To: Participants in the British Transport Police Leadership Program (16-20 November 2015)

From: Malcolm K. Sparrow & Mark H. Moore (Harvard University)

Date: 9th October 2015.

We are both looking forward to working with you on the BTP Leadership program in November. We appreciate the serious investment of time and energy that BTP is making, and that each of you will be making also, by committing a full week to this course.

This packet contains the readings for the course. They may at first seem overwhelming, but they are designed to represent roughly two hours of reading in advance of each day in the classroom. So on a "per day" basis they should seem more manageable. The entire packet is being provided to you well in advance of the course for the sake of those who would want to get a head start on the readings and reduce the reading time required during the course itself.

Much of our executive-level teaching at Harvard is by the Case Method, where class discussion begins with analysis of a specific managerial dilemma described in a case narrative (which students read in advance). We will be using the case method in several of the classes in this course. Hence roughly half of this packet consists of case narratives, each of which illustrates particular leadership challenges that we will discuss together. We have included up front a short guidance note on how to prepare for case discussion classes, as many of you may be unfamiliar with this particular teaching method.

This reading packet also contains background readings in the form of published papers and book chapters that are relevant to the subject areas we will be addressing together. We will make printed copies of *some* of the readings available to you during the course, but they are *all* included here in this electronic packet for the sake of those of you who would like to read ahead, and especially for those who prefer to have all the readings in one electronic file.

The readings are arranged in the order in which they will be used. The section for each day of the course starts with a syllabus outline for that day, and this provides "Study Questions" for each session. These questions give you specific issues to hold in mind as you do the preparatory reading. You'll find these questions useful in focusing your reading.

We look forward to meeting you all in November.

P.S. <u>One minor inconvenience</u>: Three of the cases are "protected" in such a way that they cannot be integrated into the reading pack. These are "General Electric, 1984" and "NYPD New," for Monday; and "Reverend Jeffrey Brown: Cops, Kids & Ministers" for Wednesday. These documents are therefore distributed as separate files, and will accompany the distribution of the reading packet.

Professor Mark H. Moore

Mark H. Moore is currently the Hauser Professor of Nonprofit Organizations at Harvard's Kennedy School of Government. His current work focuses on understanding and improving the practices of social entrepreneurship, social change-making, and cross-sector public problem-solving. Previously, he has been the Simon Professor of Organization, Management, and Education at Harvard's Graduate School of Education and a Visiting Professor at Harvard's Business School. His initial appointment at Harvard was as the Guggenheim Professor of Criminal Justice Policy and Management. He was the Founding Chair and Faculty Director of three key initiatives at the Kennedy School: the Hauser Center for Nonprofit Organization, the Program in Criminal Justice Policy and Management, and the Kennedy School's Executive Education Programs.

His research interests are public management and leadership, social innovation and change, civil society and community mobilization, and criminal justice policy and management. His publications include *Creating Public Value: Strategic Management in Government; Recognizing Public Value; Dangerous Offenders: The Elusive Targets of Justice; From Children to Citizens: The Mandate for Juvenile Justice; and Beyond 911:* A *New Era for Policing.*

Moore holds a B.A. from Yale University (Summa Cum Laude and Honors with Exceptional Distinction in Political Science and Economics),and an M.P.P. and Ph.D. from the Kennedy School of Government, Harvard University.

Professor Malcolm K. Sparrow

Malcolm K. Sparrow is Professor of the Practice of Public Management at Harvard's John F. Kennedy School of Government. He is Faculty Chair of the school's executive program "Strategic Management of Regulatory and Enforcement Agencies." Professor Sparrow's recent publications include:

- *The Character of Harms: Operational Challenges in Control* (Cambridge University Press, 2008)
- *The Regulatory Craft: Controlling Risks, Solving Problems, and Managing Compliance* (Brookings Press, 2000)
- *License to Steal: How Fraud Bleeds America's Health Care System* (Westview Press, 2000)

He served 10 years with the British Police Service, rising to the rank of Detective Chief Inspector. He has conducted internal affairs investigations, commanded a tactical firearms unit, and has extensive experience with criminal investigation. His research interests include regulatory and enforcement strategy, fraud control, corruption control, and operational risk management. He is also a patent-holding inventor in the area of computerized fingerprint analysis and is dead serious at tennis. He holds an MA in mathematics from Cambridge University, an MPA from the Kennedy School, and a PhD in Applied Mathematics from Kent University at Canterbury.

Monday	Tuesday	Wednesday	Thursday	Friday
11/16/2014	**11/17/2014**	**11/18/2014**	**11/19/2014**	**11/20/2014**
9:00 - 10:30 am **Welcome & Introduction** **Chief Constable Paul Crowther** **Lecture & Discussion:** **The Job of a Public Executive** Mark Moore	9:00 - 10:30 am **Discussion: Understanding the Risk Control Performance Account** Malcolm Sparrow	9:00 - 10:30 am **The Social Production of Security (Co-Production)** **Case: "Reverend Jeffrey Brown: Cops, Kids and Ministers"** Mark Moore	9:00 - 10:30 am **Political Engagement** **Case: "Please Be Patient: The Seattle Solid Waste Facility Meets the Press"** Mark Moore	9:00 - 10:30 am **Data, Crime Analysis & POP** **Case Discussion:** **"One Week in Heron City (Case B)"** Malcolm Sparrow
Break 10:30 - 11:00 am	**Break 10:30 - 11:00 am**	**Break 10:30 - 11:00 am**	**Break 10:30 - 11:00 am**	**Break 10:30 - 11:00 am**
11:00 - 12:30 pm **Corporate Strategy in the Private Sector.** **Case: "General Electric, 1984"** Mark Moore	11:00 - 12:30 pm **Discussion (continued):** **Risk Control Performance Account** Malcolm Sparrow	11:00 - 12:30 pm **The Social Production of Security (Co-Production)** **Case: "The Boston Gun Project"** Malcolm Sparrow & Mark Moore	11:00 - 12:30 pm **Lecture & Discussion:** **Recent Developments in the Theory & Strategy of Policing** Malcolm Sparrow & Mark Moore	11:00 - 12:30 pm **Group Exercises based on BTP Cases:** **Implementing Problem-Oriented Policing: Protocols & Infrastructure** Malcolm Sparrow
12:30 pm - 1:30 pm **Lunch**	12:30 pm - 1:30 pm **Lunch**	12:30 pm - 1:30 pm **Lunch**	12:30 pm - 1:30 pm **Lunch**	12:30 pm - 1:30 pm **Lunch**
1:30 - 3:00 pm **Lecture & Discussion:** **Creating Public Value** **Strategic Management in Government** Mark Moore	1:30 - 3:00 pm **Strategy in Police Organizations** **Case Discussion:** **"Fighting Fear in Baltimore County"** Mark Moore	1:30 - 3:00 pm **The Social Production of Security** **A Three Sector Approach** **Case: "Resourcing the Metropolitan Fire Brigade"** Mark Moore	1:30 - 3:00 pm **Group Exercise & Discussion:** **Managing Discretion** Malcolm Sparrow	1:30 - 3:00 pm **Group Exercises based on BTP Cases:** **Implementing Problem-Oriented Policing: Protocols & Infrastructure** Malcolm Sparrow
Break 3:00 - 3:30 pm	**Break 3:00 - 3:30 pm**	**Break 3:00 - 3:30 pm**	**Break 3:00 - 3:30 pm**	**Break 3:00 - 3:30 pm**
3:30 pm - 5:00 pm **Recognizing Public Value Creation** **Measuring Police Performance** **Case: "NYPD New"** Mark Moore	3:30 pm - 5:00 pm **The Continuing Evolution of Policing** **Case Discussion:** **"One Week in Heron City" (Case A)** Malcolm Sparrow & Mark Moore	3:30 pm - 5:00 pm **The Social Production of Security** **Public/Private Partnerships** **Group Exercise & Discussion** Malcolm Sparrow	3:30 pm - 5:00 pm **Group Exercise (continued):** **Managing Discretion** Malcolm Sparrow	3:30 pm - 5:00 pm **Group Exercises based on BTP Cases:** **Special Categories of Risk** Malcolm Sparrow **Closing Remarks:** **Chief Constable Paul Crowther**

AN INTRODUCTION TO THE CASE STUDY METHOD
Preparation, Analysis, And Participation

Introduction

A case study is a written description of a problem or **situation.** Unlike other forms of stories and narrations, a case study **does not include analysis or conclusions**, but **only the facts** of a story arranged in a chronological sequence. The **purpose** of a case study is to **place participants in the role of decision-makers, asking them to distinguish pertinent from peripheral facts, to identify central alternatives among several issues competing for attention, and to formulate strategies and policy recommendations.** The method provides an opportunity to sharpen problem-solving skills and to improve the ability to think and reason rigorously.

Most cases depict real situations. In some instances, the data is disguised, and infrequently, the case may be fictional. Cases are not intended to be comprehensive or exhaustive. Most cases are snap shots of a particular situation within a complex environment.

The focus of a case study is on a main protagonist who is shown at the point of a major decision. Typically, the information presented is only what was available to the protagonist in the real situation on which the case is based. Thus, as in real life, important information is often unavailable or incomplete. Because a case study describes reality, it may be frustrating. "Real-life" is ambiguous, and cases reflect that reality. A "right" answer or "correct solution" is rarely apparent.

Although the case study method is principally used in the development and improvement of management skill and leadership ability, its usefulness is not limited to this field. For example, case study pedagogy is also used to teach medical diagnosis to doctors, classroom skills to teachers, and legal decision-making to lawyers. This educational method is useful whenever decision-making must be derived primarily from skillful analysis, choice, and persuasion. The case study method actively engages the participant in these processes: first, in the analysis of the facts and details of the case itself; second, in the selection of a strategy; and third, in the refinement and defense of the chosen strategy in the discussion group and before the class. The case method does not provide a set of solutions, but rather refines the student's ability to ask the appropriate questions and to make decisions based upon his or her answers to those questions.

Preparation

The case study method is demanding and requires significant preparation time and active class participation. It is intended to build on experiences of the class members and to allow them to learn from one another as well as from the materials and from faculty members. Differences in analysis among participants and faculty members typically arise, and conflicting recommendations emerge as participants with varied perspectives, experiences and professional responsibilities consider the case.

Preparation of a case for class discussion varies with the background, concerns, and natural interests of participants. **In general, it is helpful to follow these steps:**

1. **Skim the text quickly to establish the broad issues of the case and the types of information presented for analysis.**
2. **Reread the case very carefully, underlining key facts as you go.**
3. **Note on scratch paper the key problems. Then go through the case again and sort out the relevant considerations and decisions for each problem area.**
4. **Prioritize these problems and alternatives.**

5. **Develop a set of recommendations to address these problems.**
6. **Evaluate your decisions.**

<u>Participation</u>

Much of the richness of the case study method comes from the class discussion of the cases. The differences which emerge though discussion add richness and dimension to consideration of the issues. It is often helpful to meet with a small number of participants before class to review data, compare analyses, and discuss strategies. This is the time to test and refine your choice of strategies, and to explore and enrich your understanding of the issues in the case through the perspectives of others.

The faculty member's role is to involve many participants in presenting and defending their analyses and recommendations. The faculty member moderates discussion, calling on participants, guiding the discussion, asking questions, and synthesizing comments. Discussion is intended to develop and test the nature and implications of alternate solutions.

The success of a case study class depends largely on your active and vigorous participation. Remember to:

1. **Assert your ideas and prepare to support them.**
2. **Listen to others and evaluate their positions.**
3. **Keep an open mind and be willing to change it with new insights or evidence.**
4. **Make a decision; avoid equivocating.**
5. **Enjoy yourself.**

<u>General Notes on Case Studies</u>

A case should seem difficult. If a case seems difficult, it is invariably because the student is thinking and has recognized a need for additional information. There is no such thing as a state of perfect knowledge and all decisions are made under varying degrees of uncertainty. It is just as important to know what information is missing, and its relative importance, as it is to be able to decide upon a course of action.

All cases are not meant to be alike. All cases do not require identical emphasis. Many students who enjoy case analysis in one discipline, may be frustrated by cases in another field. In certain disciplines, problem identification and definition alone may be emphasized because of the nature of the discipline; in other fields problems may be elusive but solutions relatively obvious. Development of alternatives may be emphasized to a greater degree in certain other cases.

Cases offer multiple perspectives. Although a case is traditionally written from the viewpoint of a main protagonist, each case includes a variety of characters with major and minor roles. It is often equally productive to analyze those characters' perspectives, problems, challenges, and opportunities.

Half of the value is in the discussion. Although much can be derived from simply reading cases, much of the true benefit of cases comes from discussion. The case method allows participants to learn from one another as well as from the materials and faculty members. It allows for a sharing of varied perspectives and values in a non-threatening discussion format not ordinarily found in non-classroom settings.

Case discussions vary. No two class discussions of a case are the same. Professors who teach cases often can attest to the variety of possible outcomes inherent in any case discussion. New students bring new insights, which make case teaching as educational for the professor as for the students.

Monday

16th November 2015

Monday – 16th November 2015

Welcome & Introduction: Chief Constable Paul Crowther

Introduction to Strategy in the Public Sector

Session 1: (Moore) The Job of a Public Sector Executive: A Discussion

Subjects for Discussion: The rights and responsibilities of those who hold positions of authority in public sector organizations. Different social actors to whom one owes loyalty. Defining excellence in the performance of public sector managers. Important values to be expressed in and to be achieved through actions of public sector management.

Reading: Mark H. Moore, Creating Public Value, Extracts (pages 27-38 & 70-76).

Questions:

1) How would you define the job of a public sector executive?
2) What defines their purpose?
3) What assets do they have to deploy?
4) How is their work evaluated?
5) What distinctive contribution does society rely on them to make?

Session 2: (Moore) Corporate Strategy in the Private Sector

Subjects for Discussion: Contrasting roles of top and mid-level managers in the private and public sectors. Different structures of accountability and measures of performance. Different ideas about what a "strategy" for an organization looks like and is designed to do. Implications for practices of management at the top and mid-levels of public organizations.

Reading: "General Electric, 1984"

Questions:

1) How would you assess the changes in GE since Jack Welsh took over? What potential problems, if any, do you see?

2) What role do you think Welsh's efforts to define the "strategy" of GE played in his ability to lead the company towards improved performance? What goes into developing a successful strategy for a company?

3) Are any of these ideas useful to public sector executives as they try to lead their organizations?

Session 3: (Moore) Creating Public Value: Strategic Management in Government

Subjects for Discussion. The concept of "public value". The concept of the "strategic triangle" as a device for searching the "task environment" and the "authorizing environment" for value creating opportunities. Collective, public "arbiters of value" as opposed to individual customers. The difference between citizens and taxpayers on one hand, and "clients" on the other. Service encounters v. obligation encounters. Social outcomes as measures of value rather than client satisfaction. Co-production of social outcomes.

Reading: As above for Session 1: Mark H. Moore, Creating Public Value, Extracts.

Lecture: Public Value and the Strategic Triangle

Session 4: (Moore) Recognizing Public Value Creation: Measuring Police Performance

Subjects for Discussion: Developing the equivalent of a "bottom line" for public agencies in general, and policing in particular. Different dimensions of public value affected by public agencies – not all in the "core mission." Cost as a dimension of public value, and cost reduction as a goal. Use of authority as a "cost" in public agencies in general, and policing in particular. Process values focused on fair treatment, and substantive values focused on the achievement of a just as well as a prosperous and sociable society. Demands for accountability. Legitimacy as both a means and an end to public value creation. The kinds of work required to build a system for recognizing public value.

Reading: "NYPD New"

Questions:

1) What is the mission of the NYPD? To what extent is mission performance captured in the measure of levels of reported crime, or clearance rates for crimes, or speed of response to calls for service?

2) Are there important dimensions of value that are not easily contained in the explicit mission of the NYPD? What are they?

3) If you were a Chief Constable, what would you like to be called to account for producing? Are measures available for these different aspects of performance?

4) Consider how you might evaluate the performance of the police department if you were: 1) a victim of crime; 2) a criminal offender; 3) witness to a crime; 3) repeat victim of domestic violence; 4) school truant; 5) mother of children who use schools and parks; 6) taxpayer; 7) citizen at large? Would you want the same things from a police department? How can differences be reconciled?

5) It is possible to see particular dimensions of value produced by public organisations in two different ethical frameworks. One is the familiar utilitarian context: namely, whether a particular government effort "works" to produce socially desired results, or satisfy government "customers." The other is a context described in political philosophy as deontological: namely, whether a government is acting justly and fairly towards its citizens (including most importantly the protection of their constitutional rights); and (more ambitiously) whether the government is helping to ensure "right relationships" in the society where individuals get what they are entitled to have, and meet the obligations that are justly imposed on them for the common good. See if you can fill in the following matrix with specific concepts and/or measures for a police Department.

	Utilitarian Values	*Deontological Values*
Individual Arbiter of Value	Individual Satisfaction	Individual Rights
Social Arbiter of Value	Social Welfare	Social Justice

CREATING PUBLIC VALUE

STRATEGIC MANAGEMENT IN GOVERNMENT

Mark H. Moore

HARVARD UNIVERSITY PRESS
Cambridge, Massachusetts
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CHAPTER 2

DEFINING PUBLIC VALUE

On the day he was appointed, the sanitation commissioner drove through the city.[1] Everywhere he saw signs of public and private neglect. Trash barrels left too long at the curb were now overflowing. Back alleys hid huge, overflowing bins that had never made it to the curbs. Emptied bins were ringed by trash spilled during the emptying. In the poorer sections of town, rats scurried among the cans.

Perhaps because he was newly appointed, the commissioner felt his public accountability quite keenly. The city spent a great deal of money each year to sustain the organization's activities. Hundreds of employees earned their pay and made their careers in his organization, and scores of trucks were garaged, maintained, and deployed under his supervision. Most important, millions of people relied on his organization to keep the city clean and healthy.

Happily, as he drove through the city, he saw evidence of his organization at work. Huge trucks, painted in distinctive colors, rumbled by, trailed by sanitation workers who tipped garbage pails into their gaping maws. Street-cleaning machines trundled along the gutters in the wake of the tow trucks that removed illegally parked cars from their path. An occasional street sweeper appeared with broom and dustbin, emptying the cans that had been set out to hold the public's litter.

Still, he could not help thinking that his organization could do more. As the newly appointed commissioner, he wanted to make a difference. He wanted his organization to have an impact on the conditions he could see around him. He wanted to create value for the citizens of the city. But how?

The question seemed particularly urgent because the newly elected mayor had asked him to define and set out his management objectives for the Department of Sanitation. As part of that strategic plan, the mayor wanted to know whether it would be advisable to privatize some or all of the operations of the Department of Sanitation.

The Aim of Managerial Work

The sanitation commissioner is a manager at work. The question is: At work on what? What is the point of his efforts?

We know the aim of managerial work in the private sector: to make money for the shareholders of the firm.[2] Moreover, we know the ways in which that goal can be achieved: by producing products (including services) that can be sold to customers at prices that earn revenues above the costs of production.[3] And we know how managerial accomplishments can be gauged: through financial measures of profit and loss and changes in the firm's stock price.[4] If private managers can conceive and make products that earn profits, and if the companies they lead can do this continually over time, then a strong presumption is established that the managers have created value.[5]

In the public sector, the overall aim of managerial work seems less clear; what managers need to do to produce value far more ambiguous; and how to measure whether value has been created far more difficult. Yet, to develop a theory of how public managers should behave, one must resolve these basic issues. Without knowing the point of managerial work, we cannot determine whether any particular managerial action is good or bad. Public management is, after all, a normative as well as technical enterprise.

As a starting point, let me propose a simple idea: the aim of managerial work in the public sector is to create *public* value just as the aim of managerial work in the private sector is to create *private* value.

This simple idea is often greeted with indignation—even outrage. A liberal society like ours tends to view government as an "unproductive sector." In this view government cannot create value. At best, it is a necessary evil: a kind of referee that sets out the rules within which a civil society and a market economy can operate successfully, or an institution that fills in some of the gaps in free market capitalism. While such activities may be necessary, they can hardly be viewed as value creating.

Government as a Value-Creating Sector

But this view denies a reality that public managers experience daily. From their perspective it is government, acting through its managers, that shields the country from foreign enemies, keeps the streets safe and clean, educates the children, and insulates citizens from many man-made and natural disasters that have impoverished the lives of previous human generations. To them it seems obvious that government creates value for the society. That is the whole point of their work.

Of course, this account is not entirely satisfactory; it looks only at the benefits of governmental activity, not at the costs. In reality public managers cannot produce the desirable results without using resources that have value in alternative uses. To keep the streets clean; to insulate the disadvantaged from the ravages of poverty, ignorance, and joblessness; even to collect the taxes that society has agreed are owed, public managers must have money to purchase equipment, pay their workers, and provide mandated benefits to clients. The money they use is raised through the coercive power of taxation. That money is lost to other uses—principally, private consumption. That loss must be laid against the putative benefits of public enterprises.

Moreover, to achieve their goals, public managers often use a resource other than money: they use the authority of the state to compel individuals to contribute directly to the achievement of public objectives.[6] Litterers are fined to help keep the cities clean; welfare recipients are sometimes obliged to find work; and every citizen is made to feel the weight of the obligation to pay taxes to help the society achieve its collective goals.[7]

In a society that celebrates private consumption more than the achievement of collective goals, values individual liberty greatly, and sees private entrepreneurship as a far more important engine of social and economic development than governmental effort, the resources required by public managers are only grudgingly surrendered. So, it is not enough to say that public managers create results that are valued; they must be able to show that the results obtained are worth the cost of private consumption and unrestrained liberty forgone in producing the desirable results. Only then can we be sure that some public value has been created.

The Political Marketplace: "We Citizens" as a Collective Consumer

But to whom should such a demonstration be made? And how could anyone know whether the demonstration is convincing?

In the private sector these key questions are answered when individual consumers stake their hard-earned cash on the purchase of a product, and when the price paid exceeds the costs of making what is sold. These facts establish the presumptive value of the enterprise. If individuals do not value the products or service enough to pay for them, they will not buy them; and if they do not buy them, the goods will not be produced.[8]

In the public sector, however, the money used to finance value-creating enterprises is not derived from the individual, voluntary choices of consumers. It comes to public enterprises through the coercive power of taxation. It is precisely that fact that creates a problem in valuing the activities of government (at least from one point of view).[9]

The problem (from this point of view) is that the use of the state's coercive power undermines "consumer sovereignty"—the crucial link between the individual judgments of value on the one hand and control over what is to be produced on the other, which provides the normative justification for private sector enterprises.[10] The coercion blots out the opportunity for individuals to express their individual preferences and to have those preferences control what is to be produced. Because individuals do not choose individually to purchase or contribute to discrete governmental activities, we cannot be sure that they want what the government supplies. And if we cannot be sure that individuals want what the government produces, then, by some reckoning at least, we cannot be sure that the government produces anything of value.

What this account overlooks, however, is that the resources made available to public sector managers *are* made through a process of voluntary choice—namely, the process of representative government. To be sure, *individual,* voluntary choice does not control this system. But the institutions and processes of representative democracy come as close as we now can to creating the conditions under which individuals can voluntarily assemble and decide collectively what they would like to achieve together without sacrificing their individual desires. It is the only way we know how to create a "we" from a collection of free individuals.[11] That "we," in turn, can decide to make common cause, to raise resources, and to organize to achieve its goals—all the activities that go into the policy-making and implementation roles associated with government.

Indeed, it is the explicit recognition of the power of politics to establish normatively compelling collective purposes that makes legislative and political mandates central to traditional conceptions of public administration. Those legislative mandates properly guide public sector production specifically because they define collective aspirations. The collective aspirations, in turn, establish a presumption of public value as strong as the presumption of private value created by market mechanisms—at least if they can be achieved within the terms of the mandate. So, we should evaluate the efforts of public sector managers not in the economic marketplace of individual consumers but in the political marketplace of citizens and the collective decisions of representative democratic institutions.[12]

Precisely to make such demonstrations the sanitation commissioner prepares a plan to present to the newly elected mayor. In doing so, he tries to satisfy representatives of the public that his organization responds to the public's aspirations. Once he presents the plan, he will be accountable for producing measures to show that the goals and objectives of the plan have, in fact, been achieved.[13]

The claim that public managers can presume that public value is created if they meet the test of the political marketplace is also often greeted by derision. We have all become painfully aware of the folly and corruption that can beset the deliberations and choices of representative democratic institutions.[14]

Practicing public managers, however, have no choice but to trust (at least to some degree) in the normative power of the preferences that emerge from the representative processes. Those choices establish the justification for managerial action in the public sector. Because public managers spend public resources in the enterprises they lead, they must act as though a coherent and normatively compelling "we" existed even if they have their doubts. Otherwise, their enterprises are ill-founded.

DIFFERENT STANDARDS FOR RECKONING PUBLIC VALUE

Reconciling the tension between the desire to have democratic politics determine what is worth producing in the public sector and the recognition that democratic politics is vulnerable to corruption of various kinds has been the persistent challenge to those who would offer a theory of public management in a democracy.[15] Over time, we have relied on different concepts as standards for defining managerial purposes.

Achieving Mandated Objectives Efficiently and Effectively

For most of our recent history, the predominant conception has been that public managers should work to achieve the legislatively mandated goals and objectives of their organizations as efficiently and effectively as they can.[16] Thus, the sanitation commissioner's job is to clean the streets as efficiently and effectively as possible.

It is quite easy to agree with this conception. Yet, reflection reveals an important feature of this common standard that is often overlooked or taken for granted: namely, this standard establishes the preeminence of *political*—primarily legislative—processes in determining what is valuable for the public sector to produce. To those who value politics as a way of creating a collective will, and who see democratic politics as the best answer we have to the problem of reconciling individual and collective interests, it is hardly surprising that the political process would be allowed to determine what is worth producing with public resources.[17] No other procedure is consistent with the principles of democracy.

But to those who distrust the integrity or utility of political processes, the idea that public value would be defined politically is a little hard to stomach. They have seen too much corruption to trust the determination of public value to political processes. At a minimum these critics want assurances that the political process is a principled one that accepts the proper limits of governmental action or meets some minimal standards of fairness and competence in the deliberations that produce the mandates.[18] Alternatively, they would prefer some more objective ways of ascertaining the value of public sector enterprises and some platform for confronting political processes with this objective information.[19]

Politically Neutral Competence

At the turn of the century Woodrow Wilson offered a solution: separate politics from administration and perfect each activity in its own sphere.[20] Thus, public administrators were to imagine that political mandates came to them in the form of coherent, well-defined policies. As the hard-won products of intense political processes, the policies would have all the moral weight that effective democratic politics could give them.

Given this accomplishment of politics, public administrators could then safely turn their attention to finding the most efficient and effective way to achieve the mandated purposes. To meet these responsibilities, the public administrators were assumed to have knowledge about both the substance of the fields in which they were operating and the arts of administration.[21] By knowing what could be produced and how organizations could be made to produce what was desirable public administrators earned their keep.

However, this traditional conception failed to consider what would happen if the political reality fell short of the ideal. Often, political mandates came loaded down with special interests that were hard to reconcile with the desire to guard the general public interest.[22] Other times, managers received incoherent mandates: they were expected to produce several different things that were inconsistent with one another and were given no useful instructions about which goals and objectives should take precedence over others when conflicts arose.[23] Still other times, political mandates shifted in arbitrary and unpredictable ways, destroying investments and draining momentum that had previously been built up and would be needed again once the political balance was restored to its original position.[24]

Facing this political reality, even Wilsonian public administrators sometimes found it necessary to challenge the wisdom of politically expressed policy mandates. They did so on the basis of their moral obligations to defend the general public interest and preserve the continuity of important public enterprises.[25] In their minds their substantive and administrative expertise gave them the right to stand up to the misguided vagaries of politics. In the pantheon of bureaucratic heroes, the image of a civil servant who challenged badly motivated politicians to defend the long-term public interest stands right alongside the dutiful, responsive servant.

Once revealed, this sort of bureaucratic resistance to political mandates could not stand in a democracy such as ours. Indeed, a favorite target of our populist politics is the bureaucratic mandarin. As a result, much of this bureaucratic resistance went underground. It became a covert but legitimate rationale for bureaucrats of all political stripes to conduct guerrilla warfare against political demands for change on the grounds that the politicians were ill-informed, short-sighted, or badly motivated.

Analytic Techniques for Assessing Public Value

Yet politics, too, is mistrusted in our political culture, and soon a new platform for disciplining and rationalizing democratic politics emerged. This new platform was established on a new kind of expertise. Whereas the traditional theory of public administration acknowledged the substantive and administrative expertise of professionals (developed through professional experience and education), the new formulation held that special analytic techniques, drawn from the fields of economics, statistics, and operations research, could be used objectively to gauge in advance—or to learn after the fact—whether public enterprises were valuable or not.[26] The new techniques included policy analysis, program evaluation, cost-effectiveness analysis, and benefit-cost analysis. Reformers hoped that use of these techniques could infuse policy deliberations with objective facts about the extent to which proposed initiatives could be expected to work and the extent to which the costs of government efforts could be justified by general benefits to society.

There is much to be said about whether these techniques have lived up to their promise—much more than can be said here. From the perspective of someone analyzing their overall impact on policy-making, one can fairly say that the techniques are neither routinely used nor invariably powerful when they are.[27] Still, they have succeeded in changing the political discourse about governmental programs. They have increased the appetite of the political process for fact-based arguments about the extent to which government programs achieve their stated objectives or serve the general interest.[28]

In discussing the utility of these techniques to managers' efforts to define and measure the value of what they are achieving, however, three points seem key. First, for reasons that are not entirely obvious, these techniques seem to be more valuable in estimating the value of particular programs or policies than the overall value of an organization's efforts. One reason, I suspect, is that to deploy these techniques successfully, managers must have narrowly specified objectives and narrowly specified means for achieving the objectives. Specific objectives and specific means are precisely what define governmental policies and programs.

In contrast, an organization is rarely easily conceptualized as a single program or policy. Often, organizations incorporate bundles of programs and policies. The different programs and policies may have been combined to achieve some larger coherent purpose, but the achievement of that larger purpose is often exceedingly difficult to measure and even harder to attribute to the overall operations of any single organization.

It may also be important that, as already mentioned, public organizations have some kind of capital value rooted in their ability to adapt and meet new tasks and challenges. To the extent that they do, an evaluation of their performance in existing tasks and programs would not capture their full benefit to the society. In any case, use of these techniques to evaluate programs and policies has been far more common than their use in assessing the overall value produced by public organizations.

Second, we should distinguish between the use of these techniques to estimate in advance of action whether a particular governmental initiative will prove valuable or not and the use of these techniques after a program has been tried to determine whether it was successful. Policy analysis often focuses on the first, program evaluation on the second. The distinction is particularly important when one uses comparisons with private sector management to offer guidance to public sector managers about how they could better reckon the value of their enterprises.

As noted above, the private sector seems to have a far more reliable way of measuring the value of its production than the public sector. The revenues and profits earned from selling particular products and services—that is, the famed bottom line—provides a direct measure of a private sector enterprise's success. What is interesting about profitability, however, is that it measures what happened in the past. That piece of information is taken very seriously in the private sector, partly because it can be used to hold managers accountable and give them incentives for performance, but also because it gives private sector managers an advantage in thinking about the future. Indeed, many private sector firms have been advised to reduce their reliance on strategic planning efforts designed to produce more accurate predictions about the future and, instead, to rely on their ability to react quickly to the market conditions they encounter through their current operations.

Thus, the lesson from the private sector seems to be that it is extremely valuable to develop accurate information about performance in the past rather than concentrate all one's efforts on guessing about the future. To the extent this is true, it follows that public sector agencies should be focusing more on program evaluation and less on policy analysis. My impression, however, is that they do the opposite. This is unfortunate, for the inconsistent attention given to program evaluation deprives the public sector of the kind of accountability, incentives for action, and capacity to react quickly that the private sector has gained by paying close attention to its bottom line.

Third, we need to look at what sorts of preferences public enterprises are designed to satisfy. Most often, analytic techniques are presented as though they were all useful tools designed to help government learn whether its efforts are valuable or not. Among them, benefit-cost analysis is usually presented as the superior technique, the one that is most general and most reliably linked to value. The only reason not to rely on benefit-cost analyses is that they are more difficult to complete. Thus, program evaluation and cost-effectiveness analysis are presented as poor second cousins to benefit-cost analysis.

Yet I see an important conceptual distinction among the techniques and would argue that for most public purposes, program evaluation and cost-effectiveness analysis are the conceptually as well as practically superior approaches. Benefit-cost analysis, taking guidance from the principles of welfare economics, assumes that public sector activities should be valued by individuals sizing up the (positive or negative) consequences for them as individuals. In contrast, the techniques of program evaluation and cost-effectiveness analysis find their standard of value not in the way that individuals value the consequences of government policy but instead in terms of how well the program or policy achieves particular objectives set by the government itself. Thus, program evaluation measures how well the program achieves its intended purposes, and those purposes are inferred from the language of the statutes or policies that authorized it. Cost-effectiveness analysis measures how well a particular governmental effort scored with respect to a particular set of purposes that had been defined for that particular effort—probably with the help of professionals who could help government policymakers define what constituted a valuable kind of "effectiveness."

In short, both program evaluation and cost-effectiveness analysis define public value in terms of collectively defined objectives that emerge from a process of collective decision-making, whereas benefit-cost analysis defines value in terms of what individuals desire without reference to any collective decision-making process. The reliance of benefit-cost analysis on pure individual preferences is, of course, what makes it a conceptually superior approach to welfare economists. But to those who believe in the capacity of a political process to establish an articulate collective aspiration, and who believe that this is the most appropriate guide to public action, program evaluation and cost-effectiveness analysis seem the better techniques precisely because they look away from individual preferences and toward collectively established purposes.

Focusing on Customer Service and Client Satisfaction

More recently still, public administrators have developed a new conception of how to gauge the value of their enterprises: borrowing from the private sector, they have embraced the goal of customer service, and committed themselves to finding the value of their efforts in the satisfaction of their "customers."[29] This idea has some important virtues. Insofar as it encourages government managers to think about the quality of the interactions that government agencies have with citizens whom they encounter as clients, and to make those encounters more satisfactory, much good will come of adopting this perspective. We have all had our fill of rude bureaucrats and badly designed governmental operations and procedures.

Yet, this idea, too, has flaws. It is by no means clear who the customers of a government agency are. One naturally assumes that they are the *clients* of government organizations—the citizens the organization encounters at its "business end" through individual encounters or transactions.

Insofar as government provides services and benefits to citizens, that model seems to work fairly well. But government is not simply a service provider. Often it is in the business of imposing *obligations,* not providing services.[30] This is true for police departments, environmental protection agencies, commissions against discrimination, and tax collectors among others. These organizations meet individual clients not as service providers but as representatives of the state obliging clients to absorb a loss on behalf of the society at large.

Of course, it may be valuable for regulatory and law enforcement organizations to think of the citizens whom they regulate as customers and to design their "obligation encounters" with as much care as "service encounters" now are.[31] Nevertheless, it is unreasonable to imagine that regulatory and enforcement agencies find their justification in the satisfactions of those whom they compel to contribute to public purposes. More likely, the justification comes from the generally attractive consequences for others of imposing particular obligations on a few. Moreover, there may be many others than those obliged who are interested in the justice or fairness with which the obligations are imposed, the fairness they would wish for themselves if they were similarly obliged.

The point is important because it reminds us that service-providing agencies, too, are judged and evaluated by citizens as well as by those who are clients of the organization. Consider welfare departments, for example. In evaluating the performance of the welfare department, we need to know how clients feel about the services they receive. But we cannot rely on their evaluation as the only or even the most important way of judging the value of the services provided. Citizens and their representatives want to be sure that the total cost of the program remains low, that no one steals from the program (even if it costs more to prevent the stealing than would have been lost if the stealing occurred), and even that the clients experience some degree of stigmatization in enrolling in the welfare program (to mark the distinction between those who can be independent and those who must rely on the state).

In short, it is important to distinguish the evaluation that *citizens* and their representatives give to governmental activities from the evaluation that would be given by *clients.* The arrested offender is not in a particularly good position to judge the value of the police department's operations. And the welfare client might not be either. The ultimate consumer of government operations is not the individuals who are served or obliged in individual encounters (the clients of the enterprise) but citizens and their representatives in government who have more general ideas about how a police department should be organized or welfare support delivered. They decide what is worth producing in the public sector, and their values ultimately matter in judging whether a governmental program is valuable or not.

In the end none of the concepts of "politically neutral competence," "policy analysis" and "program evaluation," or "customer service" can finally banish politics from its preeminent place in defining what is valuable to produce in the public sector. Politics remains the final arbiter of public value just as private consumption decisions remain the final arbiter of private value. Public managers can proceed only by finding a way to improve politics and to make it a firmer guide as to what is publicly valuable. That is why political management must be part of our conception of what public managers should do.[32]

To see how these general considerations might affect the perceptions and calculations of public sector managers, let us return to the problem faced by the sanitation commissioner at the beginning of the chapter. How ought he to think about the question of what value he is creating, for whom, and how?

MUNICIPAL SANITATION: AN EXAMPLE

[. . .]

Defining Mission and Goals in the Public Sector

Our question is whether these concepts can be usefully adapted for use by public sector executives. At the outset, the differences between the two sectors may seem crippling. For example, the focus on competitors seems out of place, since many government organizations consider themselves monopolies.[55] Similarly, the notion that government agencies might offer a portfolio of products with each one supporting another in financial terms also seems a little bizarre.[56]

Yet the concept of corporate strategy applies meaningfully to public sector executives. For example, the notion that the organization might have a distinctive competence wider than its current use is consistent with viewing the library in Chapter 1 as a kind of indoor park that could be used to provide day-care as well as a place to read and distribute books. The proposition that public sector executives should connect their performance to the aspirations of citizens, overseers, and clients fits the argument developed about public value in Chapter 2. And finally, the idea that organizations need to be positioned in an uncertain, dynamic market, and that a successful organizational strategy must embody a sustainable deal among stakeholders, captures the dilemma of Ruckelshaus and Miller far more clearly than the idea that they have a well-defined mandate to achieve. Corporate strategy may even help public sector executives accommodate themselves to a reality they have long fought—namely, that their mandate for action is both ambiguous and vulnerable to change, and that an efficient response to that reality may require organizations to be adaptive and flexible rather than rigidly focused on achieving a clearly defined objective.

The Strategic Triangle

For the last several years the public management faculty of the Kennedy School of Government has worked with a rudimentary concept of organizational strategy adapted for the public sector.[57] In this conception, an organizational strategy is a concept that simultaneously: (1) declares the overall mission or purpose of an organization (cast in terms of important public values); (2) offers an account of the sources of support and legitimacy that will be tapped to sustain society's commitment to the enterprise; and (3) explains how the enterprise will have to be organized and operated to achieve the declared objectives.

In developing a strategy for a public sector organization, a manager must bring these elements into coherent alignment by meeting three broad tests. First, the strategy must be *substantively valuable* in the sense that the organization produces things of value to overseers, clients, and beneficiaries at low cost in terms of money and authority.

Second, it must be *legitimate and politically sustainable.* That is, the enterprise must be able to continually attract both authority and money from the political authorizing environment to which it is ultimately accountable.

Third, it must be *operationally and administratively feasible* in that the authorized, valuable activities can actually be accomplished by the existing organization with help from others who can be induced to contribute to the organization's goal.

These tests are powerful because they identify the necessary conditions for the production of value in the public sector.[58] To verify their necessity, imagine what happens to managers and their organizations if any one of these three conditions is missing.

If managers have an attractive purpose broadly supported by the political environment but lack the operational capacity to achieve it, the strategic vision must fail. Either the goal will be rejected as unfeasible or the political world will find a different institutional vehicle for accomplishing it.

If managers have a substantively valuable goal that is administratively and operationally feasible but cannot attract political support, then that enterprise, too, will fail. The want of capital and resources will doom it.

If managers conceive of some organizational activities that can command political support and are administratively feasible but lack any substantive significance, then, over the long run that strategy will fail—not necessarily because the organization will be diminished, but simply because its operations will be wasteful and someone will eventually get around to blowing the whistle.

Finally and most painfully, if managers have substantively valuable ideas but are unable to attract political support or administer them feasibly, then those ideas must fail as strategic conceptions. Such ideas are "academic" in the worst sense of the word.

The Utility of the Framework

This framework, like the concepts of corporate strategy in the private sector, helps public sector executives draw back from the task of presiding over and maintaining their organizations, while refocusing their attention on the question of whether their political or task environments now either require or allow them to change their organizational purposes in the interest of creating additional public value. It helps them maintain a sense of purposefulness that allows them to challenge and lead their organizations toward the production of greater public value.[59] (It is important to keep in mind that a manager might increase public value by downsizing the organizations's operations and returning money to private consumption. In the public sector as in the private, *growth* is not always desirable. Indeed, one of the persistent values in our political environment is the desire to keep the public sector as small as possible.)

More particularly, use of the concept encourages public sector managers to: scan their authorizing environments for potential changes in the collective, political aspirations that guide their operations; search their substantive task environments for emergent problems to which their organizations might contribute some part of the solution; and review the operations of their own and other organizations in search of new programs or technologies that their organizations could use to improve performance in existing (or conceivably new) missions.

Taken together, analysis of the external demands and of the internal capabilities helps managers understand why their organizations function as they do and the extent to which managers can count on smooth sailing in the future. If citizens and their representatives are demanding what the organizations are happily producing, managers might well rest easy. If, however, important inconsistencies exist between what citizens and their overseers desire and what the organizations supply, then the executives have to realign their mandates and their organizations.[60]

Even the absence of trouble between mandates and operational capabilities does not necessarily imply that all is well. Managers, guided by the strategic triangle, have to consider the possibility that while citizens and overseers seem happy, somehow the organization still fails to produce anything of value.[61] They have to check intermittently to find out if the assumptions they and citizens make about the ultimate effectiveness of their enterprises are, in fact, true. That is the challenge implied by defining the concept of public value somewhat independently of the political support and legitimacy of the organization, and by suggesting that analytic techniques such as program evaluation and benefit-cost analysis have an important role to play in helping managers locate and recognize the creation of public value.

They also have to consider the possibility that things change—that new political demands will emerge, or that new technological possibilities will appear. To the extent that these changes redefine what is valuable for their organizations to do, managers have to be alert and respond with suitable adjustments.

In short, the concept focuses managerial attention *outward,* to the value of the organization's production, *upward,* toward the political definition of value, and *downward* and *inward,* to the organization's current performance.[62] To the extent that this review reveals important incongruities in the position of the organization, then the manager of that organization would be encouraged to rethink his or her basic strategy until it was once more properly aligned.[63]

Analytic Techniques for Strategic Planning

Each point of the triangle provides a different vantage point for considering the question of what would be valuable (and feasible) to do. More important, each point engages a different set of analytic methodologies for answering the basic question symbolized by that point on the triangle.

For example, in asking whether a particular organizational goal is substantively valuable, managers are encouraged to raise normative questions about the value of their efforts and to bring to bear the analytic apparatus that can help them answer those questions. The technical apparatus of program evaluation and benefit-cost analysis can be wheeled out to help make this important determination.[64] Managers can also apply philosophical and legal analyses of social justice, fundamental fairness, and any individual rights that might be affected by an organization's operations.[65]

In asking whether a goal is politically sustainable, one invites an analysis of the politics surrounding the organization.[66] This could include an analysis of the important values that are at stake in the organization's operations, the interests of those legislators who oversee the organization's operations, the claims pressed by interest groups, or the bits of conventional wisdom that now justify and guide the organization's activities.[67]

In asking whether a particular goal is organizationally doable, one can rely on the techniques of feasibility assessment and implementation analysis.[68] These techniques draw on what is known about the ways in which, and the rates at which, organizations can change their activities.[69]

In sum, thinking strategically in the public sector requires managers to assign equal importance to substance, politics, and organizational implementation. Currently, these elements remain disconnected. Some, such as academic experts and policy analysts, specialize in substance.[70] Others, such as political appointees or the directors of legislative affairs offices, specialize in politics.[71] Still others, such as those who direct offices of administration and management, specialize in administrative feasibility. Thus, thinking strategically means integrating these diverse perspectives. If any perspective is left out, some important consideration in choosing a value-creating path will be lost.

A Contrast to Classic Traditions of Public Administration

The strategic triangle is designed to influence how managers distribute their attention, thought, and action across their operational environments. It can be particularly helpful to them in performing the crucially important task of defining their organization's overall mission and goals. To deepen understanding of the strategic concept and further evaluate its utility, compare its recommended focus to the orientation commonly associated with the classic tradition of public administration.[72]

Perhaps the most notable difference is that the classic tradition of public administration does not focus a manager's attention on questions of purpose and value or on the development of legitimacy and support. The classic tradition assumes that these questions have been answered in the development of the organization's legislative or policy mandate.[73] The policy mandate simultaneously defines the organization's purpose and creates a normative presumption that such a purpose would be publicly valuable to pursue. The mandate also explicitly provides the organization with the resources—the money and public authority—it needs to achieve its purpose. Finally, it authorizes the managers to deploy those resources to achieve the mandated goals.

Given that the questions of resources, authorization, and value have all been resolved in the establishment of a policy mandate, managers must pursue the downward- and inward-looking tasks of deploying available resources to achieve the mandated objectives as efficiently and effectively as possible.[74] In accomplishing this goal, managers rely on their administrative expertise in wielding the instruments of internal managerial influence: organizational design, budgeting, human resource development, and management control.[75] To the extent that managers look upward and outward, they do so primarily to ensure that they operate within the framework of mandated objectives, that is, to ensure that they are properly accountable.[76] The definition (and redefinition) of purpose is left to policymakers.

In contrast, the strategic triangle rests on the assumption that public managers should define an organization's overall purpose and mission. It also reminds them to develop conceptions of valuable purposes from sources beyond the boundaries of their own administrative expertise. They are encouraged to use analytic techniques to scan their task environments and evaluate their own performance as the basis for forming independent views of the value of planned or past activities.

Managers should interact with the political system not simply through the medium of their mandated purposes but instead through more continuous and interactive dialogue. They should look behind the mandate to see how different political aspirations have been reflected in the mandate that seeks to guide them, and how the balance of political forces seems to be changing over time.[77] They should engage political overseers in deliberation to improve their judgment about what the political system would regard as valuable.[78] Moreover, they should adopt this stance toward politics not only at those rare times when legislation affecting their organization is being considered but routinely.

Even more radical is the idea that managers' knowledge of the distinctive competence of their organization—combined with what they are learning through their current operations about the needs of their clients and potential users—might suggest potentially valuable new activities for them to initiate. Thus, for example, the librarian in Chapter 1 considers whether and how to accommodate the needs of the latchkey children. At first blush, such an initiative seems beyond her mission and difficult to accomplish—therefore something to be resisted. On reflection, however, the idea might well be within her mission; it requires a distinctive competence her organization has developed. In short, she senses that there is a valuable new use for her organization. Like private sector managers who seek niches in their environments that they are well positioned to fill, so strategically oriented public sector managers might spot new opportunities for their organizations to meet emergent political demands or to respond to new needs that were not previously recognized.

