

# How I Got Here

Herman Goldstein

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UW Law Professor Emeritus Herman Goldstein is internationally recognized for his groundbreaking work relating to the police. During his 30-year career on the law faculty, beginning in 1964, he taught classes on policing and criminal justice administration to hundreds of students, some of whom subsequently became prosecutors, defense attorneys, law enforcement personnel, and researchers. He wrote numerous articles on topics including the nature of the police function, police discretion, policy-making in policing, and the control of police conduct.

Goldstein's two classic books, *Policing a Free Society* (1977) and *Problem-Oriented Policing* (1990), have had a major impact on the field of policing throughout the world. A third important book, which he co-authored with UW law faculty colleagues, *Criminal Justice Administration*, had a strong influence on the way criminal law is taught.

In this profile, Goldstein looks back on the decisions and twists of fate that took him into the field of policing and brought him to Wisconsin.

**H**erman Goldstein did not grow up with an interest in policing. Nothing in his background, early career aspirations, or academic focus would have predicted that one day he would be known internationally for his expertise relating to the police.

Goldstein was born and raised in New London, Connecticut. His parents were immigrants from Eastern Europe who had met in America, introduced by relatives. His father worked first as a farmer,

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then went into the dairy business in Connecticut; his mother worked before marriage in the garment industry in New York City.

As an undergraduate at the University of Connecticut, Goldstein majored in political science and government. After graduating in 1953, he went on to earn a master's degree in governmental administration from the Wharton School at the University of Pennsylvania, and then accepted an internship with the city of Portland, Maine. The young intern next found himself named to the post of assistant to Portland's city manager.

The job in Portland marked the first time Goldstein turned his attention to policing. "While I was assistant to the city manager we had a crisis in the police department," Goldstein says, "and to clear it up, the city contracted with a nonprofit consulting service to municipal governments:

Public Administration Service (PAS). The organization sent the leading expert on policing in the U.S., O. W. Wilson, who was then Dean of the School of Criminology at the University of California, to work on the study, and it was my good fortune to be assigned to work with him."

### **Studying What Really Goes On**

Goldstein and Wilson worked well together, and out of this partnership came a new responsibility for Goldstein. Wilson had just been named a consultant for a study by the newly created American Bar Foundation (ABF) on the administration of criminal justice in the United States. It was an ambitious survey, initially proposed by U.S. Supreme Court Justice Robert H. Jackson and funded by the Ford Foundation, focused on the major institutions having a role in implementing the criminal law: police, prosecutors and defense counsel, courts, and corrections.

"Those who planned the survey wanted to find out how these agencies operated and interrelated in their daily work; and how their actions affected suspects and offenders," Goldstein says. "In the mid-1950s, there was a high level of concern about the increase in crime, the quality of justice, and the abysmal lack of knowledge about the day-to-day actions of police, prosecutors, defense counsel, and judges. It was widely recognized that an enormous gap had developed between the statutory provisions for dealing with crime and the way in which authority was actually used on the streets and in the courtrooms. The plan was to document day-to-day practice by assigning young people with some experience in the four key areas to observe what was *really* going on in the field."



Goldstein, recommended by Wilson, was hired for the first team of researchers and assigned to study the police. It was a decision that led to his entire professional career in Wisconsin, because the director of field research for the survey was Professor Frank Remington of the UW Law School. "Remington and the Law School faculty were strongly committed to the importance of studying the law in action," Goldstein says, "and this was the ultimate

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Meanwhile, a second team had gone to Kansas. "Even before we finished in Detroit," Goldstein recalls, "it became apparent that the richness

of the in-depth observations were far more valuable than simply gathering surface data or covering more jurisdictions, so the plans for the survey were radically redesigned to realize the maximum benefit from the observations that proved so productive." Instead of covering every state, the survey ended up focusing on three.



Herman Goldstein, age 17

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In 1956 Remington sent the first team of five researchers to Milwaukee, starting in Wisconsin because he knew the state's criminal justice system and its key personnel.

