term costs in terms of aggravating relationships with the community.

There are agencies that have had a much more mature process, a style or operation, in which they had the time and the resources with which to refine their procedures, so that one would look at the end product and conclude that this is a department that deals deal with quality-of-life offenses. It is in every way an aggressive posture, but aggressive in a way that is totally consistent with what we’re trying to achieve in community policing, and with no serious costs in terms of disrupting a relationship and irritating the community and creating potential incidents of hostility toward the police. It’s one thing to realize a quick dramatic decrease in some types of offenses, but if that’s at the cost of creating great antagonism toward the police on the part of the community, then we may be heading toward a posture that are going to have to deal with the consequences of that hostility.

GOLDSTEIN: Yes, I think that’s the ideal. Perhaps it would have continued on Page 10.
“We have been slow in reconciling what I refer to as the image of policing and reality. Much of the change that has occurred in the past, up to the 1950s and 1960s, was designed to reinforce the image, and as a result, it didn’t have much of an impact on reality.”

LEN: And which may never be achievable.

LEN: Agreed. But hypothetically, then, could it then be said that police would revert to the reactive stage that started this whole process?

LEN: And see your point. If everybody were doing their job—all of us—in then the police would simply have more of a reactive role. But the reality is that there are always going to be pockets of concern, even in that ideal situation. So I never see the situation getting to the point, by any means, even in the most ideal world, in which there’s nothing for the police to do of a proactive nature. To the contrary, I think we’ve got to be forever vigilant. For many generations they’ve simply not going to be able to do it out of things to do proactively. So I’m not going to worry about that ultimate day when everyone is doing their job so well that the police don’t have anything to do.

LEN: You’ve spoken of working with policing in a larger context—painting in a larger framework. I believe you called it: Can you describe some of this work?

LEN: And I have so much concern about how much we put all of our eggs in several baskets, and the possibility that because of the superficial efforts, those movements might well be discredited. For that reason, and for very practical reasons, I’ve tried to paint a larger picture that is occurring in policing that is not built so much around the labels we are currently using. And the fact that I’m set back up and acknowledged that in the 43 or so years I’ve been working in this field, I’m very much aware that the pressures police are operating under today are probably greater than they have ever been. They’ve always had a heavy responsibility, and I always stand in awe of how much our society depends upon the police, and the importance of policing to the quality of life in our country. And yet, awesome as that responsibility is, we’ve always been in a catch-up sort of mode. The word “reform” in other areas sort of characterizes periods of change, but my experience is that reform is a permanent part of the language of policing. We’re constantly in a state of reform because we’re constantly trying to catch up. So it’s understandable that these catch-up moves will be ahead and take on these sorts of labels. The bottom line is that if you think about the growing task and the fact that police are being looked upon to handle such a heavy load today, as some of our other social networks deteriorate and more and more shifts to the police, the job despite all the efforts that we’ve made, despite all the catch-up, seems to be increasingly an almost impossible sort of job. When you add to that the fact that the police are dependent so heavily on the criminal justice system, and that system is overall overwhelmed and often unavailable, and add the fact that all of our urban areas are under such enormous financial constraints, and the police are being expected to do more with less, the picture is not a very encouraging one. In fact, it can be a bit overwhelming.

LEN: As you look at that, at the same time you see highly motivated police people at the top and at the bottom of our organizations trying to cope with that, saying we’ve got to do something to enable us to deal with this problem. Out of that are coming a wide range of different departments doing different things in order to respond to that, and I find all of those innovations very exciting. I think it’s important for us to focus on the specific innovations more than the way in which they’re labeled, because in my view the elements of the various programs, the various innovations and the need for them is going to remain, and they’re going to be met regardless of what the current flavor of the month is.

LEN: To expand on that a little bit more, this is a very personal view, but I think that much of the problem of policing has stemmed from the fact that we have been slow in reconciling what I refer to as the image of policing and reality. Much of the change that has occurred in the past, up to the 1950s and 1960s, was designed to reinforce the image, and as a result, it didn’t have much of an impact on reality. For example, it was one of police having a narrow control function, controlling crime, being omnipotent—“we can handle it all, we don’t need the community”—police having no discretion, leaving heavy on the criminal justice system, and organized as a military operation designed to engage in a war on crime. That was the image, and much of the reform was designed to reinforce that image. It’s only that reform is coming now, however, they’re labeled—community policing, problem-oriented policing—are designed to break away from the image and to respond to the reality of policing: that police do exercise discretion, they have a broad function, they cannot depend on the criminal justice system, and that they have to be proactive as well as reactive, that there’s a lot of expertise in policing, and it’s not all at the top of a police agency, and that we have to make use of the mass of the police force out there, who have the capability to make in improving services. So what I’m trying to paint is a picture of change that is designed to deal with the reality of policing that has various components to it.