Thus, this strategic conception seeks to incorporate the techniques of political analysis and policy analysis as well as administrative and organizational analysis in the required repertoires of public sector managers. In doing so, the concept of strategic management in the public sector seems to elevate public sector executives from the role of technicians, choosing from well-known administrative methods to accomplish purposes defined elsewhere, to the role of strategists, scanning their political and task environments for opportunities to use their organizations to create public value.[79] It also changes their administrative job from assuring continuity and efficiency in current tasks to one of improvising the transition from current to future performance. Like private sector executives, public sector executives serve to position the organization they lead to create public value, not simply to deploy resources to accomplish mandated purposes.

Now, such a broad invitation may pose hazards for democratic governance. It may be dangerous to encourage public sector executives to use their imaginations to search for public value. In gauging this risk, however, we must keep in mind that the primary change being recommended is *in the thoughts and actions of managers,* not in the existing institutional arrangements that hold them accountable.[80] In action, managers will still be bound by the tight process of oversight that now constrains them and by the rigidities of the bureaucracies that they seek to lead. The only new action I propose is that managers feel authorized to search their environments with purposeful, value-seeking imaginations and then to act on any opportunity they see through interactions with their political authorizing environments and innovations within their own organizations. If they succeed in finding and exploiting opportunities to create value, it will be because they earn their success in the tough institutional environments in which they find themselves, not because their world has become less demanding.

Tuesday

17th November 2015

Tuesday – 17th November 2015

Sessions 1 & 2: (Sparrow) Understanding the Risk Control Performance Account

Subjects for Discussion: Performance measurement & management in the context of risk-control or harm-reduction tasks; aligning the analytic operation with managerial infrastructure for project management; the aggregation and disaggregation of risks; relationship to strategic objectives; working *smart*, and *on the right things*.

Reading: "The Character of Harms: Operational Challenges in Control," Malcolm K. Sparrow, Cambridge University Press, 2008. Chapter 2.

Questions:

Many public agencies select one or two metrics they think particularly important, and designate them as "Key Performance Indicators," drawing to them an inordinate amount of internal and external attention. Sometimes this focus can have perverse effects and bias operations in a way that is not quite as valuable as executives intended, and may even be contrary to the public interest.

Please identify one performance metric (or KPI) used within your own organization which has, in your view, either produced or has the potential to produce perverse behaviors. Be prepared to explain:

a) what is the performance metric in question,
b) why the focus on that metric has had or might be expected to have perverse effects, and
c) what actions you'd recommend the agency's executive team take in order to deal with the issue.

Session 3: (Moore) Strategy in Police Organizations: Leadership and Innovation

Subjects for Discussion: Identifying important innovations in public sector organizations in general, and policing in particular. Innovations in ends/values to be pursued v. innovations in means/operational capacities to achieve desired ends. The role and nature of leadership in stimulating innovations. Evaluating innovations. Sustaining and spreading innovations when appropriate.

Reading: "Fighting Fear in Baltimore County"

Questions:

1) Is there an important innovation in the Behan case? If so, what is it?

2) What creates the need and/or the opportunity to innovate? Is it a need, or an opportunity? What does Behan do to create the need, or exploit the opportunity?

3) How much risk is Behan taking on as a public sector leader? How much risk is he creating for his organization? How much risk is he imposing on those inside the organization he is relying on to create the innovation?

4) What particular actions did Behan take to stimulate innovation in his organization? Is he following good managerial practice as you understand it in what he does?

5) Did the Baltimore County Police Department find a way to control fear, or something else? How does this affect your evaluation of the competence and performance of Behan and the Baltimore County Police Department?

6) Where would you go next in trying to sustain and improve the performance of the Baltimore County PD?

Session 4: (Sparrow & Moore) The Continuing Evolution of Policing

Subjects for Discussion: The evolution of policing; degrees of maturity in organizational implementation of problem-oriented policing; Contributions of Compstat, Intelligence-Led Policing, Community Policing; and parallels in other risk-control/harm-mitigation endeavors.

Reading: "One Week in Heron City." Case A. (Joint publication of the National Institute of Justice and Harvard Kennedy School, product of the Executive Session on Public Safety)

Questions:

1) With respect to the continuing development of *community policing*, please consider the following issues:

    a) Should the insurance industry be properly regarded as a part of the *community* in Heron City?
    b) Is the idea of *community policing* inherently focused at the level of residential neighborhoods? If so, is this an appropriate focus?
    c) To what extent do a community's expressed preferences provide reliable guidance for policing priorities? What limits should be placed on the degree to which community preferences drive police action?
    d) Have changes in the *mix of police problems* (for example, elevated risks of terrorism) altered the weight that should be given to community concerns in police planning?
    e) Is there any natural tension between the core values of community policing and more centralized approaches to planning and strategy development, such as the use of

Intelligence-Led Policing and *Evidence-Based Policing* in selecting priorities and designing interventions?

f) How should such tensions, where they exist, be resolved within the department and among the various stakeholder groups?

2) With respect to the continuing development of *problem-oriented policing*, please consider the following issues:

   a) How well is the Heron City Police Department doing in developing their own version of problem-oriented policing?
   b) What are the strengths and weaknesses of the information management and analytic approaches the department uses?
   c) Why is Chief Harrison having difficulty finding the right unit and the right approach to help deal with the problems she's been handed.

["One Week in Heron City" Case B will be distributed at the conclusion of this class.]

The Character of Harms

Operational Challenges in Control

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2 | *A different type of work*

To do any type of work well, surely one would first have to *recognize* that type of work (perhaps distinguishing it from other types of work), then figure out how to *organize* it, how to *perform* it, and finally how to *explain* to your audience what you did. The acronym ROPE (recognize, organize, perform, explain) acts as a crude but useful starting point in diagnosing just how far any agency or institution has come in mastering the art of harm reduction. A few organizations do just fine all the way up to the end, but are stuck on "explain": they do terrific work but have not figured out how to tell the risk-control or harm-reduction performance story in a convincing manner. Others have not come so far, and – even though they recognize the form of work – have little idea how to organize it and conduct it on an ongoing basis. I find that these are the agencies that tend to ask for help, or send their executives on courses; they sense the significant opportunities that might result from mastering this art, even while they lack any formal systems to support it. These agencies, by the way, tend to be the pioneers, at least by comparison with the rest of the field. It seems many agencies and institutions have not even made it to the *recognition* stage yet. I certainly hope this book will help them get at least that far.

A host of institutions from the public, private, and not-for-profit sectors engage in or contribute towards harm reduction work. Where such tasks constitute an important piece of their work, one might expect them to be able to give a rather precise account of how that work was going. How many specific knots (concentrations of harm) have they identified? How many have they taken on? What progress have they made on each one? How many harm-reduction projects have they actually finished, and what exactly do they mean by "finished"? What systems have they established for monitoring the environment for new or emerging problems, and what forms of data gathering and analysis help with that task?

Having had the chance to look inside scores of regulatory agencies, whose core missions involve social harm control of one kind or another, it is stunning to find how little formality or structure there is, if any, around this task. Certainly these organizations are organized, but for the most part, not around *this*. It appears to be easier by far to organize around other types of work.

Functions

The most familiar mode of organization is *functional*, which is skills-based, and produces enclaves of specialists. Organizations group the lawyers together in the General Counsel's office; investigators in a centralized investigative unit; auditors in the audit department; educators in an education programs unit, media specialists in the public relations department, and so on. This organizational form serves some important purposes. We value functional expertise, and functional units act as incubators to help preserve and develop it. If the microbiologists (in environmental protection) or the industrial hygienists (in occupational safety) are co-located, they will encourage and challenge one another to be state-of-their-art. The magazines around the coffee machine reflect their disciplines. As a group they know what schools to draw recruits from, the nature of professional training and development, and what professional conferences to attend. Being professionals, no-one outside their discipline really has any business telling them what to do or how to do it. So they set their own agenda and schedule, and supervise and evaluate their own work. They tend to promote into management positions those who have climbed further up their own well-defined disciplinary ladders (not necessarily those with managerial skills!). The supervisors and managers who emerge through this system tend to be those well versed in the norms and mores of the discipline, and liable to protect the unit from "improper" outside interference.

Organizing around functions of course has its limitations. From the organization's perspective, functions represent tools, and tools ought to be organized around tasks. It proves unsatisfactory, ultimately, to tolerate a silo-mentality, allowing each tool to go off by itself, establishing its own agenda in isolation and without any type of coordinating framework.

Processes

But what type of task might it be that breaks open the functional silos? Not *harms* or *risk concentrations* or *problems* for the most part; but *processes.* Agencies set up core, high-volume processes to deal with *whatever flows in,* and it is these processes that break open the functional silos. Having set up processes, agencies have no choice but to operate them efficiently, otherwise the work piles up until it becomes a visible and embarrassing failure. *Customers* or *clients* on the outside, who can testify to any lack of timeliness, accuracy or coherence in the process, form a natural constituency for high-quality process management. Taxpayers dealing with the IRS might first deal with the *returns-processing* divisions, and later with the *examination* division, or even the *collections* division. From the taxpayer perspective, the agency should appear seamless. Hence cross-functional cooperation, organized around various client-related processes, emerges as an obviously desirable form of competence. Similarly, an environmental agency will look silly to the management of an industrial complex if one day it sends water engineers, the next day air quality experts, and the next day hazardous waste inspectors, without any of them knowing what the others have been doing. In order to iron out such obvious kinks and inefficiencies from the clients' perspective, the agency will probably invent a coordinated inspection regime, or deploy cross-trained field engineers, or produce some other single-point-of-contact or client-management scheme.

Even institutions whose principal purposes revolve around harm reduction have good reason to focus on process. First of all, operational processes, once established, acquire a power of their own. If police make the promise to respond to emergency calls, then the emergency calls for sure will come, and any failure to respond in a timely manner constitutes a visible failure. Once an environmental agency establishes permitting or licensing regimes, then it must deal with all the applications that flow in, often within timeframes established by regulation. Any agency that invites members of the public to submit to them reports or complaints (of discrimination, of defective products, of professional malpractice, etc.) has to deal with the resulting stream of work, no matter how significant or insignificant each item, and no matter the extent to which these process-loads relate to the harm-reduction priorities of the day. Processes tend to capture everything. They become all consuming. Process loads, in an era of static or dwindling resources for government agencies, can become overwhelming. It takes all day and every day, sometimes weekends and overtime too, just to keep up. Finding time to think about any *other* type of work becomes extremely difficult.

The second reason harm-reduction agencies focus on process is that much advice is available on how to improve or perfect processes, and how to utilize the perspective and insights of "customers" in so doing. For twenty years now, government agencies have been importing and incorporating process management methods originally developed within manufacturing industry. This wave of importation began in the early 1980s with *quality management,* followed during the late 1980s by *process management*, and then *continuous process improvement (CPI).* The early 1990s brought more radical approaches to the uprooting and redesign of processes, including *process re-engineering.*[1] At the federal level in the United States, Clinton and Gore's *Reinventing Government* movement pressed hard on customer-based reform of government operations, driven by the notion that government agencies should be as professional in their customer-service operations as the very best of private industry.

As a result of this focus, we have witnessed some impressive gains in recent years in terms of process efficiencies, timeliness, service-quality, and customer satisfaction. The Food and Drug Administration has significantly accelerated the drug approval process. US Customs has worked with the Immigration & Naturalization Service to completely redesign the passenger screening and admission process at international airports, reducing average wait times by more than 80 percent and using advance passenger information to focus inspection efforts more effectively. And the IRS has made significant strides in improving the accuracy and timeliness of its returns processing operations, and gives much better taxpayer advice in response to telephone queries and letters, and through its website.

Twenty years of experience with various forms of process management have driven home the basic lessons: functional organization is important but not sufficient. It leaves no-one in charge of processes that straddle multiple functions. External customers and clients experience the organization through processes, not functions. Therefore the organization must understand the client perspective and provide integrated management of complete processes. In other words, organizations must put someone in charge of the processes. And they do. These people, in the language of CPI, are now called *process owners*.

Putting someone in charge of processes, however, is not the same as putting someone in charge of specific harms or problems. Processes are a creation of the agency, a piece of machinery to operate. The relationship between process improvements and any increased effectiveness in harm-reduction is complicated.

One might assume process-based competence to have a generally positive effect on the attitudes of clients, which might lead them to behave better and cooperate more. Giving taxpayers easier access to more accurate information should surely improve compliance – at least, for those taxpayers motivated to comply but unsure of the rules. But other forms of non-compliance – in fact all forms involving willful tax evasion – might not be touched at all by such services, no matter how professionally delivered. Willful evasion could even be facilitated by increased transparency and predictability.

The relationship between process improvements and the task of controlling non-compliance appears to bear an uncanny resemblance to the relationship between *wellness* and *disease control*. Broad positive *customer-service* programs might eliminate or mitigate some types of *non-compliance* (the tax world's equivalent of disease), but leave some types completely unaddressed. They might also produce a range of broader benefits beyond their impact on non-compliance, such as establishing a relationship of trust, giving citizens confidence in their government, and raising morale within the agency.

We should not let the mention of *non-compliance* – as if it were a real *harm*, and to be treated as such – pass without comment. Surely it is, by definition, a "*non*," which means an absence (of compliance). Does it make any sense at all to regard *patterns of non-compliance* as analogous to real harms, with parts to be identified and untangled? I think it does, even though the term *non-compliance* itself might suggest otherwise. One can get rid of the "non-" by substituting more concrete terms, such as *tax evasion* or *tax avoidance strategies*. Clearly one can identify patterns of non-compliance, defined in terms of specific behaviors (whether deliberate or not) and concentrated within identifiable segments of the population. Clearly such patterns can be studied and measured and understood, and specific tailor-made interventions invented which might deflate or eliminate them. Many tax agencies can

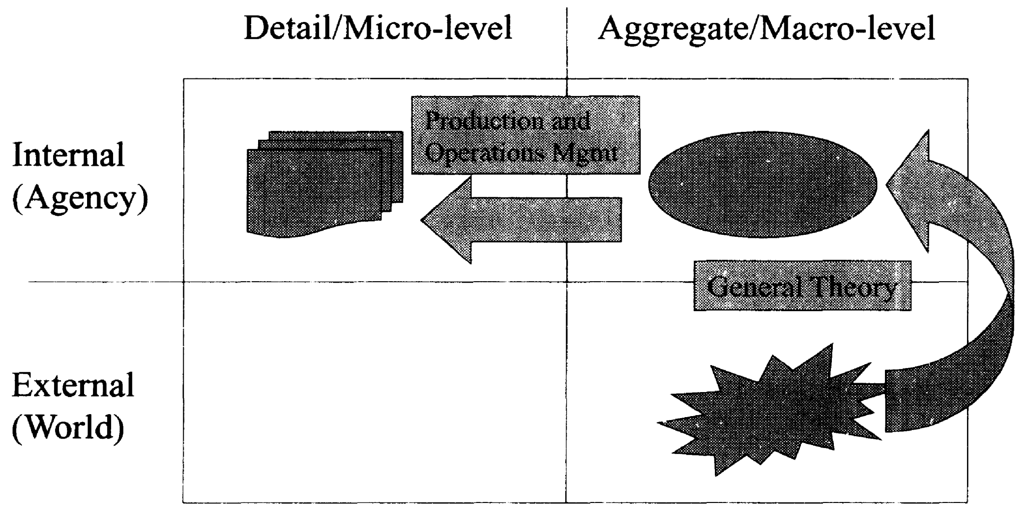

Fig. 2.1 Reliance on established methods

produce some examples of such problems which they have identified and tackled and solved. I believe it does therefore make sense to think of patterns or concentrations of non-compliance as objects for scrutiny and unpicking, even though tax agencies might also strive to develop a broad culture of compliance across the population as a whole. The overall task of *compliance-management* would surely encompass both, just as the practice of medicine involves both the promotion of wellness and the control of specific diseases.

Understanding these two forms of work, *functional* and *process-based*, goes a long way towards explaining how agencies with harm-reduction missions organize and conduct their business. Organizational charts reveal many functional enclaves. The existence of these helps determine where various functional experts hang their coat, and whose office is next door. What they spend their time working on, though, is largely determined by their process responsibilities. Once an organization has assembled the right set of functional capabilities, and organized them around its core operational processes, the bulk of its routine operational practice is determined.

Figure 2.1 presents a simple schematic that captures these ordinary forms of organizational behavior. The horizontal dividing line separates the external world (below the line) from the internal workings of the agency (above the line). The vertical divider crudely distinguishes macro-level or high scale considerations (on the right) from micro-level or detailed ones (on the left).[2] The ugly blob in the bottom right hand cell represents some rather broad category of harm (such as pollution, corruption, crime, or occupational hazards), at some point in time determined by society to be insufficiently controlled. In response to concerns about this general set of harms, government creates an agency or program designed to counter them, which is represented by the more pleasant looking object in the top right cell.

The nature of the harm-control operation then depends on formulating some idea about what might be done – which I shall refer to as the *theory of operations*. To control pollution, an environmental agency might establish and monitor a system of permits for industrial facilities. To reduce occupational hazards, OSHA might choose to conduct unannounced on-site inspections followed up with heavy fines for any violations found, relying on specific and general deterrence to make this and other workplaces safer in the future. Police might depend on rapid response to calls for service, coupled with investigation of reported crimes, as major planks in their approach to crime control. Tax agencies might establish a system for receiving, selecting and auditing tax returns as their principal method for managing compliance.

Sometimes the general method of operations is prescribed by an agency's authorizing legislation – but not as often as bureaucrats tend to believe. More often the theory of operations reflects a tradition that has developed over time, eventually becoming an entrenched part of the agency's behavior. Some theories of operation, appropriate for the problems of the day when the agency was first established, outlive their relevance.

On certain occasions we can observe different theories clashing or competing with one another. Of course it is not the theories themselves that compete, but their human champions. The competition manifests itself in battles for credit, for managerial and political attention, and for resources. The most obvious clashes occur in two specific situations. The first involves organizational mergers, where constituent pieces arrive with differing traditions and self-images. Perhaps one of the merged departments comes as a traditional regulator, heavily reliant on enforcement. Another comes with a tradition of providing technical consulting to industry, and with staff who view themselves as service-providers and advisers. Two such groups may well have trouble appreciating each other; they represent different theories of operation.

The second situation involves overlapping jurisdictions, where two or more agencies share responsibility for control of certain harms, but have sharply differing views on how best to proceed. The FBI and DEA, for example, have overlapping jurisdiction for some aspects of drug control, even thought the DEA formally answers to the Director of the FBI. In the US, the task of intelligence gathering and analysis for counter-terrorism is likewise distributed across a host of different intelligence agencies – hence the various attempts post September 11, 2001 to break down cultural differences between these agencies and facilitate or enforce better collaboration.

The possibility of clashing theories at least indicates some scope for choice. For a brand new agency, the choice can be quite daunting. The transition to the new Financial Services Authority in Britain, launched in 1997, involved the eventual merger of twelve previously existing regulatory bodies, each with their own operating tradition. Each one had supervised a specific segment of the financial services industry. As the boundaries between the segments of the industry became increasingly blurred, so the need for integrated regulation increased. In the year 2000, all the precursor sector-specific regulatory statutes were replaced with a new umbrella statute which governed the new, merged agency – the FSA.[3] The governing statute stipulated the FSA's goals in broad terms – to identify and control risks to markets and investors – and specified some aspects of how this new mega-regulator would be held accountable. But it said very little at all about operational methods. The executives of the FSA faced quite a task... to invent *what to do*, and to produce some kind of operational coherence, despite the disparate sets of players, methods, and skills.

The invention of new theories of operations is rare. Most harm-reduction work is conducted under theories established years ago, with functional mixes codified in budgetary structures and allocations, and with established processes dominating both operational practice and organizational reporting.

No matter how old or new an organization's *theory of operations*, nor where it came from: management still has to determine what each of the field agents will do *tomorrow*. Such detailed prescriptions for action belong in the top left hand cell of Figure 2.1, and derive from parsing the desired agency output (top right) into smaller pieces. Organizational structures and methods for dividing the work involve both geographic and functional structures, which produce matrix-style reporting relationships. For example, a drinking water specialist in the regional office of an environmental agency answers both to the local geographic commander, but also to the drinking water program chief at central office. The degree to which the geographic form of reporting dominates the functional, or vice versa, shifts back and forth over time, sometimes due to the assertiveness of specific managers, but also due to the natural tension between functional-coherence and geographic responsiveness. Despite these complexities, the work gets divided, handed out to the field, and performed. The net product is a collection of functional outputs, and of processes operated, which can now be aggregated and described at the level of the agency. This "performance" therefore sits in the top right hand cell – and it looks like a collection of organizational outputs. In order to claim any effect on the overall level of harms (bottom right cell), the organization asks the public to accept its theory of operations; that all this work, and efficient operation of all these processes, *ought* to have made the world a better, cleaner, healthier, or safer place. If aggregate or general levels of observed harm decline over time (measures which would belong in the bottom right hand cell), that is of course good news. But the agency's claim to have *caused* the decline, or contributed to it in a meaningful way, still depends on the credibility and acceptance by others of its high-level and general theory of operations.

A different type of organizational behavior

When institutions organize around specific concentrations of harm, rather than around functions or processes, they engage in a very different form of organizational behavior. When they spot the *knots*, study them, and unpick them one by one, they depart from business as usual. Figure 2.2 shows the alternate path they follow, as well as the original one. Work still needs to be allocated, eventually, to field agents – so the arrows (that represent definition and division of work) still have to lead eventually into the top left hand corner, so the individual field agents can receive their specific assignments. But the method by which the work is defined, divided, and handed out is quite different. Rather than specifying the overall agency performance, and dividing that up, the big broad and rather general harm (in the bottom right) is studied instead, and significant parts of the harm itself are identified first. The parts identified come in all kinds of different shapes and sizes, and they all belong in the previously empty cell in the bottom left hand corner. They represent specific concentrations of harm, or problems,

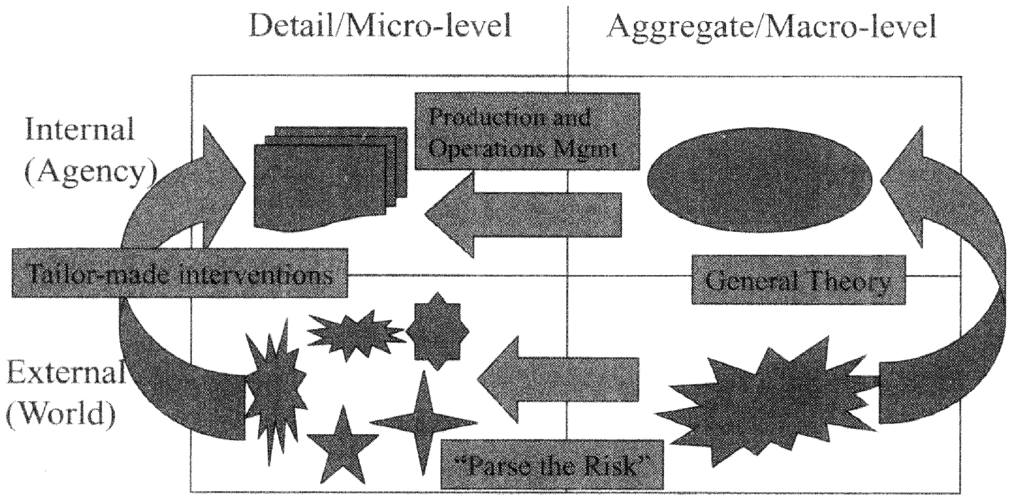

Fig. 2.2 Alternate forms of organizational behavior

or issues, or patterns. These objects exist in the outside world, and exist independently of the agency's structure, processes or traditions. Paying attention to them, one by one, quite naturally seems to result in the production of specific tailor-made responses, and those tailor-made responses are nowhere described either in legislative prescriptions or in the agency's routine policy manuals. In this sense, each *unpicking* represents a departure from normal practice.

The circumstances under which different institutions discover and engage in this new form of behavior vary considerably.

An early and unsettling experience for the IRS came in 1991, when Commissioner Fred Goldberg challenged his management team during an executive retreat to consider non-compliance issues directly, rather than focusing on existing agency processes and methods. His executive team rank-ordered the non-compliance issues of the day, and top of the list was what they referred to as the *non-filer* problem.[4] Various tax gap studies had estimated that roughly 11 million individuals and businesses, mostly self-employed individuals or small cash-based businesses, failed to file returns even though they were obliged to do so. Worse, these entities had *never* filed, which rendered them invisible to IRS data systems and therefore outside the normal scope of IRS analysis and operations. The managerial tools of the day (in the early 1990s) stressed process management and process re-engineering. The distressing property of the *non-filer* issue was that this problem was completely unrepresented in all of the agency's core processes.

Non-filers obviously did not show up under returns-processing. Not surprisingly, non-filers also did not write letters, or call, or initiate any other contact with the agency. Hence process-improvement, no matter how professionally done, would not have touched this problem – the agency's leading non-compliance issue – at all. Meanwhile the agency creaked under its process loads, struggling to keep up, and executives could only find a moment to consider such a problem amid the rare luxury of an executive retreat.

The *non-filer* problem may be an extreme case, but it is an extremely instructive one. Usually, any regulatory or harm-reduction organizations might expect, or even assume, that all the major problems within their scope of responsibility are properly represented and dealt with by the processes they have established. If the reporting or submission mechanisms that feed the processes turn out to be biased or selective in some way, then the process-loads might give only biased or partial views of the problems. But at least the process loads usually provide *some* view. In the case of the non-filer problem, the process loads provided no view at all. The misalignment between major processes and leading problems was extreme.

Even the possibility of such misalignment should nag constantly at the minds of regulatory executives. At a minimum, it should drive home the fact that focusing on *processes* and focusing on *problems* produces two quite different patterns of thought and action.

The US Customs service learned a great deal about this type of work from one specific problem they just had to tackle, even before they developed any formalized apparatus or protocols for this form of work. The problem arose during the period 1994 to 1996, when drug smuggling organizations employed a particularly violent and offensive drug-running method at various Mexico/US border crossing points. Termed *port-running*, the practice involved small but powerful trucks, loaded with up to 500 pounds of contraband.[5] The driver of the truck would stop at the inspection booth, but would be uncooperative. If the inspector detained them with questioning, or tried to pull them over for secondary examination, the *port-runner* would simply put their foot down, smash other cars out of the way, run over any inspector foolish enough to stand in the way, and speed away. For port-running, the smugglers selected ports of entry that provided rapid escape into densely populated urban areas, making pursuit difficult or impossible.

In 1994 Customs had recorded 824 port-running incidents, with gunfire exchanged during more than a dozen of them. Many more incidents might have passed unrecorded, where inspectors felt so intimidated that they simply waved the smugglers through and said nothing.[6] In January of 1995 Deputy Commissioner Mike Lane, responding to public concern and congressional pressure, formed a task force to address the port-running issue directly.

Customs, like most other major regulatory bureaucracies, had a matrix-style functional and geographic organizational structure. It also operated a set of core processes. The port-running problem was a very awkward shape, and did not align neatly with any one function, or port, or region, or process. It clearly involved the inspection-at-the-land-border process... but the task of controlling it didn't look or feel like a *process improvement* task, because those normally revolved around facilitation, customer-service, and efficiency. This was more about stopping a specific bad thing from happening in the context of that broader process.

Geographically, the problem was an awkward shape and size. It was not a national problem, as it only occurred on the southwest land border of the US, yet it straddled two different federal regions (Texas and California) and several different ports (a *port* is the US Customs' lowest-level geographic unit). The task did not obviously belong with any one of Customs' three major functional divisions – Inspection, Intelligence, and Special Agents – as dealing with these smuggling organizations clearly required the involvement of all three. Hence the need for a task force, or something like it, as the shape of the task did not align with any previously existing organizational unit.[7] The task force the Deputy Commissioner created brought together representatives of the two regions, several ports and three functions, and their assigned task was to *eliminate port-running*. And so they did, at about the fifth attempt. First, they tried pursuit strategies, using cars. These failed to control the problem, because the smugglers would send through "clean" cars first to reconnoiter and report back on pursuit capabilities and readiness. Second, they tried pursuit strategies involving Black Hawk helicopters. These turned out to be too expensive to hold constantly in readiness, and hard to hide in the desert. Third, they tried installing pneumatic bollards in the roadway, giving the inspectors handheld remote control devices. After several months of use, and several million dollars of investment, these were eventually abandoned as too costly, too inflexible and too dangerous. If the bollard was activated by mistake they could seriously injure innocent civilians or the inspectors themselves. And trapping port-runners right there in the middle of a crowded bustling entry port did not seem particularly safe either. Certainly not the best place to have a gun battle. Fourth, they tried closing down lanes deliberately to lengthen the waiting queues, and deploying drug sniffing dogs out among the queues, where they could identify and apprehend port runners while they still had too many cars in front of them to "run." Unfortunately the dogs could not work for more than a few minutes at a time in the heat of the day, on the boiling tarmac, and surrounded by exhaust fumes.

The fifth idea the team had worked like a charm. Thinking like saboteurs, they exploited a particular vulnerability of the port-running method itself. Port-running depended on *rapid escape*. If the team could take away rapid escape, port-running would fail as a strategy. Eventually they invented a way, placing Jersey barriers (the heavy concrete barriers used on highway construction sites) in a zig-zag formation *behind* the inspection points. With the barriers in place, any perpetrator that did barge through had then to negotiate a chicane, and their escape could be closed off at the far end, and away from the crowds. Wherever the zig-zag configuration was placed, the port-runners stopped coming. Within six months of the formation of the team, and very soon after settling on the Jersey barrier strategy, the rate of port-running incidents dropped by more than half. The intelligence officers also reported that the prevailing price being paid to the drivers to "run a load" had suddenly risen from \$5,000 to \$7,500, suggesting that port-running, from the perspective of the smugglers, had become more difficult and dangerous.

For Customs, this early experience contributed substantially to their understanding of the need to recognize forms of work other than function and process. By the summer of 1995 the agency formally launched its *Strategic Problem Solving* program (or SPS), through which it would identify, analyze and tackle *specific drug smuggling concentrations*. It took some time to sort out staff confusion between process-improvement and problem-solving. Even though the agency had learned process-improvement first, that was still relatively new to the agency. Moreover, the terminology of *problem-solving* had already popped up as part of the process-improvement lexicon. Eventually they figured out the difference, realizing that process-improvement is a *managerial* method for improving the agency's *processes*; whereas *problem-solving* was an *operational method* for working on external harms. The *problems* for their process improvement teams were things like glitches, bottlenecks and inefficiencies within the agency's high-volume processes. The problems for the SPS program were smugglers, their concentrations, their patterns of behavior, and specific smuggling methods. These *harms* existed in the outside world, and could be scrutinized in their own right without any reference to what Customs already had, or did, or the way it was organized. Another distinction – one the staff appreciated – was that the two methods produced quite different types of results: process improvement projects aimed to produce efficiency and public satisfaction, whereas *strategic problem solving* aimed to reduce drug smuggling.

The Occupational Safety and Health Administration (OSHA) also learned about the problem-solving approach (which they called *the problem-solving approach to hazard-mitigation in the workplace*) during the mid 1990s. In the spring of 1995 the agency was fighting for survival, under fierce assault from the newly Republican Congress led by Newt Gingrich. The Republicans targeted the EPA and the FDA also, but proposed elimination of OSHA altogether. "Replace OSHA with a brochure" was their motto; their platform "get regulators off the back of industry." Industry can be trusted, the Republican line claimed; just give them the right information so they can do the right thing.

Executives at OSHA were relieved, and to a degree surprised, when the *Washington Post* came to their defense.[8] Before we do away with this agency, this one article proposed, it would be prudent to consider what OSHA had accomplished. The article then listed a range of hazards that showed measurable declines after OSHA's intervention: 58% fewer deaths in grain-handling,[9] 35% fewer deaths in trench cave-ins in the construction industry, the rate of brown-lung disease amongst textile workers dropping from 20% of the workforce to 1% within a seven-year time period, and so on. Hazard by hazard, visible and significant reductions.

But in 1995, what managerial methods did OSHA have available in order to do better? Process improvement, of course. Consequently, like almost every other federal agency at the time, they had launched into process improvement, designing new response procedures for complaints and industrial accidents that significantly reduced response times and, as a result of the efficiencies gained, freed up significant internal resources. If that is all OSHA had done, the chances are they would have lost any personnel and resources these new efficiencies had freed up, and their gains would mostly have been limited to timeliness, productivity, and efficiency. What counted – judging by the *Washington Post's* defense – was *effectiveness* measured in terms of lives saved and hazards mitigated. It wasn't obvious that process improvements necessarily translated into lives saved. Realizing this, and grasping the difference between process-improvement and hazard-reduction, they advanced both ideas at the same time, taking the efficiency gains that came from process improvement, and reinvesting resources and personnel to address specific hazards. Under the OSHA "Redesign Strategy" that resulted from this combination, the improved processes were rolled out Area Office by Area Office, freeing up between one third and one half of all the personnel. These staff members were immediately formed into *Strategic Intervention Teams*, trained in problem-solving methodology, and given the job of identifying specific concentrations of risk at the local level, and inventing methods to reduce the corresponding injury or illness rates.[10]

OSHA's Area Office in Parsippany, New Jersey, was the very first to go through this transition, and they set the tone for the rest of OSHA with two very successful early projects. One of these focused on contractors who paint New Jersey's bridges, whose workers were exposed all day long to lead-based paints. The goal of that project was to bring these painters' blood-lead concentrations down to safe levels. Progress would be monitored through the introduction of routine blood testing within the industry.

The Parsippany office's second project focused on deaths and injuries on highway construction sites, many of which were caused by inadequate separation of construction workers from traffic passing through. Noticing that all such sites already had state Highway Patrol Officers on site, the Parsippany team decided to engage the State Highway Patrol as partners in the enterprise, and provided training for police officers in how to spot occupational and construction hazards, even though these were not normally police business.

This mode of organizational behavior – focusing directly on the harms themselves, and on very specific pieces of the harms – shows up frequently in almost any discussion of regulatory innovations. The connection to *innovations* is mostly explained because this type of behavior produces interventions which are tailor-made (being crafted around specific knots), and which therefore appear novel, or innovative. The more important innovation is surely the pattern of organizational behavior that produces such fruits, rather than the fruits themselves. Organizations that recognize this distinction are less likely to fall into the trap of celebrating and replicating individual *solutions*, and more likely to develop problem-solving as an operational approach relevant to a vast array of different harms.

In previous work, I have analyzed the different types of innovations surfacing within the regulatory (social risk control) side of government. Data regarding these innovations was available from the Ford Foundation's annual "Innovations in American Government" competition. This competition, launched in 1986, is open to federal, state and local agencies, and routinely receives more than a thousand applications per year, wherein agencies can present a summary of programs they consider innovative.[11] My analysis of this data put aside all the initiatives that primarily concerned the delivery of government services, and focused on those that had to do with control of some harm or another. Most of these submissions came from agencies of social regulation, or from law enforcement.

Taking thirteen years of the competition's history (1986–1998), I restricted attention to applications that were judged sufficiently noteworthy and valuable to make it to the pool of finalists. Twenty-five entries per year make it to the finals, with ten of them ultimately selected as winners. Each of the ten winners receives a good deal of publicity, as well as $100,000 to support further replication and diffusion of the idea.

Focusing on the collection of finalists across the history of the awards program, a rather interesting picture of innovations regarded as valuable emerged.[12] Despite the fact that the dominant managerial tools of this period involved process improvement, and the political pressures for reform emphasized easing regulatory burdens and enhancing client service, only three of the applications within this particular pool reflected those themes. The IRS was selected as one of the ten winners in 1997 for their Telefile Program (which allowed certain taxpayers with relatively simple and straightforward tax returns to submit them via keypad entry on a telephone). The Food and Drug Administration won in 1997 for implementing an accelerated drug-approval process. Also, the City of Chicago reached the finals in 1991 for an automated system integrating the various stages of parking ticket issuance, adjudication, and collection.

These three were classic process improvement projects, done well, each producing benefits in terms of efficiency, accuracy, and timeliness. None of them altered the underlying business models of the agencies involved.

A larger group of innovations finalists, eight in total, reflected quite a different type of work. They each involved a quite specific concentration of harm, which was demonstrably reduced through the thoughtful design and successful implementation of a tailor-made solution. Eight knots, spotted, and then unpicked.

One of these knots was an extremely disturbing pattern of juvenile homicide in the city of Boston. During the early 1990s the rate at which kids were killing kids rose to alarming levels. With grant support from the National Institute of Justice, a multi-agency task force was formed, with analytical support from some criminal justice experts at Harvard University. The intervention, since replicated to varying degrees in other cities around the US, became known as the *Boston Gun Control Project.*[13] The project team's incoming assumptions – that the heart of the problem involved easy gun-supply routes up the eastern seaboard to Massachusetts from southern states – were examined and then soundly rejected. Gun-trace data for guns used in past homicides showed quite the opposite: guns used were mostly fairly new, and first purchased in Massachusetts. So the knot was turned this way and that, through a sequence of analytical explorations, seeking alternate perspectives and insights into the nature of the thing. Eventually the team established that the bulk of the homicides lay along the lines of established "gang beefs" (hostilities between various pairings of Boston's sixty-one gangs). Important dynamics of the problem included the fact that most gang-involved youths carried weapons, they believed, for the purposes of self defense. Also, by committing an act of violence, gang members gained respect among their peers – for them a powerful motivation. Once the project team understood the dynamics of the problem, they developed a strategy ("Operation Ceasefire") to reverse the effects of peer-pressure within the gangs by making any gang member who committed an act of violence the mechanism of downfall for the whole gang. Through a series of meetings which gang members were obliged to attend as a condition of probation or parole, the project team delivered a stern warning to the gangs. From that day forward, any gang member who committed an act of violence would bring the concerted attention of federal, state and city police agencies down not just upon themselves, but upon their entire gang. The task force promised law enforcement attention so focused and intense that they said they could remove any one gang from the streets entirely. They would use outstanding arrest warrants, parole violations, whatever they had. They would bring the most severe charges possible, using federal indictments where necessary, to put the whole gang behind bars. Once the strategy was fully communicated the team did have to deliver on its promise, twice, with respect to two different gangs. At that point, the rest were apparently convinced the threat was serious, and gang violence dropped off dramatically. The homicide rate for victims under age 25 dropped by 68% in the first year after Operation Ceasefire began, and continued to decline thereafter.

Another of the specific knots unpicked involved prostitutes in San Francisco. The District Attorney's office, working with law enforcement and public health agencies, devised a plan to rescue young women from a life of prostitution. Analyzing the pressures through which women are first drawn into the trade and subsequently trapped within it, the team decided to focus on the moment of first arrest as an important opportunity for intervention. The first arrest, unlike the fifteenth one, came as a shock, and maybe represented the best opportunity to intervene before the cycle of offending and re-offending became entrenched. Hoping this was, for young prostitutes, a "teachable moment" the team devised a program including elements of counseling, life skills training, treatment, and case management. They offered an eight-hour seminar on the risks and impacts of prostitution as an alternative to prosecution. Instituted in 1995, the program reached the finals of the innovations competition in 1997, and was selected a winner the following year (the 1998 cycle). The reason for the difference, with essentially the same innovation presented two years running, was that the project had more results to show a year later: that is, more women extracted from the profession.

These two examples both exhibit four important properties typical of this whole class of innovations. First, they addressed specific, tightly defined concentrations of harm, rather than generalities or broad classes of harm. The Boston project did not target all violence, nor all "Part 1 crimes," not even all homicides. Once the analysis had identified gang-related violence as a significant and discrete component of the overall homicide rate, the collaborating agencies then honed in on that piece of the puzzle. Similarly, the San Francisco First-Offender Prostitution program did not tackle all sex crimes in the Bay area, nor even the whole problem of prostitution and its societal impacts. Rather it picked apart the dynamics and development of a life of prostitution, searching for a point of leverage where targeted resources could make a real difference.

Second, these projects involved a prolonged period of analysis and inspection, before any new action was initiated. In the Boston project, several different hypotheses about *what the problem really was* were tested and discarded before the relationship between juvenile homicides and gang-hostilities was finally established.

Third, having understood the problem and defined it precisely, the interventions that resulted were not merely a mixture of existing functions or methods; they were qualitatively new. And the methods were not novel for the sake of being novel (entry in the competition invariably came as an afterthought); they were novel because the problems to be addressed had not responded to the standard treatments, and therefore required novel ones.

Fourth, these projects involved multiple agencies and organizations working in collaboration. Why? Not because cross-agency or multi-functional collaboration is inherently desirable for its own sake. Rather, multiple agencies were involved because the problems addressed straddled jurisdictional and programmatic boundaries, making collaboration essential.[14] The partnerships involved in these projects formed around the shape of the knots themselves, rather than recasting the problem to conform to existing institutional structures or trying to divide it along traditional functional or programmatic lines.

Even this group of eight innovations finalists, representing *specific problems identified and solved,* was not the most significant category. The analysis showed another, yet larger, grouping of innovations finalists. This set, comprising thirteen different projects, followed similar lines to the previous set but went beyond the identification and solution of one specific problem. These thirteen projects involved setting up analytic systems of one kind or another designed to enable an agency to spot problems – not once or twice, but on a continuing basis. The majority of these analytic systems involve pattern recognition methods (some crude, some quite sophisticated), as well as the adoption of operational procedures to address whatever patterns the systems revealed.

This set includes New York City's Compstat program (which became a competition winner in 1996). This program established routine precinct-level analysis of reported crime data, and then held precinct commanders accountable for addressing any patterns of crime identified through the analysis. The Pension Benefit Guaranty Corporation (winner, 1995) devised an early warning system for pension plans at risk of insolvency. This set of innovations also included a range of other technical analysis and survey systems used by law-enforcement to identify patterns of crime, road accidents, and other community concerns. Florida's Department of Environmental Protection reached the finals in 1994 with a system for analyzing marine spills of oil and other contaminants, so that repeat sources and causes could be addressed.

Where do these types of innovations belong on the chart? I would suggest they belong in the middle, and at the bottom, under the label "parse the risk." These systems use various data sources, and various ways of slicing and dicing that data, to make visible any knots that might exist, with the presumption that they can then be addressed. These projects show a range of agencies moving beyond the untying of a single knot. Here they are getting into the *knot-spotting* and *knot-untying* business, and building some pieces of organizational infrastructure to sustain it as a part of ongoing operations.

Why innovative?

At first it seems somewhat ironic that such programs should win *innovations* awards. If a police agency could not spot crime problems and successfully address them, what use would they be? Surely citizens would expect environmental agencies to be able to recognize specific environmental problems, tax agencies to spot important patterns of non-compliance, and OSHA to deal with specific patterns of death and injury in the workplace? Is that not the core of their mission? Yet when they do precisely this, they win prizes for innovation, and society celebrates both their brilliance and their courage. But why should such behavior represent a departure from business as usual? Why should it require brilliance, or courage? Should it not be utterly routine? Should it not be, in fact, the core of normal operations?

Perhaps it should. But the truth of the matter, sadly, is that functions and processes take over; and it pays to understand why. Functions are *comfortable*. They group employees together with others who share common training, celebrate a common set of skills and knowledge, share a specific professional culture, and climb a well-established disciplinary ladder.

Processes are *inescapable*. Process loads are tangible and voluminous. Related timelines are mandatory.

By contrast, the business of organizing around specific harms, and devising solutions for one piece or another, seems vague, amorphous, and entirely optional. It is never clear who's job that is, if anybody's, because job responsibilities are not framed that way. If an agency should address problems of this type, it is not clear how many, or how big, or for how long. It is certainly not obvious how this type of work – if and when an organization chooses to engage in it – fits with the other kinds of work, which still need to be done, nor what priority it might take. Absent any system for driving this type of work, and connecting it properly with everything else an agency does, whoever chooses to tackle a knot often has to invent the whole methodology for themselves, provide all the energy and all the ideas, and enlist all the necessary partners. Many of the award winners who did this work had no authority to do it, and certainly no mandate. Many of them received no support from their agency, nor recognition – until after the fact when the rest of the world took notice. From talking to staff members who have engaged in this type of work, one does begin to understand the need for courage and determination. The solutions they generate look like a slap-in-the-face for the prevailing *theories of operation*. Focusing attention on a particular harm in the first place (and therefore distracting attention from routine business) seems to carry some professional risk.

Even in institutions that have declared their commitment to a problem-solving strategy and promised managerial support for it, practitioners report a host of reasons why this type of work remains absurdly difficult: This is *extra* work, and every other kind of work has a formal structure, and deadlines, and a legal mandate; this has none of those. This type of work brings unfamiliar degrees of discretion, and involves endless subjective judgments – what to take on, how big, how small, how the problem is best defined, what partners, what methods, how much to spend. Problems straddle organizational boundaries, and other agencies bring sharply conflicting perspectives to bear on them.[15] We have no established protocol for this type of work. We have no *forms* for this type of work. Half the agency does not believe this type of work is different, or needs organizing. The problems do not fit our system of job definitions, so it is not clear where they belong.

Once one hears all these complaints, time and again, across many different professions one does begin to understand why the people that actually manage to do this type of work – to focus on a harm, devise a solution, and stick with it long enough to make a real difference – deserve to be celebrated and rewarded. It takes heroism, and acts of organizational subversion, to overcome the institutional pressures stacked against them.

There is nothing particularly complicated about the basic notion of picking harms apart, identifying critical components, and unraveling them one by one. We often use quite plain and straightforward phrases to describe this practice: "Pick Important Problems & Fix Them." "Oh, that's just the problem-solving approach, applied to risks." Hearing this language, one could be forgiven for assuming this approach was not new; or if it were new, that it was nevertheless straightforward. Neither of these turns out to be true. For many organizations it is new. When they do it once, everyone celebrates. When they try to do it more often, or routinely, they discover they do not know how to organize or support it. If they do manage to establish it as a part of operational practice, it often turns out subsequently to be fragile and short-lived.

When staff gather in functional units, they gather around their shared past, their shared training, their shared skills. When staff gather around processes, they gather around a visible and tangible flow of calls, files, transactions or reports. Little imagination is required, in either case, to understand the nature of the work.

But when people gather around a specific identified harm (one of those objects in the bottom left hand cell of Figure 2.2) what is it exactly that they are gathering around? Some piece of a more general harm, to be reduced? Who says which piece, and how best to define it? Who decides which component of a risk to address? Who decides if the focus should be on reducing the probability of some class of events, or changing their distribution, or limiting their consequences? When we look at a general class of harms (in the bottom right hand cell) we have in mind a condition in the world that we would like to be different. The specific harms (bottom left) represent select pieces, subjectively chosen, of the general conditions we would like to be different. No wonder this practice seems abstract, vague and elusive; and no wonder most activity gets organized some other way.

