ADVANCING PROBLEM-ORIENTED POLICING: LESSONS FROM DEALING WITH DRUG MARKETS

by

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Abstract: *In the early 1990s, American policing, applying a problem-oriented approach, displayed much creative energy in closing drug markets. This has not translated to a under range of quality efforts in tackling other common crimes, such as burglary, auto theft, and shoplifting. While few of the factors that combined to fuel wide exploration of creative solutions in drug markets are present for other crime and safety problems, there may be some simple ways to engage the police to further study and target other crimes. Three strategies are offered: identifying, understanding, and responding to snowball crimes; using a situational crime prevention approach to graded responses for repeat victimization; and examining privately-owned properties for disproportionate demands on police service with an eye towards shifting responsibility for crime-place management to these owners.*

INTRODUCTION

During the last two decades, largely as the result of Herman Goldstein's work (1979, 1990), a number of police leaders have advocated that police should take a problem-oriented approach to their work and that police organizations should shift from a reactive, call-driven operation to proactive problem-based policing (Scott, 2000). However, at the 20-year mark, quality police problem solving, as well as full

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reform of policing operations to maximize the ability of departments to systematically examine and more effectively respond to community safety problems, still remains more of an idea than an accomplishment. Response time is still the measure of policing that local political leaders favor, crime-clearance rates are still dismally low (even after a decade-long decline in crime), and arrests, summonses and car stops remain the main tools of proactive American policing.

There were times in the last decade when effectively and creatively addressing specific public safety problems was of high priority for the police. This was particularly true when police focused on open-air drug markets (Kleiman and Smith, 1990; U.S. Bureau of Justice Assistance, 1993; Sampson and Scott, 2000).

This paper attempts to develop a set of lessons from police and community efforts at tackling drug markets as a means for further advancing the application of effective problem solving to other crime and safety problems. The first section of the paper examines the range of tactics that police and communities developed to close drug markets. The second section of the paper explores possible reasons the police explored so many ways to close these markets and whether similar spurs exist to attract police to tackle other crime and safety problems. The third and final section of the paper discusses some of the lessons that can be drawn from work on drug markets, and attempts to capture straightforward steps (based on these lessons) that police can take to tackle other, more complex, crime and safety problems.

THE ROLE OF ILLICIT OPEN-AIR MARKETS IN ADVANCING PROBLEM-ORIENTED POLICING

During the early 1990s, at least initially, interest in problem-oriented policing spread beyond a handful of police departments, picking up momentum with the emergence of open-air drug markets (particularly involving crack) in predominately poor, urban U.S. neighborhoods and then in suburban enclaves (Sampson and Scott, 2000).

Experimentation in closing drug markets, particularly in apartment complexes, produced a wide array of new police tactics and involved much more analysis than police were accustomed to (Sampson, 2001a). However, as will be argued later in this paper, the analysis was less than is required to understand most other crimes, such as prostitution, auto theft, burglary and even shoplifting.

For purposes of this paper, the range of responses that officers and communities developed in addressing drug markets in apart-

ment complexes is organized under the four situational crime prevention categories developed by Clarke (1997): increasing risk, reducing reward, increasing effort, and removing excuses. It will be apparent from the list below that a very wide range of responses was adopted.

Increasing Perceived Risk

- Meeting with property owners and outlining the costs associated with permitting drug dealing on the property.
- Credit checks of prospective tenants.
- Verifying prospective tenants' income sources.
- Doing a criminal history check of all prospective tenants.
- Police surveying of tenants to gain more accurate information.
- Encouraging tenants to document illegal activity.
- Encouraging property managers to keep "in-house" log of illegal activity on property and actions taken to resolve the problem.
- Having legitimate tenants attend court hearings (court watch).
- Enforcing building code violations.
- Using surveillance cameras.
- Obtaining a temporary restraining order against the property owner from operating the property as a public nuisance.
- Informing mortgagors that the property will lose value because it is being used as a drug market.

Decreasing Perceived Reward

- Using asset forfeiture.
- Enforcing tax laws concerning unreported income.
- Taking civil action for monetary damages against property owners who fail to take action to stem dealing on property.
- Applying nuisance abatement.

Increasing Perceived Effort

- Establishing a no-cash policy for deposits or monthly rent.