LEN: Could you give an example of one of these components?

LEN: As an illustration, I would describe an agency that’s comfortable getting outside the mold of dealing just with crime. The agency is saying to its police officers, yes, we use the criminal law, but there’s a wide range of other things that we can do, from helping to redesign facilities and working with landlords and using the civil law and being creative outside the criminal justice system. To the extent that those strategies are being utilized, they are a response to the reality that the criminal justice system by itself will not get the job done. So as you look at the mosaic of policing that exists in this country, you see departments that have made advances on some fronts—I don’t know that their experience has been all of these different things. But taken together, the movement can be seen as a comprehensive, multidimensional agenda for change that, provided it is not stymied, will serve as well for some years to come. My prediction is that in the long run, in terms of its label in different ways, but taken all together, it’s essentially just a new form of policing.

LEN: You know as well as we do that a number of criminologists are predicting a major crime wave in the near future, partly brought about by juveniles. Do you think that the country’s police will be able to handle this if and when it hits?

LEN: I would rather that we raise the question of whether the country’s police can handle that problem because I think it’s wrong for us to get into the trap of asking if the police can handle it. I think that has been the big problem. That is, to the extent that we have police leaders who say that the police can do the job, I think that’s a self-deception. I don’t think the police can do the job. A bigger question posed by our prediction is whether our society will be able to cope with that, and how will they cope with it, because I don’t think it’s within the capacity of the police to do it on their own. That, then, raises a much bigger and broader question, in that I feel very, very strongly that our political leadership at the local, state and national levels has for the most part not been very enlightened. It has supported measures that are designed to have political appeal, but are not connected with our real needs. As long as our national agenda consists of things like building more prisons rather than finding full employment for our jail officers, we’re simply not connected with the kinds of more fundamental changes that are needed to deal ultimately with the problem of crime.

LEN: Are you optimistic about the future?

LEN: I’m pessimistic as to the effect that current political leadership will produce on these issues. I’m optimistic about the knowledge you find and awareness that exists within municipal policing as to what they could do if given the support for doing it. I’ve just been very impressed by the innovations, the
Goldstein: More rigorous analysis needed

commitment that is present within police agencies and their demonstrated capacity to significantly improve the quality of police services. But however strong and however intensive their efforts are, it's limited, and the police, as I said, cannot do the job on their own. The biggest problem, that society, through all the subtle means it can resort to, has to recognize these measures. It cannot throw the burden to the police, and it's unreasonable to expect the police to be unlimited in their capacity to pick up the pieces that rest of society isn't able to fulfill or to meet.

LEN: What do you think are the biggest obstacles coming? What does your crystal ball say in terms of what lies ahead?

GOLDSTEIN: One of the biggest obstacles is that enlightened, committed leaders will have but not and be replaced in police leadership positions by individuals who take a much more simplistic approach and satisfy political pressures, achieving short-term gains, but incurring long-term losses. While I'm pleased by the bigger picture, I have enormous admiration and respect for what's happening in policing. I think that perhaps because they are closest to the problems that our society is experiencing, police have the capacity to contribute enormously to dealing with these problems that we are experiencing now and may yet experience in even more acute form.

LEN: What do you see as some of the lingering needs with respect to the implementation of problem-oriented policing?

GOLDSTEIN: In terms of how to strengthen the movement that is given rise to it, I would make several points. I think we have to clarify what we mean when we talk about problems. All of us have problems of various kinds. To get into the ballpark and talk about problem-oriented policing, one has to focus upon the substantive problems that police confront. A lot of the rhetoric that is being used is due to the fact that problem-solving is now a generic term in many fields. People use problem-solving to improve their attitudes, the way in which they view their job, their working conditions, etc. That draws attention away from the major thrust in problem-oriented policing, which is to try to find solutions within policing away from just focusing on the organization and its personnel, and focus on the specific problems we confront in the community, what we're doing about those problems, and what careful analysis might produce in the way of new insights into how we deal with them in a more effective fashion. True problem-solving in the context of community policing focuses on the business of policing, and not on the endless number of other problems that arise in police operations and in our lives.

Secondly, in that regard, we've seen as a result of the movement a tremendous amount of creative problem-solving on the part of heat officers. If that is helpful, it's encouraging. Sometimes it's very satisfying for officers, and it has resulted in much greater effectiveness. But the original concept anticipated and hoped for is a commitment to research and development at higher levels of organizations, which would look more systematically and rigorously at substantive pieces of police business and, after that analysis, provide the benefits to officers on the street. So while I admire the problem-solving efforts of the officers and expect that if they get into that state of mind, and as they become leaders of policing, they will carry that up into higher levels of the organization. I would hope at the same time that we had a greater amount of research at the top of the agency that would look at citywide problems, expanding just beyond the beat.