When practitioners do recognize this form of work and determine to operate this way, they confront a host of subjective decisions: how many pieces to identify, in what dimensions, and at what scale. And that is just the work of *defining* the task. *Performing* the task brings another round of choices: what methods to use, what partners to enlist, how much of a reduction to set as the goal. On every one of these questions, all the other interested parties are free to disagree. This type of work might proceed more naturally on odd occasions when a specific harm stares everyone in the face, demanding attention, and where the shape and nature of the problem is reasonably plain to everyone. But these are the exceptions. The rest of the time practitioners need some guidance to help them navigate the endless choices involved. Without such guidance, the most attractive choice is not to do this type of work at all, and to revert to forms of work that are more familiar, comfortable, and straightforward.

Notes

1. See: Michael Hammer & James Champy, *Reengineering the Corporation: A Manifesto for Business Revolution*, HarperBusiness Books (New York: HarperCollins Publishers, 1993).
2. I am grateful to my colleague Mark H. Moore for this framework. He proposed it as a device for categorizing performance metrics. It is also useful as a way of understanding different organizational behaviors.
3. Transition to the new mega-regulator happened in stages between 1997 and 2000. Ultimately the Financial Services and Market Act, 2000, provided an integrated statutory umbrella, replacing all the sector specific statutes upon which the prior multi-agency supervisory system had been based.
4. For a fuller discussion of the non-filer issue, and IRS analysis of it, see Malcolm K. Sparrow, *The Regulatory Craft: Controlling Risks, Solving Problems & Managing Compliance* (Washington DC: Brookings Institution Press, 2000), pp. 73–75.
5. Ibid., pp. 124–129.

6. Such failures do not result simply from laziness on the part of inspectors. The smuggling organizations are violent and ruthless. They target specific inspectors, find out where they live, and threaten their spouses and children. Systematic intimidation of inspectors is part of the smuggling strategy. They also use "spotters" overlooking the inspection areas, equipped with binoculars and radios, to direct the load-carrying vehicles to lanes manned by inspectors who are compromised, vulnerable, or inexperienced.
7. Archon Fung comments on the complexity and awkwardness of "problems that lie between the core competencies and responsibilities of several agencies..." given the fact that a bureaucracy "...develops a stock of procedures and techniques to address the canonical problems that arise in [their] arena." This comment applies equally well across functional units *within* large bureaucracies as well as *across* agencies. Archon Fung, *Empowered Participation: Reinventing Urban Democracy* (Princeton, New Jersey: Princeton University Press, 2004), p. 21.
8. "OSHA's Enemies Find Themselves in High Places," *Washington Post*, July 24, 1995.
9. The most common method of death involves drowning (i.e. asphyxiation) in grain silos.
10. OSHA had eighty-six Area Offices at the time, covering the twenty-nine states in which OSHA operated. In the remaining twenty-one states, occupational safety is the responsibility of state agencies.
11. The John F. Kennedy School of Government helps to administer the program, under grant from the Ford Foundation, and is thus in an especially good position to gather and analyze data from the program.
12. For a full description of this analysis, and for a brief description of all of the regulatory and enforcement innovations which have been selected as finalists during the first thirteen years of the competition's history, see: Sparrow, *The Regulatory Craft*, Ch. 6.
13. For a fuller account of this project, see: David M. Kennedy, "Pulling Levers: Chronic Offenders, High Crime Settings, and a Theory of Prevention," *Valparaiso University Law Review*, 31 (1997), 1–53; Sparrow, *The Regulatory Craft*, Ch. 12.
14. Jorg Raab & H. Brinton Milward, "Dark Networks as Problems," *Journal of Public Administration Research and Theory*, 13 (2003) 413–439 p. 414; Benny Hjern, "Illegitimate Democracy: A Case for Multi-Organizational Policy Analysis," *Policy Currents*, 2 (1992), 1–5.
15. The Department of Environment & Labour in Nova Scotia, Canada, recently launched a project focused on the risk of *workplace violence* in the province, because data on workplace injuries pointed to

violence as a growing source of concern. The problem awkwardly straddles the jurisdictions of multiple departments, including the department of labour (accustomed to developing systems for *hazard mitigation* and *accident prevention*), and police (more accustomed to dealing with *crimes*). To complicate things further in terms of defining the problem to be addressed, significant subsets of violence-related workplace injuries occur in prisons and in health care delivery settings, involving a broader range of institutions and operating norms. One of the early challenges for this project, therefore, involves awkward decisions about how much of the overall problem to take on, and which parts; and how to frame the issues in a way which energizes rather than alienates important partners. A list of public information resources regarding the project is available on the agency's website at: [www.gov.ns.ca/enla/healthandsafety/violenceintheworkplace.asp]. See, particularly: *A Workplace Violence Prevention Strategy for Nova Scotia: Promoting Greater Awareness of Workplace Violence Prevention* (Halifax, Nova Scotia: Department of Environment & Labour, April 2007).

Fighting Fear In Baltimore County

In the most violent and crime-ridden of American cities, fear sometimes seems almost ubiquitous. And while it may be worst there, fear is not confined to the inner cities. Research shows that half of all Americans limit their activities to avoid victimization. There are pretty stucco neighborhoods in Los Angeles where the lawns are mowed, the cars new, and every window barred. In South Florida, on the outskirts of troubled Miami, there are suburban streets literally barricaded against outsiders. Even where crime is not so much a problem, a disorderly bar, an intemperate neighbor, even an accident-prone intersection can cast a shadow over a street or a community. And fear, once seeded, prepares its own more fertile soil. Fearful people shun their neighbors and abandon their parks, buy guns, sell their businesses and homes. Fear unravels the social fabric.

The police have always taken fighting fear to be part of their job. They have always, also, assumed that the way to fight fear was to fight crime, that a police department that patrolled assiduously, answered calls promptly, and investigated crimes cleverly would inevitably reduce fear as well. Early in the 1980s, the Baltimore County Police Department decided to take a different approach: it would look at fear as a phenomenon distinct from crime, as a thing in itself, and fight it directly. At the outset, neither Chief Cornelius Behan, whose idea this was, nor anyone else in the department really knew how to go about it. Over some five years, the department's Citizen Oriented Police Enforcement unit—COPE—would struggle with its new charge: with the problem of defining and assessing fear, with the failure of traditional police tactics to assuage fear, and with various new approaches created expressly for the new task. Relations with the communities it served, with other parts of county government, and with the more traditional balance of the police department posed their own problems. In the end, COPE would present fighting fear—and a maturing strategy for doing so—as a plausible new addition to the roster of more established police functions.

Taking the Plunge

Neil Behan, who had come to Baltimore County from a high-ranking post with the New York City police, and his department were made starkly aware of their inability to ensure domestic tranquility in 1981, when two particularly upsetting murders—one of a man robbed and killed while cycling near his home, another of a clerk caught in a holdup in his family's store—rocked Baltimore County, and eventually the whole state. The strength and staying power of the public's anger and concern caught the police, and apparently both local and state politicians, by surprise. Neither killing was of a nature to make repetitions likely, and both murderers were found and taken almost immediately, but neither fact seemed of much comfort either to the victims' families or Maryland's

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citizenry. The cyclist's wife and sister and the clerk's mother stepped forward at the head of what shortly became a vigorous and politically powerful state-wide victims' rights movement.

Baltimore County, despite being the center of the storm, did not normally see a great deal of violent crime. It was a large and varied municipality; its horseshoe outlines, surrounding the politically separate city of Baltimore, stretched almost from Washington D.C. to the Pennsylvania border, and included everything from dense suburbs, both rich and poor, around Baltimore proper, to sparsely settled farm and horse country to the north, to 170 miles of waterfront along the Chesapeake Bay. Its police department, with almost 1,400 sworn officers, was 26th in size nationwide, and answered nearly 300,000 calls annually, but it suffered relatively few murders every year. Even so, the county executive and county council responded promptly and positively to the victims' rights movement's cry for better protection and gave Behan 45 new officers (actually 30 new and 15 freed up by using civilians to fill staff jobs formerly held by uniformed personnel) in his 1982 budget.

Behan was driven to find a new use for them by thoughts he had been having for some time as a result of sitting on Maryland's Criminal Justice Coordinating Council, which advised the governor and helped allocate federal funds to state law enforcement agencies. One of the presentations to the council had been by the University of Maryland's Dr. Charles Wellford, who had done fear and victimization research for the Reagan Administration's Justice Department, and it left a lasting impression on Behan. "He merely pointed out that as we grew older in this country—older from the age of thirty-five—our fear increases," Behan recalls. "Then he drew a graph showing that victimization was *not* correlated with the fear. In fact, the older people got, the less they were victimized. But the fear was tremendous, so much so that he said, if I recall correctly, that people were not going shopping the way they would like to, were not attending church the way they would like to, not going on vacation the way they would like to. Their lives were seriously affected by this phenomenon of fear."

Just why it was fear and victimization were so disjunct—a finding born out by a number of studies—was unclear. Early thoughts ranged from the idea that people fearful of violent crime simply stayed home—reducing the chance that they would be preyed upon, but not reducing their fear—to the idea that it was not violent crime alone, but also relatively minor unpleasantness—public drunkenness, aggressive panhandlers, abandoned cars and buildings—that sparked fear. Whatever the reason, it seemed to Behan that something other than traditional police methods would be needed to improve things. He didn't, however, really have any idea what might work. Neither, evidently, did anybody else. Departmental inquiries to researchers, other police departments, psychologists, and the like failed to uncover any very developed ideas, much less any proven programs, specifically for fighting fear.

Behan was not much discouraged. "I've always had the idea," he says, "that if nothing is being done to meet a need in society, and it ought to be done, then the police probably can and should do it. I come from New York, where at the turn of the century the police picked up the garbage and ran the soup kitchens. Why? Because those services were needed, and the police were an organized, hard-hitting group that usually operated fairly efficiently. So I came to the conclusion that we would try to see if we can fight fear. That posed a whole *host* of questions. How do you identify fear? What do you do about it?" Behan's thoughts on those questions hadn't proceeded very far when he was presented with the new officers. Putting them out on the streets in the ordinary manner, he thought, would be a waste; in the vastness of Baltimore County, the public would never even know they were there. Instead, he decided to try something new. "We thought we'd give them a focus," he says. "Try to see if we could have them attack fear."

He had only one real idea, based on an experiment the department had essayed in the western part of the county, of how to proceed. After the police caught a man responsible for several local murders, the local commander, rather than simply pursuing business as usual, had taken officers off patrol and sent them door-to-door to talk to residents. They found out some very interesting things. Many people were still concerned because they didn't know the man was in custody; many more were in the grip of various disturbing rumors. Local officers' authoritative accounts of what was really happening was, it turned out, enough to calm the community. "We learned from those killings that you could go in and give good information to the public, and quell their fear, and have their lives quickly back to normal," Behan says. "That was a kind of amateurish example of what we had in mind, but it was very effective. We learned that, yes, there are things you can do. So I thought the way to proceed was, if we had a point in a neighborhood that had had a disturbance of some magnitude, we would start right at the incident and then just keep branching out. Knock on doors, talk to the people in the houses about their concerns and their knowledge of the incident, and keep going until you reached the point where you didn't find any more fear. Very simple."

He was not quite willing simply to impose that conception on his department. "My management style is to direct people toward an idea and let them develop the how-to," he says. "One, they can do it better than I can do it, and two, then they have ownership. The ownership's got to happen, and if they're just following orders it's not going to happen, or only with great difficulty." Instead, as he had on other occasions, he formed a project team composed of officers of varied ranks and backgrounds and charged them with defining a mission for the new unit. The project team, he soon discovered, was not comfortable with the idea of fighting fear by any means other than fighting crime. It wanted, more than anything else, to catch bad guys. Over and over again, the committee sent the chief one variation or another of what most police departments call a "tac force": a special squad, separate from the regular patrol force, aimed as conditions require at the high-priority crime of the moment, be it robbery, assault, street drug dealing, or what have you. Over and over Behan sent them back to start again. "It took a long time before they could get themselves to put fighting fear, as such, as a mission," he says. "Then they finally came in with the idea of COPE."

COPE

The idea of COPE, or Citizen Oriented Police Enforcement, was long on ends and somewhat short, as everybody acknowledged even at the time, on means. The 45 new officers—actually 45 experienced volunteers freed up by the increase in the department's strength—were divided into three teams of 15, one for each of the department's three patrol areas (Central, Western, and Eastern, each divided into several precincts), and each headed by a lieutenant reporting directly to the area patrol commander. To set them apart from the department's regular patrol force and make them more easily accessible to the public, they were given motorcycles to ride (Behan, until his staff convinced him it would be unworkable, had favored horses) and distinctive uniforms and emblems. They could, within limits, set their own schedules (a privilege usually reserved for detectives). And they were, all now agreed, to devote themselves exclusively to fighting fear: area and precinct commanders were specifically forbidden to deploy COPE officers for or in support of regular patrol, investigative, or enforcement activities (the one exception being answering "hot" emergency calls—man with a gun, burglar on the premises, officer in distress, and the like—which COPE officers were still expected to handle). Fear's presence would be determined semi-scientifically using community surveys developed by an academic specialist.

Just what COPE would do about when it found fear was not very clear at all. "They were told what *not* to do," says Sergeant Kirk Higdon, a member of the original project team. Behan and the team were so concerned that COPE would slide into traditional police work that they were very strongly discouraged from making arrests, mounting stakeouts, or other traditional law enforcement tactics. Everybody acknowledged that regular police work would often be a part of fighting fear, but COPE was directed to call on other parts of the department to handle it; they could coordinate it, but they couldn't do it themselves. That left COPE with—what? Nobody was entirely sure. Behan and departmental planners remained convinced that direct, positive contact with citizens was the key to fighting fear, and COPE officers were introduced to new variants on foot patrol techniques that emphasized conversation and accessibility, apprised of research that showed fear could exist without direct criminal victimization, and introduced to crime prevention and survey techniques. But COPE training reflected the embryonic status of these ideas: fully five of the six training weeks were devoted to motorcycle riding. Nonetheless, COPE—with high departmental expectations and considerable local fanfare—hit the streets on July 19, 1982.

Growing Pains

And hit them, and hit them, and hit them. For a year or so, COPE officers did very little beside go door-to-door in various parts of Baltimore County administering fear surveys, and, where fear was found, driving around all day long. The one thing that the three COPE teams thought they knew for sure was that fearful people liked to see cops on their streets. "The first thing that we wanted was visibility," says one officer who's been with COPE from the beginning. COPE, consequently, took to flooding troubled areas on their high-profile motorcycles. Each of the three teams worked independently, but each team tended to deploy all 15 of its officers in the same place at the same time, which made for quite a show. "High-visibility patrol," as the tactic came to be called, seemed entirely appropriate to the job at hand. "The fear would just go into the basement," says the officer. "The crime went into the basement, because we'd have 15 marked vehicles running around this neighborhood at various times of the day. Nobody could do anything without somebody seeing them." The police presence was sometimes so massive and sudden that it itself caused fear problems. "Sometimes, people saw all the cops and said, well, it must be a mass murderer running around or they wouldn't all be here," the officer says.

That problem was compounded by the way COPE took its surveys, which—ironically, given COPE's mission—served to inhibit communication between COPE officers and residents. The survey had been designed by academics, with academic research standards in mind: it was long (34 questions), repetitive (to allow cross-checking), and called for answers on a 1-to-10 scale (to facilitate numerical analysis). To prevent biasing the results, COPE officers were directed not to tell residents why they were in the neighborhood, not to explain the ultimate purpose of the survey, not, in essence, to do anything except introduce themselves, proffer the questionnaire, and wait while it was filled out. Many officers felt extremely uncomfortable, even stupid, standing like posts while residents answered the demanding, obviously redundant ("I often avoid going out during the daytime because I am afraid of crime," "My fear of crime is very high," "I am more afraid of crime than I have ever been," "I often avoid going out after dark because I am afraid of crime"), and mysterious survey.

As a result, COPE soon made going door-to-door, explaining its presence, part of the high-visibility patrol process, which made the tactic much more palatable to both police and, apparently, residents. It also designed and started using a shorter, more streamlined, and more open-ended form (the long survey was still used occasionally when circumstances seemed to call for more precise information). And things seemed, for a space, to go rather well. If COPE could calm people down and squelch misbehavior, officers thought, fine; if it could actually put somebody in jail, so much the better. COPE did, in fact, arrange for quite a number of arrests to be made. "Catch the criminals, get them off the street, end of fear problem," the officer says. "Traditional get-them-locked-up type policing."

Even such classic police work, however, took a new twist under COPE. It was soon clear that not even the most effective enforcement would fight fear on its own. "In some of our projects we found that we did catch the burglar and it didn't reduce the fear," says Major Kenneth W. Krouse, then Western Area's COPE lieutenant. "We realized then that we had to find some mechanism to let the community *know* that the burglar had been caught, that there was no reason anymore to triple-lock the doors and stay in all day long. So what they did later on was to utilize the local press, put a big splash in the newspaper, 'Burglar Was Caught,' and this is how many cases he was suspected of being involved in. And then once the community knew that, the fear level dropped."

Despite such efforts to turn traditional policing to its advantage, COPE shortly realized that enforcement, however handled, was not enough. Many of Baltimore County's fear problems didn't seem to have much at all to do with serious crime. "I can remember, back in 1982, a place that had 10 breaking-and-enterings in a week," one COPE officer says. "Well, we go in there, and we talk to people, and none of them know about B&Es, and they could care less about B&Es. They don't care about anything except the idiot running up and down Kingston Road going to run over my kid, scares the hell out of them. It wasn't the B&Es bothering that community, it was the speeding and the squealing wheels and the reckless driving going on on the front street. That was their real problem."

High-visibility patrol and saturation tactics were of little long-term use for addressing such situations (or, for that matter, for many crime problems). From their initial peak of confidence and energy, all three COPE units soon became, by many accounts, very frustrated and demoralized. "All we were doing was going from spot to spot," one officer says. "It wasn't leaving anything in place to affect that community after we were gone. It just didn't work." Worse, from the perspective of many COPE officers, the routine of driving around all day simply showing the flag, and of handing anything resembling regular police work off to other branches, was becoming an unbearable grind.

Apparently out of frustration more than anything else, COPE turned to crime prevention nine months or so after it got started. "They just got to the point where they said, hey, going out and doing surveys and asking people how they feel about the community is not going to cut it," says Captain Fred Kestler , a former COPE lieutenant. "How do you fight fear? Make people feel more secure. Maybe we ought to go out and tell people how to be more secure in their homes." They used a "target hardening" approach common to many, if not most, police crime prevention programs, teaching homeowners and businesspeople in troubled areas about safety equipment—"literally selling out all the locks in the hardware stores," Kestler says—and urging them to take simple precautions. That got stale fast too: it was hard to make people pay attention unless they were really frightened for some reason, while if they were already really frightened it seemed inadequate. Nor was it any more of a solution to non-serious crime problems than saturation patrol had been. COPE was floundering. "People were saying, this isn't how I want to spend my life," one officer recalls.

There were, nonetheless, some rays of hope, some suggestions that COPE, if it could only find a little room to move, could actually accomplish things. The best story came from Lieutenant Krouse's Western Area COPE unit, which was facing a nasty racial conflict. "We had a project where we had a private religious school, almost all black, in a white community, and the school buses for the all-white public school was letting its kids off in the same place where the private school's bus was letting out," Krouse says. The white kids were behaving exceedingly badly. "They were having confrontations: kids were getting shot with BB guns, and knives were starting to be displayed, and the school didn't know what to do, they just couldn't handle it," Krouse says. His unit started handling the problem just as they always had, by posting officers, in this case at the bus stops, to squelch the trouble in the short term. This time, though, they didn't stop there. Reasoning that it would be wise to sidestep the problem while figuring out how to address it more fundamentally, COPE officers went to the the county transit agency and had it reroute the buses so they no longer let out near each other. They used the peace this bought to make it plain race hatred would not be tolerated. COPE motorcycle officers stood picket at the public school stop, talking to students and letting them know what would happen if the violence didn't stop; Krouse personally addressed the school at an assembly to make the same points. When the time seemed right, the bus stops were restored, with COPE on the scene for a time. There was no further trouble, either then or when COPE left. COPE had solved the problem.

The incident made an enormous impression within the department. "I thought it was wonderful," Behan says. "I never would have thought of moving the bus stops; it was dynamite." The COPE project team was delighted. "This was different," Kirk Higdon says. "When I was a patrol officer I never would have done that. I'd have gone back to that corner every day and fought the problem, whatever it was, instead of moving the bus stops." For those who had had high hopes for COPE, hopes that it could somehow make a real difference, it was a welcome sign that they had not been dreaming.

It was still, unfortunately, very much the exception. Much of COPE, much of the time, was frustrated and chafing. Toward the end of the program's first year, Gary Hayes, then director of the

Police Executive Research Forum and a close observer of COPE, urged Behan to consider a new approach called "problem solving" policing. It was to be a watershed suggestion.

Breaking Through: Bringing Problem-Solving To Bear

Problem-solving was a whole new approach to policing, the brainchild of Herman Goldstein, late of several American police departments and at the time (and now) a professor at the University of Wisconsin. Convinced by academic studies and his own experience that the effectiveness of traditional police tactics—patrol, rapid response, and retrospective investigations—was limited, sometimes quite severely so, Goldstein had been arguing for some time that police should take a much broader view of how to do their job. He argued particularly that they should look beyond *incidents*, the endless emergency calls and cases that are the normal focus of patrol officers and detectives, to the *problems* that might give rise to them, and then use whatever legitimate means might work to address the problems. Faced with a string of purse-snatchings on a dark street, for instance, officers might, rather than simply trying to catch the villains responsible, also work to replace broken streetlights, repair fences to cut off escape routes through vacant lots, trim back hedges to eliminate obvious hiding places, and the like. Vandalism and petty crime in a neighborhood near a housing project might be stopped easily and permanently by having the city start an afternoon recreation program to occupy idle hands. Goldstein, in his writings on problem-solving, had emphasized that an extremely wide range of resources was potentially available to the police—from other municipal agencies, community groups, business associations, churches, and similar sources—if they chose to make use of them, that there was, or could be, more to crime prevention than patrol and more to crime control than arrest. Problem-solving hadn't had much in the way of field testing, but Krouse's legerdemain with the bus stops—while uninformed by the theory Goldstein had developed—was exactly the sort of thing he had in mind.

When Behan and his people decided to reconsider their approach to COPE, Hayes introduced them to Goldstein, who shortly paid the department a visit. "I heard them out," Behan recalls, "about marrying what we were doing—which I thought was progressing rather well—with this notion of problem solving. They convinced me that it was the way to go." Goldstein spent several weeks with COPE, talking with them about their experiences, his ideas, and running formal workshops on the problem-solving approach. He and his message were enormous hits. Most immediately welcome, perhaps, was his advice that COPE officers be made responsible for handling all aspects of their fear-reduction projects, even if that meant making arrests and doing traditional police work. "He said, 'If they identify a problem, go ahead and work on it,' instead of farming every little thing out," one COPE officer says. "If it's in your project area and it affects fear in a community, okay, work on it." COPE officers were itching to be cops again, and this was manna from heaven.

But the new notion of problem-solving rang true too. "It really gave us a vehicle to use, and it really fit in well," a COPE officer says. "It fit this unit so well I can't understand why someone didn't think of it earlier. It started making sense where we should be going with this thing." Goldstein recommended that COPE adopt a formal problem-solving process, that in addition to surveying neighborhoods to uncover fear and local concerns, it routinely, wherever it found cause for action, analyze the situation to identify causes, consider actions it could make or organize to improve things, and identify resources that might be added to COPE's own. Some projects might require the attention of a whole COPE team, as most had in the past; others might take just a few officers. Some might take a few days or weeks to handle; others might take months or years. He encouraged COPE officers to think and act for themselves, to consider themselves free to try anything that seemed promising and legitimate. Even several years later, the sense of liberation he imparted is still palpable.

Goldstein went back to Wisconsin, and COPE went back to work. Armed with a new perspective and a new-found sense of purpose, COPE soon accumulated a string of what it, and the department, considered noteworthy successes. An early standout was Garden Village, a federally-subsidized project of almost 350 townhouses. COPE went in knowing little more than that it was a tension-ridden, high-crime area. As they went door-to-door with their surveys, several salient facts emerged. Two locally prominent families were engaged in a power struggle and demanding that other residents take sides, causing much unease. Crime was even higher than the local precinct thought; both a shooting and a rape had recently gone unreported. Residents complained about juvenile crime, disorderly kids, drugs, and a lack of county services. COPE officers saw for themselves that the apartments and grounds were in disrepair, that there was no place for kids to play, and that much of the common-area lighting was out.

Precinct patrol officers had done little more for Garden Village than respond to 911 calls. Pre-problem-solving COPE would have done little more than flood the area to calm things down, have the precinct check out suspects, and perhaps talk to some of the more obvious troublemakers. Now, however, COPE was determined to make both a short-term and a lasting mark. The unit split into two halves. One, the "intervention team," arrested four burglary suspects, identified and arrested a suspect in the shooting, and arranged for the revocation of parole and subsequent incarceration of a particularly troublesome youth. The other half, the "interaction team," talked to residents, held several community meetings, and encouraged tenants to form and charter the Garden Village Improvement Association. COPE attention, with local encouragement, turned almost immediately to physical improvements. Results were many, immediate, and mostly at county expense: while the apartments' management landscaped the grounds and trimmed trees, COPE prevailed upon county agencies to repair old street lights and install new ones, repair alleyways, and—in what became the capstone of the project—build brand-new basketball courts to give local kids somewhere to play.

The project seemed to be a success on a number of different levels. The feud was quelled, reported crime fell, and Garden Village residents were presumably reminded that it was worth their while to call the police when *in extremis*. Some of the long-term causes of local fear and tension—chiefly kids at loose ends and the area's gross physical problems—had been addressed. The new playground was heavily used, the apartments' lighting and grounds were much improved, and post-project surveys showed residents' fear to be much reduced. To make sure things stayed together, COPE instituted a "maintenance phase," visiting the site infrequently but regularly to take its pulse. All was not always sweetness and light, but conditions seemed to remain improved; the only major issue became a running battle with the Department of Recreation and Parks to keep fresh nets on the basketball hoops.

The New COPE

Garden Village contained all the elements that were to become typical of COPE's approach to a major project: rather in-depth information gathering, an analysis of the problem, the formulation of a response relying heavily, if not predominantly, on non-police resources, and a long-term, open-ended commitment to getting things fixed. Time itself became one of COPE's most valuable resources. "Our early projects never lasted more than a couple of weeks," Kirk Higdon says. "We never conceived of a project that could last months, or years. Cops always think, from handling calls for service, 'I've got to get there, I've got to handle it, I've got to get my report written, because I've got to get back in service.' COPE had to keep looking in the mirror, saying, 'I don't *have* to be back in service. I mean, I have a luxury here, an opportunity.'" Once the idea sank in, and it took a while, COPE officers felt even more liberated. "We work on some projects six months, we've worked on some for over two years," says one officer. Complex solutions that demanded time, coordination, experimentation, even trial and error, suddenly became possibilities.

Operations containing all those elements soon, in fact, became the COPE norm. One project that remains a particular COPE favorite was in the Krone Drive neighborhood in the western part of the county, where a small established white community was extremely unhappy about blacks having moved into large new apartment buildings nearby. An elderly woman had been robbed twice, in separate incidents a year or so apart. She, and the rest of the white community, was convinced that a youngster from the apartments was responsible for both burglaries; he had been prosecuted and convicted but not much punished for the first attack, and after the second, finding the local police not greatly interested in her problem, the woman had moved away rather than risk another confrontation. The white community erected a fence between itself and the apartments, which was promptly cut open, exacerbating tensions. COPE got wind of the trouble and surveyed the community, finding, a department report says, "unusually high levels of fear and low levels of satisfaction with the police."

COPE's goal was twofold: to do right by the robbery victim and lessen the conflict between the old white and the new black communities. To the first end, COPE officers visited her in her new home, promising their support and encouraging her to press charges. When she finally agreed, COPE arrested the alleged burglar, helped her through the hearing, provided protection and transportation, and mobilized almost two dozen Krone Drive residents to show up and provide moral support in court. The accused, despite all that, was acquitted, but the victim, apparently much reassured by COPE's attentions, moved back to Krone Drive anyway. Meanwhile, COPE officers had taken themselves to the apartments, which they found in rather sorry shape, and had prevailed upon the apartment management and city authorities to improve lighting, street signage, and landscaping. They also promoted enough conversation between the apartment management and the older residents that the latter agreed to keep the fenced-off corridor open, to prevent hard feelings and further trouble. COPE declared the project closed; post-operation surveys showed fear much reduced and attitudes toward the police much improved.

The longer COPE proceeded with problem-solving, the more unconventional its approach became. Drawing various parts of county government into police operations—the liquor licensing board to help with an unruly biker bar, the maintenance department to knock down an abandoned treehouse that had become a haven for glue-sniffing—soon became routine. One COPE unit, disturbed by a series of crimes against single elderly people (and by the lonely and needy elderly it routinely encountered in door-to-door surveying), looked into what the county had available in the way of services and discovered that there were many—emergency fuel assistance, emergency carpentry and glazing, medical home care, visitors, daily phone checks, transportation, shopping help, and the like—but that the county hadn't the means to actively seek out those who needed such help. COPE, knowing that patrol officers routinely ran into people who needed help that officers couldn't provide themselves, designed a simple form for officers to carry that, when filled out and dropped into the internal county mail system, went directly to the Department of Aging for action. Piloted in one COPE district, the idea seemed to work beautifully, increasing the clientele of the phone-check program alone five-fold in a very short time.

Not every COPE story, of course, ended well. Despite COPE officers' oft-repeated claim that they never give up on a problem, more than one project has gone belly-up. The cause cited most frequently is a lack of community cooperation, or simple apathy. "A lot of times, if there's say a series of crimes and a lot of newspaper attention, you have a high fear factor and people seem willing to do anything to help themselves," says COPE officer Bruce Axt. "But if we went in with our high-visibility patrol the crime rate would drop a little bit, and then they just didn't give a damn. And we could try to teach them crime prevention, how to protect themselves, but they were unwilling to do anything. So we'd leave, go to a different area that was looking for help, and then one day soon we'd get a telephone call, this is so-and-so from this community and we need you back. And you'd go back and you'd try it all over again; it becomes a rotation, a cycle." There wasn't really very much, in the opinion of Axt and his COPE unit, to be done to command closer community attention, and he believed that it was sometimes justified simply to move on. "We have meetings where we'll discuss among ourselves the projects we have open," he says. "And on certain projects it'll just be unanimous that we're not going anywhere, so let's see what else might be out there for us in another community."

A few projects ran into outright opposition from the communities they were supposed to serve. In one, COPE had been called in by business people in an area the county had slated for redevelopment because aggressive, often inebriated panhandlers were bothering the upscale patrons the district was trying to attract. COPE came up with an elaborate program to erect signs calling on pedestrians not to give alms, to enforce laws forbidding the sale of alcohol to the intoxicated, and to create, in cooperation with the department of social services, local detoxification shelters. The area refused to accept the shelters, and COPE refused to crack down on the panhandlers without providing them an alternative. It was a stalemate, and COPE moved on.

Means and Ends

Not all of COPE's projects involved drawing on outside resources, either. One COPE unit squelched a burglary problem by going door-to-door in a very large neighborhood and persuading residents to leave their porch lights on all night long: with the streets lit up like a movie set, crime dropped to nothing. Another operation quieted a community plagued by young drinkers through the simple expedient of enforcing the law on both sides of the precinct line that divided the neighborhood, which the tipplers had previously used their advantage. Another was aimed at preventing trouble in a black neighborhood hostile to police when the department mounted a massive drug raid. COPE officers went in at the same time, talking to people and passing out fliers, explaining what the police were doing and why, and that they were neither fishing nor after the whole community. The raid proceeded without incident, and the approach became a common practice in the department.

Many, if not most, projects, however, did come to involve outside agencies, and some in COPE, realizing the variety of new approaches and resources open to them, came to develop a very explicit new sense of what it meant to be a COPE-style police officer. "We're a multi-agency coordinating tool," says Lieutenant Vito Mentzell. They no longer saw themselves, as most police did, primarily as law-enforcement officials, but as ombudsmen and troubleshooters, with the law only one, and not necessarily the most useful, recourse.

That meant new knowledge and new skills. COPE "takes an individual who is willing to do a lot of different things," says one long-time supervisor. "They have to know how the county government works, where to go to get the help they need. They have to be able to deal with people who are probably above their level—department heads sometimes—who sometimes don't like it that some patrolman's calling on them." COPE unquestionably ruffled county feathers as it threw itself into the problem-solving approach. Partly this was fairly superficial and easily overcome. "I used to just go to the office [of county officials]," says one COPE officer. "I didn't make an appointment or anything, I just showed up. The first thing the department heads would know was when their secretary would say, 'The county police are out here.' Their jaws were wide open, they couldn't believe we were doing this." County executive Donald Hutchinson had explained to his bureaucrats about COPE and directed them to extend it any help they could, but many bristled at these sudden and sometimes major demands. Time and experience was generally enough to establish smoother channels, and each COPE unit now has a resource file with more-or-less designated agency contacts. Cooperation, both sides report, is generally forthcoming.

There were more fundamental problems as well. COPE was able to command Garden Village's celebrated basketball courts, for instance, despite the fact that an established county-wide system of local volunteer councils had already settled on a capital budget for the Department of Recreation and Parks. This was a clash of populisms: Garden Village's only advantage was that it had COPE on its side, but that was enough. The pattern was repeated, thought not generally quite as dramatically. As COPE's enthusiasm for untraditional approaches grew, its appetite for county resources grew as well. Its demands—for lighting, roadwork, trash removal, landscaping, recreational facilities, and the like—added up. "After a few years," says Kie Martensen of Behan's staff, "there was a hue-and-cry from the department heads that we were adversely affecting their schedules and priorities." Behan and Hutchinson, and later Behan and new county executive Dennis Rasmussen, prevailed on the bureaucracy to continue to give COPE's requests top priority, largely, apparently, successfully.

The chief took this job very seriously, not simply to ensure COPE's success but as a matter of philosophy. "My position was, and still is, that the police are closest to the public's discontent," he says. "That's where they live. If we find that discontent in a community, then all of government should gather together to resolve that discontent in order to maintain the quality of life. Bureaucrats traditionally do things their way: they struggle with their budgets, they sincerely try to allocate their resources, whether they're laying sewer lines or fixing roads or straightening out parks. I believe that's effective, to a limited degree. The *true* effectiveness is if the bureaucrats can learn what the public wants done, consistent with their mission, and concentrate on those jobs first. That's really what government is about. And that became kind of an understanding of what COPE was."

That understanding has become strong enough that COPE's mission has effectively, if without explicit acknowledgement, expanded beyond the original focus on fear. The unit still takes on projects only when surveys or other strong indicators signal community fear, but once on a job it tends to try to handle any problems it encounters. "We're getting involved in a lot more than the old days," says one long-time COPE officer. "We're getting involved in a lot of quality of life issues, regardless of whether they have to do with fear problems, though that's still a big issue. But if we find out that potholes in the street, or playgrounds for kids, might be affecting the quality of life, then we get them taken care of." Such projects aren't considered complete until the original fear problems have been addressed, but not everything that COPE does along the way is always aimed directly at fear reduction. Several years into the problem-solving approach, the fact that there is a pressing community need has come to be reason enough for action.

Shifting the Center

Along the way, some in COPE came to think that the unit had become too efficient, and too routinized, in its prescriptions. "I don't want to get into a situation where I'm just reaching into my bag of tricks and handing out solutions," says long-time COPE officer Richard A. Fox. "We have a situation where the kids don't have anything to do, and you look in your COPE book under 'kids don't have anything to do' and next to it it says 'basketball court..' That's an exaggeration, but it's like we're coming up with formulas for problems, taking the community's perspective out of it and injecting our perspective."

Fox thought the answer was to empower the community itself, to teach it to command the attention of county government, with COPE's support but with as little COPE mediation as possible. His most ambitious experiment along these lines was in one of the county's waterfront areas, where everything—the housing stock, the streets, the storm drains, the docks—was in serious disrepair. COPE had been called in because some residents' attempts to improve things, for instance to get their neighbors to dispose of trash and abandoned cars and boats, had been met with violence, in one case a firebombing.. "It was a rough situation," Fox recalls.

COPE, as was its habit, put officers on the streets to calm things down, but from there on out Fox followed an unusual course. "I got representatives from all the agencies and brought them together with the community people, so that they wouldn't have to go through the police department," he says. "I put them in contact with the people they needed to be dealing with: the representatives from zoning, from waterway improvement, and so on. Then I piled the county representatives into a motor pool van and took them out to see the neighborhood, let them see all the violations: health, zoning, abandoned cars and boats, debris on the waterway, poor drainage, the whole infrastructure problem. I said, 'This is what the problem is. Now, they're going to be contacting you about it.'" Fox stayed involved by monitoring progress. He asked the departments for memos on actions they took, and he designated community residents to be "watch dogs" on particular problem areas—one for abandoned cars, one for the boats, one for the storm drains, et cetera—to work with the county and let him know if they needed his help. It worked. The area is much improved—mostly by moving up work the county was planning to do anyway—and Fox no longer has to do more than keep an eye on things. "I'm eased out of it," he says. "The residents are saying, 'I did this,' and 'I did that.' It's not COPE did this and COPE did that, it's 'I did it.' They really feel a part of it." In Fox's COPE unit, this approach—working with and through, through rather than simply for, county residents—is becoming increasingly popular.

The Gulf, and Bridging It: Precinct Problem-Solving

All of these developments—COPE's enthusiasm for and apparent success with problem-solving, the range and creativity of its methods, its whole-hearted acceptance of fear reduction and quality-of-life improvement as legitimate police goals—pleased Chief Behan tremendously. COPE might be, he began to think, a glimpse of the future of police work, with promise far beyond traditional policing and its emphasis on patrol, rapid response, investigation, and crime. "All the pieces are there," Behan says. "A bigger and more flexible role for individual officers, the deemphasis of military structure, and a more thoughtful analysis of the problems police are expected to handle. If you fit all these pieces together, you have the beginning of a new vision of what police work could become. If COPE is adopted, it will mean a revolution in policing."

To make a very great difference, Behan and other COPE supporters acknowledged, COPE's problem-solving approach would have to spread throughout a department, be it in Baltimore County or anywhere else. No matter how assiduous and creative COPE's three 15-person squads were, they represented but a tiny portion of the department and their work but a fraction of departmental activity. The vast majority of Baltimore County's officers continued to patrol and answer 911 calls, just as they always had, with no more thought to fear, quality of life, or problem-solving than before COPE was even conceived. COPE's orientation and skills would have to take root in the rest of the predominantly traditional force if they were to make a very great difference in either the department or the county.

The patrol force was not champing at the bit to follow COPE's lead. COPE officers report encountering consistently negative attitudes from the county's overworked officers, ranging from a fairly complete lack of understanding of COPE's goals and methods, at best, to open hostility, at worst. "They don't like us," one long-time COPE officer says. "They don't like what we're allowed to do, set our own hours and work days while they're stuck on shift work. With all the problems they have with their calls for service, a lot of them feel that unless you're fighting in the trenches taking calls you're not doing police work, so all of a sudden we're not taking calls, and they don't think we're cops anymore." Many COPE officers have given up even trying to explain themselves to the skeptical multitudes. "I spent 15 years on patrol, and I'm proud of my patrol career, but I can see the benefits of this unit over patrol," says one. "All of those people out there criticizing my unit are my friends, people I came up with, but I can't help them. If they can't see what this unit does for them, I can't force it down their throats. And this unit cuts their calls for service, it cuts their complaints. I can guarantee you that on just about any project, in any of the three areas that we've ever worked, we've made an effect for that patrolman. Somewhere down the line there's somebody in that community, a whole lot more people in that community, there to look out for him than ever did before. With us working these projects and getting back to the people themselves, getting out of the cars and talking to them, the human relations are back again between the patrolman and the community, where it was lacking for a lot of years. [But you can't make them see it.]"

At the same time, COPE officers feel very strongly that they are unique, or at least in a unique position, and that the patrol force could never manage to fight fear and solve problems. The strong version of this position focuses on COPE's freedom from the regular demands of patrol. "I think that's why we've been so successful, because we are given the time here," says one COPE officer. "We have eight hours a day to contribute to our problem-solving. If you try to add that burden to a patrol officer, there's no way he can allow time to handle all kinds of calls and still really get into the gist of a problem." The weak version focuses on orientation and management. "They have the time, all of them have the time," says another. "If they know the process of problem-solving, there is time in the day to do it. But the job isn't structured that way. They've got sergeants who are on their backs constantly: 'Don't do anything that takes you out of service, you've got to be available for calls.' Then they've got a ten-year patrolman who works the post next to them: 'You better be there if I need you.' That's the kind of structure that you've got out there on the street. So there's a lot of frustration out there."

Behan was only too well aware of the friction, and the operational gulf, between patrol and COPE, but, given his long-standing respect for patrol officers, he thought the weak explanation was probably closer to the mark. Happy though he was with COPE's development and performance, the idea of permanently setting problem-solving and fear reduction aside as a special function did not sit well. "Special units exist because patrol can't do a particular thing, ever," he says. "You have a homicide squad because patrol can't investigate homicides; if they could, you wouldn't have a homicide squad. The ideal police organization is one that doesn't have a lot of special units in it, that has the generalists doing all these kind of things. So it occurred to me that while what we were doing was going well, was focused and successful, it was not the end but the beginning. So, now, how do we get this thing spread throughout the organization?"

Behan is trying several things, the most ambitious of which is "precinct problem solving," a scheme to combine the COPE approach and regular patrol, under the direction of Captain Fred Kestler, who was a COPE lieutenant when he was promoted and given command of the White Marsh precinct. Just what precinct problem solving is, what it will ultimately look like, is unclear, just as COPE's shape was unclear when the department launched that program. "Fred was committed to COPE, he believed in it," Behan says. "So I said, all right, let me give him a chance. In my usual way—I don't tell you how to do it, I just point to it—I said, 'Fred, can you make this precinct a COPE precinct?' 'Problem-solving precinct' is a better way to describe it, and he's trying to do that."

Kestler is one of COPE's most outspoken admirers, and he was determined to bring its methods into more general use, but he also knew perfectly well how most of his patrol force felt about COPE. He used training materials the department had developed to teach problem-solving to new COPE officers, but, he says, "we got rid of all the COPE stuff in it to break down the animosity of officers here." In one three-hour session, all his patrol officers got a basic introduction to the ideas behind problem solving, the county and other resources they might draw on to do nontraditional policing, and some examples of successful problem-solving projects.

Then, says Kestler, "we insisted that each officer that went through the training had to come up with a problem. He could get it from calls in the precinct, he could get it from crime stats from our crime analysis, he could get it wherever he wants. But he has to do a problem, and it has to affect the community. It can't just affect our organization; it has to be primarily community centered. We were trying to give them an opportunity to go out in the community, get out of the cars, and look at things."

He didn't impose any other conditions on the problems officers could select and pursue; he didn't, in particular and on principle, worry much about the significance, relative or otherwise, of problem-solving projects, or about showing that they were in some fashion cost-effective. "I don't think I'll ever care about that," he says. "I think that if we have a problem that concerns a community, that the officers can do something about, that we should just say to hell with it, let's do it. If it works out to be something that was worth our time and effort, if we did some good things for the community, great. If it turned out to be a bust, so what: we'll try something someplace else. I think if you take each problem and wonder, is this important enough? Do we have the manpower for it? Do we have the dollars? Will the officers be interested? We'll play 'what if' to death. Let's just do it. If it's important to the community, it ought to be important to us. And if we try it, if we do nothing more in the whole project than make people feel good about the police department and this precinct, that's worth it."

From where Kestler sits, the experiment has been very satisfying. One project took on vandalism in a huge local gravel pit, which had been very costly both to the company running the pit, which suffered frequent damage to heavy equipment, and to the precinct, which was forever answering calls there. Over the course of a summer, patrol officers organized a security survey, convinced the company to build a lighted compound for their machinery and hire a guard, and arranged very heavy police coverage—ranging from aerial surveillance to COPE saturation patrol—to let the vandals know the rules of the game had changed. Even after the patrols left, vandalism, and calls to the precinct, dropped to almost nothing. Another project prevailed on the county, COPE-fashion, to install a traffic signal at a dangerous intersection near a school.

To Kestler, one of the happiest discoveries has been that "the officers that came in with the toughest, most unbelieving attitudes turned out to be some of our better problem-solvers. I have a theory—and it's only a theory—that all cops come on the job as missionaries. They want to make a difference: all that apple-pie stuff. And after about two years, we really just beat them down, and they say, well, I'm not going to make a difference, the hell with it. I'll pick up my paycheck, and handle the calls, and keep the sergeant off my back, and I'll be in good shape. What we do with problem-solving is we find out, and they find out, they absolutely can make a difference." That, the captain finds, makes for happy cops.

Not all is perfect. "You do feel sometimes, when you go home at the end of the day, like you've done something," Kestler says. "Now, the problem is, you've only done something about every six months. Because lots of projects take a *long* time to do." But in the year or so White Marsh has been pursuing its experiment, it has begun to get some sense of how patrol and problem-solving might be better combined. The major change now in the works would alter the precinct's patrol shift pattern, which currently (as in many departments) rotates one shift backward roughly every week. Officers who need to work on their projects at a particular time of day—and most projects involving community contact or county services have to be attended to during business hours or in the early evening—only get five days out of 15 to do so. A precinct task force is consequently working out a plan to keep officers on given shifts longer, for as much as a month at a time, to make at least medium-duration projects easier to finish.

Kestler has high, if rather long-term, hopes for combining problem-solving and patrol. "I think the day will come," he says, "maybe not in our lifetimes, but if we keep it up, when officers will simply routinely handle the problems they run into, when they will naturally think in those terms first, rather than in terms of handling the call and getting back in service. It's going to be a while till we get people thinking like that. I think we may have started."

COPE with a County Face

Just as the Baltimore Police Department has come to believe that problem-solving doesn't necessarily require COPE to take the lead, others in the county have come to believe that problem-solving doesn't even require the police to take the lead. The most striking example of this is county executive Dennis Rasmussen's creation in 1988 of a new executive Office of Community Outreach that brought representatives of every major county department and agency together in one place to address, in a rapid and coordinated fashion, pressing community needs. Anybody could call, write, or visit the new office, but, not content with waiting passively for county residents to register whatever complaints they might have, Rasmussen arranged for COPE to take extensive surveys touching on a wide range of local issues in selected communities. Town-meeting style hearings, with Rasmussen, his department heads, and COPE in attendance, were held in conjunction with the surveys, with the Office of Community Outreach charged with registering the major problems and organizing a response. Fear issues remain COPE turf, but more general quality-of-life concerns are increasingly being handled by community outreach personnel (sometimes with COPE advice and help). It's too early to know exactly how the new approach will shape up, or how county government will handle competing demands and unexpected, unbudgeted calls on its resources, but Rasmussen, who campaigned on the slogan "Closest to the People," is determined to make it work and has made it a centerpiece of his administration.