- Preventing access to vacant apartments used for dealing or using.
- Controlling access to property and restricting parking to "tenants only."
- Limiting potential buyers' ability to cruise through the area in search of open drug markets.
- Prohibiting or limiting on-street parking.

Removing Excuses[1]

- Establishing tenancy rules.
- Evicting dealers.
- Sending a letter to property owners from the police chief alerting them to the consequences of failing to take action.
- Supplying owners with calls-for-service data for their properties, and with comparison data for well-run nearby properties.
- Establishing a landlord training program.
- Establishing a crime-free multi-housing program.
- Engaging an apartment managers' association to work with the owner.
- Doing reference checks of prospective tenants' prior tenancies.
- Adding a "no drug" addendum to lease agreements.
- Enforcing city ordinances or state laws requiring owners to address conditions that foster drug markets on private property.
- Posting "no trespassing" signs.
- Asking owners to require property managers to address illegal activity.
- Using vertical prosecution for arrests coming from a particular property (one prosecutor handles all arrests from a single property).
- Persuading prosecutors to seek court-ordered treatment of chronic users who buy at the apartment complex.
- Providing space for alternative legal activities on the property.

- Launching a media campaign against slumlords whose properties house drug markets.
- Encouraging tenants to petition property owners to rid the complex of drug dealing.
- Holding community anti-drug marches in front of the property owner's home.

Possible Reasons for Extensive Police Exploration of Creative Ways To Close Drug Markets

First, why did police so broadly explore ways to close drug markets? Second, why then did police efforts to stem drug markets not translate into equal levels of enthusiasm for other problem-solving projects, for crimes such as auto theft, commercial or residential burglary or even shoplifting?[2]

- *Police Perceived Open-Air Drug Markets as a Refutation of Their Power.* Police experienced open-air drug markets as a personal rebuff to their authority. Markets were often visually blatant, communicating an "in your face" taunt to patrol officers and visually exploding the myth that police control the streets. This is not true of many other crimes, such as auto theft, burglary, shoplifting, and robbery, which most often occur when police are not present.

- *Problem-oriented Policing in Drug Markets Still Allowed for Traditional Policing Tactics.* Taking a more comprehensive problem-oriented approach to the market did not preclude cops from making arrests. A single, active drug property even in a small city could generate 100 arrests in one year. As a result, policing drug markets, even using a problem-oriented approach, continued to feel, in part, like "real police work." For other types of crimes (auto theft, burglary, shoplifting and robbery), fewer arrests are likely to be involved creating an even greater contrast to traditional policing.

- *Communities Supported the Closing of Drug Markets.* Communities complained about open-air markets, which, in part, drove police to intensively focus on them. This is not true of many other crimes. As a result, police may not view these other crimes as a priority.

- *Drug Markets Contained Guns.* Some drug dealers carried guns to protect themselves from robbery attempts made by competing dealers or predatory criminals. Officers could make

gun, not just drug arrests, and gun arrests are highly prized in American policing. Many other crimes involve less danger to police, and other officers may perceive tackling these crimes as less worthwhile.

- *Drug Market Analysis is Relatively Straightforward.* Analysis generally required that police possess only basic analytic skills, predominately in identifying property ownership, conducting surveillance, gathering information from nearby residents, and reviewing calls-for-service data. By comparison, analyzing a problem such as residential burglary can involve sifting through hundreds of past burglary reports, comparing entry points, articles stolen, conducting environmental surveys to determine differences in lighting and visibility of entry points, and conducting literature reviews on effective anti-burglary efforts.

- *Tackling Drug Markets Involved Gamesmanship.* Open-air drug markets allowed police to engage in a game of "outfoxing" the opponent. This involved a competition between officers and dealers — each time dealers changed their tactics, officers had to change theirs so as not to be outdone by the dealers (Lengel, 2000). Perhaps this "game" helped to engage officers. Crimes such as shoplifting and auto theft will have little to offer in this regard.

- *Assessing Impact in Drug Markets is Relatively Uncomplicated.* Once responses are in place, the impact is more easily determined in open-air drug markets than for most other crimes. In drug markets, an assessment might include visually appraising the market, resurveying of nearby residents, and reviewing current calls-for-service. For a problem such as auto theft from public parking facilities, an assessment may involve recalculating risk rates by parking lot, an activity totally unfamiliar to police.