Two other observations with regard to problem-solving. One is, that, understandably, when a movement like this gets going, some of the initial efforts are rather amorphous, rather awkward, but nevertheless to be committed just as one would commit a baby taking its first steps. But once we get going, I would hope that we could see much more in the way of rigor in the analysis, that we would try to conclusions as to how to deal with the problem differently, and not just invest more in thinking through very critically what we're doing and what might be done differently, getting much more comfortable with the collection and use of relevant data and its analysis.

Finally, we need a major investment in developing methods to evaluate problem-solving. Because it's sort of the last stage, it's put off and often it gets short shrift. It's very unattractive to advocate new approaches with this kind of money, to spend the kind of money rigorously developed support to assure that we are doing see in lieu of past responses in indeed more effective.

LEN: You may be familiar with the adage that there is no solution without its own problems...

GOLDSTEIN: Well, one thing that's been on my mind just the past week or so is that the more advanced forms of problem-solving ask questions about the nature of the problem we're confronting and how better to respond to it. In doing that, I think we're beginning to focus on some very significant sort of things. Let me give you an example. The police in the U.S. have done a lot of work with regard to repeat victimization. I don't attribute their effort to the problem-oriented stuff—they have come about it independently—but it's a parallel development in the sense that they have recognized on analyzing residential burglary that a high percentage of the victims are repeat victims. Therefore, what do you do about the victims? You start to think, OK, what do we do in the way of responses? The responses often consist of individual efforts: getting the housing authority to do something; getting other agencies to make responses; and the police themselves making responses. That kind of analysis leads ultimately to a renewed awareness that preventing crime requires up-front investments, and that we often must look to commercial enterprises to make those investments. It leads to the realization that currently, we essentially allow people to do business regardless of how crimogenic the way in which in which they choose to do business may be. So if we're truly going to be concerned about reducing the incidence of crime, and we want to invest up front in the form of substantial crime prevention, where the responsibility for doing that has economic costs, we get stuck in the middle of all the institutional and economic altercations relating to that. For example, to what extent should information be used to pressure private enterprise to carry on business in ways that contribute less to the crime problem? In this era in which we are reacting so negatively to governmental regulation, it's not very popular to suggest that we impose all kinds of additional regulations on manufacturers, on merchants, on retailers, on landlords, in a variety of ways. But I think that's an issue that we're going to have to confront, because currently there are no constraints, and people are free to do business regardless of how crimogenic their style of doing business may be. And that shifts the costs of the way they're doing business from the business person to the taxpayer. I find that to be a very intriguing and troubling area.

LEN: Which again raises the issue of pessimism...

GOLDSTEIN: Well, there are some aspects of problem-solving which are of greater concern to me as I've watched some of these efforts get trivialized. On the other hand, it is a source of enormous satisfaction for me to see the mass of officers who gather once a year to a massive and very well focused policing conference, attending sessions focused on new approaches and critiquing those approaches. It represents an entirely different focus for the field. To the degree that those people and others not in attendance write up and describe their problem-solving efforts, that reflects the fact that there is a good deal happening out there, and that there is a new whole component of thinking in policing.

LEN: So you think this quiet revolution is still in progress?

GOLDSTEIN: Oh, yes, very, very much so. And there are times when I realize that it's not so quiet.

Calif. court says 3 strikes &

you're...um, well, y'know

A drug addict and robber convicted under California’s three-strikes law had 59 years cut from his sentence last month in what is being called the largest reduction of a sentence in San Diego County since the state Supreme Court granted judges more discretion in deciding such cases.

The case also marks the third time that the defendant, 23-year-old Rogelio Rodarte, has been sentenced in the same case, which began in 1994 when he robbed three people in a San Marco parking lot. Rodarte had four previous

MOVING?

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Court sides with Ohio HP on fitness standards

Continued from Page 1

ADA on physical fitness rules for the officers in the police department. The judges took issue with claims made by the troopers, but "we believe they're wrong," he said.

"The court dodged the issue," Cox told LEN. "I thought the court was somewhat fast and loose in its reasoning. That doesn't mean we would have won, but we believe the reasoning is somewhat amorphous. There were things we should have been heard on the state of our court's "opinion, he said.

Regardless of whether the appellate court agrees to rehear the case, Roberts predicted the issue will resurface when labor contracts with the police begin in the coming month. "We'll try to get some fairness there," he told LEN.

"Officers have been fined, suspended, deprived of overtime details and promotions, and have even been threatened with termination," Cox said. He added that under the old system, cases were "very unfair, not equit-

February 14, 1997

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