The Office of Community Outreach is intended to perform the important secondary function of providing COPE one-stop shopping for county services, and, when necessary, weighing and passing judgement on COPE demands. COPE officers are still free to promote county help any way they can, but they increasingly, especially for major requests involving several departments, work through the outreach office. By all accounts, its multi-agency composition and service orientation have served to speed county action, to everybody's satisfaction. Rasmussen and Regina Aris, the new office's director, are prepared for harder times, however. "So far, COPE's demands, in the several years since the program started, have been fairly easily handled," says Aris. "There will come a time, as the police work more and more as COPE does—which is a good thing—and as the community outreach program gathers momentum, when we're going to have problems. The more effective COPE and the executive are at getting through to people and uncovering problems, the more demands we're going to have to balance. That hasn't really happened yet, but one of the reasons that this office was established was to do it when the time comes."

Behan is perfectly happy that the county should step into COPE's shoes, although he expects that fear issues will mostly remain police business. "It's back to this original thought that the police used to pick up the garbage and run the soup kitchens, simply because nobody else would," he says. "Once you had sanitation departments and welfare agencies, you didn't need the police. Maybe with problem-solving, a government can use the police merely to identify the problem; you can even go a certain degree in problem identification through the non-police methods. Where police methods are required, that resource is used. But this outreach office approach, if it works in actual operation, is absolutely great. Then the police can go back to where they were. What we said originally is that when there's a vacuum in the society, the police are often the ones called on to fill it. Then when society straightens itself out then the police can back away and do other things, until they find another problem that defies solution."

New Perspectives in Policing

SEPTEMBER 2009

HARVARD Kennedy School
Program in Criminal Justice
Policy and Management

NIJ
National Institute of Justice

One Week in Heron City (Case A)

A Case Study

Malcolm K. Sparrow, Ph.D.

Introduction

The Heron City case study is divided into three parts — **Case A,** Case B and Teaching Notes. The case study is designed to serve as a basis for discussions regarding: (a) the relationships among a range of current policing strategies, and (b) the nature of analytic support that modern operational policing requires.

The broad strategic or organizational approaches discussed in the case study include:

- Community policing.
- Compstat (as an organizational approach to crime-reduction tasks).
- Problem-oriented policing.
- Evidence-based policing.
- Intelligence-led policing.

Executive Session on Policing and Public Safety

This is one in a series of papers that will be published as a result of the Executive Session on Policing and Public Safety.

Harvard's Executive Sessions are a convening of individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue. Members are selected based on their experiences, their reputation for thoughtfulness and their potential for helping to disseminate the work of the Session.

In the early 1980s, an Executive Session on Policing helped resolve many law enforcement issues of the day. It produced a number of papers and concepts that revolutionized policing. Thirty years later, law enforcement has changed and NIJ and Harvard's Kennedy School of Government are again collaborating to help resolve law enforcement issues of the day.

Learn more about the Executive Session on Policing and Public Safety at:

NIJ's Web site: http://www.ojp.usdoj.gov/nij/topics/law-enforcement/executive-sessions/welcome.htm

Harvard's Web site: http://www.hks.harvard.edu/criminaljustice/executive_sessions/policing.htm

One Week in Heron City: Case A

Heron City is fictional. So are all the characters in the following narrative.

Monday Morning: Meeting With the Mayor

On her first day as police chief in Heron City, Laura Harrison sat down with the mayor to discuss the major issues facing the city. The mayor had three issues on his agenda:

1. The Hayley Scott murder — Heron City, located 70 miles inland from the Gulf of Mexico, was regarded by its roughly 400,000 inhabitants as a pleasant and safe place to live. But the recent and still unsolved murder of Hayley Scott had cast a pall of fear over the city. Hayley Scott, a 26-year-old mother of two, had been savagely beaten to death one month earlier at an Interstate rest stop in the outskirts of the city, having pulled in briefly to buy lemonade from a vending machine.

The media had dubbed the case the "Stalker Murder" on the grounds that Hayley Scott had called Heron City police four times during the previous month, convinced that she was being followed as she drove around town. She had also complained that someone (whom she assumed must be the same man that was following her) had been stealing from her mailbox and tracking her online. She had provided the police only the vaguest of descriptions for her alleged stalker, and she had not been able to give them any registration numbers or a detailed description of a suspect car. As a result of her calls, Hayley Scott's community beat officer had helped procure and install a proper alarm system for her house and had checked in with her weekly for any new information and to see how she was doing.

Apart from that, given the lack of details available, the local precinct commander had taken the view that there was not much more the police could do. Even after the murder, police had no evidence that Scott had, in fact, been followed or stalked in any way.

One week after Hayley Scott's murder, the *Heron City Gazette* ran a front-page story reporting her many pleas to the police for help under the headline "Zero Protection: Victim's Family Labels Police Useless." Within days, and with public furor mounting, the mayor had negotiated an early retirement for Laura Harrison's predecessor. In the four weeks since Scott's murder, the Heron City Police Department had taken 135 complaints from a further 61 women, all of whom expressed concerns that they, too, were being followed. Police had not been able to substantiate any of those claims and assumed they stemmed mostly, if not completely, from paranoia. The Scott murder was the first stranger-to-stranger homicide the city had seen for three years, but it had the whole city on edge.

2. Car theft — The mayor described a meeting he had held over the weekend with representatives from the auto insurance industry. Apparently, insurers were taking huge losses on policies held by Heron City residents. The most expensive claims, according to the industry's actuarial analyses, involved thefts of luxury cars less than two years old with a heavy concentration among just three makes of vehicle: Lexus, Mercedes and BMW. Theft of such vehicles had risen 450 percent over the last year, and Heron City was the only city in the state experiencing such a surge. Of the high-end vehicles stolen, less than 10 percent were subsequently recovered.

Owners of such vehicles, apparently aware of the pattern, had all been switching to the "full replacement cost" policy option and were willing to pay the higher premium for this more comprehensive coverage. The insurers were subject to regulation by the state's insurance commissioner and had been prohibited from raising the price of their policies for Heron City. Premiums, according to state law, had to be based on statewide loss experience and that had only risen by 15 percent. The insurance industry representatives had complained to the mayor that Heron City was "eating their lunch" and demanded to know what he and his newly appointed chief of police were going to do about the situation.

3. Contingency preparations for pandemic flu — The mayor also mentioned that the city's public health department was embarking on a contingency planning exercise for pandemic flu. The health department's strategy unit had requested a meeting with Chief Harrison sometime within her first two weeks so they could understand her perspective on the issue and incorporate the police department's potential contributions into their plans.

Monday Afternoon: Captain David Lawrence, Community Policing Unit

Following are excerpts from a meeting between Chief Laura Harrison and Captain David Lawrence, coordinator of the Community Policing Unit, held Monday afternoon in Chief Harrison's office.

Chief Harrison: I'm guessing all your resources are stretched to the limit right now?

Captain Lawrence: They are, ma'am. I have my own unit of 10 officers, and they're helping out with the follow-ups on the "stalker calls," mostly just spending time trying to calm people down, making sure houses are secure, and giving advice about how to recognize genuinely dangerous situations. We've developed some materials for distribution and made those available to all the precinct beat officers. I have some input into their deployment, too — in collaboration with their lieutenants — so I think we are delivering a consistent message to the public. The rate of calls, though, doesn't seem to be dropping off at all just yet.

Chief Harrison: Do you have all the help you need with the psychology of this? We need folks to be alert, particularly until the Hayley Scott case breaks. But we don't want a completely neurotic city. We want more people out in public places, if anything, not less.

Captain Lawrence: Yes, ma'am. We've had some very good input from other jurisdictions with similar experiences, and we've worked out some referral systems with the health department for folks that just seem generally anxious.

Chief Harrison: Okay. What about the surge in car thefts? What kind of reaction do you see to that?

Captain Lawrence: Well, that's not much of an issue for my unit because it doesn't seem to be much of an issue for the community. We're almost entirely focused on the stalker calls for now.

Chief Harrison: How come?

Captain Lawrence: Basically, the owners aren't losing anything much in the long run. The cheap cars that go usually show up within 24 hours, and that seems to be mostly young kids just joyriding. The really expensive cars — which generally don't show up, by the way — are fully insured. They're gas-guzzlers too, and with the price of gas these days, the owners seem perfectly happy to let them go and switch to something more economical. The insurance payouts are much more than the owners could ever get for a trade-in. Everyone around here with a fancy car now takes the full-replacement option.

Chief Harrison: Just because the owners are not complaining, does that stop it from being a community issue? Do you realize we're the only city in the state with this problem, even though we don't seem to know what it's about?

Captain Lawrence: I know it's an issue, ma'am. But it's not one of their big concerns. The women are afraid. The men are worried about their wives and kids. There's not much energy left over for worrying about cars, or anything else; and what energy there is, at the moment, is focused on glue sniffing in the fourth and fifth grades. We've got a lot of kids getting pretty sick with it.

Chief Harrison: Do you think of the insurance companies as part of the community?

Captain Lawrence: Not really. I think they can take care of themselves. I think that's the general attitude among our residents.

Chief Harrison: How long have you been coordinating community policing in this department?

Captain Lawrence: This is my seventh year now. The previous captain had the idea that we'd just use the community as our eyes and ears to help us solve crime. The chief back then — that's three before you, ma'am — wanted someone who'd make it a two-way deal. We'd actually take community preferences seriously in figuring out what to work on. That way, we get even better cooperation. The idea was to make it a real partnership. So we listen to them. They don't care much for insurance companies.

Tuesday Morning: Major Fred Lucius, Head of Patrol and Director of Compstat

Following are excerpts from a meeting between Chief Laura Harrison and Major Fred Lucius, head of the Patrol Division. Major Lucius was brought into the department five years earlier to implement the Compstat process, which he now directs. The meeting takes place in the chief's office on Tuesday morning.

Chief Harrison: How are the precinct commanders doing with all this pressure?

Major Lucius: Ma'am, we got rid of all the ones that can't handle some reasonable degree of pressure. The nine we have now, I think, do pretty well.

Chief Harrison: What's the approach with the stalker calls?

Major Lucius: We've pretty much left that up to the community beat officers so far. There really hasn't been much to go on in terms of real leads or threats. We can't say it publicly, but we are assuming — unless someone comes up with a real suspect, or a crime attempt, or something tangible — we're assuming this is mostly fear arising from the Scott case. And, so far, we haven't had any other incident remotely like that one. Not even an assault, or even an attempt.

Chief Harrison: But we're up to 61 women calling in the last few weeks, some of them numerous times. One hundred forty-three calls in four weeks, total, including eight since this time yesterday.

Major Lucius: It is tough to know what to do about them. I suppose we could Compstat the calls. But they don't seem to be grouped together in any meaningful way. They don't show up as clusters at all on the Compstat maps. Neither do the car thefts, for that matter. They're spread all over town.

Chief Harrison: Did you say "Compstat the calls"? Is Compstat a verb now?

Major Lucius: I think it has been for a while.

Chief Harrison: What does it mean to Compstat something?

Major Lucius: It means you hold the precinct commanders unambiguously accountable for reducing whatever the problem is in their precincts. If they succeed, their careers progress. [He smiles.] If they don't, or can't, we find someone who can, and we shuffle the nonperformers off to the side. I think it's fair to say we've had a lot of success with it so far. I think everyone pretty much agrees that it is Compstat that has made this such a safe city overall.

Chief Harrison: What sorts of things do you Compstat?

Major Lucius: I think you can Compstat just about anything. We've done burglaries in public housing, street-level drug dealing, maintenance downtime for police cars, excess overtime, even vandalism and graffiti.

Chief Harrison: But these are mostly "place-based" problems — local disorder problems — aren't they, except for the internal police ones? I imagine for problems like that, it ought to be useful to focus your attention on particular locations and in particular precincts. What about problems that aren't even concentrated by precinct?

Major Lucius: I think the system still works. You'd still get the precinct commanders competing to bring the rates down in their area, even if they didn't own the whole problem. The competition never seems to hurt! Not sure I can think of an example, off the top of my head, of a problem that doesn't belong in the precincts.

Chief Harrison: I can. A physician friend of mine showed me a piece a couple of weeks ago in the *New England Journal of Medicine.* They found that on public holidays you get a significant spike in rates of domestic violence injuries: a big one, close to 40 percent above average daily rates. All across the country, as far as they could tell. Maybe the family spends too much time together. Who knows? That's from data provided by hospital emergency physicians and analyzed by epidemiologists. And the spike seems to be about the same percentage increase over average daily rates regardless of the socioeconomic status of the family. Rich people. Poor people. Every kind of people. I can't imagine that such a problem is concentrated by precinct, or arranged in terms of hot spots. In fact, the article made it quite clear how these concentrations are arranged: they are arranged in terms of public holidays. Could you Compstat that? And if you did, would you expect that to be effective?

Major Lucius: I don't see why not. We normally use Compstat to reduce the numbers, whatever the numbers are about. And these are numbers, aren't they, the number of domestic violence injuries? So I could just make it the number-one priority for the holiday periods and see what the commanders come up with. They get pretty resourceful when they know their results count for something and have consequences. I guess we'd tell them we wanted a reduction, and we could use last year's figures for the same holidays as the baseline. One problem, though: we'd need to get the hospital admission rates for the violence cases. Can't imagine the hospitals would give that data to us, though. The doctors don't generally seem to like the way we view folks as offenders. My impression is they prefer to think of these things as diseases to be cured. Maybe it would be simpler for us just to focus on the data that we do get and can use, like the number of domestic-dispute-type 911 calls that come in on public holidays? We could Compstat that if you wanted?

Chief Harrison: You mean, and drive down the number of complaints from domestic-abuse victims? Isn't that the worst thing we could possibly do?

Major Lucius: I guess that would depend on how we did it.

Chief Harrison: Do you see the Compstat process as a performance measurement system? If it's that, then I suppose it focuses mostly on the performance of the precinct commanders. Or do you see it as a way of analyzing problems?

Major Lucius: Both, for sure. I see them as connected. It's a way of holding precinct commanders accountable for solving their own precinct-level problems.

Chief Harrison: You said a moment ago that neither of our two current priorities — the stalker fears and the car thefts — seem to be concentrated geographically.

Major Lucius: Yes, that's right. We've had both these issues color-coded on our Compstat maps for a while. The car thefts have been going up all across town, but there isn't much difference in the rates or patterns across the various precincts. The commanders complain they don't really have any meaningful way of concentrating their patrols. They are also complaining about the lack of alerts from the ALPR[1] system. We've got 18 locations in and around town with ALPR cameras up and running, and we are supposed to get instant alerts when a stolen car, or one flagged of interest, goes by. With all these stolen cars around, you'd imagine we'd be getting a lot of alerts. But no, next to nothing. I'm afraid the patrol side assumes the system doesn't really work, but the IT[2] department won't admit that. Maybe it's something to do with the upgrade in the computer system that runs ALPR, which they're doing now, and which seems to be taking forever. They're upgrading the communications and data storage capacities, I believe, because there's now more data than the original system could ever handle.

Chief Harrison: And what are you doing with the stalking complaints?

Major Lucius: I guess we wouldn't necessarily want to drive down the number of stalking reports, either — just like the domestic victim reports — at least not until we know whether they have any basis in fact. But that issue is with the community group for now, so we're letting them do the handholding. I think all this craziness will stop anyway, the day we catch the bastard; and the detective branch is driving that investigation. I think what's upsetting everyone is the idea that he's still out there, and nobody knows what he's doing. If anything.

Chief Harrison: One last thing. I'm curious. When we do have problems — crime problems — and they really don't have a shape or concentration that lines up in any meaningful way with our precinct boundaries, why do you assume that the right thing to do with them is to chop them up and hand them out to the precinct commanders, just like we do with local disorder hot spots and things like that?

Major Lucius: That's the organization I have, ma'am. I have to use the rank structure. I have to use my organization. The structure we have determines who we can hold accountable, and for what.

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[1] Automatic License Plate Reader
[2] Information Technology

Tuesday Afternoon: Captain Josephine Smithers, Director of the Intelligence-Led Policing Unit

Following are excerpts from a meeting between Chief Laura Harrison and Captain Josephine Smithers. Captain Smithers runs a relatively new Intelligence-Led Policing Unit that consists of 10 criminal intelligence analysts (some civilian and some sworn officers), that has also been given responsibility for the Heron City Police Department's strategic planning process. The meeting takes place at the chief's reserved table in the headquarters dining room, over coffee.

Chief Harrison: I understand from Detective Superintendent Gill that you've been supporting his investigation as much as you can.

Captain Smithers: Yes, of course we have. But it has been very frustrating. We haven't been able, at least not yet, to find any link between the Hayley Scott case and any of the people on our lists.

Chief Harrison: Your lists? What kinds of lists do you have?

Captain Smithers: These are the lists of serious and prolific offenders who we know are operating, or who we think are operating, in or around Heron City.

Chief Harrison: And how do you use these lists, normally?

Captain Smithers: Well, the whole basis for intelligence-led policing is the 80/20 rule, you know, 80 percent of the offenses are actually committed by a small number of offenders. Actually, I think the reality is more like 95 percent and 5 percent. We keep track of these people, and work with the precincts where they live and where they work, and almost anywhere else they go, to make sure they don't get room or time or much opportunity to make trouble.

Chief Harrison: So this is a crime-prevention operation?

Captain Smithers: Both preventive and reactive, ma'am. The whole idea is to nail them quickly when they step out of line and shut them down. And, if you shut down all your worst offenders, you get a safer city. I think that's the idea, and I think that's why Heron City is generally so safe. I think we've been pretty successful. Of course, my unit can't take all the credit for that. We've had excellent cooperation from the patrol side and from the detectives. We've built the targeting into our strategic-planning priorities for the department, and I think just about everyone has played their part.

Chief Harrison: Why do you suppose this is called "intelligence-led?" If it's not this, then it must be stupidity-led? Who invents these names?

Captain Smithers: I think the name comes from England originally. We've studied the Kent model. It seems to be a much sharper and more focused version of a very long criminal intelligence tradition. In the past, we always had intelligence analysts — and in the English version they called them "collators" — who would gather any data and organize it into files based on criminals and criminal groups. And maybe they'd use those files when it came time to do an investigation, but they didn't use them proactively in any way to set priorities for the department.

Chief Harrison: So, our strategic-planning process now organizes the department's attention around specific offenders? What did you call them? Serious and prolific?

Captain Smithers: Yes, that's the core of the idea.

Chief Harrison: Does the strategic-planning process take into account community concerns, supposing for a minute that some of those concerns might not necessarily involve any serious or prolific offenders?

Captain Smithers: Like what, ma'am?

Chief Harrison: Like glue sniffing in the primary schools? Like domestic violence incidents on public holidays? Like stalking, if it's a stalker we've never seen before and who therefore doesn't appear on any of your lists?

Captain Smithers: The idea is to be driven by facts. By intelligence. And a lot of research shows that a few offenders do most of the damage.

Chief Harrison: Whose research is that?

Captain Smithers: Well, I don't follow the literature very much. You'd have to ask Dr. Tom Boden about that; he's our evidence-based policing expert. He seems to know the research literature pretty well.

Chief Harrison: Have you discussed with Dr. Boden the relationship between intelligence-led and evidence-based policing? Are these the same idea, in your view, or different?

Captain Smithers: Basically the same, I think. Driven by the facts. I'd say that's the core of them both. If there's a difference, I'd say that intelligence-led is the version that the police profession has embraced, and the evidence-based version is more for academics.

Chief Harrison: Guess I'll have to ask Dr. Boden what he thinks about that! Can you tell me how your unit is supporting the murder investigation?

Captain Smithers: I sat down with Ken Gill right at the outset to see what we could do. First thing we did was check out the whereabouts of our top 20 violence and sex offenders on the evening of the murder. That didn't turn up anything useful. They all had pretty solid stories about where they had been and what they were doing.

Chief Harrison: What else?

Captain Smithers: Well, we did do some work with Mr. Goring, head of IT. We were trying to figure out how we could tell if any of our known offenders were actually following Hayley Scott at the time. One problem with that was the fact that we don't have any ALPRs on the stretch of road where Scott pulled off. We've got 18 locations, but not around there. If we had, then we'd have been able to search through all the other cars traveling that road at about the same time and check them against our list of flagged cars.

Chief Harrison: Flagged cars?

Captain Smithers: Yes, ma'am. We keep an active list of flagged vehicles being driven by persons-of-interest. We call them "vehicles-of-interest" or VOIs. I believe our current list of active VOIs is more than 300. Once we've set them up in the ALPR system, we get automatic printouts every morning of all the ALPR sightings in the previous 24 hours. It's a pretty big report.

Chief Harrison: What do you do with it?

Captain Smithers: Nothing, normally, unless there's heightened interest in a particular player. Then, we begin to actually map their movements from the reports, and if their travel patterns seem to line up with any particular crime patterns, then we might bump them up to active surveillance.

Chief Harrison: So you move offenders into and out of different categories? On the list. Off the list. Into active surveillance. Out of active surveillance. And this is all based on just how serious and prolific you think they have been lately? Is that the model? By the way, can you tell if Hayley Scott was being followed by any of your VOIs? I don't mean on the night she was killed. I mean at any time in the previous month. Or since she complained to police the first time around.

Captain Smithers: Actually, we did do that. Phil Goring had one of his guys pull a data dump from the ALPR system, and we contracted with a local data-mining company to run some tests on it. The job cost us over $10,000 and didn't actually show anything terribly useful.

Chief Harrison: What did you ask the contractors to do?

Captain Smithers: The first thing was check for VOIs traveling close behind Scott's car, and we asked them to find any VOIs sighted more than once, any time within that preceding month, traveling less than 15 seconds behind her. We figured that 15 seconds is a pretty good guide for line-of-sight following.

Chief Harrison: And what did they find?

Captain Smithers: They found 17 VOIs that hit just once. None of them hit twice. But hitting once doesn't really mean anything, because Scott's car was recorded 403 times during the month, and the contractors said there were on average about 50 cars within 15 seconds each time. So that's roughly 20,000 cars. You'd expect to find some VOIs among 20,000 cars by just ordinary luck.

Chief Harrison: What about VONIs?

Captain Smithers: What's a VONI? Did you just make that up?

Chief Harrison: That would be vehicles-of-no-interest. Or vehicles-of-no-prior-interest. Were there any other vehicles, not connected in any way to your serious offenders and maybe not even criminal at all, that appear more than once close behind this victim?

Captain Smithers: Actually, the contractors checked that too. That was the bigger piece of the job we gave them in the end. It was the contractors' own idea. They said they could take the 403 lists from the 403 Hayley Scott sightings and check for any common elements cross them.

Chief Harrison: What did that show?

Captain Smithers: They said there were actually around 19,000 plates that scored just once, about 400 plates that scored twice, and 67 that scored three times, and just one that scored seven times.

Chief Harrison: Seven times! Wow. So we have a suspect now — the one that scored seven?

Captain Smithers: Afraid not. It was her husband's car. Once they gave us this result, we checked it out with the beat officer who had been talking with her from time to time. Scott used to have her husband follow her home from different events. Usually last thing at night, and they'd be at some event together but he had come from work, so they had two cars. She was already nervous, so he'd drive home right behind her. For all seven of these joint sightings, the two cars were within 10 seconds of each other. Guess they were a pretty typical two-car family. One small car and one minivan.

Chief Harrison: And the 67 plates that scored three hits? Is that the list of 67 that Mr. Gill tells me they are working through now, checking out their alibis? He briefed me last week on the investigation and again last night. He said this particular list is not yielding anything so far. He has no witnesses, and he doesn't have much else to go on at this point, unless forensic turns up something useful.

Captain Smithers: I assume that's the same list. Most of the 67 seem to be moms, and very few dads, of other kids at the same school. Guess they all drive similar routes at about the same time each day. It's not really surprising they'd coincide this closely, at least a few times in a month.

Chief Harrison: Why did we have to use contractors? Isn't this something we could have done ourselves in-house?

Captain Smithers: Apparently not. You'd have to talk to Phil Goring and the IT people about that. They are in the process of upgrading the ALPR system and I gather the way it has been set up you can't really play around with the data yourself. The vendor set the system up to link directly to our lists of VOIs, and stolen cars of course, and to generate real-time alerts to Ops Room for the stolen ones, and daily reports to us for the VOIs. So we've been getting about five alerts a day on average for stolens, and very few arrests from those. Apart from that, the system archives all the data for six months or so — which is already a massive dataset — just in case they need it for some investigation, like this one.

Chief Harrison: What can you tell me about the car thefts in town?

Captain Smithers: Not much, really. Heron City does not have any particularly prolific car thieves on record. At least not in our files. We have looked at this problem, but it seems to be scattered all over town. And that means it must be some sort of broader community issue. We can't see any evidence that this is about a particular group or a few really bad apples. So we're assuming the problem is best dealt with by the precincts and the Compstat process. The precinct commanders should be able to drive this down. Most of my unit's work focuses on more serious matters, like bank robbery and serial sex offenders. We're keeping the lid on those problems, so we figure we're doing our job.

Wednesday Morning: Phil Goring, Director of Information Technology Services

Following are excerpts from a meeting between Chief Laura Harrison and Phil Goring, director of IT Services. The meeting takes place in Dr. Goring's office in the IT department.

Chief Harrison: Tell me about the ALPR upgrade. What's the problem it's designed to fix?

Phil Goring: Data accuracy, ma'am. And data storage. From 18 readers running 24/7, we are accumulating masses of data, and we can only keep it for 6 months. We promised the city we'd be able to keep it a full year. We also promised the city, based on assurances from the vendor, that the data would be at least 98-percent accurate. From the tests we've done so far, we're only hitting about 92 percent at the moment.

Chief Harrison: Where's the problem? In the cameras? The software? Lighting?

Phil Goring: Mostly, it's in the software, we think — the image enhancement and the optical character reading. The vendor has set up a workstation for us here so we can actually pull up the images. That's Nigel out there in the hallway, at the workstation, working on the images. You passed him on the way in.

Chief Harrison: The youngster?

Phil Goring: Yes. 24 years old. He's actually a marine biologist by training, and he's waiting for a job to open up at NOAA.[3] He's filling in here for a few months, and I'm happy to use him for a short while. I don't think he'd belong here in the longer term. He really doesn't seem too happy sticking to the job I've given him. But I can't really blame him. I guess it is a bit repetitive.

Chief Harrison: What does he do at the workstation?

Phil Goring: His job is to look at the errors the system has made, group them together and present dossiers of errors to the vendor. Part of our agreement with the vendor says we will cooperate with them on data-quality enhancement. So the system logs all the cases where a plate has been read, but the number it thinks it read doesn't have a match in the registry files; in that case, we assume the photo interpretation is wrong. Nigel pulls up the original picture on the screen, reads the license plate number if he can, and compares it with what the machine said it was. There are a lot of cases where Nigel can read the number quite easily but the machine got it wrong. Usually dirty license plates and some out-of-state plates with unusual shapes, complicated frames, or lots of stickers.

Chief Harrison: Who does analysis of the data?

Phil Goring: Well, the system is designed to do some analysis. It gives us overall volumes at each location, by hour. And it generates alerts for VOIs and stolen cars when they roll by. Apart from that, the system just archives the data on a rolling six-month basis. We want to boost that to 12 and bring the accuracy rate way up to what it's supposed to be.

Chief Harrison: But can you do other types of analysis on the data? Can you search for odd patterns?

Phil Goring: Like what? Sudden drops in volumes? Traffic jams? That kind of thing? What did you have in mind?

Chief Harrison: I didn't really have anything particular in mind. It just seems odd to have all this data and not really do anything much with it.

[3] The National Oceanographic and Atmospheric Administration

Phil Goring: I don't think we'd dare to do anything much with it, when the accuracy is so bad. We could end up messing up all kinds of people's lives by mistake. We'd look like idiots. We treat the alerts we get now with a lot of caution, and we require patrol officers to check the license plate number for themselves before they make any arrests. We did try an experiment with outside contractors, to do some analysis for the Scott inquiry. But it didn't reveal anything useful, except to show us what we knew already — that the Scotts had two cars, and they sometimes went out together!

Chief Harrison: Seems to me that even if it didn't show anything useful in the end, it was still a good thing to try.

Phil Goring: We had to deal with some others who didn't think that. Getting permission from the city's general counsel for the contract was a real pain. Their office was all worried about the idea of police doing anything that smacked of data-mining, especially on ordinary citizens' travel patterns, with almost none of them being suspects for anything in particular, and they were all just going about their ordinary daily business. The GC said they saw civil liberties issues all over it, and ACLU lawsuits, and they were really nervous. In the end, it was the mayor who told them to shut up and approve it, and told us all not to talk about it in public.

Chief Harrison: Can you explain why we are not getting more alerts for stolen cars? We've become the stolen car capital, at least for luxury cars, for the entire state!

Phil Goring: We've been puzzled by that. Maybe the thieves know where the ALPRs are. It's not exactly a secret. We assume they are simply avoiding those locations. The reading errors might be hurting us as well. I've been trying to figure out what else might be wrong.

Chief Harrison: Phil, I appreciate your time. I also appreciate that the technical side of these issues can be pretty demanding. But, in my role, what I have been trying to figure out is who, within this department, can do the analysis and thinking that we really need to help us come to grips with the problems we have: the car-theft problem, the murder investigation, the fears about stalking. All the systems we have, it seems, even though they're run by top-notch people, don't seem to be quite right for these problems. You and I need to figure out how to make a better link between our technological capabilities and operations. I think line management should be asking you for a lot more analytic help, and the help you provide them ought to shape and change the way they tackle things. We've got a lot of experienced officers, and some particular systems — like Compstat and community beat policing — that seem to work reasonably well in organizing people around certain types of tasks. But for these problems — the ones we face right now — it's hard to see whose job it is to study them, pick them apart and then organize everyone else around what needs to get done. Can you help me figure that out?

Author Note: Malcolm K. Sparrow is professor of the Practice of Public Management at the John F. Kennedy School of Government at Harvard University. This case study was written in support of the Executive Session on Policing and Public Safety at the Harvard Kennedy School of Government. It is designed to serve as a basis for discussions regarding the nature of analytic support for modern policing. The author acknowledges valuable research assistance provided by Baillie Aaron, with respect to policing strategies, and by Dr. Libby Jewett, Hypoxia Research Program Manager at the National Oceanographic and Atmospheric Administration, with respect to marine biology.

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NCJ 227664

Wednesday

18th November 2015

Wednesday – 18th November 2015

Session 1: The Social Production of Security: Co-Production (I) (Moore)

Subjects for Discussion: Potential causes of violence, particularly among young men, and more generally. Possible points of intervention to deal with the problem: prevention and control. Voluntary sector, community based organizations as potential partners in preventing and controlling crime. Motivations for voluntary action to prevent and control violence. Building organizations from motivations. Developing partnerships with the police. Legitimating police action v. adding new operational capacity.

Reading: “Reverend Jeffrey Brown: Cops, Kids & Ministers”

Questions:

1) What are the possible important causes of the upsurge in youth violence in Boston? Is it right to think about this as an epidemic? If so, in what sense is it an epidemic?

2) What are the possible lines of attack that the Boston Police Department could take in dealing with the problem?

3) What are the possible lines of attack that the City of Boston as a whole might take in seeking to solve or mitigate the problem?

4) Who are the “stakeholders” who are actively or potentially involved in this situation? What individuals and groups have an interest in sustaining or mitigating the problem? Who is in a position to act to perpetrate or mitigate the problem? What different public and private agencies might be mobilized to deal effectively with the escalating youth violence?

5) What contribution, if any, do you think the 10 Point Coalition is making to the solution of the problem? What is animating and sustaining their engagement? What, concretely, are they doing that helps to solve the problem? Can you think of ways they could make an even greater contribution?

6) What contributions, if any, do you think the youth employment program is making to the solution of the problem? What is animating and sustaining their engagement? What, concretely are they doing that makes a difference? Can you think of ways of enhancing their impact?

Session 2: The Social Production of Security: Co-Production II (Moore & Sparrow)

Reading: “The Boston Gun Project,” Chapter 12 in: Malcolm K. Sparrow, The Regulatory Craft, Brookings Press, 2000.

Questions:

1) What strikes you as unusual about the way in which the Boston Police Department and its partners went about this task?
2) What kind of analysis of the problem is leading them into these new ways of operating?
3) How much of a change does this represent in police operations, and where in the organization does the strain accumulate?
4) What risks do you think NIJ was taking by funding this operation? Who would normally bear those risks if the project did not have any external funding?
5) What aspects of this success story are usefully generalizable to other crime control initiatives?

Session 3: The Social Production of Security: a Three Sector Approach (Moore)

Subjects to Be Discussed: The idea of public problems. Addressing public problems through three sectors of society: government, the voluntary sector, and the private sector. Tools of government to be used in achieving social results using financing and capacities from all three sectors. Using public agencies to leverage and co-ordinate cross sector problem solving efforts.

Reading: "Resourcing the Metropolitan Fire Brigade"

Questions:

1) What is the Metropolitan Fire Brigade's current strategy for preventing and controlling fires in Victoria? What resources does it rely on to accomplish its goals? To what extent is it using the authority of the state? To what extent voluntary "public spirit"? To what extent money? Where does the money come from? How does it currently operate to achieve its aims? Is it primarily a prevention or control agency? How are these different functions organized, and how do they fit together? How well has the organization performing? What changes must it prepare for?

2) It is often said that fire control and prevention is a "public good." What do you think the idea of a public good implies? Has it always been true that fire fighting has been a public responsibility performed by a public agency supported by taxes and special levies made by the government? What does the overall system for managing fires (and other natural and man-made disasters?) look like? Where is the fire brigade located in this complex system? Where can it make its largest and most useful contribution going forward from the present into the future?

Session 4: The Social Production of Security: Public/Private Partnerships (Sparrow)

Reading: “Managing the Boundary Between Public & Private Policing: 4 Scenarios.” Malcolm K. Sparrow. Published jointly by National Institute of Justice and Harvard University. September 2014. [The full paper by this same title will be available to participants at the conclusion of this session.]

Group Exercise & Discussion: We will use these four scenarios as the basis for group discussion and analysis in class. Each group will be assigned one of the four scenarios, and asked to consider the following questions:

1) What are the potential benefits for the public of this partnership? Where do the interests of the private parties involved actually align with, and therefore might be expected to advance, the public interest?

2) What are the accompanying risks or threats are for the public? Where do the public interests and private interests diverge? (Expect to discover that public/private alignment of interests can vary considerably on different matters, even in the context of one specific partnership. Alignment can be good on some issues and bad on others at the same time, even between the same organizations.)

3) What could be done through the actions or influence of public police (as well as through possible enhancements to regulation, oversight or accountability) to mitigate the specific risks identified in step 2?

4) Weigh the benefits and risks, forming an opinion on whether the scheme, on balance, can be defended and promoted as being in the public interest.

5) If it can, clarify the lines of argument that should be used to support the overall scheme, as well as the actions required by public police to mitigate the accompanying risks. If it cannot, clarify the lines of argument that public police should use to oppose or resist it.

THE REGULATORY CRAFT

Controlling Risks, Solving Problems, and Managing Compliance

MALCOLM K. SPARROW

COUNCIL FOR EXCELLENCE IN GOVERNMENT

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CHAPTER TWELVE

The Boston Gun Project

MANY REGULATORY EXECUTIVES have watched with alarm as pressures for regulatory reform produce schisms within their own agencies. Failure to understand the real challenges of regulatory craftsmanship, coupled with adoption of overly simplistic customer service ideas, have split their agencies into camps. The enforcement-minded "dinosaurs" complain that the agency is going soft, that violators are not customers, and that nothing works like enforcement. The "voluntary compliance" camp, meanwhile, proclaims that successful prevention renders enforcement unnecessary, that enforcement creates unnecessary hostility, and that facilitating voluntary compliance produces greater gains than focusing on enforcement.

Within this dichotomous strategic landscape, practitioners—if they discuss problem solving at all—tend to place it on the soft side, along with education, outreach, and partnerships. They associate problem solving with a search for systemic and preventive alternatives to enforcement. Historically (and for a variety of reasons) problem-solving teams have often been explicitly instructed to find systemic solutions not involving enforcement.

To understand the breadth and importance of the approach, the notion that problem solving constitutes a tactical alternative to enforcement, or that problem-solving strategies exclude enforcement methods, must be dismissed. The Boston gun project (an Innovations in American Government winner in 1997) provides a compelling counterexample to the theory that problem solving is soft or that it cannot be applied to problems of serious crime. The project also provides a wonderful demonstration of how a well-crafted, tailor-made, compliance management strategy can substantially mitigate risks—in this case, youth homicide—otherwise pessimistically viewed as chronic conditions of American life. In the five years prior to the project's inception, the city of Boston experienced 155 youth homicides involving guns or knives. Most involved guns, and most of the victims were young black men.[1] The National Institute of Justice funded the work, explicitly conceived as a problem-solving project, the purpose of which was to devise and implement strategic interventions in an attempt to control youth violence.

Three researchers from the John F. Kennedy School of Government's program on criminal justice policy and management—David M. Kennedy, Anthony A. Braga, and Anne M. Piehl—led the project, pulling in a large interagency group to study the problem and coordinate a response.[2] Agencies involved included the Boston Police Department; the Bureau of Alcohol, Tobacco and Firearms; the U.S. attorney for the Commonwealth of Massachusetts; the Suffolk County district attorney; the Massachusetts Department of Probation; city of Boston youth outreach workers; the Massachusetts Department of Parole; the city of Boston School Police; and gang outreach and mediation specialists employed by the city of Boston, known as "street workers." Working Group participants started meeting in early 1995 and continued to meet biweekly for several years.

The researchers' analysis concentrated first on the 155 prior homicides. What was happening on the streets? Who were the offenders? Who were the victims? And where did the guns come from? At the outset, the project was labeled the Boston gun project, and the team focused on uncovering the nature of the illicit gun market that supplied juveniles. Working group members initially assumed that gun supply routes originated in states such as Virginia, Georgia, Tennessee and Mississippi, and arrived in Boston through the I-95 corridor. But when the researchers examined traces of weapons recovered from city youth, a different pattern emerged. Over a third of the weapons had been purchased originally in Massachusetts. Many were rather new (less than two years from first purchase), semiautomatic, and had obliterated serial numbers, a profile that suggests that guns were being diverted into the illicit market very close to the point of first sale. The working group continued inquiries back through the chain of possession to get to the roots of the initial diversion. They hoped to show that people who diverted guns into the juvenile market could be brought to book.

The project's analysis also explored the demand side of the equation, examining the characteristics of the killers and the killed. It turned out that the profiles of the killers and the killed looked remarkably similar. The problem of youth homicide was concentrated among a small number of serially offending youths involved in gangs, most of them very well known to the criminal justice system. Only 1,300 gang members—less than 1 percent of their age group citywide—were responsible for at least 60 percent, and probably more, of all the youth homicide in the city. Three-fourths of both homicide offenders and victims had been arraigned at least once before. Of those who had been arraigned at least once, the average number of times arraigned was 9.7 for offenders, and 9.5 for victims. One-fourth of the offenders were on probation when they committed murder, and 14 percent of the victims were on probation when they died. These statistics translate into a roughly one-in-seven chance of being killed at some point during an average nine-year gang membership spell, an observation that lent some credence to the idea that much gun carrying was at least partially self-protective.[3] And an observation that also pointed to a specific feature of the compliance management challenge: that it would be hard to get any one gang to disarm unless their enemies did so at the same time.

Pooling the street-level knowledge of the working group participants, the project identified sixty-one active gangs and mapped their territories, and their "beefs" (which gangs fought with which other gangs). Most of the violence, it turned out, happened within the context of these beefs. This observation in particular helped shape the intervention plan. If the violence was largely confined to gangs, most of whose members were well known to authorities, and most of it happened in the context of intergang rivalries, then the strategy should be designed to focus upon and take advantage of these concentrations. As project director David Kennedy puts it, the strategy was designed to take advantage of what is normally regarded as extremely bad news: the fact that the offenders were "persistent, manifoldly deviant, and tightly networked."[4] Gang members were relatively few, and news would travel fast throughout the gang networks. So the working group devised what came to be known as the Ceasefire strategy, which involved artfully crafting news that the working group wanted to travel over the gang network—and then deliberately communicating it to the gang members.

Operation Ceasefire's communications campaign, designed to reach all sixty-one gangs, involved a sequence of meetings between project personnel and gang members, brokered by probation officers, youth workers, community workers—and whoever else could persuade or coerce gang members to come to the meetings. At the meetings, a threat (or "promise") was made, to the effect that any violent offenses would be immediately met by a coordinated interagency action to "pull every lever," not just against the individual offender but against his whole gang. In other words, the threat was to sanction the whole gang by any and all means available, through the coordinated actions of the wide range of federal, state, and local law enforcement agencies that were party to the plan. Warrants would be served, existing probation restrictions rigorously enforced, arrests made for minor offenses, resulting cases pushed through higher level courts, and more serious penalties sought. The threat was that law enforcement, by pooling its resources and focusing on one gang, could invariably impose serious sanctions on that gang.

This threat was far more credible than the fashionable rhetoric of zero tolerance. The normal experience of gang members taught them that the limited capacities of enforcement agencies and the constraints on courts and prisons meant that punishment, even for violent crimes, was neither swift, serious, nor sure. The dissipation of law enforcement attention across many offenders and offenses routinely rendered it ineffective against chronic offenders. These meetings, by contrast, were a decidedly abnormal experience. Here were representatives of all the major enforcement agencies, and prosecutors, pledging their collective commitment to produce a singularly unpleasant experience for any gang that engaged in violence and thereby came into their sights. These officials explained during the meetings that the new regime applied specifically to offenses involving violence and that other offenses would receive ordinary "baseline" criminal justice attention. Thus no "permissions" were granted, nor any deals struck—just a very special promise for these very special crimes. Part of the communications strategy emphasized that the project was designed to protect gang members from gang members. The overriding object was to keep them alive. The message in summary: "The violence is going to stop."

This message was delivered after an initial crackdown had been crafted and fully carried out, to demonstrate to gang offenders that the authorities were serious. An internal struggle within one gang—the Vamp Hill Kings—led to three homicides during the first few months of 1996. The working group's coordinated intervention, which followed, included heavy police presence on the streets within the Kings' area, disruption of their drug markets, heavy probation enforcement, Department of Youth Services surrenders, warrant service, and a small number of federal indictments.[5] In May 1996, the meetings, called "forums," began, in which the working group publicized the fate of the Vamp Hill Kings. They also publicized, with posters and flyers, the case of Freddy Cardoza, an active member of another gang, who had been sentenced to nineteen years and seven months in prison with no possibility of parole when caught in possession of a single bullet (and prosecuted under federal law as an "armed career criminal"). The message essentially was, "Look what enforcement agencies can do to you if they focus on you," coupled with "The Kings didn't listen. Look what happened to them. You do violence, and you can be next." Shortly thereafter, a different gang sent a message to the working group through a street worker: "We got the message, we're not doing anything, leave us alone."[6]

The second coordinated and gang-specific intervention focused on one of Boston's most violent gangs, the Intervale Posse. Despite the warnings, it had continued its reign of terror in Roxbury. On the morning of August 29, 1996, the Boston police and the Drug Enforcement Agency arrested fifteen members of that gang on federal drug charges. New forums explained the enforcement operation to the other gangs: "It was because they did *violence*; who wants to be next?"

At that point, the rate of youth homicides in the rest of Boston's gang network dropped off abruptly. In the first year after Operation Ceasefire was implemented, the number of homicide victims in Boston aged twenty-four or younger dropped by 68 percent (from forty-one in 1995 to thirteen) and continued to decline thereafter. This represented a drop of more than two-thirds from the average rate for the prior five years. Since older offenders were involved in gangs, and gang members often hurt older victims, impact was also felt in older age groups as well. From a yearly average of about 100 homicides before Operation Ceasefire, citywide homicide totals (covering all age groups) fell to forty-three in 1997 and thirty-five in 1998.

The gang officer for the Boston Police Department—whose beeper would go off every time a gang homicide was discovered—sent his beeper in to be checked. It had stopped going off. In subsequent months, the Boston Police gang unit was able to turn its attention to lesser problems, such as street drug activity and disorder, for which it would not have had time before. As a result of the dramatic decline in youth and juvenile homicide rates (and as a result of selection as an Innovations in American Government winner) the project has received national attention, and many other cities have sought to emulate the program.

Lessons Learned

Quite apart from the project's obvious value to the city of Boston, to its communities, and especially to its youth, this project is also valuable for what it can teach regarding the art of compliance management. Most obviously, it demonstrates the leveraging of limited enforcement resources through careful planning, coordination, and targeting. But it reveals some other basic truths about the problem-solving process and suggests specific additions to the regulatory and enforcement professions' knowledge base or repertoire for managing compliance.

Openness to Problem Redefinition

The project's initial emphasis on unraveling the gun supply markets was eventually displaced to some extent by a later emphasis on intergang violence. Early problem definitions focused on illicit gun supply to juveniles, whereas attention expanded later to the sixty-one enumerated gangs and what it took to control their collective behaviors. The expansion of the problem definition resulted directly from what the team found out about the problem through analysis. Open-minded and rigorous inquiry produced new perspectives, as it often does, and problem solving should be sufficiently flexible to capitalize upon them.

Finding Concentrations and Vulnerabilities

This strategy's success stems in part from the researchers' success in identifying a core concentration within the more general problem and on finding resource-efficient methods of applying pressure to that identified concentration. Ultimately, the concentration of most value (within the broader area of youth homicide) was the narrow context of intergang rivalry. The opportunity for resource-efficient intervention arose in part because the criminal justice system already had access to, and some power over, most gang members.

Note that a variety of forms of analysis preceded the discovery of this concentration. Analysis of homicide locations showed that they fit almost perfectly the gang territories but offered less resource-efficient intervention possibilities (the gang territories were collectively too large for area-specific tactics such as directed patrol, or "street sweeps," to be applied to them all). Offending was similarly concentrated among chronic offenders, who were still too numerous—and too caught up in powerful street dynamics—to be dealt with one by one. The insight regarding gang membership, gang conflicts, and gang communication networks provided the basis for the intervention strategy. Finding an intervention opportunity and intervention mechanisms depended first on artfully choosing the right dimensions in which to define the problem, to describe it, and then to dissect it.

Principled Intimacy

The Operation Ceasefire strategy demanded clear and frequent communication with offenders. Such intimacy with offenders—dubbed "principled intimacy" by David Kennedy—contrasts starkly with the principled distance and mistrust that accompanies the regulatory style of legalistic enforcement. It also contrasts with the unprincipled intimacy associated either with forms of law enforcement corruption or with the "capture" of a regulatory agency by its regulated community. Operation Ceasefire involved no partnership in the vogue sense of the term, nor was any immunity or amnesty granted for any offense. Rather, the strategy was designed to act upon the minds of the gangs and to transform their behavior. That demanded frequent and effective communication, with absolutely no compromise or diminution of determination to enforce relevant laws.