- *Drug Markets Allowed Police to Maintain a Paramilitary Image.* In drug markets, officers could believe that they were part of a war — "the war on drugs" — reinforcing the police paramilitary image and justifying, in some departments, practices such as donning camouflage and staging masked jump-outs to capture dealers.[3]

- *Little Organizational Assistance is Required to Close a Drug Market.* One patrol officer, with community help, can close a drug market, particularly if laws are already in place that can assist in that process, such as nuisance abatement laws. Re-

during other types of crime problems often requires the assistance of trained crime analysts — in some cases researchers — and to a greater extent than in drug markets, the involvement of mid-and upper level police managers to steer, manage and contribute their skills to the effort.[4]

- *Communities Agreed to Hold Property Owners Accountable for Drug Markets.* Communities could be persuaded that property owners of drug-infested properties had to take responsibility for actions on their land. It helped that a number of these owners were slumlords, engendering little support in the community. It is harder, perhaps, to convince community members that police should shift responsibility for other safety problems, such as false alarm responses,[5] or to convince corporations and industry that they have the bulk of responsibility for reducing auto theft, shoplifting (Clarke, 2001a), gas drive-offs, burglary, and phantom wireless 911 calls (Sampson, 2002).

The elements that allowed for police innovation — the profusion of dangerous open-air drug markets, community activism around them, and the ability of police to retain strong elements of traditional policing (arrests, citations, car stops) — are unlikely to present themselves in the same form for other crime and safety problems. How then do we persuade police to use problem-oriented measures in addressing the myriad of these other problems? In the next sections, three lessons from the work on drug markets are explored.

LESSON 1: OPEN-AIR DRUG MARKETS AS "SNOWBALL" CRIMES

One crime produces opportunities for another. Burglary produces the opportunity for fencing stolen goods, and pickpocketing produces the opportunity for identity theft. One offense also produces opportunities for a crime chain (Felson and Clarke, 1998). Auto theft produces the opportunity for: (1) stealing the contents of the vehicle (CDs, stereo), (2) taking parts from the vehicle such as airbags, and (3) selling the car to someone else who then, (4) exports the car. All of the crimes along a chain may not occur, but they can. Some offenders will intentionally move along the chain, and some do so unintentionally: e.g., a convenience store robbery turns into a serious assault on the clerk when a gun goes off accidentally (Felson and Clarke, 1998).

So, one crime can produce a crime chain, but beyond that, it may be that certain *crime markets,* such as open-air drug markets, pro-

duce even wider crime links, a "snowball" of crime, not just a chain. For instance, open-air drug markets appear to create opportunities for all those who frequent them to engage in additional crime.[6] As a result, for purposes of this paper, these are called snowball crimes, *crimes that can bring a series of crimes to a location.* Figure 1 depicts a drug market creating opportunities for other crimes at the same location.

If the snowball analogy holds, it is clear that closing drug markets is a worthwhile activity for police because this can reduce the opportunity for many other crimes. This may also be true of prostitution markets that have similar snowball qualities. Prostitution markets' may produce less crime, but they may spread venereal diseases and AIDS. In addition, prostitutes are frequently drug dependent and spend much of their earnings on drugs, fueling a drug market (perhaps nearby) to satisfy their addiction.[7] An active prostitution market may look like Figure 2.

Identifying snowball crimes can help police determine priorities for problem-oriented projects. In addition, mapping crimes, as these illustrations depict, may also convince community members and the police to explore more creative solutions than directed patrol, stings and repetitive arrests. In the case of prostitution markets, these solutions should involve nearby businesses, health and social service agencies, as well as lawmakers.[8]

LESSON 2: FOCUSING EFFORTS WHERE CRIME IS CONCENTRATED IS PRODUCTIVE

Policing drug markets taught police that focusing their efforts where crime was concentrated was highly productive. However, crime does not only concentrate at hot spots but also on repeat victims, and concentrating on repeat victims could also bring significant gains for the police.