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The field researchers accompanied the police in squad cars, on foot, in detective investigations, on surveillance, and in processing arrestees. When they finished a tour, they would record detailed observations.

The team moved on to Ashland, Eau Claire, and Madison, and then set out for a new state: Michigan.

It took two years to complete the field work. At this point, Remington, working with noted Columbia University criminologist Lloyd Ohlin, who had developed the research techniques for the study, secured funds for a summer seminar at the UW Law School to begin to mine the volumes of recorded observations. Eight young professors teaching criminal law from around the country were invited to participate. Several of them wrote law journal articles based on the data, and they and others took on responsibility for writing up the survey's results, which were published in a series of six books under the editorship of Remington.

"These volumes quickly influenced the literature on crimi-

nal procedure, on policy issues in criminal justice administration, and on criminology," Goldstein says. "Arrest, the volume that reported many of the findings on police practices, was written by Wayne LaFave, who joined the study as a UW Law School graduate student and was subsequently appointed to the faculty at Illinois. His book became one of the most commonly cited studies in court decisions relating to the uses of arrest, injecting a consideration of actual practice into judicial reasoning."

### Reforming the Chicago Police

When Goldstein's fieldwork on the study ended in 1957, he returned to his initial interest in municipal government, working again with PAS. One night, about a year and a half later, he received an unexpected call.

Chicago was in the throes of a major scandal in which police officers were using squad cars to haul away products they had stolen from unattended warehouses. The Police Commissioner resigned, and Mayor Richard Daley established a committee to select his replacement. Chairing this committee was Goldstein's mentor, O. W. Wilson. When no suitable candidate could be found, Wilson himself was persuaded to take the job. Goldstein's night-time call was from Wilson, asking him to join his staff to assist in the reform effort.

"I was so apprehensive about the possibility of bringing reform to Chicago," says Goldstein "that I hesitated to take the offer." Instead, arrangements were made for Goldstein to assist Wilson while remaining on the payroll of PAS. But after about six months, it became apparent that Wilson, with Daley's strong support and under a three-year contract guaranteed by Lloyd's of London, was going to have a good chance to bring about major change. Goldstein then signed on as Wilson's executive assistant, and spent four



Goldstein in his Law School office in the late 1980s. Goldstein's work made Wisconsin the home of a new academic field for research and teaching about the police function.

years in that position.

"It was a remarkable experience," Goldstein says. "We turned the department upside down. More than a thousand police officers left their jobs after the first year, some because they realized the magnitude of the impending change and some, no doubt, because their income would be limited to their salaries."

### **An Invitation from Wisconsin**

In 1963, Goldstein's prior contacts with the UW Law School resulted in an important new chapter in his life. In response to a proposal prepared by Frank Remington, the Ford Foundation, which had sponsored the ABF study, provided the funds to enable the Law School to develop an academic program of teaching and research focused on the realities

of policing. It included funding to place law students in police agencies in the summer months. Goldstein, who by now was sharing his growing expertise on policing in talks and articles, was to be the anchor of the program; he was offered a position on the faculty.

While Goldstein was considering the move to Madison, he received a letter from the Law School's renowned legal history scholar, J. Willard Hurst, warmly encouraging him to accept the position. Goldstein still has the letter, which makes it clear that from the beginning this young man was seen as a pioneer in an exciting new field of study.

Hurst wrote:

"...there is a very positive desire to see you here, and a very positive belief that through your work the

university could enter and enlarge a whole new field of scholarship and of public service.

"From the ... standpoint of law-in-action research, which has been an approach central to the most productive activity in this law faculty, there is challenge and excitement in the notion that we might bring police operations within the domain of administrative law, as a researchable and teachable area. Given the working reality, that the bulk of public policy expressed in the criminal law finds its whole content in what the police do or do not do, it is disturbing testimony to the limited imagination which has confined work in administrative law that up to date there has been practically no law school effort to come to terms with the operating values in police activity."