Well-Publicized Change Dates

The first gang to disarm would place themselves at risk. Other regulatory fields present analogous compliance problems, in which noncompliance of particular types has become systemic, and the first party to comply places itself at a competitive disadvantage. Suppose, for example, that an industry has collectively opposed a requirement to install a new, environmentally friendly technology that is more expensive than existing systems. Whoever goes first in the industry suffers increased costs and may lose business or market position to laggards. Their incentives push them to go last, if at all. Or suppose, as the nation's major hospitals bill Medicare for services provided, that certain abusive billing practices have become widespread throughout the industry, to the point at which an attempt to enforce existing regulations would be met with concerted opposition and the predictable protest, "Why me, and why now, when for all these years this seemed to be accepted as ordinary practice?" Whichever hospital complies first not only places itself at a financial disadvantage vis-à-vis its competitors but may be regarded as breaking the ranks of professional or industrial associations.

The distinctive characteristic such compliance problems share with the gun project is that regulators need to procure widespread change in behavior across a range of violators, all at the same time, and with never enough enforcement resources to go around. The message of Operation Ceasefire, applied to fraudulent or abusive Medicare billings by hospitals, might come out something like this:

> Good morning, friends. We know, and you know, that certain abusive billing practices have become systemic within this industry. We are here today to name five of them and to announce that all five will cease as of the end of this month. This gives you three weeks to examine your own billing practices and systems and correct them if necessary. In the first week of next month, having only limited audit and claims review resources, we will monitor incoming claims particularly for any signs that these particular billing practices persist, and the first ten hospitals that we find will be subjected to a rigorous and comprehensive audit of *all* their billings. In the course of those ten audits we will pursue enforcement and recoveries of amounts due, to the full extent permitted by law. To find yourself on that list of ten, all you need to do is carry on as you are now. We advise you to correct these problems.
>
> By the way, next month we will identify five further billing practices and notify you of the dates by which they too should be eliminated.

Then one might sit back and watch the billing practices change across the industry. Regulators have to deliver on the promise, just so the audience knows they are serious. That would mean nailing the first ten hospitals that show up in the analysis and publicizing their fate throughout the industry in the same deliberate and demonstrative manner in which the working group publicized the fate of the Vamp Hill Kings and the

Intervale Posse. Or maybe such tactics might not be appropriate in these other areas. That would be for the relevant compliance management project teams to decide in their own time, based on their own analysis of those other problems. The point is, such tactics exist, and many other equally sophisticated tactics might be conceived.

Progressive Strategies

The Operation Ceasefire strategy also demonstrates the possibility of focusing on particular behaviors and eliminating them one by one (but across the board), successively moving to less and less serious behaviors in what Kennedy calls a "strategically serial fashion."[7] Traditionally, law enforcement focuses on the most serious offenders, not offenses. For this project, there were too many serious offenders, and focusing on one category of serious offenses (those involving violence) offered greater promise of real results within a short time.

The related resource allocation questions are quite interesting. Trying to suppress everything results in scarce enforcement resources being scattered all across the board, dissipating risks to offenders, and resulting in suppression of nothing. Trying to suppress something in particular therefore is more effective than trying to suppress everything, even if this way of focusing attention looks ethically peculiar at first. Provided the focused effort is successful in eliminating the particular, then—in theory—the strategy can cover the general through serial progression. In the case of Boston's Operation Ceasefire, it is still too early to tell whether the same basic strategy can be extended to suppress drug dealing and lesser offenses in the same way that it has suppressed homicide.

Spreading the Pain

Another noteworthy aspect of the intervention plan was the deliberate extension of consequences beyond the individual, to the gang. The threat was, If any one of you engages in violence, then the whole gang suffers. Note that the other gang members would suffer, not for that offense (in which they may have played no role) but for other things they had done or were doing, which means that law enforcement conditioned its enforcement discretion relating to one offense upon the commission of other offenses, even other offenses committed by other people. Here the *structuring of discretion* is taken to a whole new level of sophistication and opens a panoply of more complex, game-theoretic, multiparty enforcement and compliance strategies. (Wherein we should attend carefully to the legal and ethical questions such practices may raise.)

The effect of spreading the pain, in this case, was to mobilize peer pressure in support of compliance. A killer who might otherwise have been regarded as a hero by his peers becomes the instrument of downfall.

Not Soft

Problem solving is not an alternative to enforcement, nor does any mature problem-solving strategy eschew enforcement. Those are the simplest lessons of this project. More profound, though, is the realization that qualitative changes in societal conditions can be wrought, and quickly, when relevant resources come together with a clear purpose. But dogma and tradition have to be put aside, so analysis can lead to insight, and insight can be combined with creativity to produce interventions that work.

The first two of the six lessons drawn above—openness to redefining the problem and the importance of identifying concentrations or vulnerabilities of an enterprise—are standard elements of risk control artistry. The other four are specific strategic and tactical ideas, each more sophisticated than the ways in which regulators normally think about allocating their resources and structuring their discretion. In due course, as the practical art of risk control develops, regulators will need four *thousand* such ideas to discuss, not four, and a structure to the body of professional knowledge that would make it all accessible.

Resourcing the Metropolitan Fire Brigade

In early 2013, the Metropolitan Fire and Emergency Services Board (MFB) in the Australian state of Victoria faced a fundamental change in the way it was financed. In its 122-year history to date, the MFB had been largely funded by a levy on insurance companies (drawn largely from insurance premiums on property), with some extra specific-purpose contributions by government. Under a new arrangement from 1 July 2013, the state government of Victoria would fund the MFB based principally on a property levy imposed by local councils on ratepayers. Whereas funding was to a degree automatic under the previous system, the new model would require the MFB, like other public sector agencies, to do more to justify its budget to the government.

Fire services in Victoria

Victoria has one fire service for its large capital Melbourne, and another (the Country Fire Authority) for rural areas. The MFB covers more than 1000 square kilometres and employs nearly 2,200 people (1,860 fire-fighters and 320 corporate staff).[1] It provides prevention, preparedness, response and recovery services, the shape and relative weight of which reflect an evolving service philosophy.

Fire services are important not only for owners and occupants whose own property is at risk, but also for neighbours to whose property fires may spread if not extinguished. The overwhelming majority of urban fire services around the world were established to remedy the failings of private fire brigades run by insurance companies – each company deployed its own brigade.[2] A unified fire service for a metropolis constitutes a network, with fire stations located to cover the area and enable firefighters to reach a fire within a specified time (for MFB, 7.7 minutes).

The mission of the MFB is "protection of life, property and the environment."[3] Its outputs were expressed through a broad range of key performance indicators (see *Exhibit 1*).

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[1] MFB (2013), *Annual Report 2012-13*, p13. Available at: <http://www.mfb.vic.gov.au/Media/docs/MFB_Annual_Report_final%20low%20res-872cbcba-b86f-4cbd-8e65-2be6f362ba95-0.pdf>

[2] For instance, the Victorian government replaced multiple competing fire brigades with the Melbourne Fire Brigade in 1891, imposing levies on insurance companies but also giving them positions on the board.

[3] MFB (2013), *Annual Report 2012-13*, p3.

All citizens were covered by the MFB's services, but there was evidence to suggest that some societal groups were impacted by fires more than others. Data from its rural counterpart, the Country Fire Authority (CFA), showed that during Victoria's devastating Black Saturday bushfires, particular demographics were over-represented in the list of fatalities – the elderly, the very young, and those with chronic or acute disabilities. These vulnerabilities were sometimes compounded: for example, elderly people with chronic disabilities comprised 9 percent of Black Saturday fatalities. Community awareness was also a big issue: a quarter of those who died had no understanding that they lived in a bushfire risk area, and nearly 40 percent did not have basic knowledge of fire risk mitigation.[4]

Market mechanisms for delivering fire services

In most cities around the world, fire services are delivered by municipal fire brigades staffed by public employees. But some places, such as most municipalities in Denmark and a few in the US state of Arizona, have long had fire services operated by private contractors.[5] Advocates claim that these private providers can reap economies of scale,[6] or have greater flexibility to call in extra staff from other parts of their operations in a major emergency (although public fire brigades generally do this on a cooperative basis), or they can be freer than a public service to find innovative methods or technology.

Fire service expertise is specialised, and held within a close compass. Issues to be faced by governments considering divesting themselves of some or all fire services include the difficulty in choosing a private provider in the absence of a robust market of fire suppression companies. Governments outsourcing fire services may risk losing the requisite knowledge of the service, making them less able to act as "smart buyers". When a service is contracted out, the provider may gain more power by virtue of having gained the contract, in the form of inside knowledge and connections, technology and systems, and particular staff. When it comes time to renew such a contract, the incumbent provider may have an advantage in a re-tendering process.

The "volunteer intangible"

In metropolitan Melbourne, all MFB staff are paid employees. The full-time professional firefighters undertake a 17-week initial training course, followed by a further three years of on-the-job training, during which they develop the specialist expertise for fighting large and complex urban fires.

In contrast, as in most rural areas of Australia, the CFA in Victoria engages a corps of unpaid volunteers to work with a minority core group of paid fire service employees. The CFA has 1875 paid employees (810 fire-fighters), and 57,600 volunteers, of whom 38,100 are trained as fire-fighters.[7] The scattered population of rural Victoria, where fires are less frequent, makes it less economic to have paid fire crews providing ready response. The CFA is required to meet indirect costs for its volunteers, such as providing protective clothing,

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[4] S. O'Neill, S. and J. Handmer, J. (2012) "Responding to bushfire risk: the need for transformative adaptation". *Environmental Research Letters*, 7(1): doi:10.1088/1748-9326/7/1/014018.
[5] Carlson, J. (2005) "The Economics of Fire Protection: From the Great Fire of London to Rural/Metro", *Economic Affairs*, p. 43. Most of the municipal fire services in Denmark are operated by Falck, a Danish conglomerate established in 1906 and now the largest private fire-fighting company in the world.
[6] For example in training facilities, maintenance or logistics.
[7] CFA (2013) *Annual Report 2012-13*, p. 2. Available at <http://www.cfa.vic.gov.au/fm_files/attachments/Publications/annual_report2013.pdf>.

insurance, facilities and equipment, and out-of-pocket expenses. Recruitment is a relatively low-key process, with 3 to 6 months of part-time training, much of it by senior volunteers.

Perhaps just as important as the unpaid contribution is what has been called the "volunteer intangible".[8] People volunteer because of a commitment to the purposes of the organisation, and are more likely to "go the extra mile" as a result. They are also more likely to show interest in the service and acquire knowledge about it.

A sometimes overlooked factor is the important role the CFA plays in maintaining social networks in a rural town. Many local stations hold periodic social functions such as barbecues, partly to raise funds but also to foster community relationships.

Fire prevention through community resilience[9]

MFB's professional staff also put a high value on engagement with the public, as a means to encourage more vigilant and responsive behaviours from property owners and occupants. According to MFB staff, it would be well-nigh impossible for the fire brigade to achieve its aims of fire prevention and harm minimisation without contributions of effort from the public.

MFB's work includes specialist education and technical support units, while front-line fire-fighters spend about 10 percent of each shift checking hydrants or building safety, signing off on sprinkler or smoke alarm installations, or community engagement such as school talks. There is extra work, and some cost, involved in engagement activities such as influencing the media to promote fire safety, running paid advertisements, ongoing education work by fire officers in schools, community organisations and workplaces; and more recently, harnessing social media to spread the word.

Public engagement can benefit an organisation by promoting commitment to the organisation's purposes and perhaps even its standing in the community. But relying on community engagement can lead to "mission rigidity", because popular support could wane if there were an attempt to amend the mission in some unpopular way.

Big changes in fire service funding

The 2009 Victorian Black Saturday bushfires devastated communities, wiped out homes and infrastructure, and led to the deaths of 173 people, many of them in and around their homes. A Royal Commission was established to investigate the causes and responses to the bushfires. Its remit included investigation of the existing insurance-based funding for fire services.

As provided by law, the MFB received 75 percent of its budget from insurance companies (through a Fire Services Levy (FSL) imposed on premiums), 12.5 percent from the state government, and 12.5 percent from local councils.[10] Each year, the Minister for Police and Emergency Services determined the amount of contributions from each source, on the basis of the estimated expenditure and revenue of the MFB and CFA, which each then determined the amount of each insurer's contribution. The insurance companies in turn passed the cost of their contribution on to consumers by adding the FSL to insurance premiums. This took the

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[8] Brudney, J. (1990). *Fostering Volunteer Programs in the Public Sector: Planning, Initiating and Managing Voluntary Activities*, San Francisco: Jossey-Bass, p. 66.

[9] This section is based on interviews with MFB personnel.

[10] Modest additional funding came from various sources such as the Transport Accident Commission, interest payments, public donations, and training and consultancies. Funding for the CFA came from insurance companies (77.5%) and the State government (22.5%).

form of a percentage of the premium, generally based on a rate recommended by the Insurance Council of Australia (the industry association).[11]

The Commission's November 2009 paper on insurance and funding concluded that this model was highly inequitable, lacked transparency, and was a disincentive to fully insure property.[12] Those who were uninsured or underinsured would still receive the same level of service as those who were fully insured. Premiums for similar assets varied greatly.

Responding to the Commission's recommendations, the Victorian Liberal Government passed a Bill in October 2012 to reform this system. The Fire Services Property Levy Act 2012 required all Victorian property owners to pay a Fire Services Property Levy for use by the state government in funding the MFB and the CFA. Additional funding, such as that required for catastrophic bushfire events, would still be funded from consolidated revenue; pensioners and veterans qualify for a discount.

The Levy, to be set annually by the Treasurer, has two parts: a fixed component reflecting the public benefits received from fire services (e.g. on-call capacity, fire prevention activities), which is indexed by CPI, and the *ad valorem* property rate. The latter is calculated as a percentage of property value, and reflects the benefits to individual property owners. Property value is assessed on the capital improved value of the property, consistent with the method used by councils in determining rates. Different variable levy rates apply to the two fire areas (MFB and CFA) and property types (e.g. residential or commercial) (see *Exhibit 2*). Since local councils have an existing relationship with property owners, the Levy is collected by councils, and subsequently transferred to state coffers.

According to the then Treasurer, the new property-based levy would reduce the contribution of an average household in a CFA area from approximately $262 in 2011-12 (the last full year of the insurance-based levy) to $142 in 2013-14. For MFB areas, average households will reduce their contribution from approximately $193 in 2011-12 to $143 in 2013-14.[13]

And big changes in accounting for value

In the words of the President of the MFB, "[t]he new Fire Services Levy has for the first time made MFB directly accountable to the public for the services we deliver and the ways these are resourced."[14] This will involve thinking hard about the nature of the services delivered by the MFB and how the performance of those services can be measured, including the types of benefits and costs involved in its work, a number of which seem to be challenging to unearth. It will also demand a coherent view of how the relative benefits and costs might be distributed among those whom the MFB serves. The question now is: how can the MFB demonstrate the value it delivers?

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[11] 2009 Victorian Bushfires Royal Commission (2009) *The Fire Services Levy and Insurance: Discussion Paper*, p. 3. Available at <http://www.royalcommission.vic.gov.au/Discussion-Paper.html>.

[12] In addition, at the time the Royal Commission was operating, of the six Australian states only Victoria and New South Wales relied on the taxing of insurance policies to fund fire services; the majority of states had already implemented property-based funding models.

[13] 'A Fairer Way to Fund Victoria's Fire Services', Media Release by Hon Michael O'Brien MP Treasurer of the State of Victoria. Available at: <http://www.sro.vic.gov.au/sro/sronav.nsf/LinkView/D52162AD672A1355CA257B5F0009B80356F257898185DD21CA2575DB000FC596/$file/MediaRelease020513.pdf> <http://www.firelevy.vic.gov.au/how-much-am-i-contributing.html?>.

[14] MFB (2014), *Annual Report 2013-14*, p4. Available at: http://www.mfb.vic.gov.au/media/docs/MFB%20Annual%20Report%202014-15_final-566142db-c193-4cdc-91c0-4c8b1a221e96-0.pdf.

Exhibit 1: Selected Key Performance Indicators, MFB, 2012-13^

Output/deliverable	Unit of measure	Target	2012-13	2011-12	2010-11
Structure fires contained to room of origin	per cent	90	86.9	86.7	87.5
Emergency response times – structural fires	minutes	7.7	7.6	7.5	7.6
Emergency response times – road accident rescue response	minutes	13	13.4	14.4	13.2
Emergency response times – emergency medical response	minutes	9.2	8.2	8.2	8.4
Reduce the number of structure fires per year by 5 per cent	number	<2,800	3,183	3,111	3166
Minimise residential structure fires per year with no smoke alarm present	per cent	<16	12.9	16.9	16.3
Reduce workplace injuries (WorkCover claims) by 2%	per cent	290	353	293	298
Preventable fire fatalities	per cent	0	4	6	4
On shift staff availability*	per cent	95	87.4	87	86.3

^ *Source: MFB, Annual Report 2012-13, p14.*

* Percentage of rostered staff actually available for duty regardless of the reason for absence.

Exhibit 2: Fire Services Property Levy Rates^

The levy is calculated using the following formula:

Levy = fixed charge + (Capital Improved Value x levy rate) – concession (if any)

From 1 July 2013, the fixed component was $100 for residential properties and $200 for non-residential properties, and the *ad valorem* rate was calculated depending on the type of property, its capital improved value, and which fire service covers the area.

CFA Variable rates (cents per $1,000 of capital improved value)

Property Sector	*CFA*
Residential	11.5
Commercial	109.2
Industrial	170.9
Primary production	31.2
Public benefit	11.5
Vacant (excluding vacant residential land)	11.5

MFB Variable rates (cents per $1,000 of capital improved value)

Property Sector	*MFB*
Residential	6.9
Commercial	60.7
Industrial	95.0
Primary production	17.3
Public benefit	6.9
Vacant (excluding vacant residential land)	6.9

^ *Source: State Revenue Office Victoria. Available at:* <*http://www.sro.vic.gov.au/sro/sronav.nsf/childdocs/-434C7502A60F23E4CA2575A100442158-FDA1CB1D982EC3F1CA2575A100442171-8E6A9E1A51CCB678CA257CC90080AA91-6F797A73A5607322CA257B5E00825F28?open*>

New Perspectives in Policing

SEPTEMBER 2014

HARVARD Kennedy School
Program in Criminal Justice Policy and Management

NIJ
National Institute of Justice

Managing the Boundary Between Public and Private Policing: Four Scenarios

Malcolm K. Sparrow, Ph.D.

This document contains four public/private policing scenarios that were used in *Managing the Boundary Between Public and Private Policing* (Sparrow, Malcolm K., Ph.D. *Managing the Boundary Between Public and Private Policing.* New Perspectives in Policing Bulletin. Washington, DC: U.S. Department of Justice, National Institute of Justice, 2014. NCJ 247182.).

These scenarios are presented in this format in order to facilitate their use as the basis for discussion in a training context. Commentary and analysis of these scenarios are contained in the full paper.

Contents

Executive Session on Policing and Public Safety

This is one in a series of papers that will be published as a result of the Executive Session on Policing and Public Safety.

Harvard's Executive Sessions are a convening of individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue. Members are selected based on their experiences, their reputation for thoughtfulness and their potential for helping to disseminate the work of the Session.

In the early 1980s, an Executive Session on Policing helped resolve many law enforcement issues of the day. It produced a number of papers and concepts that revolutionized policing. Thirty years later, law enforcement has changed and NIJ and the Harvard Kennedy School are again collaborating to help resolve law enforcement issues of the day.

Learn more about the Executive Session on Policing and Public Safety at:

www.NIJ.gov, keywords "Executive Session Policing"

www.hks.harvard.edu, keywords "Executive Session Policing"

SCENARIO 1: ELITE HOSTAGE RESCUE UNIT

You are chief of police in a major U.S. city. The country's military budgets are shrinking, and many military units withdrawn from Afghanistan face demobilization. Members of an elite special-forces unit, formerly based in your jurisdiction, have set up a new commercial venture offering a range of security services. The company, SafeConduct, has established its headquarters adjacent to a local airstrip and operates two executive jets and two helicopters. It offers executive hostage rescue and security services for major international companies, working mostly abroad.

However, the company always has at least one "team" at home (i.e., not deployed abroad). The CEO of SafeConduct offers to provide armed containment and hostage rescue services for your department on a "time and materials" basis. Fees would be charged only upon deployment, and there would be no costs to the city for training or for maintaining readiness.

Readiness, he promises, is not an issue. SafeConduct could guarantee a team on site anywhere within your jurisdiction within 3 hours of notification. The company would provide its own communications system and would, for every deployment, provide a unit commander to act as liaison with police Incident Command.

All of its unit members have extensive operational experience in Afghanistan and elsewhere and are proud that they have not "lost a hostage" in their past 10 deployments.

Your own hostage rescue unit (a subunit within your SWAT team) spends two days per month training for this role, but has been deployed for hostage situations only four times in the past three years. (SWAT is deployed more often, of course, to deal with a broader range of incidents involving armed, or potentially armed, offenders.) None of the officers currently assigned to the hostage rescue unit has been involved in more than two actual hostage rescue operations.

A deal with SafeConduct would save the city substantial costs involved in training and maintaining your own hostage rescue capability. SafeConduct teams would participate in training exercises as required (likewise, on a time and materials basis). SafeConduct's CEO explains that he is prepared to offer these very favorable terms because, given the nature of the work his company does, he views good working relationships with law enforcement and security agencies as a critical strategic asset.

The CEO hands you a recent press clipping from England, which describes the four "tough tests" that the British Labour Party recently proposed for deciding which aspects of police work should be contracted out. Any deal with private contractors should (1) represent value for money, (2) ensure security, (3) be transparent and accountable, and (4) foster public trust in the police service. He says he is confident that this proposal easily passes all four tests, especially considering the experience and skills of SafeConduct's personnel and the favorable financial terms he is offering.

SCENARIO 2: NEIGHBORHOOD WATCH

You are chief of police in a major U.S. city. The population of the city is racially diverse, but largely segregated at the neighborhood level. Your Community Outreach Program collaborates on a formal and frequent basis with 27 Neighborhood Watch Associations (NHWAs), which your Program Officers helped establish.

Your deputy chief, who is African-American, has an 11-year-old son, Jason. Jason has told his dad that he and all the other black kids in the Montvale neighborhood no longer dare walk through Compton — a predominantly white neighborhood — on their way to and from school. The quickest route from Montvale to the (newly integrated) school lies through three pedestrian walkways that pass underneath the highway separating the two neighborhoods. The Compton NHWA patrols apparently set up checkpoints close to these walkways and question any kids who pass by, sometimes asking them to open up their backpacks.

The Compton NHWA patrols openly carry weapons. The state has a "stand your ground" law. There have been no reports of violence or of the Compton patrols actually using physical force. But, clearly, the Montvale schoolchildren are intimidated, and many have chosen to use longer routes to school, adding at least 15 minutes to their journey each way.

Your senior management team has discussed the situation. Your general counsel advises that the neighborhood patrols, provided they do not use physical force, are merely acting as private citizens and have not committed any offense. Also, they cannot be held accountable should their patrol patterns suggest racial bias because they are not public police and have not been formally deputized. Counsel advises the only legal remedy lies in civil lawsuits.

The captain in charge of the Community Outreach Program has discussed the situation with the Compton NHWA coordinator, who denies any racial bias and reports that focusing on schoolchildren passing through has eliminated a significant rash of late-afternoon domestic burglaries in the Compton neighborhood. Your Compstat director confirms this was a growing problem and that it evaporated over recent weeks.

In the wake of the Treyvon Martin tragedy, 20 of your 27 NHWAs have voluntarily agreed to stop carrying any weapons and to strictly limit their activities to an "observe and report" role. Your Deputy has suggested an urgent policy change, whereby the department would officially and publicly dissociate itself from any NHWAs that choose not to adopt this restriction.

While you are considering your options, you also learn from your public relations officer that the Montvale NHWA, incensed by the intimidation and humiliation their children have suffered, and who also openly carry weapons, are considering escorting their children through Compton in the mornings and afternoons. The city's major newspapers want to know how your department plans to deal with the deteriorating situation.

SCENARIO 3: STATE SAFETY ASSOCIATION

You are chief of a U.S. state police department. The Governor's chief of staff calls to ask your opinion of a proposal that has been presented to the Governor by a consortium comprising three large security companies that, between them, share 80 percent of the private security industry revenues for the whole state. They propose to establish a State Safety Association as a vehicle for enhanced collaboration between the private security industry and public police. The Governor believes in the value and effectiveness of public/private partnerships and has championed their use in many areas of public policy.

Under the plan, members of the proposed State Safety Association would be able to:

- Send selected employees to various courses offered by the State Police Academy and have them certified by the academy as proficient in the relevant subjects.
- Publicly display the phrase "Member of the State Safety Association" on their insignia, documents and websites.
- Develop a deeper collaboration with the state police and other local police agencies in the form of threat-based intelligence-sharing networks.

Each company would pay a substantial annual fixed-fee subscription in the form of unrestricted revenue for your academy. Each would also pay variable fees per student/course attended by its staff, with fees set high enough to be an attractive financial proposition for the state. All the details, of course, remain open to negotiation.

All three members of the consortium have recruited retired senior police officers to sit on their governing boards or hold executive-level positions. The largest company hired your predecessor (former chief of state police), whom you know well, as its CEO. All three companies profess their commitment to public safety and their desire to make major and high-quality contributions to public security.

When the idea first surfaced, police unions were vehemently opposed. In a public statement, the Patrolman's Association President declared, "Corruption is defined as the abuse of public resources for private gain. Using the resources and staff of the State Police Academy to advantage private for-profit commercial companies fits the bill exactly. Such a deal would be blatantly corrupt."

Noting union opposition, the consortium members then offered to include the provision that each member company within the association would be obliged to offer paid details for off-duty state police officers at an aggregate level not to fall below 5,000 hours per year per company. "This would be valuable," a consortium spokesman said, "to guarantee the quality and depth of the relationship. The presence of public police officers on company projects will enhance the professionalism of our own staff and keep us focused on critical public purposes."

The Governor is eager to understand your views. Several other security companies have complained to the state's Commerce Department that this scheme would disadvantage smaller and newer players within the security industry and constitutes anti-competitive trade practice by the "big three."

SCENARIO 4: PRIVATE UNIVERSITY POLICE DEPARTMENT

You are chief of police in a major city on the West Coast of the United States. The campus of a private university lies entirely within your city limits. The chief of the university police department (UPD) answers directly to the university's general counsel, who answers directly to the university president. The relationship between your department and the UPD has always been excellent.

Street robberies in the vicinity of the campus have increased significantly over the past three years. Many victims are university students. Attacks, many of them involving a weapon, have occurred both on and off campus. Students are routinely advised not to resist and to give up their possessions if confronted. Most of them do so, and robberies have involved few injuries and no fatalities. However, in one assault that occurred off campus, two female Chinese students were badly beaten with tire irons and are now hospitalized with serious injuries. Detectives have suggested that these particular students might not have understood what their attackers were asking for.

Your public relations officer has been fielding media inquiries about this particular attack. She asks for your advice because she has now been asked by her counterpart at the UPD to play down — or preferably not mention at all — that the victims were students at the university. The UPD press officer has stressed that there was really no link between the crime and the fact that these were university students, given the off-campus location where the attack occurred.

Your public relations officer shows you the latest annual Clery Act report from the university. An appendix shows figures that clearly reveal an escalating trend in robberies and reported rapes over the past three years. But the text of the report fails to mention those phenomena and presents a reassuring picture of a safe environment with declining overall crime rates. Your public relations officer also shows you a recent article from a student-run newspaper, prompted by the trend in the rape figures. Student reporters had interviewed the university's general counsel, who said rates remained very low compared with national averages and that he believed the rise in the complaint rate was a direct result of a campaign run last year by the Student Welfare and Advisory Services, which encouraged sexual assault victims to come forward to university authorities.

Apparently, the university's admissions office has been getting more and more inquiries about campus safety from college advisors at feeder schools. Also, with the local economy in the doldrums, the university has been aggressively pursuing foreign enrollments, particularly from Asia, and would not want any publicity that directly linked the university with this recent and particularly vicious attack or with the escalating pattern of assaults and robberies in the vicinity. The college has just mailed its annual batch of admission offers and wants to avoid any adverse publicity, especially publicity that might reach China. Such adverse publicity could lower the yield on their offers.

Thursday

19th November 2015

Thursday – 19th November 2015

Session 1: (Moore) Political Engagement: Building Legitimacy and Support for Innovation and Co-Production

Subjects for Discussion: Reasons and circumstances in which effective political engagement is essential to successful performance. Building organizational capacities for successful political and community engagement. Engaging successfully with the media. Developing a "marketing" plan. "Nudging" citizens towards co-production of public goals. Measuring the development of civic capacity and commitment.

Reading: "Please Be Patient: The Seattle Solid Waste Facility Meets the Press"

Questions:

1) What is the important innovation that is being introduced into Seattle's public system for the management of solid waste? What is the theory behind this shift? What value will it produce? What does the success of the program depend on? What risks is Gale taking on in pursuing the innovation?
2) What is Gale's strategic calculation about the critical work that must be done to ensure the success of this new strategy?
3) To what extent does the success of Gayle's innovation depend on the active, voluntary contributions of ordinary Seattle citizens? What step does she take and where does she falter in efforts to generate this "co-production"?
4) Make a list of what you think are the 5-10 key actions she takes to increase the chance of success?

Session 2: (Moore & Sparrow) Recent Developments in the Theory & Strategy of Policing

Subjects for Discussion: The role of professional ideology in shaping police practices. How particular ideas of "good police practices" arise, spread, and fall. The trajectory of police practices over the last thirty years. Good ideas that emerged and improved performance, but fell by the wayside. Good ideas that have been adapted, and continue to improve police performance. Bad ideas that emerged, but fortunately fell by the wayside. Bad ideas that emerged and have spread, undermining police performance. The processes by which the field as a whole seems to innovate and learn.

Readings:

(a) Investigation of the Ferguson Police Department. Report by the Department of Justice, Civil Rights Division. March 2015. Executive Summary. Pages 1-6.

(b) “What Happened to Community and Problem-Oriented Policing?” Chapter 2 in: Malcolm K. Sparrow, *Handcuffed: What Holds Policing Back*, Brookings Press, 2015 (forthcoming).

Questions:

1) What makes it possible for a police department to go so far “off the rails” and to persist in improper conduct for very long periods?

2) Is the police profession in Britain significantly more advanced than American policing in delivering on the promise of community and problem-oriented policing?

Sessions 3 & 4: (Sparrow) Managing Discretion

Group Exercise & Discussion:

Subjects for Discussion: Equity and Fairness in Regulatory Operations; competing values; tension between effectiveness and equity; multiple forms of discretion; programs of structured discretion; associated forms of accountability.

Reading: None.

Questions:

1) Do you think that the law enforcement agencies involved in the Boston Gun Control project (Operation Ceasefire) used *more* discretion than usual, *less* discretion than usual, or *different types* of discretion than usual?

2) What legal objections can you imagine might have been made, if someone had chosen to make them, in response to the design and operation of the Ceasefire strategy?

3) In what ways does the exercise of discretion change when a police organization gets serious about tackling major crime problems?

"Please Be Patient": The Seattle Solid Waste Utility Meets the Press

Between 1988 and 1991, the city of Seattle changed radically one of the most basic services a city provides: the way it collects the trash. With the twin goals of minimizing its cost of disposal and maximizing the amount of refuse the environmentally-conscious city would recycle, Seattle asked its residents to make a host of changes in their garbage habits. Some changes were big—asking that different types of trash (such as recyclables and grass clippings) be put in different containers, for instance; others were the kind of small changes in habitual behavior that could be bothersome—such as the requirement that garbage bins be placed no more nor less than three feet from the curb. In addition, the the city redesigned the way it asked its residents to pay for garbage collection service. Residents who had been accustomed to garbage collectors picking up the trash from their backyards without thinking too much about the cost suddenly faced a menu of garbage rate choices. They could pay an extra fee for "yard waste," an extra fee for backyard service, even varying fees for different-sized cans.

The process of implementing these many and varied changes was by no means smooth. At one point, public confusion about the new garbage collection system was so great that the city was deluged with some 30,000 phone calls in a single day—overloading trunk lines and effectively shutting down the city government's phone system. Ultimately, however, Seattle residents, for the most part, grew accustomed to the new system and proud of their efforts to increase recycling and minimize garbage, efforts which would win a variety of national awards. In the long march from planning to the time when the new trash system took hold, the Seattle Solid Waste Utility, the fee-supported city agency responsible for all aspects of garbage pickup and disposal, paid special attention to its public promotion and relations with the press. Utility officials believed that the style, as well as the substance, of its interactions with reporters, would influence the degree to which the public would accept the long list of changes which were to touch every household in a city of half a million.

Background: The Seattle Garbage Crisis

The dramatic changes in Seattle's trash collection system were, in large part, the result of a garbage crisis which struck the city in the early to mid-1980s. Two landfill sites on which the city had long relied were filled and closed. Although the city was never entirely without a place to dump its trash (it negotiated the temporary use of a disposal site owned by surrounding King County), the landfill closings created a palpable public sense of crisis—most notably when the Midway landfill, closed in 1983, was found in November 1985 to be leaking methane gas. Eleven nearby families were evacuated from their homes on Thanksgiving Day. The image of families carrying half-baked turkeys to motel rooms dominated television news. Pressure mounted for a permanent solution to the Seattle

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This case was written by Howard Husock, director of the Case Program, Kennedy School of Government, Harvard University, for the Ford Foundation/University of Washington Conference "Public Innovation and the Media: Stimulus or Barrier?" Funding was provided by the Ford Foundation. (0891)

disposing of garbage at the more expensive county-owned landfill site, pushed up the rates charged by the Solid Waste Utility, making the heretofore low-profile agency better known but far from popular.

Over the next four years, Seattle officials painstakingly crafted a plan for how to handle their city's 2000 tons of trash a day. Throughout much of this process, it was widely expected that the key to Seattle's trash disposal would be construction of a city-owned "waste to energy plant," an incinerator. Instead, a much different solution emerged from both study and political jockeying. Elements of the final plan—which represented a carefully-wrought compromise between the interests of environmentalists, eager to reduce trash and increase recycling, and elected officials, eager to keep garbage rates down and find a reliable disposal site—took hold in two main stages. Curbside recycling—the pickup of glass, cans and papers from special bins put out at the curb by residents of one to four-family homes—took effect in February 1988. A much larger set of changes took effect in January 1989, following a study which analyzed the city's "waste stream" and found that, with the right set of programs and financial incentives, Seattle could recycle up to 60 percent of its trash and send the rest, not to an incinerator, but, via rail, to a "distant landfill" site, ultimately located in arid eastern Oregon.

It would be up to one city agency—the Seattle Solid Waste Utility, a division of Seattle's Engineering Department, to implement all aspects of the plan; everything from contracting for garbage pickup and landfill disposal to making sure that no individual households were missed by collectors. It was the utility which would explain the plan to the public, send out bills for the new trash and recycling services—and take the complaints.

About the Solid Waste Utility

In many ways, Seattle's Solid Waste Utility is distinct from both other city agencies and its counterpart departments across the US. In a city in which public ownership of utilities is a tradition—the city operates Seattle City Light, its own electric utility—the Solid Waste Utility, since its founding in 1962, has operated very much like more traditional utilities, not government agencies. It charges for its services—which includes the costs of hiring economists to estimate what the demand for that service will be in the future—to be sure it will have sufficient disposal capacity to meet that demand. It is almost wholly supported by the bills sent to its "ratepayers," the Seattle citizenry. Although in some ways it is an arm of the executive branch of city government (the director is named by the head of the Engineering Department with the approval of the mayor), its rates are set by its regulatory authority, the Seattle City Council.

For the 25 years of its existence that proceeded the garbage crisis of the mid-1980s, the Solid Waste Utility was anything but a high-profile public agency. It was staffed generally by engineers who saw their task primarily as a technical one. It was a time of both stable garbage rates and little thought about the ultimate destination of trash. All that began to change with the methane gas leak from the Midway landfill in November 1985. But change came directly to the Solid Waste Utility with the appointment, in January 1987, of Diana Gale as the utility's director. The former director of the highly-regarded central staff of analysts which serves the city council, Gale was the first woman director of the utility, the first without a technical engineering background. She well understood, however, the process of policy analysis (her background included her doctorate in urban planning) and the vagaries of the political process.

Gale faced a series of major tasks as the new utility director. These included finding a way to get the city to accept an unpopular garbage disposal option (probably an incinerator which many in government viewed as an unfortunate necessity) and—especially after the announcement by Mayor Charles Royer in August 1987, that the city would begin curbside recycling just six months hence—to expand recycling (largely done privately until that point) in a big way.

Press and Promotion: The Director's View and First Steps

As she looked ahead to the tasks of introducing new recycling and disposal systems to Seattle, Gale believed she needed both "a press strategy for talking about the disposal issue to the public" and, more broadly, a means "to be credible generally when we went out to the public." Gale was not a little bit concerned about the scope of that task.

"When you're a bureaucrat," she observes, "you're incredibly vulnerable because you stand to absorb public disdain for government. There's basically a negative attitude toward government in the press. There's a tendency for the press to jump on small mistakes you make. You're easy to criticize. It's easy to trigger negative feelings about the bureaucracy, no matter how high-minded and public-spirited a job you think you're doing."

Based, then, on the twin views that she would need the press to help explain a retinue of important policy changes, but that a sympathetic press was by no means inevitable, Gale began to reshape the public relations of an agency which, to that point, had little in the way of an active effort to get its messages out. Doing so would mean the establishment of both an active marketing effort by the utility and steps to train its staff in responding to the press.

Within two months of taking her job, she decided to retain a consulting firm (O'Neill and Associates) to conduct market research on recycling, based on interviews with representative groups of citizens ("focus groups"). These interviews included questions about the utility's general public image. She also hired a public relations firm (Elgin Syferd) to help develop a strategy for considering public opinion about "disposal options"—such as the incinerator. Both firms were clearly told the utility needed to improve its press strategy and thereby its public image.

"They were getting feedback from the public that we needed to have a better press image, that we needed more consistency in our image and logo," says Gale. The consultants, she recalls, believed that, to sell any new program, the utility had to "get a logo, get colors, get an image, have a personality." Toward that end, Gale, four months after taking the director's job and after negotiating with the mayor and council, hired a full-time public relations person for the agency. In hiring Virginia "Ginny" Stevenson, Gale would now have someone who would deal with the press not as a sidelight but as the central aspect of her job. It was Stevenson's task, recalls Gale, "to get on a friendly, first-name basis with reporters."

Director Gale did not believe, however, that it was practical for all the utility's statements to the press and public to come from Ginny Stevenson. In her view, key policy-making officials at the utility must generally be "open and knowledgeable." To help her top lieutenants become accustomed to dealing with the press, they, along with Gale, spent two days under the tutelage of two former television anchorwomen, whose exposed the group to what Gale calls "aggressive video and radio taping" toward the goal of "helping us deal with difficult, controversial questions." To aid in this task, the Elgin-Syferd public relations firm, which would ultimately direct the strategy of selling the recycling and garbage plan, came up with hard questions, exposure to which was designed to help officials learn not to be defensive in their dealings with the press, no matter the ostensible provocation. The overall message to her staff, says Gale: "Don't let the press become an adversary. You want it to be a friend. You're not a victim. You, too, can handle the press."

The Recycling Campaign

By the fall of 1987, having laid the groundwork for what she believed would be good press relations, Gale faced the task of preparing for the February 1988 introduction of voluntary curbside recycling in Seattle. Gale saw the introduction of recycling both as an important end in itself and as a strategic way of helping the utility achieve public acceptance of its other long-term goals.

"We weren't so naive as to think the public would easily buy an incinerator or anything else from us," says Gale, who was cognizant of incinerator opposition both from environmentalists (concerned about smokestack emissions and the prospect that it would tend to discourage recycling) and community activists concerned about living near any disposal facility. As it became increasingly clear, however, that dramatic changes in garbage pickup and disposal were looming, Gale, working with Elgin-Syferd, came to the view that a successful curbside recycling program could go a long way to establish an essentially positive image for the utility, one which would give it greater policy latitude in the future.

> We knew we had to have a win in order to make the kind of massive service delivery changes we'd be proposing, and the win was going to be recycling. We knew [from market research] that recycling was a popular idea, because of its associations with environmentalism, and that if we could show how aggressively we were doing it we would gain some credibility for doing things that might be less popular. In a sense, you could say we wanted to put money in the bank of public opinion.

Armed with the knowledge of recycling's inherent popularity, the Solid Waste Utility set out to make the advent and growth of curbside recycling a long-playing, long-building part of the news and civic culture of Seattle. Months before announcing the particulars of the recycling program, the utility convened a series of small, roundtable discussions to which it invited 150 "key decision-makers"—business people, community activists and representatives of the press (both editorial writers and reporters), who were invited to come as participants in shaping overall solid waste policy. Observes Ginny Stevenson: "We wanted to reach out and have an open process. We didn't even think it mattered if everyone came so long as they knew about it." Once the curbside program was ready for unveiling, the utility took the offensive in explaining it, holding a "background briefing" for reporters to answer detailed questions about logistics—when would households get their new recycling bins; which materials were acceptable and which were not. Apart from the general level of civic interest in recycling, officials had another advantage to emphasize. Because Seattle residents had, since early 1981, paid "by the can" to dispose of trash, and because recyclables were to be collected without extra charge, those who signed up to recycle stood to minimize the bill they received from the Solid Waste Utility, a self-supporting "enterprise fund" responsible for balancing its books. The press briefing was accompanied by briefing books for participants, as well as coffee and donuts. In search of key decision-makers not at such sessions, Diana Gale and other top utility officials also visited editorial boards of the city's two newspapers. "You always want to appear to be in control when you deal with the press," says Gale. "So we went to the editorial boards at the moment of our highest control—and that was before we started." Gale and Stevenson also worked hard to book the director for appearances on Seattle radio talk shows, where Gale tried to present a self-deprecating public image, not objecting when hosts would give her such sobriquets as the "garbage goddess," admitting that neighbors sometimes gave her a hard time for not recycling more herself. For Gale, one measure of the quickly-attained popularity of the recycling program was the fact that three utility officials were profiled as personalities in Seattle newspapers. She recalls positively a profile of herself which ran in the *Seattle Post-Intelligencer*. "There I was, not a faceless bureaucrat but a real live person with children."

To serve their larger strategic purposes, however—to make sure they "got a win" that would earn them some "slack"—Gale and Stevenson wanted to keep the recycling story alive. "We wanted to keep the story going," says Stevenson, "not only because it was a good story but because every story got us more recycling sign-ups." She provided information such that "the news on recycling began to be constant." There were updates as to how many people didn't have recycling bins. There was a "media event" to announce the advent of plastics recycling. The utility began to produce an array of visually witty explanatory materials about recycling, noteworthy for the logo of the "Recyclettes," munchkin-esque likenesses of bottles, cans , newspapers and such, skating or walking along a green brick road, presumably to the recycling bin.

More than anything else, though, the utility hit on the idea of doing a kind of recycling watch keyed to what percentage of Seattle households had asked to participate in the voluntary program. Like televised charity fundraisers pushing toward a goal, the percentage of recycling participation became news in Seattle. Mayor Royer personally delivered a recycling bin to the "50th percentile" household. The press did more than cover the event. The city's two newspapers, the *Seattle Times* and *Seattle Post-Intelligencer*, donated display advertising to mark the occasion. Such events, like talk show appearances, tended to prompt an increase in sign-ups, inspiring the utility to continue its events and appearances, sending recycling contractors and utility officials to an array of street fairs, parades and other community events. By January 1989, 11 months after the curbside program began, its high degree of community acceptance prompted a story on NBC Nightly News, which as much as crowned Seattle the nation's recycling capital. It was a fortuitous deposit for Diana Gale's bank of public goodwill—and came at a time when the Solid Waste most needed it. Two months before, it had begun to make withdrawals in a big way.

New Garbage Rates and Service

During the last three months of 1987 and the first half of 1988, the Solid Waste Utility, at the direction of the Seattle City Council, had conducted a major analysis of the city's recycling and trash disposal options. In the wake of the study, the city had decided to strive to recycle some 60 percent of its trash by 1998 and to give up the idea of an incinerator for that which could not be recycled. The remainder would be shipped to "distant landfill"—which would turn out to mean an arid site in eastern Oregon. Achieving such an extraordinarily high recycling rate would mean a whole new trash pick-up system, one designed to combine powerful economic incentives for recycling with ways of putting out the garbage that would minimize the cost of pick-up and separation.

Even small changes in the ways cities pick up garbage are bound to attract attention. Seattle instituted a large group of changes all at once, many of them big. Solid Waste Utility customers would have to choose, in advance, a level of service: how many cans of what size would they put out each week? In making that decision, residents had to estimate how much they could recycle, because recyclables could be thrown out at no charge while garbage had to be put in the cans for whose pickup there was a monthly charge. The official barrels, moreover, couldn't be bought at Sears or K-Mart; instead, the private contractors who were to pick up the trash would supply them. Residents long accustomed to backyard trash pickup would have to take their garbage to the curbside or pay 40 percent more for backyard pickup. Leaves, grass clippings and other yard wastes would have to be put out separately—and paid for separately. The list goes on: on weeks that residents had extra trash that wouldn't fit in their barrels, they could buy a "trash tag"—a sticker for sale at area convenience stores—to affix to a plastic trash bag.

There had been, notes Ginny Stevenson, a great deal of press coverage of the struggle to decide on the shape of the recycling and disposal plan as a matter of public policy. But implementation of the plan was a different matter. The new plan did start with certain advantages. Recalls Stevenson: "There was a sense of relief that there was not going to be an incinerator. That was a help to us." But even persons with but the most casual interest in the news, who may never have noted the incinerator controversy, were about to have their lives changed by the new city trash policies. In approaching the January 1, 1989 implementation date for what were called, with some understatement, the "new garbage rates and service," the Solid Waste Utility, in dealing with the press and public, used some of the same techniques it had used in introducing recycling. In October 1988, officials again staged a major background briefing, complete with poster-sized versions of the sign-up card, with various trash service options to be checked, which all Seattle households would receive. All Seattle households, reporters were told, would receive explanatory mailings; there would be display advertisements about the new system in daily and weekly newspapers.