Figure 1: Mapping Snowball Crimes at a Drug Market

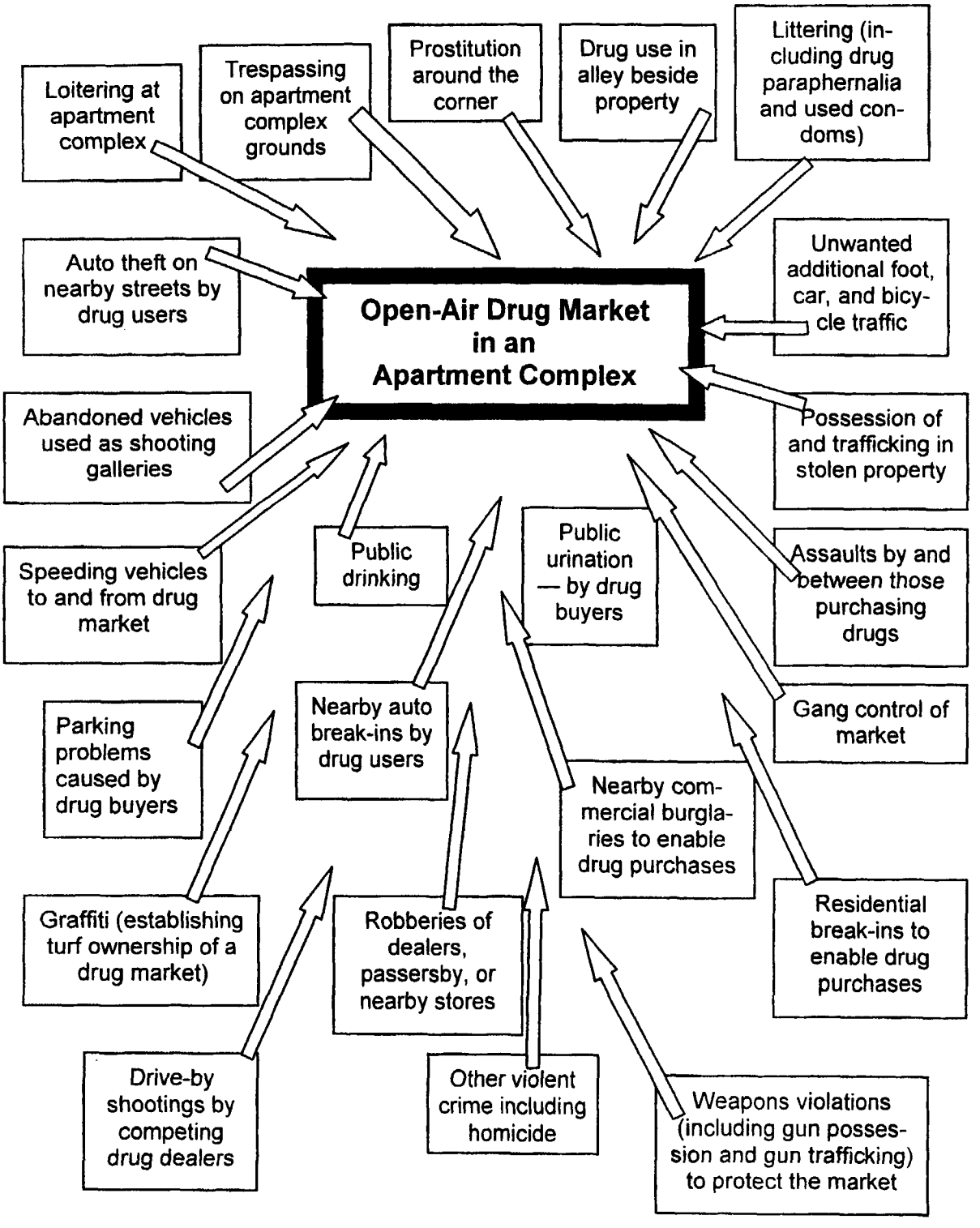
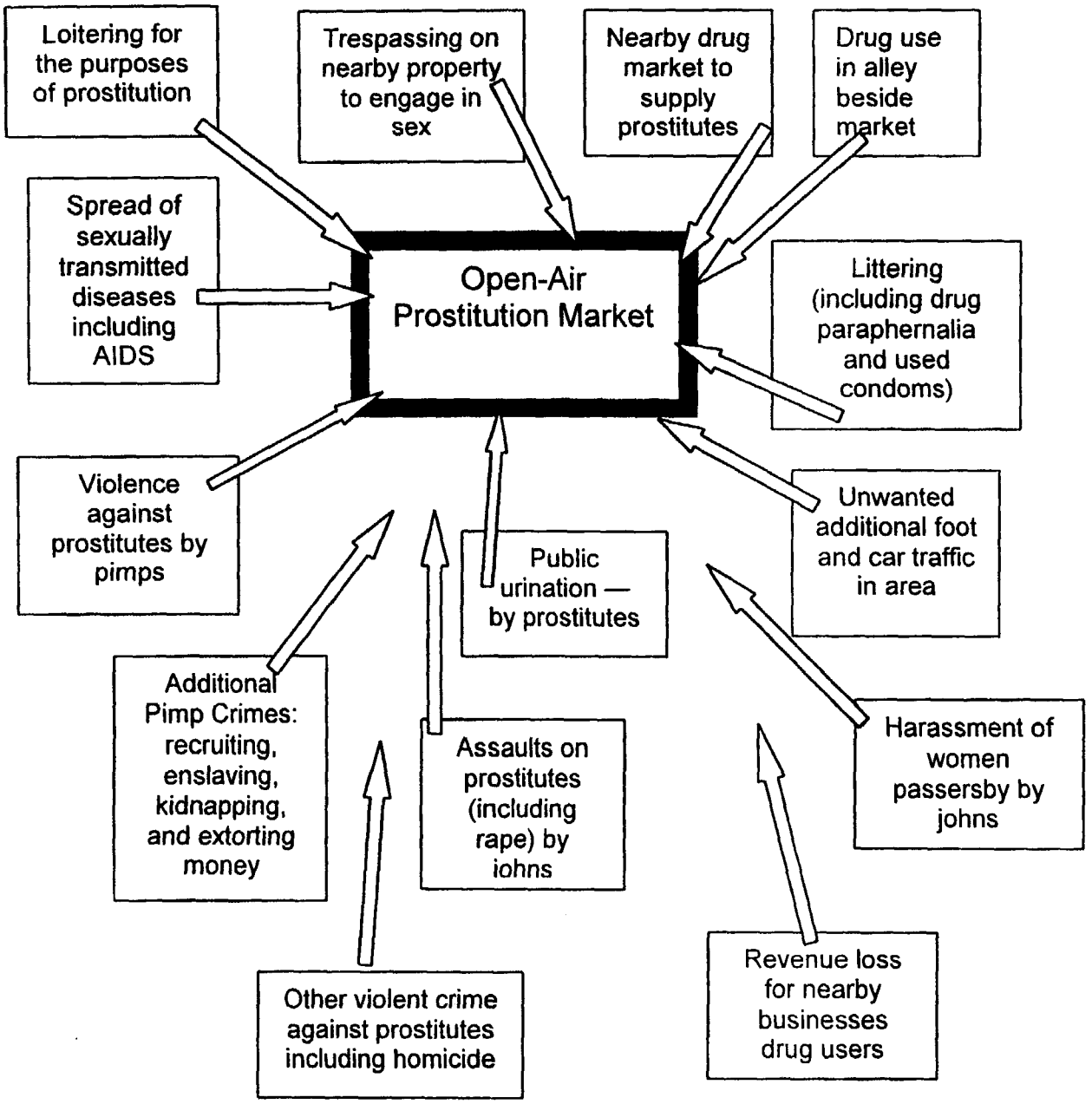