Goldstein accepted the position. In 1964 he arrived at the Law School, where he began a longtime working relationship with the criminal law faculty. Under Remington's leadership, Professors Goldstein, Marygold Melli, Edward Kimball, and Donald Newman transformed the way they were teaching criminal law. They focused on the study of "what really was happening," moving away from the traditional concentration on Supreme Court decisions. The first-year offering in criminal law was expanded to two courses, one devoted to substantive criminal law and the other to procedure. To signal the breadth of the second-semester course, it was titled Criminal Justice Administration. This was also the name of the colleagues' comprehensive co-authored textbook, which drew heavily on the results of the ABF study.

### **Students in Squad Cars**

Students in the Law School's criminal justice administration class were now given the rare opportunity to observe policing in action. "We started taking 60 to 70 students

down to Chicago each year — in the days when one could go by train from Madison — and placed them in the field on a Friday night,” Goldstein says. “They accompanied police officers as they responded to calls and initiated investigations on the streets. Then we would go to court on Saturday morning to see what happened to those individuals who were arrested the night before. And after a short rest, the students would go out into the field again Saturday night.

“The ‘street experience’ had a strong impact on the way students approached their course work for the rest of the semester, and hopefully, in their legal careers,” Goldstein says.

Goldstein established his own courses in policing, including the longtime core course, *The Role of the Police in a Free Society*. His students subsequently took their knowledge of the realities of policing into a variety of careers, including policing itself, law, government, teaching, and research.

Goldstein was also writing prolifically, especially about the need to control the unbridled discretion exercised by the police, which was vividly documented in the ABF study. In line with Hurst’s aspirations, Goldstein advocated that police administrators be recognized as important policy-makers; that they use an adaptation of the administrative rule-making process to structure the vast discretion they exercised so as to bring greater responsibility and accountability to their actions.

In 1967, both Goldstein and Remington became consultants to President Johnson’s Commission on Law Enforcement and Administration of Justice. The two professors authored a chapter of the commission’s report that explained the need for police agencies to develop policies covering sensitive aspects of their operations, and the commission, in its summary report, strongly endorsed their recommendations.

Within a relatively short time, police agencies began to adopt policies covering such practices as the use of force, high-speed chases, and stopping and questioning.

In 1977 Goldstein published what he considers his major work, *Policing a Free Society*, which one reviewer called “the most important general treatise ever written on the American police.”

Goldstein continued to do field-based research, working on projects with the Madison Police Department “to test my theories.” Gold-

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stein’s practice of connecting his students with the Madison police to work on research projects resulted in a mutually beneficial partnership between the police and the Law School. “Our students helped develop a lot of the Madison Police Department’s policies,” Goldstein notes. “They worked with police in drafting them and putting them in place.”

### **The Origin of POP**

When Goldstein, Remington, and their colleagues reorganized the Law School’s criminal law course materials, they gradually came to use a method that gave rise to the radically new concept of problem-oriented policing (often shortened to the one-syllable “POP”), for which Goldstein subsequently became known internationally.

“We organized the teaching materials around five or six behavioral problems, exploring the usual criminal law procedural issues in the context of each problem,” Goldstein says. “We found that the issues relating to the use of informants, search, and even arrest surfaced in different ways and with much greater clarity if they were explored in relation to a

specific behavior. And as we did this, we realized more and more that the approach had special relevance to police.”

Goldstein elaborates, “The police had a generic response to everything they did: enforce the law. This was without regard to its appropriateness or effectiveness. This frequently resulted in their overuse of the authority to search and to arrest when some other less intrusive action would be more effective for dealing with the problem.”

These realizations led to Goldstein’s path-breaking article, “Improving Policing: A Problem-Oriented Approach,” published in 1979 in the journal *Crime & Delinquency*.