"Please Be Patient"

In addition to providing such details, however, the utility sounded a theme. The new system, Diana Gale told the press, was going to help further the city's recycling goals but was going to be difficult to implement. She urged the press, and Seattle generally (in television public service announcements) to "please be patient." (The phrase would become a tagline, used time and again.) It was most unlikely, Gale told reporters at the briefing, that the system could be fully functional in anything less than six months. "We had the key press people there," recalls Gale, "and we told them that, without a doubt, complaints were going to be coming. We expected them. Getting complaints would not mean there was something wrong with the plan. We asked them for their support and understanding, for their help in explaining things to people." In addition to briefing reporters, the utility also prepared a wide variety of people whom they called "need to know" city officials—everyone from key utility officials to the people answering the phones at the mayor's office and the City Council. They would be briefed as to how to answer basic questions about the new system. Recalls Stevenson: "People would not necessarily call the utility to find out information. We tried to anticipate who might get questions."

There would be more than a few moments, however, when it seemed that, no matter the extent of preparation, disaster was imminent. From the start of the new program, there were problems. The sign-up card for the new varieties of trash service went out late (because of political disagreement over the rate structure). Customers had less than a week to make their choices and send the card back. Worse, the new yard waste charge was hard to understand. If customers did not specifically ask to be excluded from the new service, they would be billed an extra $2.00 a month for yard waste. In the wake of the card mailing, confusion reigned. On November 15, 1988, some 30,000 phone calls jammed the utility's lines. Unaccustomed bad press began to be directed at the utility. *Seattle Times* columnist Don Hannula, who would become a special thorn in the utility's side, wrote a sarcastic column based on the fact that trash service choices, once made, could, in theory, not be changed for a year.. "Locked for a year in garbage rate prison," fumed Hannula. The *Times* editorial page was critical, as well. "[The] City's garbage deadline shows a mini-can mentality," wrote the *Times*. "Some free advice to the utility. Don't recycle the thinking that went into the sign-up plan." From the start, the utility adopted a policy which Diana Gale characterizes as "the best defense is no defense. If there's a negative article, just do a better job. Don't try to explain because you can never win with the press." Thus, the utility, for instance, took the editorial page suggestion that it not hold customers to a hard and fast sign-up deadline. Moreover, the utility, if concerned about criticism from columnists and editorial writers, was not at all displeased about the front-page news stories which the sign-up deadline engendered. Although a page one story in the *Seattle Post-Intelligencer* was headlined "People are really confused," the bulk of the story provided information about the new system in the form of a detailed question-and-answer format aimed at answering the variety of questions which were swamping the utility.

The program sign-up difficulties paled, however, before the problems that emerged when the new rates and service actually took effect, January 1, 1989. Just as utility officials had hoped, major explanatory articles about the new plan appeared in the city's daily newspapers. And, as they had hoped as well, the coverage was linked to the recycling "win." Wrote the *Seattle Times*, in a prominently-displayed story headlined, "Garbage rates, collection rules, changing in '89": "Seattle is ringing out the old year as a national leader in garbage recycling and ringing in the new year with a revamped rate structure and new list of collection services." Despite detailed explanations, however, the problems were legion. Because the garbage contractors were slow in delivering the garbage bins, large numbers of customers had not received their standard-issue bins on time—and thus had to use their own cans, despite not being sure whether they were allowed to do so. Some customers were missed, it turned out, because a significant number of trash collectors had difficulty reading English and could not read the route lists. Because many trash pick-up days had been changed, thousands of Seattle residents weren't sure when they should put out their garbage. Because recycling was voluntary—but suddenly more desirable because of the increased savings it offered customers—legions of customers wanted to start recycling. As a result, deliveries of recycling bins fell behind (in part because of a shortage of plastic resin needed in the manufacturing process.) Thousands of calls continued to flood the utility. Seattle Mayor Royer himself, on the list of "need to know" officials, surprised some callers by taking calls himself.

Once underway, the new program sputtered. Two months after it started, pent-up confusion reached a breaking point. There had been snowstorms in February and March that shut down the city and stopped deliveries of cans and recycling bins. With the onset of spring, yard waste began to be put out in unexpectedly large volumes. Confusion reached yet another peak. Gale and others at the utility sensed that political support for the overall plan was ebbing. They responded by scheduling an emergency private visit to the home office of one of their two private garbage pick-up contractors, telling the firm it had to stop lagging in getting garbage barrels to its part of the city. The utility also made a public request that the city council provide emergency funds to hire more people to staff the phone system. The request for funds, ultimately approved, became a story in its own right, in ways that could seem both favorable and unfavorable to the utility. Two stories about the same hiring of employees to deal with complaints had two different emphases: "City Acts to reduce complaints about garbage pickup"; "$198,000 bill to field garbage complaints." At the same time, the utility continued to send out something called the "New Garbage Service Weekly News Bulletin," a newsletter with detailed facts about incremental progress in implementing the new plan. For instance, the newsletter sent for the first week of March 1989 reported: "US Disposal, the contractor [for that part of Seattle] South of Yessler Way, reports that all of its 60,000 carts will be delivered by March 3rd. General Disposal (contractor for the North section of the city) reports that it has delivered 50 percent of its 90,000 carts. All cart deliveries are anticipated to be complete by the end of April." The weekly newsletter would go to all city employees with a potential "need to know," as well as to reporters known to be covering the garbage story. Recalls Stevenson, "If something caught their eye, they could call me and get more in-depth information." Stevenson also made coming up with stories a specialty of hers. "If reporters call and tell me they really need a story, I try to come up with something and call them right back." Observes Diana Gale: "It's one of Ginny's responsibilities to come up with something good for reporters. You can never assure yourself of good press or cover up messes, but if you can give them stories on a continuing basis, you will get a little slack. And they'll be willing to come to your press briefings."

But the need for stories, coupled with the prominence of the garbage plan, combined to make for stories that the utility dreaded, as well. Feature stories about individuals, often elderly or handicapped, whose garbage was not being picked up despite their best efforts to get through to the utility, became a continuing feature of newspapers and newscasts. Recalls Gale: "There were the reporters who recognized that if they could find a disgruntled citizen they could have a story for page one. " In reviewing such complaints, the utility came to believe that there was a hard core of some 300 customers who, for a variety of reasons, were being missed regularly. In response, Gale devised what she called the "account executive program." Officials at the utility were personally assigned to look after 20 or so of these problem cases. In some instances, officials discovered that those customers who were paying a premium to have their garbage picked up from their backyards were being missed because of the trash collectors who couldn't read. In response, the utility developed color-coded route lists. "We decided that we had to get very good at responding to individual complaints," recalls Gale. "That was our way of taking the story off the front page."

The strategy was far from entirely effective. In the first week of July 1989, for instance, a page one *Seattle Times* story entitled "Raising a Stink: Household battles city over garbage pickup" told the tale of one woman in the city's Queen Anne Hill neighborhood whose garbage had not been picked up for seven weeks. The woman claimed to have called the utility some 20 times. The story was followed, however, by a front-page story the next day which reported that the problem had been caused by the woman's lack of a regulation-issued garbage can. Diana Gale, however, did not emphasize that lack in her response to the *Seattle Times*: In a follow-up story the next day, also on the front page, Gale said, "As soon as I saw it [the article], I immediately asked for a complete report. For me, it was a real shock. I regret that this has happened to her." The same story reported that the trash had been picked up—and that the customer had been promised a rate refund. The complainant was quoted as saying , "I want to jump up and down for joy." Diana Gale—who recalls that her goal was "to keep further stories off the front page"—said further that the utility had a record of only two calls from the irate customer but would investigate why the utility had no record of the 20 or so other calls that the customer said she made. Noted the article: "Gale said stronger documentation is usually necessary before the utility is willing to refund money but [in this case] Gale said she'll take [the customer's] word for it." Less than two weeks later, an article about the new trash service appeared in the angry customer's neighborhood newspaper, the *Queen Anne News*. No mention was made of the incident in the story which began, "Despite early problems in its implementation caused by a flood of early sign-ups, the city of Seattle's new garbage and recycling program is picking up support from Queen Anne and Magnolia residents." Later that same month (July 1989), the utility, with great fanfare at a National League of Cities recycling conference in Seattle, announced the sign-up of the city's 100,000th recycling customer.

There is no one point at which it became clear that the new trash plan had been accepted. But some in the utility point to a time in early May of 1989, when a sharply critical newspaper column was parried by a surprising source. The utility had continued to get thousands of phone calls a day, mainly requests for information rather than complaints, however. In response, it installed an automated system for recording complaints and dispensing basic information, as well as a system, like those of airline reservations desks, for cueing incoming calls. These steps attracted their own negative coverage, however. Another column by *Seattle Times* columnist Don Hannula found fault with the likelihood that a call to the utility would lead most customers either to a recorded message or to a recorder on which to leave a message.

> Hello, Solid Waste, may I talk to a humanoid? ... Tricky devils. Know what they did? They got rid of all the humans in the office. Nobody down there now but computerized tape recorders. ... Since the system went into effect, it has been handling between 1500 and 4000 calls a day for everything under the sun. On one day there were 500 missed collection complaints. That's how many people had the patience to wait and leave their complaint on a tape recorder. ... How are people describing the "streamlined" system to me? They're portraying it in terms befitting the utility. It's garbage.

Shortly thereafter, a letter to the editor appeared in response to the Hannula column, not from the utility but from a customer.

> The *Times* continues to print stories about people having difficulty with [trash] service changes. It is inevitable, with these sweeping changes over the past year, that there will be some problems. I think that under the circumstances, the service has done a pretty good job. ... If people want to have a meaningful conversation with a human, I hope they can find someone else to call besides the Solid Waste Utility. In the meantime, if they forget to pick up the trash, I am more than willing to talk to their tape recorder.

Study Questions

1) What do you infer to be Diana Gale's assumptions about the press? Do her assumptions about how the press make her a better public official?
2) Is it appropriate for the Solid Waste Utility, as a public agency, to hire consultants to advise it on press and public relations?
3) What do you imagine to be columnist Don Hannula's view of his job? Does he help or hinder public officials undertaking a new policy?
4) Is it the job of the press to assist public agencies implementing new programs?

Exhibit 1

RETURN RESPONSE CARD -- MUST BE RECEIVED BY NOVEMBER 18, 1988

Rate and Service Selection

Let us know the options you want

- ☐ No, I don't want Yard Waste Pick-up for $2.00 per month.
- ☐ Yes, I do want to sign up for curb/alley **recycling** and haven't already done so.
- ☐ Yes, I want to charge stickers for extra garbage to my utility bill. Please send me an authorization card.
- ☐ Yes, I am physically unable to take my garbage container to the curb/alley and do not have anyone to help me. Please contact me about an inspector appointment.

Your current service level is indicated at the bottom of this card on the right side of the printed label.

If you don't return this card, you will receive curb/alley collection at your present service level, and you will be billed $2.00 per month for yard waste collection.

Printed On Recycled Paper.

Check The Service Level You Want

Container Size	Curb/Alley Service Two Month Rate	Backyard Service Two Month Rate
Mini-Can	[ ] $21.40	not available
32 gallon (1 can)	[ ] $27.50	[ ] $38.50
60 gallon (2 cans)	[ ] $45.50	[ ] $63.70
90 gallon (3 cans)	[ ] $63.50	[ ] $88.90
More than 90 gallons (give # of gallons) ______	______	______

For each additional 32 gallons above the 90 gallon size add $18.00 for curb/alley service, and $25.20 for backyard service.

MULTI-FAMILY: Total service level requested ______
(Multi-family residences may have any number of cans at or above the number of households in that building. See Flyer.)

PLEASE MAKE YOUR CHOICES CAREFULLY.

POSTAGE PAID

Cart Size (Contractor-provided)

Signature ______

Daytime phone: ______ Date: ______

Seattle Solid Waste Utility
Division of Seattle Engineering Department
684-7600

Name ______

Address ______

______

Account #(if known) ______

# of households ______

Current # of cans ______

OFFICE USE ONLY
[ ] Auth card sent
[ ] Recycle sign-up done
[ ] Exempt appt. made
[ ] 78 Dr [ ] 79 Cr
$ ______

Source: Seattle Solid Waste Utility

Exhibit 2

Locked for a year in garbage-rate prison

Don Hannula/Times editorial columnist

OK, Seattle garbage fans, are you ready for the giddy new variable-rate version of "The Dating Game"?

There's only a week left to pick a garbage-service-level partner for next year. Make the right choice. You may have more woes than you deserve in dumping your new garbage-cart companion.

As the city moves to offering a choice of curbside or backyard service and differing sizes of garbage carts in a freewheeling game of rate roulette, there are some tricky disposal dicta out there.

For instance, you can change your mind only once – free – after you send in your choice of curbside-cart size. That has to be done within 60 days after your new cart is delivered. A second change costs $15.

After that, you'll be locked in a garbage-service-level prison for one year – with certain still-fuzzy parole conditions. That's a longer sentence than some criminals get.

What are the exceptions?

For instance, if you've been put into the garbage-rate slammer for a year, and a fire hits part of your house and you've got a lot of charred stuff to get rid of, they'll let you raise your service level. (If your house burns to the ground, you can discontinue paying for service altogether. If it's still livable, you can't.)

Or if there's a death in the family, they'll let you reduce your level of service.

See? The Seattle Solid Waste Utility does have a heart.

Change of household size, fire, and remodeling are written into the contracts as grounds for getting out of the one-year service-level prison.

The fuzzy part is a contract reference to "any other extraordinary event that affects garbage disposal."

Such as? One heck of a party?

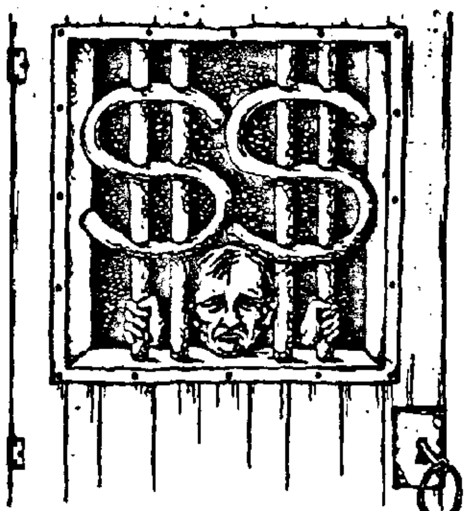
"We don't have all the exception answers yet," City Engineering Director Gary Zarker says. "It'll depend on how many exception requests we get and the impact on the contractors."

There is a logical reason for making it difficult for garbage customers to switch cart sizes. Ever-changing demand would require contractors to keep a costlier inventory of carts.

While the city's new garbage-pickup rates don't go into effect until the first of the year, residents are asked to send their service-level choices to the city by next Friday.

If customers don't sign up for more expensive backyard service, they'll get curbside pickup.

And, with mandatory yard-waste separation going into effect the first of the year, customers who think they can get by with composting must "opt out" of that service or be charged $2 a month extra.



George Rebh

Remember when putting out the garbage seemed so simple?

The move to curbside service – as well as the city's recycling efforts – makes economic sense. Offering the easier pickup for contractors is aimed at holding down costs to homeowners.

City officials expect 90 percent of households to opt for collection at the curbside or alley. Residents who continue backyard pickup will pay about 40 percent more than curbside customers for one can and 72 percent more for two cans.

The new rates as of Jan. 1: $10.70 a month for a 19-gallon mini-can, available only for curbside service; $13.75 for one 32-gallon can for curbside or alley pickup and $19.25 for backyard pickup; $22.75 for two cans for curb or alley collection and $31.85 for backyard pickup; plus $2 a month for putting out five boxes, bundles, bags or (32 gallon) cans of yard waste weekly.

There is some good news in all this – particularly in the North End of the city.

While residents who sign up for curbside service get that lower rate from Jan. 1, they'll continue to get backyard service until contractors deliver the new garbage cans on wheels. Delivery will be faster in the south, but some North End residents probably won't get their new contractor-provided carts until March.

Most residents have received their service-level sign-up cards, but the last batch wasn't mailed out until today.

Don't toss them out with the junk mail. Unless you send them back, you'll be stuck with your present number of cans.

If you happen to be out of the country between now and next Friday and don't get your service-level request back to the city, you won't be alone.

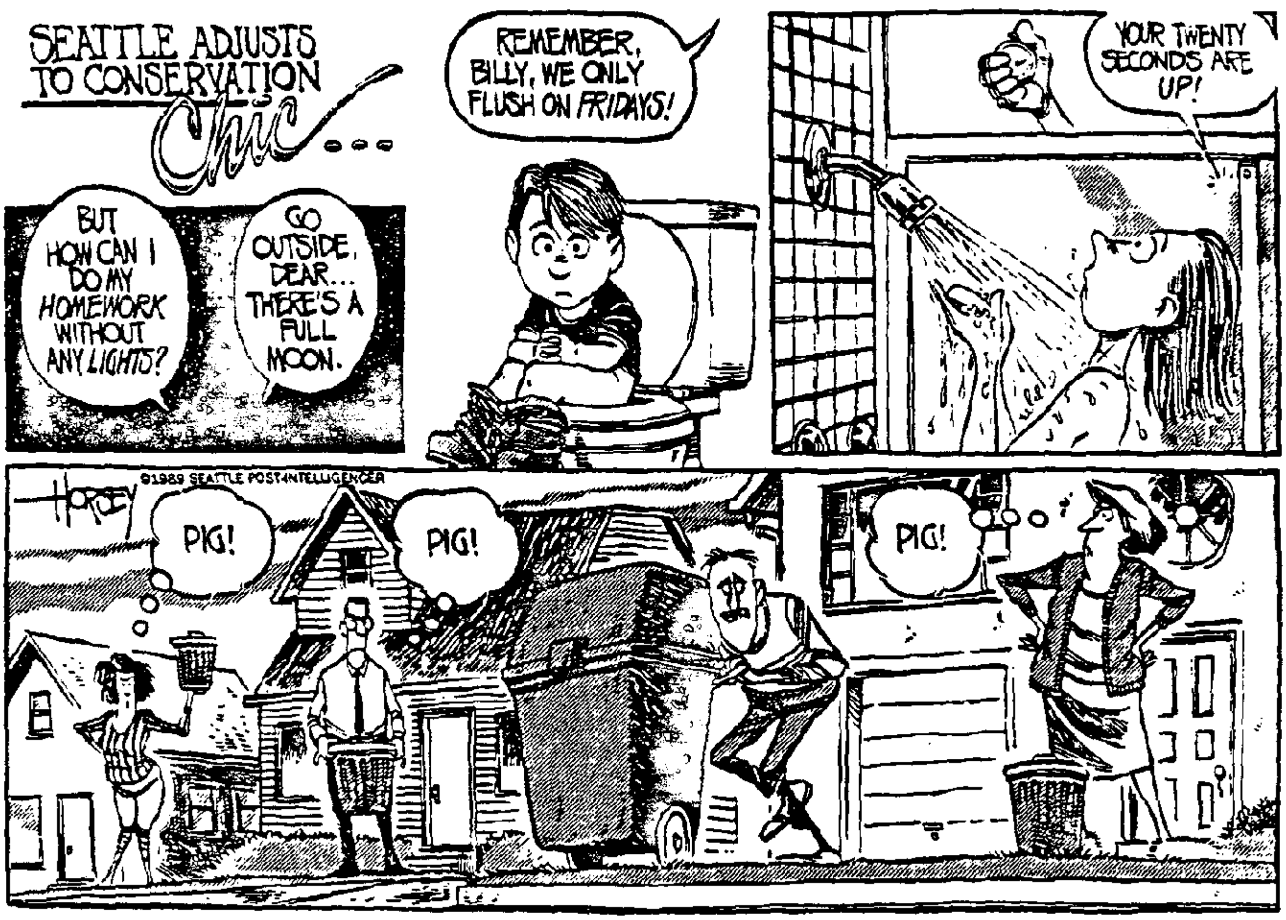
Diana Gale, director of the city's Solid Waste Utility, is vacationing in China. Engineering Director Zarker wryly observed:

"When she gets back, she'll have to exercise her one switch carefully."

Source: Seattle Times, November 11, 1988. Reprinted by permission.

Exhibit 3

FEB. 1989



Source: David Horsey, Seattle Post-Intelligencer, February, 1989. Reprinted courtesy of the Seattle Post-Intelligencer.

Exhibit 4

Seattle
Solid Waste Utility
Division of Seattle Engineering Department

NEW GARBAGE SERVICE
Weekly News Bulletin

December 8, 1988

Contact: Ginny Stevenson, Solid Waste Utility, 684-7688
Marybeth Turner, Community Affairs, 684-5351

The Solid Waste Utility has processed half of the responses received from more than 100,000 residents on new garbage collection service choices, meeting deadlines. This information goes to the City's contractors for service requests as well as to the Water Department for the Combined Utility Bills. Staff members logged 700 hours of work between November 15 and December 1, processing the cards.

Garbage Service Level Requests

- 105,000 response cards have been received by the Solid Waste Utility.
- 69% of the responses request either a 32-gallon garbage cart or 19-gallon mini-can.
- 95% ask for curb/alley garbage pick-up service.
- Less than 5% request backyard garbage pick-up service.
- 50% request curb/alley yard waste collection.

Implementation Status

- Garbage cart delivery began December 7.
- Cart delivery began in part of Ballard and in the north part of West Seattle.
- Delivery of garbage carts will vary throughout the city. General Disposal, the contractor north of Yesler Way, will deliver one cart size at a time to each neighborhood. U.S. Disposal, the contractor south of Yesler Way, will deliver all cart sizes at one time to each neighborhood.
- General Disposal has additional mini-cans on order. Because of the popularity of this size, more requests were received than anticipated.
- Eight crew people will deliver carts south of Yesler Way; ten to twenty crew people will deliver carts north of Yesler Way.
- Contractors will distribute flyers door-to-door to residents in December notifying them of changes in garbage collection days and the schedule for yard waste collection.
- Yard waste will be picked up on the same day of the week as garbage, but by a different truck.
- Yard waste collection begins in January, 1989:
  - North of Yesler Way, yard waste will be picked up the week of January 23, the week of February 20, and the second and fourth weeks of March. After that, the contractor will pick up yard waste every week.
  - South of Yesler Way, the contractor will pick up yard waste once a month in January and February and twice a month from March to October.

(over)

Source: Seattle Solid Waste Utility.

Exhibit 4 (cont.)

Customer Service Information

- o Customer Service phone lines are open from 9:00 a.m. to 5:00 p.m., Monday to Friday. Call 684-8877 for quick information using recorded messages if you have a touch-tone, push-button phone. Call 684-7600 to speak with a Customer Service Representative.
- o To schedule a presentation to groups or organizations, call Marybeth Turner, Community Affairs, 684-5351.
- o Community Service Centers where utility bills are paid also help customers with questions on garbage and yard waste services.

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Investigation of the Ferguson Police Department

United States Department of Justice
Civil Rights Division

March 4, 2015

TABLE OF CONTENTS

I. REPORT SUMMARY

The Civil Rights Division of the United States Department of Justice opened its investigation of the Ferguson Police Department ("FPD") on September 4, 2014. This investigation was initiated under the pattern-or-practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI"). This investigation has revealed a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law.

Over the course of the investigation, we interviewed City officials, including City Manager John Shaw, Mayor James Knowles, Chief of Police Thomas Jackson, Municipal Judge Ronald Brockmeyer, the Municipal Court Clerk, Ferguson's Finance Director, half of FPD's sworn officers, and others. We spent, collectively, approximately 100 person-days onsite in Ferguson. We participated in ride-alongs with on-duty officers, reviewed over 35,000 pages of police records as well as thousands of emails and other electronic materials provided by the police department. Enlisting the assistance of statistical experts, we analyzed FPD's data on stops, searches, citations, and arrests, as well as data collected by the municipal court. We observed four separate sessions of Ferguson Municipal Court, interviewing dozens of people charged with local offenses, and we reviewed third-party studies regarding municipal court practices in Ferguson and St. Louis County more broadly. As in all of our investigations, we sought to engage the local community, conducting hundreds of in-person and telephone interviews of individuals who reside in Ferguson or who have had interactions with the police department. We contacted ten neighborhood associations and met with each group that responded to us, as well as several other community groups and advocacy organizations. Throughout the investigation, we relied on two police chiefs who accompanied us to Ferguson and who themselves interviewed City and police officials, spoke with community members, and reviewed FPD policies and incident reports.

We thank the City officials and the rank-and-file officers who have cooperated with this investigation and provided us with insights into the operation of the police department, including the municipal court. Notwithstanding our findings about Ferguson's approach to law enforcement and the policing culture it creates, we found many Ferguson police officers and other City employees to be dedicated public servants striving each day to perform their duties lawfully and with respect for all members of the Ferguson community. The importance of their often-selfless work cannot be overstated.

We are also grateful to the many members of the Ferguson community who have met with us to share their experiences. It became clear during our many conversations with Ferguson residents from throughout the City that many residents, black and white, genuinely embrace Ferguson's diversity and want to reemerge from the events of recent months a truly inclusive, united community. This Report is intended to strengthen those efforts by recognizing the harms caused by Ferguson's law enforcement practices so that those harms can be better understood and overcome.

Ferguson's law enforcement practices are shaped by the City's focus on revenue rather than by public safety needs. This emphasis on revenue has compromised the institutional character of Ferguson's police department, contributing to a pattern of unconstitutional policing, and has also shaped its municipal court, leading to procedures that raise due process concerns and inflict unnecessary harm on members of the Ferguson community. Further, Ferguson's police and municipal court practices both reflect and exacerbate existing racial bias, including racial stereotypes. Ferguson's own data establish clear racial disparities that adversely impact African Americans. The evidence shows that discriminatory intent is part of the reason for these disparities. Over time, Ferguson's police and municipal court practices have sown deep mistrust between parts of the community and the police department, undermining law enforcement legitimacy among African Americans in particular.

Focus on Generating Revenue

The City budgets for sizeable increases in municipal fines and fees each year, exhorts police and court staff to deliver those revenue increases, and closely monitors whether those increases are achieved. City officials routinely urge Chief Jackson to generate more revenue through enforcement. In March 2010, for instance, the City Finance Director wrote to Chief Jackson that "unless ticket writing ramps up significantly before the end of the year, it will be hard to significantly raise collections next year. . . . Given that we are looking at a substantial sales tax shortfall, it's not an insignificant issue." Similarly, in March 2013, the Finance Director wrote to the City Manager: "Court fees are anticipated to rise about 7.5%. I did ask the Chief if he thought the PD could deliver 10% increase. He indicated they could try." The importance of focusing on revenue generation is communicated to FPD officers. Ferguson police officers from all ranks told us that revenue generation is stressed heavily within the police department, and that the message comes from City leadership. The evidence we reviewed supports this perception.

Police Practices

The City's emphasis on revenue generation has a profound effect on FPD's approach to law enforcement. Patrol assignments and schedules are geared toward aggressive enforcement of Ferguson's municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation. Officer evaluations and promotions depend to an inordinate degree on "productivity," meaning the number of citations issued. Partly as a consequence of City and FPD priorities, many officers appear to see some residents, especially those who live in Ferguson's predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.

This culture within FPD influences officer activities in all areas of policing, beyond just ticketing. Officers expect and demand compliance even when they lack legal authority. They are inclined to interpret the exercise of free-speech rights as unlawful disobedience, innocent movements as physical threats, indications of mental or physical illness as belligerence. Police supervisors and leadership do too little to ensure that officers act in accordance with law and policy, and rarely respond meaningfully to civilian complaints of officer misconduct. The result is a pattern of stops without reasonable suspicion and arrests without probable cause in violation of the Fourth Amendment; infringement on free expression, as well as retaliation for protected expression, in violation of the First Amendment; and excessive force in violation of the Fourth Amendment.

Even relatively routine misconduct by Ferguson police officers can have significant consequences for the people whose rights are violated. For example, in the summer of 2012, a 32-year-old African-American man sat in his car cooling off after playing basketball in a Ferguson public park. An officer pulled up behind the man's car, blocking him in, and demanded the man's Social Security number and identification. Without any cause, the officer accused the man of being a pedophile, referring to the presence of children in the park, and ordered the man out of his car for a pat-down, although the officer had no reason to believe the man was armed. The officer also asked to search the man's car. The man objected, citing his constitutional rights. In response, the officer arrested the man, reportedly at gunpoint, charging him with eight violations of Ferguson's municipal code. One charge, Making a False Declaration, was for initially providing the short form of his first name (e.g., "Mike" instead of "Michael"), and an address which, although legitimate, was different from the one on his driver's license. Another charge was for not wearing a seat belt, even though he was seated in a parked car. The officer also charged the man both with having an expired operator's license, and with having no operator's license in his possession. The man told us that, because of these charges, he lost his job as a contractor with the federal government that he had held for years.

Municipal Court Practices

Ferguson has allowed its focus on revenue generation to fundamentally compromise the role of Ferguson's municipal court. The municipal court does not act as a neutral arbiter of the law or a check on unlawful police conduct. Instead, the court primarily uses its judicial authority as the means to compel the payment of fines and fees that advance the City's financial interests. This has led to court practices that violate the Fourteenth Amendment's due process and equal protection requirements. The court's practices also impose unnecessary harm, overwhelmingly on African-American individuals, and run counter to public safety.

Most strikingly, the court issues municipal arrest warrants not on the basis of public safety needs, but rather as a routine response to missed court appearances and required fine payments. In 2013 alone, the court issued over 9,000 warrants on cases stemming in large part from minor violations such as parking infractions, traffic tickets, or housing code violations. Jail time would be considered far too harsh a penalty for the great majority of these code violations, yet Ferguson's municipal court routinely issues warrants for people to be arrested and incarcerated for failing to timely pay related fines and fees. Under state law, a failure to appear in municipal court on a traffic charge involving a moving violation also results in a license suspension. Ferguson has made this penalty even more onerous by only allowing the suspension to be lifted after payment of an owed fine is made in full. Further, until recently, Ferguson also added charges, fines, and fees for each missed appearance and payment. Many pending cases still include such charges that were imposed before the court recently eliminated them, making it as difficult as before for people to resolve these cases.

The court imposes these severe penalties for missed appearances and payments even as several of the court's practices create unnecessary barriers to resolving a municipal violation. The court often fails to provide clear and accurate information regarding a person's charges or court obligations. And the court's fine assessment procedures do not adequately provide for a defendant to seek a fine reduction on account of financial incapacity or to seek alternatives to payment such as community service. City and court officials have adhered to these court practices despite acknowledging their needlessly harmful consequences. In August 2013, for example, one City Councilmember wrote to the City Manager, the Mayor, and other City officials lamenting the lack of a community service option and noted the benefits of such a program, including that it would "keep those people that simply don't have the money to pay their fines from constantly being arrested and going to jail, only to be released and do it all over again."

Together, these court practices exacerbate the harm of Ferguson's unconstitutional police practices. They impose a particular hardship upon Ferguson's most vulnerable residents, especially upon those living in or near poverty. Minor offenses can generate crippling debts, result in jail time because of an inability to pay, and result in the loss of a driver's license, employment, or housing.

We spoke, for example, with an African-American woman who has a still-pending case stemming from 2007, when, on a single occasion, she parked her car illegally. She received two citations and a $151 fine, plus fees. The woman, who experienced financial difficulties and periods of homelessness over several years, was charged with seven Failure to Appear offenses for missing court dates or fine payments on her parking tickets between 2007 and 2010. For each Failure to Appear, the court issued an arrest warrant and imposed new fines and fees. From 2007 to 2014, the woman was arrested twice, spent six days in jail, and paid $550 to the court for the events stemming from this single instance of illegal parking. Court records show that she twice attempted to make partial payments of $25 and $50, but the court returned those payments, refusing to accept anything less than payment in full. One of those payments was later accepted, but only after the court's letter rejecting payment by money order was returned as undeliverable. This woman is now making regular payments on the fine. As of December 2014, over seven years later, despite initially owing a $151 fine and having already paid $550, she still owed $541.

Racial Bias

Ferguson's approach to law enforcement both reflects and reinforces racial bias, including stereotyping. The harms of Ferguson's police and court practices are borne disproportionately by African Americans, and there is evidence that this is due in part to intentional discrimination on the basis of race.

Ferguson's law enforcement practices overwhelmingly impact African Americans. Data collected by the Ferguson Police Department from 2012 to 2014 shows that African Americans account for 85% of vehicle stops, 90% of citations, and 93% of arrests made by FPD officers, despite comprising only 67% of Ferguson's population. African Americans are more than twice as likely as white drivers to be searched during vehicle stops even after controlling for non-race based variables such as the reason the vehicle stop was initiated, but are found in possession of contraband 26% less often than white drivers, suggesting officers are impermissibly considering race as a factor when determining whether to search. African Americans are more likely to be cited and arrested following a stop regardless of why the stop was initiated and are more likely to receive multiple citations during a single incident. From 2012 to 2014, FPD issued four or more citations to African Americans on 73 occasions, but issued four or more citations to non-African Americans only twice. FPD appears to bring certain offenses almost exclusively against African Americans. For example, from 2011 to 2013, African Americans accounted for 95% of Manner of Walking in Roadway charges, and 94% of all Failure to Comply charges. Notably, with respect to speeding charges brought by FPD, the evidence shows not only that African Americans are represented at disproportionately high rates overall, but also that the disparate impact of FPD's enforcement practices on African Americans is 48% larger when citations are issued not on the basis of radar or laser, but by some other method, such as the officer's own visual assessment.

These disparities are also present in FPD's use of force. Nearly 90% of documented force used by FPD officers was used against African Americans. In every canine bite incident for which racial information is available, the person bitten was African American.

Municipal court practices likewise cause disproportionate harm to African Americans. African Americans are 68% less likely than others to have their cases dismissed by the court, and are more likely to have their cases last longer and result in more required court encounters. African Americans are at least 50% more likely to have their cases lead to an arrest warrant, and accounted for 92% of cases in which an arrest warrant was issued by the Ferguson Municipal Court in 2013. Available data show that, of those actually arrested by FPD only because of an outstanding municipal warrant, 96% are African American.

Our investigation indicates that this disproportionate burden on African Americans cannot be explained by any difference in the rate at which people of different races violate the law. Rather, our investigation has revealed that these disparities occur, at least in part, because of unlawful bias against and stereotypes about African Americans. We have found substantial evidence of racial bias among police and court staff in Ferguson. For example, we discovered emails circulated by police supervisors and court staff that stereotype racial minorities as criminals, including one email that joked about an abortion by an African-American woman being a means of crime control.

City officials have frequently asserted that the harsh and disparate results of Ferguson's law enforcement system do not indicate problems with police or court practices, but instead reflect a pervasive lack of "personal responsibility" among "certain segments" of the community. Our investigation has found that the practices about which area residents have complained are in fact unconstitutional and unduly harsh. But the City's personal-responsibility refrain is telling: it reflects many of the same racial stereotypes found in the emails between police and court supervisors. This evidence of bias and stereotyping, together with evidence that Ferguson has long recognized but failed to correct the consistent racial disparities caused by its police and court practices, demonstrates that the discriminatory effects of Ferguson's conduct are driven at least in part by discriminatory intent in violation of the Fourteenth Amendment.

Community Distrust

Since the August 2014 shooting death of Michael Brown, the lack of trust between the Ferguson Police Department and a significant portion of Ferguson's residents, especially African Americans, has become undeniable. The causes of this distrust and division, however, have been the subject of debate. Police and other City officials, as well as some Ferguson residents, have insisted to us that the public outcry is attributable to "outside agitators" who do not reflect the opinions of "real Ferguson residents." That view is at odds with the facts we have gathered during our investigation. Our investigation has shown that distrust of the Ferguson Police Department is longstanding and largely attributable to Ferguson's approach to law enforcement. This approach results in patterns of unnecessarily aggressive and at times unlawful policing;

reinforces the harm of discriminatory stereotypes; discourages a culture of accountability; and neglects community engagement. In recent years, FPD has moved away from the modest community policing efforts it previously had implemented, reducing opportunities for positive police-community interactions, and losing the little familiarity it had with some African-American neighborhoods. The confluence of policing to raise revenue and racial bias thus has resulted in practices that not only violate the Constitution and cause direct harm to the individuals whose rights are violated, but also undermine community trust, especially among many African Americans. As a consequence of these practices, law enforcement is seen as illegitimate, and the partnerships necessary for public safety are, in some areas, entirely absent.

Restoring trust in law enforcement will require recognition of the harms caused by Ferguson's law enforcement practices, and diligent, committed collaboration with the entire Ferguson community. At the conclusion of this report, we have broadly identified the changes that are necessary for meaningful and sustainable reform. These measures build upon a number of other recommended changes we communicated verbally to the Mayor, Police Chief, and City Manager in September so that Ferguson could begin immediately to address problems as we identified them. As a result of those recommendations, the City and police department have already begun to make some changes to municipal court and police practices. We commend City officials for beginning to take steps to address some of the concerns we have already raised. Nonetheless, these changes are only a small part of the reform necessary. Addressing the deeply embedded constitutional deficiencies we found demands an entire reorientation of law enforcement in Ferguson. The City must replace revenue-driven policing with a system grounded in the principles of community policing and police legitimacy, in which people are equally protected and treated with compassion, regardless of race.

Chapter 2: What happened to Community & Problem-Oriented Policing?[*]

Last revised: 8/12/2015

How could it be that Department of Justice investigators, in 2015, recommended the Ferguson Police Department implement community and problem-oriented policing—ideas that seemed well established as the basis for police reform as early as the 1980s and 1990s? It was not that Ferguson Police Department had never heard of these ideas. Rather, their current practices revealed little attention to or formal investment in these ideas:

> "Ferguson's community policing efforts appear always to have been somewhat modest, but have dwindled to almost nothing in recent years. FPD has no community policing or community engagement plan. FPD currently designates a single officer the "Community Resource Officer." This officer attends community meetings, serves as FPD's public relations liaison, and is charged with collecting crime data. No other officers play any substantive role in community policing efforts." [1]

Police officers in Ferguson acknowledged that the department's focus on revenue raising had helped to displace the mission and values of community policing. Also, administrative changes (such as adoption of 12-hour shifts) made in support of traffic enforcement priorities made it harder for officers to establish or maintain meaningful relationships with the community.[2]

In this respect, therefore, Ferguson Police Department may not be atypical. They, like virtually everyone else in policing, had heard of these ideas. They had implemented some version of community policing, once upon a time. But the department's mission and methods no longer revolved around the ideals of community and problem-oriented policing. What was left, in terms of operational implementation, was a mere token.

Anthony Braga, in his 2015 *Perspectives Series* paper "Crime and Policing, Revisited," [3] reports that such tokenism appears widespread:

> "While community problem-solving policing concepts are now ubiquitous in the policing profession, the experiences of the police executives in the [Executive Session on Policing and Public Safety], coupled with the available literature on implementation, suggest that many police departments are not embracing these approaches with fidelity to the original ideas. For instance, the available research suggests that community policing has been unevenly implemented within police departments, with responsibility for community-based initiatives sometimes relegated to specialized units comprised of a small number of officers, rather than

[*] This chapter incorporates some extracts from the following paper published in the *New Perspectives in Policing* series: Sparrow, Malcolm K. "One Week in Heron City: A Case Study—Teaching Note." New Perspectives in Policing Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. September 2009.

> spread across police departments...Police officers also often find it difficult to implement problem-oriented policing properly with deficiencies existing in all stages of the process resulting in an over-reliance on traditional policing tactics... Too many police departments seem to rely upon over-simplistic tactics, such as "putting cops on dots" or launching indiscriminate "zero-tolerance" initiatives, rather than engaging a coherent crime prevention strategy." [4]

According to Braga, the original ideas have held up to scholarly scrutiny, with sufficient evidence now available to support the conclusion that "the police can reduce crime if they take a focused approach to addressing recurring crime problems, engage the community and a diversity of partners in their strategies, and implement tactics and strategies appropriately tailored to the conditions that give rise to crime problems." [5] But that only deepens the mystery. If these ideas are demonstrably effective when properly implemented, why would the profession's adoption of them remain so half-hearted and patchy?

That is the work for this chapter. There are many reasons. One of them, for sure, is the proliferation of *other* ideas which in the minds of practitioners compete for attention with community and problem-oriented policing.

<u>The Proliferation of Ideas</u>.

In various executive training classes over the last few years, I have asked senior police managers to list the policing strategies and/or theories that have helped to shape their departments' operations. I ask them to include only those which have some concrete operational embodiment within their departments, and thereby to exclude ideas adopted as mere rhetoric. The list they produce is impressive, and many executives report that their departments use as many as four or five different strategies simultaneously. For many practitioners the relationship between these ideas seems unclear. For some, the proliferation of what they jokingly refer to as "hyphenated-policing" creates enormous confusion.

The strategies they most commonly name are:

1) Community Policing
2) Neighborhood Oriented Policing
3) Problem Oriented Policing
4) Broken Windows Policing
5) Zero Tolerance Policing
6) Hot-Spots Policing
7) Situational Crime Control
8) Intelligence-Led Policing
9) Predictive Policing
10) CompStat
11) Evidence-Based Policing

Police departments across the United States vary in how many of these approaches they have embraced, and which combinations. Moreover, implementations of any one of these strategies vary enormously from jurisdiction to jurisdiction and over time. As implementations mature they tend to become more versatile and better adapted to local circumstances, departing from more standardized models that were originally imported or copied from other jurisdictions.

This is not the place to provide a complete history or exposition of each of these ideas. But it may be worthwhile here to reduce them to their bare bones, for two purposes: First, to clarify the distinctions between them (for the sake of readers not fully conversant with them). Second, to open up the space *between* these ideas, so police executives can develop a clear sense of the dangers of standardized and formulaic implementations which tend to be narrow in scope and suitable only for certain categories of problems. This should enable police executives to explore *what else* they might need, in addition to their existing methods of operation, in order to support effective action across the full range of police tasks.

What is striking about the listing is how many of these are *reduced forms* of community or problem-oriented policing. That is, they reflect attempts to implement these foundational ideas, but in order to make them practical, particular choices have been made which narrow the focus in one way or another and lead to an operational implementation which is relatively inflexible.

Neighborhood Oriented Policing (NOP) was, back in the 1980s and 1990s, almost synonymous with Community Oriented Policing (COP). Both NOP and COP signaled close cooperation with local communities in agenda setting and in co-production of public safety. With the passage of time the term Neighborhood Oriented Policing lost out, and *Community Oriented Policing*, or just *Community Policing*, became the more common terminology.

If there were any difference between NOP and COP, it would be that NOP focused on a particular type of community: those that are defined at the level of the *neighborhood*. There are other “communities” as well—including business communities, city-wide and regional communities—that can make quite proper claims on police attention. One interesting question to ask of a department that claims to operate community-oriented policing would be “what *types* of communities do you recognize and focus upon?” Answers will vary, but neighborhood communities remain top of the priority list for most departments seriously committed to COP.

Six of the strategies on the list (Broken Windows Policing, Zero Tolerance Policing, Hot-Spots Policing, Situational Crime Control, Intelligence-Led Policing and Predictive Policing) turn out, on close examination, to be reduced forms of problem-oriented policing. That is, they are designed to address specific types of crime problem, or to address crime patterns in particular ways. They are each *particular* in some respect, where problem-oriented policing was intended to be quite *general*.

Broken-Windows Policing and *Zero-Tolerance Policing* tend to go hand in hand, as most famously implemented by the NYPD. *Broken-Windows* names the theory and ostensibly connects to relevant research. *Zero-Tolerance* describes the dominant operational focus—aggressive enforcement of minor infractions—which is justified, at least in the eyes of proponents, by the Broken-Windows theory. This strategy is particular and restrictive in the sense that it constitutes a standardized approach to crime control by establishing default intervention tactics. Problem-Oriented policing, by contrast, never establishes default tactics but demands that careful analysis of specific problems be followed by a genuine search for tailor-made solutions, drawing from a much richer collection of potential interventions and frequently inventing new and unique approaches.

Hot-Spots Policing, as its name suggests, focuses on patterns of crime which are concentrated in space and time. Some crime problems are concentrated that way, but many are not. One of Herman Goldstein's initial pleas to the police profession, in introducing his notion of Problem-Oriented Policing, was that they should learn to recognize the many other dimensions in which crime problems might be concentrated: by repeat offender, or repeat victim, by a class of offenders, by a class of victims, by a crime method, by season, by motive, and so on. Police, he said, have *always* concentrated on hot-spots, even before the advent of computerized analysis, using pin-maps on the precinct commanders' office wall.

So Hot-Spots policing can be useful to address a particular subset of problems, namely those that have a geographic concentration. Of course, there is nothing wrong with this approach, providing its limitations are recognized and understood.

Hot-Spots policing has received a considerable degree of scholarly attention lately, and has matured in some respects from its legacy versions. Prior to Goldstein, not only was the form of analysis standardized (geographic and temporal clustering), but so was the tactical response. *Directed Patrol* was the default response, which meant flooding the relevant area with police at the relevant times (affectionately known as putting "Cops on Dots"). Recent work has broadened the range of responses to hot-spots, and some of those approaches involve local residents and businesses in helping to deal with the problems. In other words, the range of intervention methods has broadened. Greater precision in analytical and mapping techniques have also supported disaggregation of crime concentrations to lower levels, even to the level of specific city blocks, stretches of road, or intersections.

Situational Crime Control focuses on one particular mode of intervention: reducing the availability of places suitable or convenient for crime. Ron Clarke, one of the leading proponents, describes it thus:

> Situational crime prevention…refers to a pre-emptive approach that relies, not on improving society or its institutions, but simply on reducing the opportunities for crime…. Situational crime prevention comprises opportunity-reducing measures that are, (1) directed at highly specific forms of crime, (2) that involve the management, design or manipulation of the immediate environment in as specific

and permanent a way as possible (3) so as to increase the effort and risks of crime and reduce the rewards as perceived by a wide range of offenders.[6]

Goldstein persistently encourages police to keep their minds open to the full range of problems, the full range of dimensions in which problems might be concentrated, and the full range of intervention techniques. So he welcomes situational prevention, but points to its limitations:

> “Clarke identified sixteen techniques of situational prevention. Problem-oriented policing would embrace all of these—but, in its concern for the range of community problems that the police must handle beyond crime, embrace many additional strategies as well.” [7]

Intelligence-Led Policing (ILP) focuses on problems of particular shapes. The most common focus is on repeat offenders, so the analytic and intelligence work that supports ILP tends to be offender-centric, connecting crimes committed by prolific and dangerous criminals. The modes of intervention naturally follow the offender-centric theme of ILP, and include a range of methods for monitoring and controlling the behavior of persistent offenders.

Varieties of ILP exist, some of them including types of crime concentration in addition to those characterized as the work of repeat offenders. The British National Intelligence Model, for instance, is set up to identify and deal with serious offenders as well as crime and disorder hot spots, organized crime, and “series” crimes such as those involving a common victim or method.[8]

Predictive Policing is a more recent addition to the list of police strategies, and it is not yet entirely clear how much this idea differs from better established ideas. The *predictive policing* label has been used in two quite different ways. One relates to long-term strategic planning, whereby police executives engage with city-planners and demographers to specify policing needs five or ten years out into the future and to plan accordingly.

The second (much more common) version relates to a class of analytic methods designed to predict when and where crime is likely to occur. Those methods involve pattern-recognition applied to historical data and then extrapolated into the future. For anyone familiar with crime analysis, that is not new. And it’s particularly not new when the default intervention strategy involves putting *cops on dots*.