Figure 2: Mapping Snowball Crimes at an Active Prostitution Market



In the U.K., a number of Home Office publications provide police with research and good practice related to understanding and reducing elements of repeat victimization (Pease, 1998; Anderson et al., 1995; Chenery et al., 1997; Bridgeman and Hobbs, 1998). However, in the U.S., police have shown little interest in targeting this population with problem-oriented efforts and graded responses based on the extent of the revictimization.[9] Graded response, based on the level of revictimization, is a good use of police resources, just as taking on emerging drug markets before they draw additional crimes, is also cost-effective.

Perhaps the easiest framework American police can use in developing graded responses to repeat victimization are the four situational crime prevention categories developed by Clarke and described earlier in this paper: increasing risk, reducing reward, increasing effort, and removing excuses. If a victim is re victimized, police can use these categories as a framework for tailored interventions. On the first victimization, police interventions should do one or more of the following:

(1) Increase the offender's risk;

(2) Reduce the offender's reward;

(3) Increase the effort the offender must take to re victimize the victim; and/or,

(4) Remove excuses the offender has to revictimize the victim.[10]

On the second victimization, police interventions should further tighten these four elements so that risk and effort will be greater and reward and excuse are lessened.[11] If a third victimization occurs, further tightening is required.

An example is provided by stalking. If a woman finds an anonymous, obscene letter under her car's windshield and calls the police because it scares her, police may do little other than take a report (and may not do that in some cases). The police in all likelihood will also tell the woman to call again if there is a second annoyance. However, they are unlikely to do much further unless the victim is sure of the identity of the letter writer.

A week later, the woman receives an anonymous phone call from a man who says he is the letter writer. He tells her he likes her and wants to meet her and reminds her of the obscene thoughts he has about her. The caller declines to identify himself. She hangs up and calls the police a second time. At this point, a repeat victimization response tightening the situational matrix should kick in. Perhaps it might be such as this:

(1) *Increase the offender's risk* — Police help the victim obtain caller I.D. and, in fact, the police may even want to pay for it for one month. Police request that the victim maintain a log of any calls from the offender.

(2) *Reduce the offender's reward* — Police advise the victim to park her car in the apartment complex's locked garage, and not the open street so that the offender cannot use the car to convey his messages.

(3) *Increase the effort the offender must take to revictimize the victim* — Police advise the victim to tell the caller to stop calling and then to hang up immediately.

If the victimization does not stop — for example the offender places a bouquet of roses outside her door and he follows up with another obscene phone call — police would put a tighter revictimization plan in place, such as the following:

(1) *Increase the offender's risk* — Police run a criminal history check on the offender, based on caller I.D. information, then try to locate the offender. If they are unable to locate him, police give the victim a temporary personal alarm or cell phone that dials 911 directly.

(2) *Reduce the offender's reward* — Police may arrange for call blocking so that the victim will not receive calls from the offender's home phone.

(3) *Increase the effort the offender must take to revictimize the victim* — Police, with the consent of the victim, advise her neighbors and work colleagues of the offender and ask them to watch over the victim and immediately alert the police if they see something of note. Police request that no one let strangers into the apartment complex or the victim's workplace.

(4) *Remove the offender's excuse* — If the police can locate the offender, they arrest him if there is enough evidence that a crime has been committed.

Addressing repeat victims, just like addressing repeat locations, is a productive police strategy, and applying the situational matrix during graded responses provides an easy way to conceptualize opportunity-blocking tactics.

LESSON 3: POLICE MUST SHIFT OWNERSHIP OF CERTAIN CRIME PROBLEMS

Many of the interventions developed to close drug markets (as described earlier in this paper) rely on property owners exercising better controls over their property and their tenants' and visitors' behaviors. When crime occurs on private property other than apartment complexes, police will also likely find that property owners are better able to stem the crime than police themselves (Felson, 1995). This is true for auto theft from parking facilities, motel crime, commercial and residential burglary, shoplifting, crime in bars, and crimes occurring at convenience stores. However, owners may not welcome this responsibility, particularly if it involves a financial commitment (redesigning parking lots, limiting access to hotels, upgrading door and window locks, hiring well-trained bouncers, keeping beer locked up in evening hours).

Where owners do not welcome this responsibility, how can police persuade them to accept it when this is warranted?[12] The key here is "when warranted." A problem-oriented analysis of crime at different types of private property — whether police are looking at one particular property (a single convenience store) or all properties of that type (all convenience stores in town) — should involve some analysis of whether the level of crime is disproportionate, and if not, if it places a disproportionate demand on the police. If so, there is a good case for shifting responsibility to the property owner.

If one apartment complex results in 100 calls-for-service to police in one year, one of the analysis questions in a good problem-oriented project will be: Are 100 calls-for-service disproportionate? Sometimes this can be answered through comparisons to nearby, well-run apartment complexes as to their management practices and calls-for-service per apartment unit (Sampson, 2001a). For some other types of crimes, police will need to know what types of property management practices reduce or limit crimes for particular property types. In the case of auto thefts from a mall parking lot, two of the key questions will be: What management practices prevent auto crime in parking lots and what is the risk rate of auto theft in this parking lot compared to others (Clarke, 2001b)?