“Initially,” Goldstein says, “it went over like a lead balloon because the police reaction was ‘We know how to do our job better than you do.’” But the concept gained momentum, and with the passage of time, some began to see it as a movement. Goldstein himself is more cautious, always emphasizing that the use of POP “remains spotty and fragile in the enormous world of policing.” He does acknowledge that the concept has outlived many other police innovations, and, for some, it has revolutionized the way they look at the police job.

As Goldstein wrote in his Foreword to Michael Scott’s retrospective report, “Problem-Oriented Policing: Reflections on the First Twenty Years”:

“Problem-oriented policing recognizes, at the outset, that police are expected to deal with an incredibly broad range of diverse community problems — not simply crime. It recognizes that the ultimate goal of the police is not simply to enforce the law, but to deal with problems effectively — ideally, by preventing them from occurring in the first place. It therefore plunges the police into an in-depth study of the specific problems they confront. It invites consideration of a wide range of alternatives, in addition to





Goldstein and members of the Edmonton, Canada Police Department. Goldstein worked with the Edmonton force on several occasions, helping the police and city to implement a system of problem-oriented policing. The department honored him with an award inscribed to “a mentor and visionary who inspires our quest for excellence in policing.”

criminal law, for responding to each specific problem.”

POP has been adopted and adapted in police agencies throughout the nation and the world, and Goldstein (to his embarrassment) is often called the Father of Problem-Oriented Policing. Goldstein himself worked with agencies near and far to help implement the POP approach.

Because the POP method helps the police to do their job more effectively, Goldstein receives messages of thanks “from the individual police officer all the way up to those in charge of large agencies.” One Wisconsin police chief who participated in a Law School summer seminar wrote in his anonymous evaluation, “You have challenged me to examine policing in a way that nobody ever has before. I cannot thank you enough.”

In addition to receiving numerous awards himself, Goldstein has been honored to have a high-level international award named after him: the POP Center’s Herman

Goldstein Award for Excellence in Problem-Oriented Policing. Applications describing innovative and successful POP projects are submitted by agencies all over the world; the winning project in 2007 was “Intervention with Problem Families,” submitted by the Lancashire Constabulary (U.K.).

#### Current Projects

Goldstein took emeritus status from the Law School in 1994 but is still actively involved in his long-time field. He continues to receive frequent invitations to speak to police organizations in the U.S. and abroad, accepting some but declining many.

“Recently I’ve cut down my travel and my talks,” he says. “Apart from supporting major efforts to advance problem-oriented policing, I’ve been drawn to initiatives to reform agencies in countries where police powers have been grossly abused, like Chile, Argentina, Brazil, to help these governments formulate

plans for creating police agencies better equipped to support and extend democratic values.”

Goldstein works closely with POP Center Director Michael Scott, his successor in teaching policing studies at the Law School. (See the cover story on page 8 for more about Scott’s work.) When the Center conducted three highly successful summer seminars for Wisconsin police chiefs and sheriffs, and co-hosted the 17th and 18th annual international POP conferences with the Madison Police Department, Goldstein was gratified at this latest evidence that the concept he originated several decades ago is continuing to bring more effectiveness and satisfaction to the work of policing.

At the September 2007 international conference at Monona Terrace, where officers from Blackpool, England, made a presentation about their experiment on the best way to deal with violence in bars and nightclubs, Goldstein particularly noted the substance of the presentation and of the animated informal discussions that followed.

“The point of the conference,” he says, “is for police to be presented with results of the very best and most rigorously-evaluated experiments — ones that make use of new, creative alternatives for effectively responding to old problems. When you see officers from Northern Ireland sitting around during a break with officers from Wisconsin, discussing an experiment by English police that was conducted and evaluated with the best social-science techniques, you feel a sense of great progress.”

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*Herman Goldstein and his work are also discussed in the Gargoyle cover story on police studies at the Law School, beginning on page 8. A video-recorded interview of Goldstein is accessible on the Web site of the Center for Problem-Oriented Policing: [www.popcenter.org](http://www.popcenter.org).*