David Sklansky observes the strong tendency for police technology to be overhyped, and observes:

> “For all the talk about “advanced analytics”[64] and “data fusion”[65] that can “discover non-obvious relationships” among risk factors for crime,[66] the proven successes of predictive policing have involved fairly prosaic techniques.” [9]

Many of those successes, so far, have involved spatial and temporal analysis to spot existing concentrations, leading to the default response of directed patrol. Such implementations seem little more than a continuation of *hot-spots policing* but under a different name.

If *predictive policing* provides little that is genuinely new, one wonders why it deserves a new name. The answer, Sklansky proposes, is simple and results from the existence of a commercial market in *predictive analytics* which extends beyond policing and has targeted government agencies quite broadly:[10]

> "Part of the reason technology tends to be over-hyped is that there is money to be made from selling it. Another part of the reason is simply that gear and gadgets are sexy: shiny video screens, interactive maps, and "mathematical prophesy" have allures that are not shared by, say, a poorly attended community meeting in a church basement." [11]

Given the advent of richer data and greater computational power, it is quite plausible that *predictive policing* will in fact provide the police profession with finer-grained and therefore more precise analyses than those previously available. But here one cannot help but observe the tendency of the police profession when offered beefed-up analytic capabilities: they tend to use new technology to refine those analytic methods with which they are already deeply familiar and comfortable, but they lack the imagination to break out of old habits and broaden their analytic repertoire.

Sklansky echoes this worry, and describes how one sociologist, Peter K. Manning,

> "who spent six years watching the use of crime mapping and information technology in management meetings in three U.S. police departments concluded that the data were almost never used to call existing strategies into question; for the most part, information technology was simply "adapted to the police organization and its characteristic practices." [12]

CompStat systems incorporate aspects of crime analysis, performance measurement and performance management. Implementations vary enormously in their maturity and versatility. The narrower forms, as discussed in detail in chapter 1, tend to focus heavily on reported crime rates for Part I offences, rely on spatial and temporal analysis to spot clusters, place responsibility for interventions firmly at the level of precinct command, and in some departments assume a default treatment in the form of aggressive street order maintenance. More mature forms of CompStat are more versatile, drawing on multiple data sources, incorporating greater versatility in analytic and detection methods, and embracing a fuller range of potential interventions.

Evidence-Based Policing (EBP) describes one particular form of interaction between research and practice. Described by proponents as analogous to *evidence-based medicine,* the EBP movement focuses on establishing "what works" in policing—which means, more precisely, "which *programs* work." EBP relies heavily on statistical analysis and program-evaluation techniques, holding out randomized controlled trials as the gold-standard for determining the extent to which various outcomes (including crime reductions) can be properly attributed to specific police strategies and tactics.

Most of the champions of EBP are criminologists or social scientists who work with police departments to design and conduct experiments in order to test one crime control strategy or another. One fundamental tenet of the EBP movement is that police ought not to be allowed to use programs or methods which have *not* been proven effective.

The following chapter (chapter 3) examines in detail the degree to which EBP can support the maturing of Problem-Oriented policing. It concludes that EBP does indeed have a place within policing research, and that its methods are relevant in evaluating programs which are large, expensive, relatively permanent, and implemented across multiple departments in a sufficiently standardized way that they can be evaluated using social science research tools.

However, chapter 3 also concludes that EBP, if given a central or dominant role in defining scholar/practitioner relationships can substantially impede the work of operational problem-solving. A great many other forms of analysis are vital too, and EBP can serve to narrow the focus to a specific category of analytic methods which constitute disciplinary norms for the social sciences, but which often fail to provide the requisite analytic support for operational policing.

Community Policing: Hiccups along the way

It may be worth enumerating the various hiccups that have impeded the development of community policing. Several of these involve the substitution of *reduced forms* of community policing.

(1) Reduced form: Focus on Specific Tactics: The first involves departments adopting specific tactics that seem to be associated with community policing, but missing the deeper philosophical and cultural implications. For some departments community policing means little more than increasing the use of foot or bicycle patrols, or even painting the squad cars white to make them appear less threatening.

(2) Reduced form: Isolating Community Policing within Dedicated Units: The second involves the creation of community policing units, often quite small. While such units may provide valuable service, the danger is that the very existence of such a unit may allow the remainder of the department to preserve its traditional philosophy as professional crime fighters and remain completely disconnected or unaffected by the community policing philosophy.

The President's Task Force on 21st Century Policing emphasized the importance of an organization-wide commitment to community policing:

> "Community policing must be a way of doing business by an entire police force, not just a specialized unit of that force. [...] Community policing cannot be a program, unit, strategy or tactic. It must be the core principle that lies at the foundation of a police department's culture. [...] Testimony from a number of witnesses also made clear that hiring, training, evaluating, and promoting officers based on their ability and track record in community engagement—not just traditional measures of policing such as arrests, tickets, or tactical skills—is an equally important component of the successful infusion of community policing throughout an organization."[13]

(3) Reduced form: A One-sided Deal: Some departments attempt to engage the community as "eyes and ears," that is, to provide information to the police in support of their traditional crime-fighting role. The one-sided nature of this deal is what eventually renders it unsustainable. Communities will not participate for long unless they know their own concerns are being taken seriously and incorporated into policing priorities. A more mature community policing model must be a two-sided deal: police and public working together not only to achieve results, but also to set the agenda. The advantages to the community must be obvious and tangible.

(4) The Impact of Counter-Terrorism: The events of 9/11/2001 and the subsequent emphasis on national security profoundly affected domestic policing in the U.S. Many of the ways in which policing changed were probably unavoidable, and may be permanent. But in the context of a discussion of community-policing, it is important to recognize the effects that the national security agenda has had on the ways in which police interact with local communities. It might be useful to contemplate quite carefully what might need to be done now to make sure the original vision for community policing does not get buried by competing concerns.

Many commentators regard the advent of the security agenda as disastrous for community policing. David Couper, for instance, writes:

> "That day [9/11] changed just about everything in policing. It changed our nation's police for the worst as they lost their essential role to protect the citizens and their rights. Rather they became caught up in "homeland security," outfitted themselves in robot-like body armor, and procured the latest chemical agents and military equipment." [14]

Others see greater symbiosis, recognizing the valuable role that established and positive community relationships can play in counterterrorism. Sklansky, for instance, observes:

> "As it happens, the most important contributions that local police departments can make to homeland security probably depend on precisely the kinds of outreach, partnership, and low-tech, person-to-person trust-building stressed in community policing. Information cannot be collated, shared or cross-tabulated until it is collected, and people are much more likely to speak frankly with police officers they know, have worked with and trust. When a police officer goes to talk with,

> say, a local Arab-American leader, it helps if the officer has "met and assisted that leader before — protecting property, ironing out some administrative complexity, or ensuring his safe worship." If we want to prevent attacks from Islamic extremists, our most important allies will be found among moderate, mainstream Islamic Americans, and the way to gain their trust and cooperation is by working with them in precisely the ways emphasized by community policing." [15]

Thus Sklansky stresses the value of community interactions styled in the manner of community-policing. But notice that the *purpose* is nevertheless quite different, focusing on the necessity of detecting extremists, preventing radicalization, and uncovering plots—which is very different from working with communities to identify and address their own public safety concerns. Moreover the *communities of interest* might be different, with special attention paid to those neighborhoods deemed more likely to source violent extremism or provide support to foreign powers or terrorist organizations. So there will still be some tension between the agendas of community policing and national security, even if both benefit from a similar style of community interaction.

There will be tension anyway between local, regional, and national priorities. The rubber hits the road at the same level—ground level—regardless of the size of the vehicle. Local police departments, with limited time and resources available, have obligations to deliver on agendas conceived locally, at the state level, regionally, and nationally. Increased emphasis on national security and counter-terrorism surely shifts the local resource allocation priorities in the direction of national and regional agendas. So does the advent of other non-localized policing priorities such as cyber-crime, financial fraud, identity-theft, and human trafficking.

The tension between the national security agenda and local policing priorities manifests itself also in the nature of the *networks* that local police departments recognize, belong to, and can be obligated by.

<u>Network 1: The Criminal Justice System</u>: Police had always regarded themselves as one element of the *criminal justice system*, feeders of the court system, and natural partners with prisons, probation and parole services. The unifying mission for this network was crime control, in particular, incapacitation and to a lesser extent rehabilitation of offenders.

<u>Network 2: Municipal Government</u>: The advent of community and problem-oriented policing brought a different network membership. Police now acted as a component of *municipal government.* Police recognized the special value they brought by being available to citizens 24 hours a day and 7 days a week, and with a phone number that everyone knew. They adopted the role of broker for municipal services, frequently referring those in need and other concerned citizens to agencies such as youth services, recreation, sanitation, road maintenance, public health and social services. The unifying mission for this network was *quality of life* in the city. Police were often the first agency to implement a problem-oriented approach, but some municipalities then picked it up and

broadened the scope to cover issues of community concern beyond crime and to coordinate responses from multiple municipal departments.

Network 3: National Security: The national security agenda obliges police to engage with a third network, focused on *counter-terrorism, security and intelligence*. This network includes intelligence agencies, other security agencies, immigration, and regional Fusion centers. It draws agencies at all levels of government together around the tasks of data gathering, intelligence analysis, surveillance, and intelligence sharing...all serving the purpose of reducing the threat of terrorism. The international nature of terrorist threats makes collaboration across borders essential, and thus de-emphasizes local policing priorities.

The prominence of the counter-terrorism mission since 2001 has pushed policing right into the center of the tension between security and civil liberties. Local police should be (and usually are) much closer to the people than other members of any security coalition (e.g. federal agencies) and are thus well placed to play a balancing role between competing priorities. The more police departments identify with the security and intelligence network the less likely they may be to stand up for constitutional rights and civil liberties when these do indeed come into conflict with the national security agenda.

(5) Reduced Form: The Substitution of "Zero-Tolerance" Policing: Adopting any particular default intervention strategy, as discussed above, constitutes a narrowing of the problem-oriented approach. Adopting *aggressive street-order maintenance* as the default intervention strategy also conflicts with the fundamental values of community policing. Charles H. Ramsey, Commissioner of Police in Philadelphia and Co-Chair of the President's Task Force on 21st Century Policing expresses this rather forcefully in his recent *New Perspectives Series* paper, in which he reflects on the role that police played during the Holocaust:

> "Of course, the term "zero tolerance" is quite in vogue today. Some people even suggest (quite mistakenly, I would argue) that zero tolerance and community policing are one and the same, or at least closely related. What worries me most about this is that the ideals of democracy are all about tolerance — tolerance for different people, different cultures, different view points. In the name of zero tolerance, many police departments today crack down on nuisance crimes such as drinking in public and other minor misdemeanors and almost always choose underprivileged neighborhoods for this strategy. I certainly do not advocate drinking in public or any other disorderly or criminal behavior. But how many of us ask the questions: Why is this person an alcoholic to begin with? And why doesn't he or she have a home to live in?
>
> If we are to stand for any type of zero tolerance, it should be zero tolerance for the causes of crime and zero tolerance for the types of racist attitudes that led to the Holocaust 70 years ago and continue to feed hate crimes in our communities today. That is the type of "zero tolerance" we, as police officers, should be

> focusing on. What followed from the zero tolerance policies in Nazi Germany was the denial of basic human rights and individual freedoms." [16]

If the defenders of *Zero Tolerance Policing* rely on the *Brokens Windows* theory to justify the approach, they appear to be on shaky ground. Braga, Welsh and Schnell have pulled together in a preliminary Campbell Review the available evidence regarding on various methods for controlling disorder.[17] It turns out that aggressive order maintenance strategies do not appear to generate significant crime reductions, whereas community and problem-oriented approaches designed to address underlying conditions of disorder have demonstrated some substantial crime reduction effects.[18]

(6) <u>Resurgence of the "Police Professionalism" Agenda</u>: A very current threat to the development and maturing of community policing results from too heavy an emphasis on other aspects of police professionalism. Sklansky warns that many of the modern ideas now circulating—including intelligence-led and predictive policing—might once again focus police on "the vision of an elite corps of expert crime-fighters, acting independently but objectively and scientifically, to keep communities safe." [19] This vision, he says, is a "false ideal" which ignores "most of what we learned about policing in the 1960s, 1970s and 1980s." [20]

Some might imagine that such expressions of concern reflect an anti-technology or even anti-modern-management bias. Not so. Proponents of community policing have always recognized the value of technology, accountability, integrity, discipline, better training, national standards, and a host of other positive developments that might fall naturally under the umbrella label of "professionalism." But they argue that these other areas for development are more natural and more attractive for police (particular those that have to do with technology and equipment); that there is only so much attention to go around; and that the real issue is *emphasis*. As Sklansky puts it, we need to focus attention on "the problems in policing that most deserve attention, not only because of their intrinsic importance but also because of their difficulty and their tendency to be neglected." [21]

One of the central lessons from the investigation of the Ferguson Police Department, properly identified by Department of Justice investigators, is that—whatever else is happening with respect to the development of policing—we need a renewed and concerted emphasis on the work of implementing community policing. For all the reasons described above, this applies quite broadly across the policing profession. The need to stick with the task of implementing community policing is by no means an issue just for a few especially troubled departments.

<u>Problem Oriented Policing: Hiccups along the way</u>

The development of Problem Oriented Policing has likewise encountered a variety of obstacles along the way. Some of them have already been mentioned, and many of them involve reduced forms and simplistic substitutions of one kind of another. The temptation to reduce and simplify is perfectly understandable, because organizing around problems turns out to be organizationally awkward and intellectually demanding. It also requires a great many choices to be made and forms of discretion to be exercised that are unfamiliar and discomforting for officers and managers accustomed to more routine forms of work.

The underlying idea is straightforward enough. In reviewing the evolution of crime-control strategies over the last few decades, Anthony Braga traces the origins of Problem-Oriented Policing to Goldstein's "simple and straightforward proposition":

> "In 1979, Herman Goldstein, a respected University of Wisconsin law professor and former aide to Chicago police superintendent O.W. Wilson, made a simple and straightforward proposition that challenged police officers to address problems rather than simply respond to incidents. According to Goldstein [...] behind every recurring problem there are underlying conditions that create it. Incident-driven policing never addresses these conditions; therefore incidents are likely to recur. Answering calls for service is an important task and still must be done, but police officers should respond systematically to recurring calls for the same problem. In order for the police to be more efficient and effective, they must gather information about incidents and design an appropriate response based on the nature of the underlying conditions that cause the problem(s)." [22]

The challenge of problem-oriented policing, laid down by Herman Goldstein and developed further by many others since, emphasized:

- the uniqueness of individual problems
- the need to disaggregate them into their component parts
- a willingness to consider a broad range of dimensions and potential sizes in so doing
- the need to define problems carefully and accurately, capturing and considering multiple perspectives on the problem
- an open-minded search for tailor-made solutions, and
- a commitment to methodological rigor in evaluating outcomes.

If the idea is straightforward, implementation is anything but. One study conducted in 1996 examined the experience of police in England and Wales with the concept of problem-oriented policing. Police officers provided to the researchers a substantial list of reasons why POP had not "taken off" despite more than a decade of attempts to incorporate it into police operations. Here are the major reasons given:[23]

> (1) There is no time for it. Police in Britain are already over-stretched.
> (2) There is nothing new about it. POP is just a fancy way of describing what is delivered routinely anyway.
> (3) POP is impossible. Real issues are so complex and deep-rooted that piecemeal Problem Solving efforts cannot succeed.
> (4) The Police job is to *respond to incidents*. Its up to others to "solve problems."
> (5) Policing in Britain is about crime and detection. Addressing other problems is for other agencies.

(6) British police culture is so deep-rooted and so wrapped up in crime detection that there can be no serious prospect of implementing POP.
(7) Objectives are set nationally, which leaves little room to pay attention to distinctive concerns of individual communities.
(8) Management structures are not well adapted to the "bottom up" approach that characterizes POP.

Many other regulatory agencies have experimented with equivalent ideas, even if they use slightly different vocabulary to describe them. Florida's Department of Environmental Protection, which implemented an *Environmental Problem-Solving* program in the late 1990s, encountered similar challenges. A group of internal consultants designated to help drive the problem-solving program and provide support to project teams, after a couple of years of working on the program listed reasons why in their view problem-solving proved perpetually challenging. They echoed many of the objections raised by UK police, and added a few more:[24]

(1) The required analytic support (data analysis, and help with statistical work) is not available.
(2) Problem-Solving has no formal budgetary support, nor any legislative mandate. Everything else the department does has *both*.
(3) Real world problems come in awkward shapes and sizes, which do not fit established groups or units. Dealing with them properly requires coordination and commitment across different units and agencies. Establishing those commitments, the consultants claimed, was "like pulling teeth."
(4) Management has failed to understand or support it. "We are left to push from down here………it should not be *up to us.*"
(5) Problem-Solving brings an unfamiliar degree of discretion, and uncertain degrees of authorization. Teams are not sure what they are allowed to propose, and whether they can really commit agency resources through their action plans. The persistent uncertainty brings projects to a standstill.
(6) Project teams are generally incapable of sticking to the imposed rigor of the approach. They don't understand why the different stages are necessary. "That puts enormous pressure on us [the facilitators], if we are the only ones interested in doing it right."
(7) Engaging external parties without offering them any kind of veto or vote over the action plan, strikes participants as awkward. These terms of engagement are unfamiliar to all the participants.
(8) Problem-solving is regarded by many as an *alternative to enforcement,* and is consequently written off as "one of the fashionable new soft options being pushed by senior management as they sell out to political pressures."

Such objections should be noted and must be taken seriously. They can all be dealt with, and have been dealt with by agencies that have persevered in constructing, formalizing and institutionalizing problem-oriented capabilities. The majority of police departments, however, have not, even in 2015. So it is worth pointing out some of the particular traps that the police profession has encountered and distortions that have appeared.

(1) Reduced form: Problem-Solving as a Matter of Style for Beat Officers: One very early misunderstanding was to imagine that problem-solving was only for beat officers, who might be expected to spot persistent problems at the beat level and learn how to deal with them intelligently and effectively. A problem-orientation thus became an issue of professional style for beat officers, and the problem-solving "guides" of the period were pocket-sized, designed to be carried around by beat officers on patrol.

Goldstein remarked on this early form, appreciating the localized successes it produced, but regretting the resulting inability to address larger or more widespread concerns:

> But, too often, these commendable efforts [of individual police officers] are peripheral to everything else they do; sporadic; improvised; lacking in official support; and achieved *despite* the formal requirements of the bureaucracy. [25]

The appeal of this particular *reduced form* to executives is obvious: very little organizational support is needed (apart from some orientation and training for beat officers) and the department does not have to create any formal systems to manage problem-based work. This version does not place any serious demands on organizational resources and hardly requires managerial involvement. As Goldstein noted, this version can run at the ground level even while the department lacks any higher level vision or structure for implementing the strategy.

One important probative question for departmental executives would be "is problem-solving for the *beat officers*, or for *the department*?" If the strategy is for the department, then the department needs formal systems for identifying problems at multiple levels (including city-wide), allocating personnel and financial resources, providing analytic support, managing collaborations with other agencies, vetting proposed actions plans, monitoring impacts, and making decisions about when and why projects should be opened, closed, expanded, contracted, or re-directed. In short, problem-solving requires formal management and an executive level commitment to driving, guiding, supporting and managing a portfolio of problem-based projects. Problem-solving cannot survive if it is merely an idea; it needs systems and protocols. It needs to be managed as seriously as every other kind of work the department does, otherwise it can never compete and will not survive.

(2) Reduced Forms: Limiting Attention to Particular Dimensions:

Harms come in a multitude of different shapes. In introducing the concept of *problem-oriented policing* for law enforcement, Herman Goldstein devoted considerable time and energy persuading the profession to use analytic methods beyond traditional 'hot-spot' analyses. Pin-maps, showing crime locations, had long decorated precinct commanders' office walls. Clusters of pins represented hot-spots, and hot-spots showed police where to pay special attention. With the advent of computers, the pin-maps morphed into analytic software packages for 'spatial and temporal analysis of crime.' The medium was different, and the analytic methods more sophisticated, but the basic idea was the same.

Goldstein decried the narrowness of this one analytic approach.[26] He pointed out that not only did police tend to rely on one analytic approach; worse, they relied on one standard tactical response—termed *directed patrol*—whenever this analysis showed them a concentration. Directed patrol meant flooding the particular area at the relevant times with uniformed patrols in order to suppress the 'crime problem.'

Problems, for policing, come in many different shapes and sizes. Some problems are genuinely local, some city-wide, and some (like major security and terrorism threats) national or international in scope. Some problems are geographic (and therefore susceptible to place-based or hot-spot analysis), but many are not. Recognizing the pervasiveness of the use of *pin-maps* as a form of crime analysis within the police profession, and recognizing that with the advent of modern technology *spatial and temporal analysis* remain the principal and pre-eminent form of analysis, Professor Herman Goldstein sought

> "…to jolt the profession into a broader analytic versatility, pointing out that crime problems come in many different shapes and sizes, and geography and time represent only two of at least a dozen relevant dimensions. Some crime problems revolve around repeat offenders, even though the crime locations are dispersed. Other crime problems result from competition or conflict between rival criminal enterprises in the same business. Some patterns involve particularly vulnerable classes of victims (e.g. single-manned convenience stores as targets for robberies), or repeat victims, or methods of attack, or specific behaviors (e.g. glue-sniffing in the schools), or specific commodities (e.g. Oxycontin-related pharmacy break-ins), or features of architectural design that create opportunities for crime, and so on." [27]

Many problems, therefore, come in awkward, in-between, shapes and sizes that do not align neatly with existing organizational or jurisdictional boundaries. Effectiveness in problem-solving demands organizational fluidity and a willingness to form partnerships across functional and geographic divisions. The underlying principle for effective problem-oriented action is clear:

> "*Respect the natural shape and size of the harm itself.* Fashion your response around its structure, rather than forcing the harm into your structure. Use a control structure which mirrors the structure of the harm itself." [28]

Even though the broad challenge of problem-oriented policing was laid out more than twenty years ago, the intervening years have seen a variety of more concrete operational methods proliferate. These systems—such as *Zero-Tolerance Policing, Hot-Spots Policing, Situational Crime Control, Intelligence-Led Policing, and Predictive Policing*—give police departments a recipe for action, a tangible way to proceed. At the same time, unfortunately, they threaten to narrow the police profession's vision of problem-solving. Each concrete implementation, being particular in one or several regards, chips away at the versatility of the underlying notion.

Zero-Tolerance or *Aggressive Street-order Maintenance* represent a default tactical approach. It is not only a highly particular, but offensive to many communities and potentially corrosive of community trust. *Hot-Spots* policing can only identify and focus on problems that have a specific and highly localized geographic concentration. *Situational Crime Control* focuses attention on a limited subset of precursor factors, namely those that have to do with environmental design and control of spaces.

Intelligence-Led Policing focuses heavily on dangerous and prolific offenders, and in some jurisdictions incorporates a focus on a short list of other problem types as well. The focus on *persistent and serious offenders* is also narrow in its own way. Adopting an "offender-focus" serves departments well, of course, when they confront problems that do in fact stem from the conduct of a small number of egregious actors. For these problems, dealing with the few key offenders provides an efficient focus. But for any other kind of problem an offender-focus is not useful; it is neither the right way to think, nor to set priorities, nor to organize action.

Predictive Policing, even though it is still too early to say exactly how this idea will evolve, seems likely to perpetuate a primary focus on geographic and temporal analysis, even if it refines and adds precision to that approach.

(3) <u>Reduced Form: Narrower Versions of CompStat</u>:

Implementations of Compstat have undoubtedly focused management attention on certain types of crime-reduction imperatives, and produced important results. In many departments, however, Compstat implementations have been treated as *de facto* substitutes for any broader problem-solving approach, thereby restricting or narrowing both the types of problems police can address, and the range of solutions they are able to consider. The Compstat model, as it is generally understood, can be decidedly narrow in several of the ways in which problem-solving is supposed to be broad. In its bare-bone versions, the Compstat model might be restrictive in any or all of the following ways. As discussed in detail in chapter 1, Compstat models may:

a) <u>focus only on reported crime data</u> (thus potentially neglecting the use of other data sources, and potentially shortchanging problems not properly reflected in reported crime data).
b) <u>focus solely on "reducing the numbers"</u> (this could result in a lack of sensitivity to under-reported crimes, and introduce or exacerbate the dangers of recording biases and data distortions resulting from high-pressure use of numerical performance imperatives).
c) <u>analyze crime patterns principally *by precinct*</u>, and within precincts, with a heavy emphasis on geographic and temporal analysis (i.e. potentially overlooking all the other dimensions in which crime patterns might naturally be defined).
d) <u>automatically delegate responsibility for control to the precinct commanders</u> (regardless of the size and shape of the problems to be addressed).

e) <u>emphasize particular types of intervention</u> (for example, focusing on aggressive order maintenance tactics for establishing police control over streets and public places).
f) <u>employ distinctive managerial styles</u> (for example, replicating the famously aggressive and adversarial tone with which the early Compstat meetings in New York City were conducted).

The particularity of such models is in tension with versatile and mature problem-solving approaches. Departments that rely too heavily on specific forms may end up forcing problems into the wrong mold and missing the opportunities for effective action that might materialize if only they could organize around the problems themselves rather than automatically trying to make the problems conform to predefined departmental modes of operation.

Problem-solving works best when a department retains a *task-focus*, and organizes itself in ways that reflect the structure of the risks, harms, or problems in the field. Many departments get stuck in a *tool-focus* or *system-focus*, so firmly committed to their own analytic and operational methods that they can no longer recognize when they are not appropriate. These reduced forms, implemented as governing organizational systems, become, in the minds of executives, "the way we do business: *any* business."

Table 1 provides a series of diagnostic study questions that police executives might consider using if they wanted to challenge their organization on the maturity and versatility of its problem-solving capabilities and infrastructure. The table is based on a very simple definition of problem-solving success, namely, the ability "to spot emerging problems early and suppress them before they do much damage." [29] Table 1 recognizes the formidable challenge of turning that simple idea—spotting and suppressing emerging risks—into a form of professional competence for a sizable organization. To that end, the left-hand column unpacks an organizational *problem-solving* or *operational risk-management* capability into six distinct elements.[30] The right-hand column then poses a number of diagnostic questions, relating to each of these six elements, which any management team can use to review their department's progress and identify any critical needs in terms of systems necessary to support a versatile problem-solving capability.

<u>Table 1</u>: Elements of an Effective Problem-Solving System:	**Related Diagnostic & Study Questions:**
1) the ability to identify crime-patterns and other risk-concentrations early in their life cycle, *before* they do much damage.	a) where, within the department, does responsibility lie for spotting emerging problems? b) what methods are used for this task? c) is the department better at spotting certain types of problems than others? d) does the department have difficulty spotting problems of shapes and sizes that do not align naturally with existing organizational structures?
2) a commitment to scan proactively for *emergent and unfamiliar* risks, using a broad range of data sources, information gathering techniques, and a set of exploratory and imaginative analytic and data-mining approaches sufficient to reveal issues never seen before, as well as the recurrence of familiar ones.	a) what data sources and analytic methods does the department use in order to identify developing patterns and trends early in their life-cycle? b) where does responsibility for this task lie? c) how much is the department biased towards familiar types of analysis (e.g., spatial and temporal hotspot analysis, division of crime rates by precinct, etc.) at the expense of a potentially broader range of methods? d) is analytic support available to problem-solving teams on an ongoing basis, *after* the problem has been identified and a project launched?
3) a formal managerial system for reviewing problem nominations, prioritizing problems for attention, appointing project teams, and then managing and monitoring the department's portfolio of risk-mitigation/problem-solving projects.	a) is this type of work centrally coordinated? b) is it clear which managers or group of managers have responsibility for prioritizing and selecting problems for departmental attention? c) have the criteria for problem selection been established, and are they generally known and understood? d) does the department effectively track its portfolio of problem-based projects? e) are mid-level managers familiar with the phases or stages of major problem-solving projects? f) has the department developed formal systems for periodic review and oversight of problem-solving projects underway? g) what proportion of middle and upper managers have experience in conducting periodic *project review* meetings with project teams? h) do the department's external reporting mechanisms formally incorporate project-based accomplishments?
4) the organizational fluidity to elevate risks identified to the appropriate level, so that the organization can gather relevant resources and attention around them, taking care to respect the natural size and dimensions of the problem, or risk-concentration, itself.	a) what delegation options are available, within the department, for tackling problems of different shapes and size? b) at how many different *levels* within the department can problem-solving projects be organized and conducted? c) do managers know how to organize projects which requires the involvement of multiple units within the department, but which are not actually "department-wide"?
5) a willingness to engage in an open-minded search for tailor-made solutions, sufficient to mitigate each identified risk to acceptable levels,	a) how broad is the range of solutions actually deployed in response to identified problems? b) to what extent is the solution set biased towards traditional methods (e.g. directed patrol, street-level

and in a resource-efficient manner.	order-maintenance tactics, etc.)
6) a system for organizational *learning*, so that those engaged in problem-solving can access knowledge accumulated by others.	a) what form does this system take, and where is it located? b) how "rich" is the information contained within it? c) what proportion of the department's personnel have ever accessed it?

(4) <u>Inadequate Forms of Analytic and Research Support</u>: The fourth major obstacle to the maturation of the problem-oriented approach is inadequate analytic support. This is the subject for the next chapter.

Part of this problem is the simple lack of requisite analytic resources and skills within police departments. This deficiency was noted by Goldstein in 2003, and has not changed much since.[31]

Problem-oriented work is intensively analytical in its very nature. Problems have to be detected first, which may involve pattern-recognition and anomaly detection. Then they have to be studied, scoped, and circumscribed so that some reasonable sense can be developed of what the problem is, how widespread, in what ways is it concentrated, and how the problem *works*. Once the decision is made to launch a project, relevant metrics must be established by which progress could be measured; and those project-specific metrics ought to be benchmarked before any action steps are taken, otherwise nobody will ever know if the interventions succeed. During action stages, the relevant metrics need to be monitored so that progress can be evaluated. At some point determinations have to be made about whether the problem is significantly abated, and abated enough to justify closing the project so the organization can move on to the next problem. Every stage of the problem-solving process requires analytic support, and (based on experience across a broad range of other risk-control domains) my rule of thumb is that 20% of the effort that goes into a properly run problem-solving project will be analytic in nature.

The analytic methods that are available within police departments tend to be oriented around the particular operational methods that have been adopted. If the operational methods focus on one dimension (like space, or repeat offenders), then the accompanying analytic methods will be particular and made to match. Notice how systems such as Compstat and Intelligence-Led Policing represent methods for defining and dividing crime-control work; so they each have their own relevant analytic methods. The uses of data and the forms of analysis that each approach recognizes serve to reinforce the particular operational approach. Compstat first divides up any available crime data *by precinct*, because the Compstat process subsequently divides and allocates the responsibility for action *by precinct.* Similarly, Intelligence-Led Policing does the analysis *by offender* (or offender-group), because Intelligence-Led Policing subsequently sets the agenda and prioritizes the department's attention by ranking and targeting *offenders* and *offender groups*.

Notice the circularity trap. The department has selected certain operational methods. It then commissions the analyses that will detect the problems of the right shape and size to fit those operational methods. Analysis conducted, therefore, will find the problems with the right dimensionality, and discovery of them will act to confirm to the organization that the choice of operational methods is appropriate. Meanwhile, risk concentrations of different shapes (i.e. those defined in different dimensions) are unlikely to be noticed, and thus less likely to be addressed. A Compstat style analysis is less likely to reveal problems that straddle precincts or which are city-wide. Analysis supporting Intelligence-Led Policing probably would not pick up a concentration of domestic violence committed around public holidays or around major sporting events...because the analysis is not oriented around those dimensions.

Given the existence of this circularity trap, it is interesting to see what police officials make of crime problems that—in terms of size and shape—do not align either with their analytic traditions or with the organizational machinery available to them. Two behaviors seem all too common in practice. Officials confronted with awkwardly shaped problems will be tempted, either:

> (a) to carve the problem into pieces, so that the pieces *do* fit their existing machinery. But this leads to inefficiencies, as no-one is then in a position to address the issue in a suitably holistic way or to design a coherent and integrated response.
>
> (b) to assume that if the problem doesn't fit their system, then controlling it cannot possibly be their responsibility. If it is not about a repeat offender, then the Intelligence-Led policing unit is surely not responsible. If the problem does not produce a visible concentration of reported crime within one precinct, then who—under CompStat—will take responsibility for it?

The only way to break out of this circularity trap—where operational methods determine what analyses are commissioned, and the analyses conducted determine the types of problems that are detected—is to throw wide open the analytic operation and demand much greater versatility. The cycle has to be broken at the *analytic* end. Data of many different types must be sliced and diced in a multitude of different ways, regardless of whether the organization is poised to respond to the unfamiliar and awkward-shaped issues that might surface. By deliberately increasing the versatility of the analytic operation, the organization increases the range of problems that it can detect. Discovering new types of problem, in turn, then challenges the organization to develop relevant and novel operational responses.

The other substantial piece of this analytic puzzle involves the nature of collaboration between scholars and practitioners. Such collaboration is increasingly energetic and well funded, and surely brings benefits to both parties: practitioners gain access to sophisticated research methods, and academics get something practical and important to work on.

But the dominant form of the interactions between practitioners and scholars that now occur—which are heavily focused on social science methods, program evaluation, and "Evidence-Based Policing"—are not exactly what is needed to support problem-oriented policing. Federal grant funding which is also heavily oriented towards evaluations has served to reinforce the centrality of social science methods in supporting the profession.

Of course, there's nothing wrong with social science methods being available to the police profession; there is indeed a valuable role to be played by academia in helping to evaluate police programs. The trouble is that this is not the brand of analytic support that problem-oriented policing really needs!

In specifying the nature of requisite analytic support for policing, neither the demand side (police practitioners) nor the supply side (academic researchers) seem to be able to articulate the nature of the current misalignment, or to say what should be done to correct it.

Hopefully, the following chapter will shed some light on this puzzle, helping to specify what kinds of scientific support policing needs and how to broaden the forms of research and analysis available. In particular, it questions the relative importance of the inquiry methods of the social sciences when contrasted with those of the natural sciences. Social scientists tend to inquire "which programs work?" Natural scientists tend to inquire "How does the world work?" These different instincts lead to quite different kinds of investigation. The following chapter argues that, in order to provide the analytic support that Problem-Oriented Policing requires, natural science inquiry methods are essential; and it is these methods that have to date been seriously neglected.

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[1] "Investigation of the Ferguson Police Department," United States Department of Justice, Civil Rights Division, Washington DC. March 4th 2015. p87.
[2] Ibid.
[3] "Crime and Policing, Revisited," Anthony Braga, Perspectives in 21st Century Policing, Forthcoming 2015 (Feb 14th 2015 version)
[4] Ibid. pp25-6
[5] Ibid.
[6] Ronald V. Clarke, Situational Crime Prevention: Successful Case Studies, Harrow & Heston. New York. 1992. p4. as quoted in: Malcolm K. Sparrow, The Regulatory Craft, 2000. p219-220
[7] Goldstein, Address to the Summer Conference of the Association of Chief Police Officers (ACPO), p7. As quoted in Sparrow, The Regulatory Craft, page 220.
[8] UK National Crime Information Service, "The National Intelligence Model," 2000. p14.
[9] David Alan Sklansky, "The Persistent Pull of Police Professionalism," *New Perspectives in Policing*, March 2011. National Institute of Justice and Harvard Kennedy School. p8.
[10] *Predictive Analytics* software and services are sold by IBM, SAS, and SAP, among others.
[11] Ibid. pp8-9.
[12] Sklansky, "The Persistent Pull...." p9. Drawing on, Peter K. Manning, The Technology of Policing: Crime Mapping, Information Technology, and the Rationality of Crime Control 252 (2008). pp 251–65.
[13] Interim Report of The President's Task Force on 21st Century Policing. Washington D.C. 1st March 2015 (revised March 4th 2015). p44.
[14] Couper, Arrested Development, p13.
[15] Sklansky, "The Persistent Pull of Police Professionalism," p7.
[16] Ramsey, Charles, The Challenge of Policing in a Democratic Society: A Personal Journey Toward Understanding. New Perspectives in Policing Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2014. NCJ 245992. p5.
[17] Braga, A.A., B.C. Welsh, and C. Schnell. (2015). "Can Policing Disorder Reduce Crime? A Systematic Review and Meta-Analysis." *Journal of Research in Crime and Delinquency* 52.

[18] Braga, Crime and Policing Revisited, 2015. p22
[19] Sklansky, "The Persistent Pull of Police Professionalism," p11.
[20] Ibid.
[21] Sklansky. "The Persistent Pull of Police Professionalism," p13.
[22] Braga, "Crime and Policing Revisited" p18. Citing: Goldstein, H. (1979). "Improving Policing: A Problem-Oriented Approach." *Crime & Delinquency* 25:236-258. Also, Goldstein, H. (1990). *Problem-Oriented Policing*. Philadelphia, PA: Temple University Press.
[23] Adrian Leigh, Tim Read & Nick Tilley, "Problem-Oriented Policing". *Crime Detection and Prevention Series*. Paper 75. Police Research Group. Home Office. London. 1996. p39. Cited in Malcolm K. Sparrow, The Regulatory Craft, 2000 pp209-210.
[24] Sparrow, The Regulatory Craft, 2000. pp208-9.
[25] Goldstein, Address to the Summer Conference of the Association of Chief Police Officers (ACPO), p3.
[26] Herman Goldstein, *Problem-Oriented Policing*, (New York, McGraw-Hill Publishing Company, 1990), pp. 34-35, 66-68.
[27] Sparrow, Malcolm K. The Character of Harms: Operational Challenges in Control, Cambridge University Press, Cambridge, England & New York, USA. 2008. pp94-95.
[28] Ibid. p119.
[29] Ibid. pp143-144.
[30] The elements in the left-hand column of Table 1 have been adapted from an analysis of the organizational capabilities prescribed under the heading "Safety Management Systems" in civil aviation. For details, see: *Managing Risks in Civil Aviation: A Review of the FAA's Approach to Safety*, Malcolm K. Sparrow (principal author), Edward W. Stimpson (Chair), J. Randolph Babbitt, William O. McCabe, Carl W. Vogt. Report of the *Independent Review Team*, a Blue Ribbon Panel appointed by Secretary of Transportation Mary E. Peters. Washington D.C. September 2nd, 2008. Page 48.
[31] Herman Goldstein, "On Further Developing Problem-Oriented Policing: The Most Critical Need, the Major Impediments, and a Proposal," *Crime Prevention Studies*, vol. 15, 2003.

Friday

21st November 2015

Friday – 20th November 2015

Session 1: (Sparrow) Data, Crime Analysis & the Maturing of Problem-Oriented Policing.

Subjects for Discussion: Requirements for analytic support of operational policing; forms of analysis; problem-analysis compared and contrasted with program-evaluation; the role of evidence-based policing in governing operational decision making; research traditions in the natural sciences and the social sciences, and their application to police science and strategic planning.

Readings: "One Week in Heron City." Case B. [Which was distributed in class after the discussion of Case A.] (Joint publication of the National Institute of Justice and Harvard Kennedy School, product of the Executive Session on Public Safety)

Questions:

1) What makes Nigel and his analytic contributions so valuable to Chief Harrison and to the department?
2) Are these qualities generally appreciated within the law enforcement profession? To what extent are they available?
3) How should analytic resources, both human and technical, best be organized or located within a department so that versatile analytic skills will be broadly available to multiple functions and at every level of the department?
4) How can a department prevent analysts from getting "captured" by the assumptions or operating traditions of a particular division or policing model?
5) What training might police managers need, in order for them to make better use of analysts and analysis?

Optional Extra Reading, for those curious about the Evidence-Based Policing movement: Malcolm K. Sparrow, "Governing Science" (Joint publication of the National Institute of Justice and Harvard Kennedy School, product of the Executive Session on Public Safety).

Sessions 2 & 3: (Sparrow) Practicing the Art & Science of Problem-Oriented Policing

Simulations and Discussion, based on BTP issues (case materials to be determined).

Reading: "Structures, Protocols & Interactions," Chapter 7 in: Malcolm K. Sparrow, *The Character of Harms: Operational Challenges in Control*, Cambridge University Press, 2008. Pages 149-168.

Session 4: (Sparrow) Understanding Special Categories of Harm

Subjects for Discussion: "Wicked" problems and other challenges in risk control operations. Introduction to various categories of risks that present specific challenges to those responsible for controlling them. Such classes of risk include: invisible risks, risks involving conscious opponents, catastrophic risks, risks in equilibrium, performance-enhancing risk-taking, etc.

Reading: Introduction to Part 2, in: Malcolm K. Sparrow, "The Character of Harms: Operational Challenges in Control,", Cambridge University Press, 2008. Pages 169-180.

Please also read any one of the following chapters (chapters 8, 9, 10, 11, or 12) that seems most relevant to challenges your department faces [***assumes books are available to participants].

Closing Remarks: Chief Constable Paul Crowther

The Character of Harms

Operational Challenges in Control

MALCOLM K. SPARROW
Professor of the Practice of Public Management, John F. Kennedy School of Government, Harvard University

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7 *Structures, protocols, and interactions*

The idea of focusing on carefully identified concentrations of harm and unpicking them one by one sounds simple and straightforward enough: pick important problems, and fix them. The fact, however, that initiatives and organizational behaviors pointing in this direction are seen as departures from the norm and celebrated as *innovations* suggests there is something not entirely obvious about the practical implementation of this idea. The associated operational practices remain awkward, unfamiliar, and (for many institutions) elusive. If the relevant organizational behaviors were well established, and the mechanisms needed to support them well understood, then there would be nothing innovative about this type of conduct.

I find that practitioners often take offense, at first, when we discuss what it would mean for their organization to *pick important problems, and fix them.* "You are insulting us," they say. "Everything we do is about that." They assume their existing operations cover this, even though most of their work is still organized around functions and processes. Sometimes they can point to specific problems spotted and solved (like the US Customs Service, with their port-running problem), even though the patterns of thought and action they used in those cases have not been generalized nor institutionalized.

A series of straightforward mechanical questions about problem-solving operations quickly exposes the extent to which this type of work has or has not been recognized and incorporated into an agency's business model: If picking important problems and fixing them is a routine part of the business, then whose job is it to *pick?* Is it a person, or a committee? When did they last do the *picking*? Who is allowed to nominate problems for attention? Who keeps the list of problems nominated, from which to pick? What do you tell people about the problems that are *not* picked? What criteria do you consider in deciding which ones are *important*? How many important problems have been selected, with projects now underway to fix them? What progress are these projects making? Who keeps the records for each project? Does everyone understand which managers check up on progress, and how often? How many projects have been successfully concluded? On what basis do you decide when to close a project? How are these project-based accomplishments incorporated into the agency's performance account? What is the organizational interface between this type of work and other, more familiar, types of work? And so on.

It normally does not take much questioning along these lines to establish whether or not this type of work has really been embraced, understood, and built in. For many agencies, this line of questioning reveals a complete absence of systems and machinery to drive such work. And as executives begin to grasp the extraordinary range of judgments and decisions that would need to be made in the course of such work, they rather soon drop their protest – "we do that already" – and express quite a different conviction: "oh, we could never do that here."

Five phases of learning

The process of learning this operational practice, judging by observations across a broad range of regulatory agencies, follows a rather predictable sequence of five phases. Laying these phases out provides an opportunity for practitioners to consider what their institutions have already learned, and what might be next. Very few practitioners, given time for reflection, claim that their organizations have finished this particular journey.

Phase 1: "Shaking loose"

In this first phase the agency realizes that it has traditionally relied on a rather narrow set of tools. Sometimes this happens when new and unfamiliar problems emerge, for which existing techniques are clearly inappropriate. Sometimes agencies observe peer organizations in other jurisdictions enjoying success with alternate methods, and explore adoption of similar ideas themselves. Some agencies face political pressure to adopt a different style or stance with respect to the regulated community, or to take more or less notice of some other stakeholder group, and the shift in allegiances or alliances begs a change of operating methods. Sometimes this realization is spawned from accumulating frustration, when existing methods fail to deliver the kinds of results expected. For any of these reasons, institutions broaden the range of tools they are prepared to try.

Phase 2: Make significant shift in investments

This phase follows a period of experimentation with an expanded toolkit, and involves a deliberate shift in the mix of tools used. A specific direction for reinvestment is set at the political or executive level. New organizational units or programs may appear, acting as incubators and drivers of preferred new methods. Usually, something else has to decline. In recent US experience, the general direction of this shift has been away from enforcement tools and towards voluntary compliance, education, outreach, partnership, technical assistance, and a range of other innovative regulatory methods which mostly have a gentler and more cooperative flavor.

Phase 3: Determine preferences among methods, and set a new balance

Once the reinvestment process has proceeded some distance, executives will eventually have to confront the question "how far should this go?" They know it would be foolish to abandon enforcement altogether (or whichever tool was set in decline), but until this point nobody has needed to specify at what point the reinvestment process should stop. The job now is to establish some new balance point, or *optimal mix* of tools which will yield maximum compliance at least cost. Given limited overall resources, setting the right balance feels to the executives like a constrained optimization problem: the task is to optimize the overall compliance rates (or some other aggregate outcome measure) by setting the best combination of *levels* for each tool in the toolkit – just like setting the sliders on a sound-mixer to get the best overall sound quality.

Observers might find it strange that government agencies would attempt to establish the mix of tools even before they know what type of problems might arise during the year. What craftsman would pick the tools before understanding the task? But a variety of practical considerations can push executives in this direction. First, budget processes might require them to determine up front what level of resources to allocate to each functional unit. The less versatile these resources, the more constraining such advance choices will turn out to be. Second, the mixture of tools corresponds in some sense to the character, or regulatory style, of an agency. An agency that relies most heavily on enforcement is a quite different animal from one that mostly offers technical consulting services. From time to time, political or legislative pressures might demand a change in character: perhaps towards a sterner or tougher stance as a result of elevated public concerns, or towards a softer touch as a result of industry's complaints or accumulating regulatory burden. To bring about such a change, legislatures might use budget structures or even new mandates to adjust the mix, and hence guarantee the new character.

The search for the *optimal mix* provides an opportunity for agencies to deploy sophisticated analytical tools – typically regression analyses – to help them solve their constrained optimization problem. However sophisticated the analytic tools employed in this process, the value of the results remains limited by the circumstances of the inquiry: namely, the predominant and careful focus on *tools*, with only a broad and generic view of the *tasks*. Such analyses seek a single, overall allocation of resources among a finite set of familiar functional approaches, and scarcely consider the evolving nature of the task environment over time. Nor does such analysis consider the particularities of lower level objects within that environment, each of which might require quite different treatments. Moreover, conducting such analysis and redeploying resources accordingly offers nothing in terms of opportunity to develop integrated cocktails of treatments, or novel approaches tailored to specific problems.[1] Rather, it presumes that each tool will act in isolation, at some specified level of effort, seeking out its own targets and without any coordinating managerial framework.