As they did in drug markets, police should identify those privately owned places that make disproportionate demands on police resources. This will help police provide better service to the public and give them a strategy for managing their ever increasing workload.[13]

SUMMARY

While few of the factors that combined to stimulate exploration of creative solutions in drug markets are present for other crime and safety problems, there may be some simple ways to help the police to address these other problems. In this paper, three suggestions are offered: identify, map, and address snowball crimes; adopt a simplified situational crime approach to graded responses for revictimization; and shift responsibility to property owners for dealing with factors that disproportionately raise levels of crime on their properties. While other approaches are also needed, police and communities will benefit from beginning with these three steps.

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NOTES

1. Some of the tactics described cross over categories. So a strategy such as lawfully evicting dealers removes the dealer's excuse for being on the property while also increasing the effort the dealer must expend to deal drugs on the property. If a strategy achieves more than one goal it is, in all likelihood, a more robust opportunity-blocker.

2. American police have produced hundreds of good quality drug problem-solving projects, however, one has to dig deeply to find even a handful of quality projects for any of the other crime and safety problems communities face. In collecting quality case studies for "Tackling Crime and Other Public Safety Problems: Case Studies in Problem-Solving," the authors, Sampson and Scott, found scores of drug problem-oriented policing efforts, but had to search much further for even a few quality projects on prostitution, theft from auto, homeless-related crime, cruising, graffiti, alcohol-related crime, mental illness-related safety problems, false alarms, group home crime, college-related crime, park crime, burglary, robbery, domestic violence, and gang crime. This imbalance is also evident in the yearly submissions for the Annual Goldstein Award for Excellence in Problem-Solving. From 1993 through 1995, drug-dealing projects represented the largest single problem type among award winners, as well as among those surviving the first cut during the years 1996 through 1999 (Scott, 2000).

3. The emergence of open-air drug markets with well-armed dealers even allowed police to adopt semi-automatic weapons.

4. Mid- and upper-level police managers only rarely get involved in the actual analysis of community safety problems. Some of this is the result of undue administrative burdens, perhaps also the result of lack of training and accountability.

5. Shifting ownership for false alarm response to the alarm industry is a particularly thorny issue for police because they are often the ones who, as part of their crime prevention outreach, advised homeowners to purchase these systems.

6. As with snow, an individual flake is not that harmful but when compacted with thousands of other snowflakes, it becomes a snowball, and can be significantly more harmful.

7. In England, a study of three drug markets where prostitution occurred found that "sex markets can play a significant part in the development of drug markets (and vice versa)" (May et al., 1999). The researchers noted that "professionals estimated that between two-thirds and three-quarters of street workers might be drug-dependent," and found that many of the prostitutes spent much of their daily earnings on drugs.

8. The recently published street prostitution problem-oriented guide (Scott, 2001) can be helpful in examining prostitution markets and applying creative solutions to them.

9. There are a few exceptions. For instance, in Fremont, CA, Sergeant Mike Eads studied repeat domestic violence victims and developed a graded police response tailored to the level of repeat victimization (Sampson and Scott, 2000).

10. Whether to do one or all will depend upon the circumstances of the initial victimization and the potential harm that could be incurred in a subsequent victimization.

11. In Chenery et al. (1997), graded responses were described with an Olympic design — bronze, silver and gold. Bronze responses were the first level of intervention, silver for the second revictimization, and gold for the third revictimization. Tilley et al. (1999) divide burglary interventions as: offender-related; victim-related; situational; and locality-related. The distinction between these frameworks and those described in this paper is that the latter all derive from the situational matrix, making it perhaps easier for police to keep focused on the end goal for any developed tactic: increase offender risk, decrease offender reward, increase offender effort, and removing offender excuses. This is not to suggest that American police need a simpler version of graded response; rather, a simpler version is more likely to be used.

12. It is less convincing for police to argue that crime in public spaces should be shifted, unless the argument is that nearby residents or frequent (legal) users of these spaces must take some ownership of the problem. Some of the problems in public spaces come from failures in governmental systems, and may manifest themselves in crimes or inci-

vilities by the homeless or the mentally ill, who may be drawn to public places for different reasons.

13. Examining disproportionate demand on police resources is an important mechanism for police to manage its workload and control opportunities for crime. Properties that require a disproportionate share of police response draw police resources to one place at the expense of others. This is also true for private enterprises that unfairly burden the police, such as the private alarm industry with false alarms (Sampson, 2001b) and certain cellular phone manufacturers whose phones produce staggering numbers of 911 phantom calls (Sampson, 2002).