The targeting of each tool might be analytically sophisticated, and might even incorporate some formal risk-assessment process applied across the universe of potential targets. Thus a financial regulator might rank-order the companies or banks it regulates, prioritizing them for an existing audit program. A customs agency might develop risk-based models for selection of passengers, or freight, for search and examination. Environmental agencies might rank-order industrial facilities for inspection using a compilation of risk-factors and other considerations. Applying "risk-based" targeting in this manner provides the opportunity for an agency not only to have an optimal mix of tools (according to some macro-level calculation), but also to prioritize the targets for each of its tools on some sensible basis.[2]

But this type of analysis, by failing to pick up and examine *any* specific problem or pattern, could never produce the critical realization that "we don't have a tool for this," nor motivate the search for methods never before considered and therefore not present in the optimization equation.

In reaching phase 3, an institution has come a long way. It is surely better to be open-minded to a broader range of tools than bound to a narrow tradition, and surely better to base resource allocation decisions on some form of analysis than on subjective preferences or ideology. But at this point, institutions still fall substantially short of their potential. The patterns of thought and analysis associated with this phase might bless a newly adopted tool with some substantial budget allocation, and they might point each tool in the existing arsenal towards higher-priority targets; but they will never produce a new tailor-made solution for any specific problem.

Phase 4: Shift to a task focus

Phase 4 brings a completely different orientation, as attention shifts from the contents of the tool-shed to the nature of specific problems in the field. Rather than picking the important tools, and sending them off into the field one by one, the organization starts picking the important problems, and examining each of them in their own right, and without regard for any tool-based traditions or preferences. This is the moment where institutions discover the essence of craftsmanship, deploying combinations of tools around carefully defined tasks, and recognizing more quickly when they need new tools. In this mode, agencies consider first the intricacies of what needs to be accomplished, and only then consider what tools or methods might work. Prior to this stage, they considered first which tools they preferred, and derived from that what targets to go after.

At this fourth stage, in terms of the structure of Figure 2.2 on page 56 (which contrasted the two modes of organizational behavior), attention finally switches from the top right cell to the bottom left cell. And in terms of Figure 3.1 on page 80 (which showed the five different levels at which *harms* or *problems* could be defined and addressed), the scale of the objects now under consideration has now shifted downwards from level 5. The specific risk-concentrations being tackled now belong at levels 2, 3, and 4; no longer at level 5 (which considers only generalities), nor at level 1 (which considers individual incidents or violations).

At this stage agencies enjoy their first problem-solving successes, like the US Customs service with their port-running project. Specific knots are identified, tackled, and undone. If the work involves new, tailor-made solutions, then these successes might indeed be labeled "innovative." Typically these early successes arise (in terms of Figure 3.1) either at levels 2 or 4. Either they involve harms sufficiently visible and pressing that they constitute an inescapable crisis; or they involve problems small enough to be tackled by a small group of highly motivated individuals, and without much in the way of formal organizational support. These are the two levels which typically supply the early learning opportunities.

Even when agencies successfully engage and resolve such problems, they frequently do not grasp the broader promise of the methods they just employed. In the absence of further crises, or continued pressure from entrepreneurial staff, everything relaxes back into more familiar work habits. Or worse: executives take the heralded invention and transform it into another blanket prescription for the whole organization, to be applied elsewhere as energetically as possible, regardless of its suitability.

The very fact that these early successes tend to remain isolated, and are viewed as departures from business-as-usual, coupled with the danger of confusing one innovation with a more general *innovativeness*, emphasizes the fact that one more important step remains.

Phase 5: Institutionalize the harm-mitigation approach

This last stage involves taking this mode of operation and making it a core competence for the organization, and constructing all the systems and structures necessary to support and manage it. When an organization reaches this stage, one would expect it to construct and maintain a portfolio of harm-mitigation projects, each one aimed at a carefully identified and delineated concentration. There would no longer be any ambiguity about which problems had been selected, and which ones not; nor who was responsible for designing relevant interventions. Task-focused projects would have resources allocated, schedules imposed, and periodic managerial review. Managers would be familiar with the types of decision-making required by this form of work, and would be ready to explain and defend the choices they made. The terms of engagement for external parties and partners involved in the process would be clear. Analytic resources would be sufficient, and sufficiently versatile, to support this work. And any agency with a mature harm-reduction operation would have a growing list of projects successfully concluded, representing harms successfully reduced. The related project accounts would figure prominently in agency performance reports.

Many executives appear uncertain about the need to construct *any* formal systems for this. "Is it not enough," they ask, "that my staff understand that this type of work is different, and important, and that we are committed to doing it? Do we really need to weigh it all down with systems and structures?"

A very similar question arises with respect to risk-management within a corporation. Here, the risks are *to the company itself,* as opposed to societal risks. In seeking to control or mitigate various classes of risk (e.g. market risk, reputational risk, litigation risk, regulatory risk, etc.) does a corporation need any new apparatus; or could the task of risk-control be handled sufficiently well by existing line management, provided they were all suitably informed and aware?

The private sector answer to this question, based on plenty of unexpected calamities, comes down emphatically on the side of creating a dedicated structure.[3] Why? Because if a company relies on existing line-management for this purpose, the risk-control function fails miserably at the very first step: the step of risk *identification.* If you ask managers to identify all the relevant risks for which they might count themselves responsible, the chances are they will identify those risks: (a) which neatly align with their areas of responsibility, (b) of which they are aware, and (c) which they are prepared to disclose. Invariably, these risks represent a small subset of the overall risk portfolio; and, because these are the ones spotted most naturally and confronted most readily, they tend to be the ones best controlled already.[4]

The dangerous risks, for most institutions, are those that awkwardly straddle departmental lines, so it is not at all clear who is responsible for them; those that are invisible or uncertain; those that are not represented or captured by existing process flows; and the ones that nobody in the organization is prepared to acknowledge or discuss. In view of these considerations, prevailing private sector wisdom recommends the creation of dedicated structures, and we see the emergence within the private sector of compliance departments, ethics officers, corporate risk managers, and enterprise-wide risk management systems. These, separate from core operational units, focus deliberately on the identification, calibration, and mitigation of a wide range of risk exposures.[5] Dedicated structures provide a means for taking particular care over those risks most likely to be neglected or overlooked by line management.[6]

Reliance on existing structures seems to work equally poorly for public sector agencies, even for those with harm-reduction at the core of their missions. Teaching people to recognize this as a different type of work, and to appreciate its potential value, just does not seem to be enough. I have witnessed several major agencies train staff in the relevant techniques, fail to construct any supporting apparatus, and then wonder why on earth nothing new is happening. In many instances, the staff heard the message, understood its value, and then became more and more frustrated when they saw no support forthcoming. "Why ask us to do this," they complain, "and then make it impossible?"

What is it, exactly, that makes this work seem impossible in such circumstances? A host of reasons, apparently, according to the reports coming back from practitioners:[7]

- Process-based work takes all day and everyday, plus overtime and weekends, just to keep up; so there is no time left for this.
- Processes and programs all have schedules and deadlines, and specific mandates; therefore they all take precedence over this work, which has none of those things.
- Managers do not know their responsibilities with respect to this type of work.
- Real world problems come in awkward shapes and sizes, which do not align with our structures, and therefore nobody knows where responsibility rests.
- The problem-solving approach brings unfamiliar forms and degrees of discretion, and nobody really knows what kinds of choices they are actually authorized to make.
- Analytic support is in desperately short supply.
- The agency is held hostage by its own reporting traditions, so everyone is busy "keeping the numbers up."

- And the oddest one of all, which might be humorous if it were not so sad: "we don't have *forms* for this type of work." (All the forms available relate to incidents or cases; not to problems or patterns.)

Such expressions of frustration are sufficiently commonplace to make it clear, I believe, that this new form of work – if we really expect practitioners to do it – must be supported and managed at least as formally as functional and process-based work. Perhaps even more so, given the relative unfamiliarity of the new type of work, and the powerful tendency of the other forms to gobble up all available resources and attention. There are plenty of reasons why this type of work will not flourish and blossom simply on the basis of its potential value. *Not doing it,* if that remains an option, is just so much simpler and more comfortable.

To drive this work, an organization needs to develop and establish three rather different structures:

(a) *a protocol for problem-solving*, comprising a sequence of distinct stages through which any one harm-reduction project might proceed;
(b) *a managerial infrastructure*, by virtue of which an institution can construct, direct, support, and monitor its overall portfolio of harm-reduction projects;
(c) *an organizational interface* between this type of work and others, so that all the proper interactions between them can be understood and facilitated.

The problem-solving protocol

Many different professions offer some type of risk-management or problem-solving template, usually consisting of a few discrete steps. The most common elements are the most obvious ones, namely: identifying or diagnosing a problem, planning and implementing an intervention, and monitoring the effect of that intervention. Police departments variously use the four-step SARA model (Scanning, Analysis, Response, Assessment), or Professor Herman Goldstein's eight-step process, or something in between. Other professions similarly tend to specify some outline with more than three but less than ten distinct steps. The more detailed the template, the more bureaucratic and burdensome it appears. The less detailed the template, the greater the danger of some essential piece of work being glossed over or short-changed.

Having seen a variety of such templates in use, I propose the following six-stage outline as providing the absolute minimal level of granularity necessary to avoid the most common traps.[8] Of course, an organization might choose to make available much more detailed guidance about each of these steps;[9] and some have, producing comprehensive manuals for the benefit of harm-mitigation project teams.[10]

Problem-solving protocol:

Stage 1:	Nominate & Select Potential Problem for Attention
Stage 2:	Define the Problem Precisely
Stage 3:	Determine How to Measure Impact
Stage 4:	Develop Solutions/Interventions
Stage 5(a):	Implement the Plan
Stage 5(b):	Periodic Monitoring/Review/Adjustment
Stage 6:	Project Closure, and Long Term Monitoring/ Maintenance

The simplest three-step versions might specify *diagnosis*, *treatment*, and *monitoring*. This six-stage version looks a little more complex but, for the price of just a little extra detail, incorporates a number of important lessons learned from practical experience.

First, it recognizes stage 1 as administratively separate from everything that follows. Nomination of a problem for attention might occur long before a project is launched, and the nominator is not necessarily a part of the project team, nor even a part of the organization that undertakes or manages the project. Separating stage 1 from the rest therefore recognizes the possibility that the nomination of the problem, and decisions about whether or not to select it for priority treatment, may occur elsewhere and at a different time, and involve actors separate from the project team.

Second, designating the work of defining a problem precisely as a distinct stage (stage 2) emphasizes the significant amount of analytical work involved in developing an accurate problem-specification. It recognizes that the problem-nominator might not actually fully understand the nature and scope of the problem. It recognizes that knots, even once found, still need to be studied. It acknowledges the complexity of the choices involved in setting the scale, and picking the right dimensions by which to characterize a harm. It acknowledges the need to consider multiple and competing perspectives on what the problem is, and negotiations over how it should be framed.[11] And it helps to control the *leap-to-action* syndrome, slowing down those who would otherwise assume at the very first mention of a problem that they already knew the solution well enough to launch into action without further thought.[12]

Third, this slightly more detailed template helps to guarantee the single most critical piece of methodological rigor in the problem-solving process: it obliges a project team to consider relevant metrics carefully (stage 3), and to do so *before* they consider or select any intervention plans (stage 4). Making the selection of metrics a distinct step signals the fact that this also represents a substantial piece of work, often demanding as much creativity and ingenuity as design of an action plan. The order is important also, because if project teams choose their metrics *after* selecting a plan, they will face the inevitable temptation to measure the organization's implementation of, or compliance with, *the plan* rather than measuring the plan's impact on *the problem*.

In agencies (such as in law-enforcement) where the leap-to-action syndrome seems particularly powerful, I urge managers to press on their project staff an even more draconian version of this discipline and to establish the rule: "*no new action*, until the relevant metrics have been selected, and benchmarked, and you have a clear understanding of how you would expect each to move if you succeeded." Sometimes staff protest, and get impatient, eager to try out a new strategy. But if they do not determine ahead of time which indicators count, and how they expect them to behave, then there is simply no way for them to evaluate whether any plan is actually working or not.

Fourth, by splitting stage 5 into parts (a) and (b), highlighting the need for *periodic review*, this outline makes it clear that picking an action plan is not necessarily a one-time-thing. Many brilliant and effective solutions (like the Customs eventual answer to the port-running problem) were not the first ones tried. In order to get to the second or third action plan, an organization has to be ready, both culturally and analytically, to recognize when a plan is not working and be prepared to abandon it so they can try the next idea. Any presumption that the first plan chosen must necessarily succeed drives out the possibility of honest and timely evaluation, and leaves organizations doing what public agencies seem to do so often – running a program for ever, without serious regard for its effects, just because once-upon-a-time it seemed like a good idea.

Fifth, this template formally recognizes the need for project *closure*. In the harm-reduction business it is much easier to open projects than close them, not least because closing a project usually involves accepting some residual level of harm.[13] In the absence of a decision framework for closing projects, an agency will tend to keep opening new ones until it drowns under a mass of unfinished projects. For this type of work to be sustainable in the long term as an operational strategy, agencies need to observe the *law of conservation of projects,* which states, simply, that projects need to be closed at roughly the same rate, on average, as they are opened. Otherwise projects proliferate, energy becomes too broadly dissipated, the whole machinery grinds to a halt, nothing ever gets finished, and the whole approach ends up discredited.

As a practical matter, projects might be closed for one of two general reasons: either the project *succeeded*, with the concentration of harm sufficiently mitigated (even if the resulting level is non-zero) that this particular concentration no longer represents a special priority.[14] At this point, the project may enter a longer term monitoring or maintenance mode (to prevent the problem recurring), but it should not continue to consume the same level of resources or attention as required during the intervention stage.

The other basis for closing a harm-mitigation project would be the realization that, for some reason or another, there was no real prospect of success. The problem is utterly intractable, or the necessary partners refuse to cooperate, or the problem lies too far beyond the agency's jurisdiction or competence, or resources available are inadequate, or the project faces insurmountable legal or political obstacles. At this point executives need to be able to face (and probably to defend) the decision to re-invest resources and attention in more promising areas.

A third possibility involves temporary suspension of a project during some time of crisis, but in a way that guarantees an orderly resumption once the crisis has passed.

The managerial infrastructure

Running one project is quite different from establishing and managing a portfolio of them. Designated project teams run specific projects, and follow the relevant protocol. But handling the overall portfolio of projects, making sure the collection of them amounts to something significant and produces important strategic outcomes, is a task for the management structure and requires a different set of systems.[15] At a minimum, such systems would necessarily include the following basic components:[16]

- **A nomination system:** for inviting and generating nominations, and then funneling them to some centralized selection point.
- **A selection system:** for comparative assessment of nominated issues, prioritization, and selection of projects to proceed.
- **Assignment of responsibility and resource allocation system:** for committing personnel and resources to projects, where necessary relieving staff of other duties.
- **Project records:** project files (paper or electronic), which track discussions, decisions, actions, and progress.
- **Managerial oversight and periodic review:** for monitoring and adjusting (where necessary) the course of a project; for approval of action plans; evaluation of results; and decisions about closure.
- **Reporting system:** for channeling an account of project-based accomplishments into the agency's routine performance accounts.
- **Support system for teams, team leaders, and managers involved in an oversight capacity:** to provide guidance in the harm-reduction art for staff and managers less familiar with it, analytic support, access to consultants, knowledge bases, and other relevant resources.

The following components, if not absolutely necessary, would certainly be desirable:

- **A reward system:** to provide recognition for project teams that achieve important harm-mitigation results.
- **A system for learning:** to pool knowledge the organization acquires with respect to what works, what doesn't, what resources are available within and outside the agency, and who to call for advice with respect to particular types of problem.

Although these systems are distinct from the problem-solving protocol, they are not entirely disconnected from it. These are the systems that will determine whether and when to launch specific projects, allocate staff, periodically review progress, evaluate proposed intervention plans, provide resources and authority necessary to implement approved plans, and decide when to change course and at what point to bring each project to a close. These systems will impinge on *all* projects, at various points in their life-cycles; by contrast, a specific project team sticks with just one, but deals with it in all its detail, from start to finish.

Organizations may differ substantially in the arrangements they choose for carrying out these portfolio-management functions. Some might take an existing unit, such as a research and planning department, and make it the central coordination point. Others create entirely new units for the purpose. Some agencies designate their own internal specialists in the problem-solving art, giving them extra training in the associated methodologies and analytic skills, and then deploy them as internal consultants to assist project teams and managers.

This is not the place to run through an extensive or exhaustive list of the possible arrangements. Suffice it to say, here, that it is hard to imagine this type of work flourishing, or even surviving, if any one of these essential systems were missing. Recognizing the need for them is a very important step in itself. When executives ask "why isn't this type of work happening?" the answer, invariably, is that one or more of these systems does not exist at all, and no amount of goodwill or energy from individual staff members can compensate for that structural and managerial deficiency.

The organizational interface with other forms of work

As the harm-reduction operation matures over time, executives will discover many important ways in which this type of work interacts with functional and process-based operations.

There are some obviously destructive forms of interaction which might occur. Champions of one type of work might decry the importance of the others. Staff buried under high-volume processes may well resent any staff who are relieved and removed from that grinding pressure, especially if they look to them as if they are sitting around, thinking and talking a lot (which is a normal precursor to effective action!) Conversely, staff assigned to harm-mitigation projects, and experiencing the formidable intellectual challenges associated therewith, might find themselves jealous of the comparative predictability and lack of ambiguity that goes with functional and process work, where *what to do* is perfectly well established, and nothing much needs to be invented.

And of course different units, methods, theories of operation, and even modes of organizational behavior can easily end up competing (through their human representatives and champions) for resources, attention, and credit.

Fortunately there are also several healthy, constructive, and symbiotic ways in which these different types of work can interact. Here are a few of them:

- An intervention plan might include adjustments to existing processes, or adjustments to the treatment of a specific category of incident as they pass through incident-response or other routine processes (e.g. a tax agency, aware of an emerging form of taxpayer non-compliance, might add a new line of inquiry to its standard audit protocol).
- Where harms are successfully reduced, the load on related response processes should diminish over time (e.g. safer highway conditions should eventually result in fewer accidents).
- In the long term, organizations will hope to be able, therefore, to re-invest resources from process and incident response into harm-mitigation projects. The reinvestment process should never proceed so far that it undermines the response capability, nor should it run too far ahead of the relief produced by successful harm-reduction efforts. On the other hand, re-investment needs to be deliberate and aggressive enough so that the organization does not wait passively for "spare time" or extra resources before new projects can be launched. After all, the related decline in response loads will normally lag the project-based interventions to some extent.
- Analysis of process loads – in particular monitoring for the emergence of any new clusters or patterns of incidents – is one of the more readily accessible methods for spotting emerging risk-concentrations worthy of special attention.
- Experimental treatments might be administered through adjustments to routine processes. Novel treatments can be allocated randomly within a target category of incidents, to help test the effect of different treatments (e.g. an experimental treatment for domestic violence might require that reports of domestic disputes be handled by police in specific ways).
- Different types of work may involve the same people. Problem-solving projects may engage staff who continue to hold process-based

responsibilities, and who are therefore obliged to split their time and attention between the two different types of work. (In which case, they are likely to discover that the process work takes more time, whereas the project work takes a lot more thought.)

- The detailed analysis of a problem might require collection of data not normally kept in case files, nor obtained through routine operations. Additional data-gathering requirements might therefore be temporarily superimposed on normal response operations ("please ask the following additional questions . . . ").
- Staff engaged in routine processes can often provide insight into the existence and nature of underlying patterns, even though traditional responsibilities have focused on processing the incidents rather than spotting or dealing with the patterns. Front line staff represent one very important source for insightful problem nominations, and they are normally quite pleased and relieved when they discover someone is actually interested in patterns they have noticed. Often these are things they might have known or suspected for years, but had nobody to tell.

Given all these various ways in which the different types of work interact, it might be tempting to conclude that these forms of work are therefore not so different after all. That would be a huge mistake. They are still very different; they are just not entirely *separate*.

In figuring out how to integrate harm-reduction work into the body of an agency, one option is to segregate staff entirely, keeping project teams apart from the remainder of the organization. Some organizations have found value, for a while at least, in establishing dedicated units to handle the problem-solving work. Segregation protects the project teams from the pressures of the process load, so they can actually find the time and mental focus necessary to get to grips with their analysis and design worthwhile plans. Dedicated units also serve as incubators for the relevant methodological skills and work practices.

The downside of segregation, however, is that it can disconnect the project-based work from front-line operational realities. After all, the harm-reduction approach is supposed to be an operational method, not a research method. It will surely get sidelined if it is allowed to morph into a primarily academic or intellectual research endeavor.

If possible, managers need to recognize the value in these connections, and prevent the project-based work from becoming detached from the remainder of operations. At the same time, they must never lose sight of the distinctive nature of this work, and the very specific supports and systems required to drive it. If they do, experience suggests the whole business of spotting important concentrations of harm, and unpicking them one by one, will dissipate in a flash. It is a very fragile business.

Notes

1. Some, familiar with the concepts of *enterprise-wide* or *integrated* risk-management philosophies might be puzzled by use of the word "integrated" in this context. Here the question is whether, in addressing any one risk, an artful combination of tools can be combined to produce an integrated solution for that specific risk. The alternate use (as in *integrated risk management*) indicates the bringing together of all classes of risk under one common monitoring and management system, providing greater clarity with respect to assessing organization-wide risk appetites, managing portfolios of risks, and understanding interactions between risks of differing types. See: Lisa Meulbroek, "The Promise and Challenge of Integrated Risk Management," *Risk Management and Insurance Review,* 5 (2002), pp. 55–66. This usage of "integrated" is also clearly stated in: Zack Mansdorf, "Integrated Risk Management," *Occupational Hazards,* 60 (1998), 29–30.
2. The Financial Services Authority in London, in the early stages of developing their "risk-based" approach to financial regulation, first developed some quite sophisticated models for prioritizing companies and other financial institutions for audit. Likewise, the US Food and Drug Administration has experimented with similarly sophisticated risk-based methods for prioritizing its inspections of pharmaceutical manufacturing sites.
3. For a concise history of the development of *risk-management* systems within the corporate world, see: Ben Hunt, "Survey – Mastering Risk: The Rise and Rise of Risk Management," *The Financial Times,* London (June 27, 2000), 4.
4. Avoiding the narrow focus that results from concentrating on familiar and quantifiable risks is one principal driver for the emergence of the Enterprise Risk Management philosophy. See: *Overview of Enterprise Risk Management*, Casualty Actuarial Society, Enterprise Risk

Management Committee (May 2003), 3. Available on the web at: [www.casact.org/research/erm/overview.pdf].

5. Steven Briers, *A New Language of Risk – A Foundation for Enterprise Wide Risk Management* (South Africa: Unisa Press Publications, 2002); *Framework for Enterprise Risk Management* (Jersey City, New Jersey: Committee of Sponsoring Organizations of the Treadway Commission, 2004); Anthony C. Valsamakis, Robert W. Vivian, & G.S. Du Toit, *Risk Management – Managing Enterprise Risks* (Sandton: Heinemann, 2005). The Turnbull Report specified the need for formal risk identification, analysis and management systems for all companies listed on the London Stock Exchange. See: Mike Page & Laura F. Spira, *The Turnbull Report, Internal Control and Risk Management: The Developing Role of Internal Audit* (Edinburgh, Institute of Chartered Accountants of Scotland, 2004). This document specified greater formality and the creation of managerial infrastructure necessary to deliver the type of integrated risk assessment and control recommended in an earlier report: Nigel Turnbull (Chair), "*Internal Control: Guidance for Directors on the Combined Code,*" Internal Control Working Party, Institute of Chartered Accountants in England & Wales (London: Institute of Chartered Accountants, 1999).
6. For a discussion of the differences between a *dispersed* approach (where each functional unit defines and controls its own risks) and an *integrated* approach sufficient to deal with cross-cutting issues, see: "*Enhancing Shareholder Wealth by Better Managing Business Risk,*" Financial and Managing Accounting Committee, Study no. 9 (New York, International Federation of Accountants (IFAC), June 1999), 25–27.
7. The following list of reasons draws from feedback from British police (engaged in problem-oriented policing) and from Florida's Department of Environmental Protection during the early days of their Environmental Problem-Solving program. A fuller discussion of these obstacles as confronted by regulators, and consideration of how they might be overcome, can be found in: Malcolm K. Sparrow, *The Regulatory Craft: Controlling Risks, Solving Problems & Managing Compliance* (Washington DC: Brookings Institution Press, 2000), pp. 208–211.
8. The simplest templates for problem-solving generally have four steps, covering *risk identification, risk assessment* (or *measurement), risk control (*i.e. actions/interventions), and *risk monitoring* (to measure the effects of interventions). For example: Benton A. Brown, "Step-by-Step Enterprise Risk Management," *Risk Management*, 48 (September 2001), 43–50.

9. Chapter 10 of Sparrow, *The Regulatory Craft*, provides a much more detailed account of the problem-solving process as exercised by regulatory agencies, and considers the range of obstacles and dilemmas that can arise at each stage.
10. For example, see "*Guide to Environmental Problem-Solving*," Revised edition (Tallahassee: Florida Department of Environmental Protection, 2000).
11. Paul C. Stern & Harvey V. Fineberg (eds.), *Understanding Risk: Informing Decisions in a Democratic Society*, National Research Council (Washington DC: National Academy Press, 1996), pp. 157–161.
12. Clear separation of the analysis of a problem from the determination of action accords with the distinction between *risk-analysis* and *risk-management*. Such careful separation is advocated in: William D. Ruckelshaus, "Risk, Science & Democracy," *Issues in Science and Technology*, 1 (Spring 1985), 13–38; also, in *Risk Assessment in the Federal Government: Managing the Process*, Report of the Committee on Institutional Means for Assessment of Risks to Public Health, Commission of Life Sciences, National Research Council (Washington DC: National Academy Press, 1983), pp. 6–7. The possibility of neatly separating these in the policy development process, however, has been questioned by others on a variety of grounds. Some point to the imperfections and impurity of scientific risk assessments. For example: Dale Hattis and David Kennedy, "Assessing Risks from Health Hazards: An Imperfect Science," *Technology Review*, 89 (May/June 1986), 60–71. Also, William Leiss & Christine Chociolko, *Risk and Responsibility* (Montreal: McGill-Queen's University Press, 1994), p. 21. Others argue that the early stage of *framing* a risk issue, which is part of *defining* it, ought to be an interactive and democratic process and thus not left to scientists alone. For a discussion of the recent re-emergence within Europe of pressures to separate risk assessment from risk management, see: Ragnar E. Löfstedt, "Risk Communication and Management in the Twenty-First Century," *International Public Management Journal*, 7 (2004), 335–346.
13. The imperative to establish "acceptable levels" for specific risks, given practical budget constraints, is well established in the context of macro-level economic analysis. W. Kip Viscusi, *Fatal Tradeoffs: Public & Private Responsibilities for Risk* (Oxford: Oxford University Press, 1992), pp. 4–5.
14. The use of problem-solving as an operational methodology, involving a continuous cycle of opening and closing risk-specific projects, results in middle and upper level managers bearing the responsibility for prioritizing amongst unlike risks and for formulating acceptable residual

levels of risks in specific focus areas. Operational managers thus engage in the "portfolio management" of risk-reduction projects.

15. Stephen Hill & Geoff Dinsdale, *A Foundation for Developing Risk Management Learning Strategies in the Public Sector* (Ottawa, Canada: Canadian Centre for Management Development, 2001), p. 10.
16. A more detailed analysis of these components can be found in Sparrow, *The Regulatory Craft*, pp. 155–170.

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PART II

Special categories of harms

Harms can be grouped together in several ways, and for rather different purposes.

The most familiar groupings bring harms together if they belong to the same general field, which might be highway safety, tax compliance, environmental protection, or infectious disease control. Grouped this way, harms are likely to fall within the same area of professional responsibility, and the task of controlling them draws upon the same body of technical or scientific knowledge. On this basis it makes sense to group together *crime problems* (the domain of criminologists and law enforcement; *infectious diseases* (the domain of public health experts, and medicine), *occupational safety hazards* (structural engineering, industrial hygiene, and toxicology). Similarly with tax non-compliance problems, transportation hazards, threats to financial markets, and so on. In each area we would expect to find experts who have mastered the relevant underlying disciplines, and who keep themselves current with respect to emerging and evolving threats within their field. Specialization along these lines bolsters the knowledge bases and scientific disciplines upon which effective control depends. It is also efficient in the sense that an expert in one domain does not need to know much about all the other domains, assuming that the groupings by professional area align reasonably well with relevant underlying disciplines.

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The interdisciplinary study of risks (including risk-analysis, risk-communication, and risk-management) has introduced a different set of categorizations. Some of the novelty in the general science of risk lies in its willingness to scan broadly across traditional categories, paying more attention to the properties of certain risks, and a little less attention to the field in which they belong. Presumably there are thousands of *properties* that might be worth considering, for one reason or another. Some properties might make a risk particularly dangerous, or disproportionately expensive to control, or especially difficult to agree about, or awkward to measure. For practical purposes, it is also useful to know which risks can actually be reduced or mitigated, and which ones society must learn to live with because they are systemic.[1]

Among all of the possible properties on which scholars and practitioners might focus, one set of properties has turned out to be of special interest, attracting a lot of attention from behavioral economists and experimental psychologists: namely, *the properties of a risk which affect the perceptions of potential victims*. Attention to these properties has spawned a number of rather interesting and quite central research questions within the risk-management field. For example, which properties or qualities of a risk affect people's emotional response to the threat? Which properties affect people's estimation of their own likelihood of exposure to the risk? Which properties cause such estimations to be substantially wrong, or persistently biased (either up or down)? What types of context-setting, mood manipulation, or psychological conditioning can change an individual's estimation of their own exposures? And what properties substantially affect an individual's willingness to expose themselves or their loved ones to a particular risk, or to engage in hazardous activities?

Part II of this book, in considering properties of risks, does not seek to advance, nor even to summarize, these already well established lines of inquiry. Much important work is already being done by others in that regard. Rather, the task here is to take a different tack, and consider the *properties of risks that complicate the task of controlling them*. So the following chapters are less about human psychology, and more about *operational challenges*. They attend less to the mindset of potential victims, and more to the challenges confronting officials. In fact the audience for this part is not so much academics and psychologists, but regulators, public officials who have harm-reduction responsibilities, international organizations which take on international problems, not-for-profit organizations contributing to the control of social harms, and foundations and others who would fund or otherwise support such tasks.

Officials in all of these organizations, if they are not to suffer interminable frustration, might like to know what it is about certain harms that makes controlling them particularly awkward or troublesome. Some properties guarantee a certain intractability. Other properties render all the readily available metrics ambiguous, and therefore make the effectiveness of any interventions particularly difficult to assess. Certain properties elevate the importance of intelligence gathering, or introduce circularity traps in focus and attention. Other properties make budget-justification on a short term basis problematic. And some settings in which harm reduction has to be performed turn out to be naturally hostile to the control task. All of these phenomena stem from identifiable properties of the harm, or of the harm-control context, and do so somewhat independently of the technical or professional domain in which the harm belongs.

I hope that focusing on these properties will provide useful insights for practitioners. I do not imagine for one moment that these insights will in any way displace, or render less important, domain-specific technical and scientific expertise. In fact, my motivation for pursuing this line of inquiry stems largely from the rewarding experience of watching groups of regulators, drawn from quite different professions and each quite expert in their own area, discover the importance of these properties as they compare notes *across* fields.

So, for instance, a senior police executive embarks on a major program to address the problem of domestic violence. They have to explain to their political overseers that if their campaign succeeds, the number of complaints received about domestic assault incidents should at first rise sharply (as reporting and detection rates rise), then flatten out and eventually decline to lower levels (as the underlying problem abates). An official from the Equal Employment Opportunity Commission, responsible for reducing discrimination in the workplace, points out that a successful campaign launched against a pattern of discrimination produces the same type of behavior in complaint levels, which should rise at first and then eventually fall to lower levels. The executives from both agencies have a hard time persuading political overseers to interpret the behaviors of these metrics appropriately. A Customs official points out that seizure rates relating to a newly identified drug-smuggling method behave in exactly the same way, producing a flurry of arrests and seizures when a smuggling tactic is precisely

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targeted, followed by an eventual decline when the smugglers abandon the smuggling tactic. In all three settings, the behavior of these metrics is utterly predictable because the underlying problems all share the same property: they are *invisible by their nature, or by design.*

On one occasion I worked with a group of environmental scientists when the subject of toxic-waste dumping came up. This problem, they complained, did not behave like most of the other environmental problems they dealt with. Their normal inspection regimes failed to control it, and their normal approaches to measurement seemed not to fit. Why was that? For anyone who has a background in law-enforcement, the answer is fairly clear: because, with toxic waste-dumping, there is a *brain behind the harm*. In tackling this problem the environmental regulators faced conscious opponents, including organized crime groups, who rapidly adapted to thwart any attempt to control their illegal businesses, moving their methods and places for dumping out of the authorities' line-of-sight. Most environmental problems did not have this property, and the scientists' background training in biology, chemistry, and toxicology had not provided much insight into the practical consequences of dealing with opponents. Such insight might come quickly from conversation with other professionals whose harm-reduction tasks routinely involved taking on opponents. Professionals who deal daily with smugglers, traffickers, computer hackers, terrorists, or thieves could quickly shed some light on the consequences of criminal entrepreneurship and adaptation, the role of intelligence, and the importance of preserving mystery and unpredictability in compliance management strategies.

When practitioners discover analogous challenges across very different fields, their first reaction is normally surprise. Then quickly follows a sense of relief, because each had assumed they faced these oddities alone, and had to figure out all the operational consequences by themselves.

I have chosen in the chapters that follow to focus on a small number of the most commonly observed and most troublesome characteristics. I shall mention three categories rather briefly, and then deal with five others more fully. The three classes, which I regard as "runners-up" in terms of the frequency with which they manage to surprise and confound those engaged in the control task, are:

- *High-level harms:* these are risks or harms which exist at a level which transcends the scope of existing control systems.

- *Slow-acting harms:* most of these involve natural, biological or physiological systems, and the distinctive operational challenges these harms bring results from the fact that the time intervals between causes, interventions, and outcomes may run to several decades.
- *Where the risk-control function finds itself in a hostile context:* harm-reduction functions frequently conflict, to some degree, with the core purposes or culture of an organization. Those with risk or harm-control responsibilities may therefore find themselves alienated or unwelcome and their methods unappreciated within the organization.

The five most common categories, at least judging by the collective experience of professional regulators, are these:

- *Invisible harms:* where low rates of reporting or detection make the bulk of the problem invisible, the underlying scope of it uncertain, and the effects of any intervention difficult to discern.
- *Harms involving conscious opponents:* where those responsible for control find themselves engaged in a dynamic game played against adaptive opposition, each side seeking to outsmart the other.
- *Catastrophic harms:* these involve calamities of enormous consequence but of very low probability, and which may never have happened before, even once.
- *Harms in equilibrium:* some systems rest in harmful equilibrium states, wherein any small perturbation produces forces acting to restore and maintain the status quo. Freeing systems from such stable equilibrium positions requires an initial "big shove" sufficient to overcome the gravitational pull of the starting position, followed by skillful navigation towards some other (preferred) equilibrium position.
- *Performance-enhancing risks:* sometimes improper or unlawful risk-taking enhances core aspects of an organization's performance. Performance imperatives may therefore produce powerful pressures in opposition to the control of such risks, as the organization overtly or covertly seeks to protect the performance advantages it derives from such risk-taking behaviors.

These five properties crop up so often, and across so many different professional domains, that I have devoted one chapter to each of them. My intent is to illustrate each of these classes with a broad enough

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range of examples that practitioners will immediately recognize harms within their own domains that are analogous. These chapters also tease out the essence of the challenges that each class presents, and says a little of what different fields have discovered in terms of how best to deal with them.

It might be wise to declare at this point, and for the sake of minimizing disappointment, three things which readers of this analysis really ought *not* to expect.

First, this is not a *taxonomy.* The chapters that follow each describe one property, and its operational consequences. Some harms exhibit more than one of these properties, and thus appear in more than one category. Political corruption, for example, belongs in the *invisible* category, and in the *conscious opponents* category, and – if it reaches high enough to subvert the justice system – might also belong in the category of *high-level* harms (those that exist above the level of the available control apparatus). The categories corresponding to these properties overlap, and therefore this schema clearly does not present a complete and disjoint partition of the universe of harms in the manner of any satisfying taxonomy. Where a harm displays two or more of these properties, then the control operation has to deal with each of the sets of related consequences, simultaneously. Controlling such harms is therefore doubly difficult, or worse!

Second, readers should not expect the properties selected for attention here to be entirely novel. Some of them are perfectly well understood in some fields. I'd like them to be well understood in *all* fields. In particular I'd like what's been learned about them in some fields to be available to practitioners in all fields. Also, some of these properties (or at least some of their *labels*) already appear within risk categorizations designed for other purposes. For instance, we know that *invisibility* of a risk affects psychological assessments and emotional reactions. An invisible poison gas induces greater fear than a visible one.[2] Likewise a contagious disease is more "dreadful" if no symptoms are visible during the infectious period. So the property of *invisibility* counts when the purpose is to work out what affects risk-perception and psychological reaction. But *invisibility* in a slightly different sense (where the underlying scope of a problem is essentially unknown) has broad operational consequences too. And many problems to be controlled (such as white collar crime, fraud, consensual drug-dealing) fit in this category even though they would not normally be regarded as objects of dread. The two purposes seem quite different, even though the same label appears under each purpose.

Third, no-one should imagine that the listing that follows is in any way comprehensive. Without doubt, a great many other properties count also, and may have substantial implications for the operational task of control. The ones I have picked here are simply the ones that show up most often. These are, if you like, the basic ones, and hopefully a useful starting point for such analysis. If this way of categorizing them turns out to be useful, then extended lists might follow later.

In deliberately limiting this list I am mindful not to make harm-reduction seem utterly impossible by dwelling exhaustively on endless difficulties. My goal is simply to help as many practitioners as possible, across many fields, with a relatively short and carefully selected set of ideas. So I make no pretence of completeness here. The awkward properties addressed in these next few chapters are probably sufficient to test the usefulness of categorizing harms this way. And enough, hopefully, to help significant numbers of practitioners understand more clearly why one or another problem has frustrated them so much.

Even with these caveats, some readers might quibble with my selection. Over the last two decades I have had the privilege to work with thousands of professional regulators, and their concerns and collective experience have largely driven my choices here. There is obviously a longer list of candidate *types* of harm, and a broader constituency of practitioners interested in the challenges of harm-reduction. Many contributions to important harm-mitigation goals come from non-regulatory bodies. Perhaps the interests of the broader audience will turn out to be different from the concerns of regulators. I suspect that my three runners-up might be of special interest to civil society, not-for-profit and other non-governmental organizations, and to institutions that operate at levels other than national or regional governments.

Let me at least describe these three "runner-up" categories briefly here, even though I shall leave detailed analysis of the operational consequences for another occasion, or to others better qualified to address them:

(1) High-level harms

International non-governmental organizations and coalitions organized around global or regional problems might well be concerned with *high-level* harms. By this I mean those problems or threats whose natural shape and size transcends any one legislature, source of authority, or coherent control apparatus. In addressing these, the injunction to *respect the natural shape and size of the risk itself* becomes especially problematic. There is no one body, or agency, or nation that has the authority to orchestrate interventions at the level of the harm itself.

This category of problems includes global warming, management of ocean fish-stocks, international trafficking in drugs or human beings or nuclear materials, worldwide monitoring and control of infectious diseases, control of international terrorism, and efforts of international communities to reduce regional conflicts and prevent genocide.

In the absence of centralized control structures, effective and efficient control of high-level harms depends upon cooperative and voluntary agreements among multiple parties, with no over-arching authority.[3] Differing perspectives on the nature of the risk and cultural differences in approach confound planning, execution, and measurement. Growth in international trade and mobility increases the proportion of modern-day risks that present these issues. So too does our ability and apparent willingness as a race to mess with our planet's natural systems, which display higher degrees of connectedness than our collective governance. As issues that transcend national and jurisdictional boundaries proliferate, regulatory activity responds by becoming increasingly supra-national, acting through a range of agreements, treaties, international standards, mutual recognition schemes, as well as through jointly staffed and collectively authorized international bodies.[4]

(2) Slow-acting harms

Environmental, medical and public-health professionals also confront the special difficulties associated with *slow-acting* harms. Cancer risks may lag contributory causes by as much as fifty years. Ecological and biological systems might take decades or even centuries to repair. All of the relevant strategies and interventions, nevertheless, need to be funded through annual budget cycles and gain commitments from a political environment that operates with comparatively short-term attention spans.

For these problems, progress in mitigating harms is especially difficult to measure. The desired outcomes might not be at all achievable

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within budget cycles, political terms, or other short-term time frames. Proxy or interim measures, such as changes in contributory behaviors, may be used to demonstrate progress. But all such measures depend for their credibility on the existence of a compelling scientific theory that establishes them as stepping-stones on the way to the desired outcome. These scientific bases for operations may be disputed, evolving, or beyond the technical understanding of policy makers and the public. These vulnerabilities subject control operations to political whims and interference, making any long-term strategy difficult to justify and sustain.

I take a modicum of comfort from the observation that harms of this type tend to lie within professional areas densely populated with scientists, and that many other scholars have provided detailed analysis of the appropriate interaction between science and high-level policy-making processes, and the ways in which these interactions might be designed to accommodate these difficulties.[5]

(3) Risk-control in a hostile environment

This category involves risk-control or harm-reduction activities located within an organization set up for some quite different purpose. The harm-reduction function is therefore peripheral to the enterprise, and may be unwelcome or at least unappreciated given the core purpose and culture of the organization. The distinctive property for this class, therefore, is not so much a property of the harms themselves; it is more a property of the *setting* for the harm-control task.

Examples include the task of fraud control within health care systems, security operations in an academic environment, or the control of corruption or child abuse within a religious community. In these settings the core enterprise and its culture determines the tone, presumes high levels of trustworthiness, and establishes distinctive norms with respect to the nature of supervisory relationships and forms of accountability.

A health program, for instance, depends on its network of physicians in order to deliver health services, and the program may have to compete with other health plans to persuade providers to work for them. The social status normally accorded medical providers, together with the imperatives of the business model, lead program administrators to treat doctors very well indeed; to trust them, respect them,

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and always give them the benefit of the doubt when something goes awry. Administrators absolutely do not *want* to think of their physician partners as potential miscreants, or to imagine that the financial incentives and systems, based on trust, might actually attract criminal attention and invite assault. Within this environment, a unit responsible for risk-control or fraud-reduction, and which therefore specializes in *suspicion*, most likely finds itself in quite a hostile setting. Nobody wants to hear from them. Nobody likes their methods. Some distrust their values. And some may obstruct or sabotage their work, honestly believing they do so in the best interests of the organization. After all, senior management would rather not contemplate the possibility that the actions of such a unit might damage their provider-network, or embarrass the organization, or alarm their business partners, or – for that matter – unsettle the shareholders.

Security guards and campus police, likewise, find themselves largely unappreciated given the prevailing politics of academic communities. So too would anyone attempting to expose and deal with child-abuse among clergy, or embezzlement inside a charity. Such organizations like to ascribe positive motivations, believe in trusting people as a deliberate and constructive way of managing their behavior, and prefer to correct them should it become necessary through the provision of support and guidance. The control of serious harms in such environments requires hasher methods, less generous assumptions, and suspension of these prevailing norms. Executives may question whether the control of the harm is actually worth such intense discomfort and potential damage to the organization's norms, reputation, or capacity to operate.

I have outlined these three additional categories here, simply because they were close runners-up to the other five in terms of the frequency with which practitioners raise them, and because they might be of particular interest to professionals who work in non-regulatory settings.

These three ended up "runners-up" partly because these types of harms are somewhat less horizontally distributed across professions, and a little more vertically concentrated. Slow-acting natural systems belong mostly in the domain of health and the environment; and if a practitioner faces *some* problems like this, then they probably face quite a lot like this. That should make the property and its associated operational challenges more familiar, and the profession more accustomed to grappling with them. These properties and their consequences, therefore, should less often come as a surprise.

Similarly, organizations that deal with global or international problems are generally aware of the special challenges these present. And risk-control practitioners who work in fundamentally unsympathetic environments live with that reality *all the time*. This latter group do seem to experience enormous relief when, away from their workplace, they discover they are not alone. The chance to discuss the attitudes and actions of their organizations with others similarly situated, but in different professions, revives their spirits as well as giving them the chance to develop explicit strategies for dealing with the hostile context.

The remaining chapters in this book deal with the five classes of harm that seem to cause the most consternation for the broadest range of practitioners. These types of harm seem sufficiently commonplace, and appear across enough domains, that understanding them might legitimately be regarded as fundamental to the art of harm-reduction.

Notes

1. The Royal Bank Financial Group categorizes risks according to the degree to which they might actually be affected by risk-management operations, see: "*Enhancing Shareholder Wealth by Better Managing Business Risk*," Financial and Managing Accounting Committee, Study no. 9 (New York: International Federation of Accountants (IFAC), June 1999), p. 16.
2. For a discussion of the effects of disgust and horror in relation to exposure to poisons, both chemical and biological, gaseous and otherwise, see: Jessica Stern, *The Ultimate Terrorists* (Cambridge, Massachusetts & London, England: Harvard University Press, 1999), pp. 31–44.
3. For a discussion of the extent to which the connection between the fields of International Relations and Risk Theory has *not* been made, and the importance of filling this gap for effective control of risks spanning international borders, see: Darryl S. L. Jarvis & Martin Griffiths, "Risk and International Relations: A New Research Agenda?" Editorial, *Global Society,* 21 (January 2007), 1–3.
4. Business regulation since the 1970s has become an increasingly cooperative and international endeavour, utilizing a variety of mechanisms and institutions created to handle regulatory issues that span national boundaries: John Braithwaite & Peter Drahos, *Global Business Regulation* (Cambridge: Cambridge University Press, 2000).

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5. See, for example: Sheila Jasanoff, *The Fifth Branch: Science Advisers as Policymakers* (Cambridge, Massachusetts: Harvard University Press, 1990); Nico Stehr, *Knowledge Societies* (London & Thousand Oaks, California: Sage Publications, 1994); Silvio O. Funtowicz & Jerry R. Ravetz, "Uncertainty, Complexity and Post-normal Science," *Environmental Toxicology and Chemistry*, 13 (1994), 1881–1885; *Science and Judgment in Risk Assessment*, Report of the Committee on Risk Assessment of Hazardous Air Pollutants, Board on Environmental Studies and Toxicology, Commission on Life Sciences, National Research Council (Washington DC: National Academy Press, 1994).