

# STUDYING THE POLICE

**For decades, the UW Law School has been known for its pioneering role in developing policing as a field of research and teaching.** In the twenty-first century, with Professor Mike Scott as Director of the Web-based Center for Problem-Oriented Policing, the School has become the “home of policing studies” in a new way, providing valuable information for police all over the world.

**T**he evidence is in, but the majority of UW law alumni may not be aware of it: The Law School is recognized internationally for its groundbreaking work in observing, analyzing, and teaching about the police.

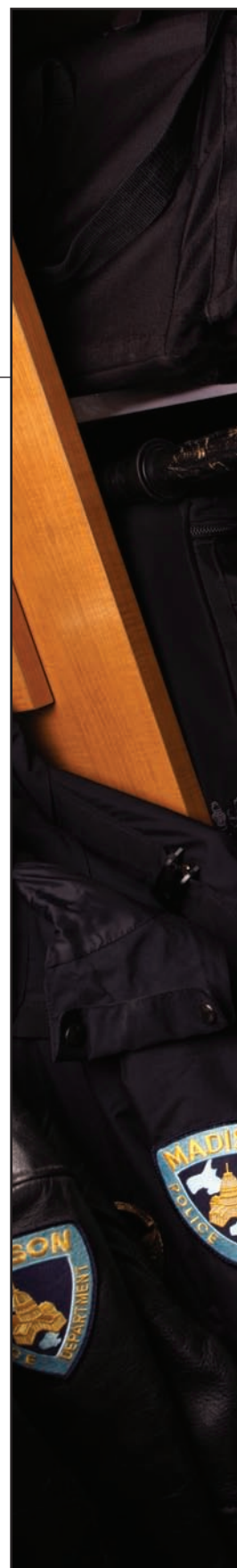
“In the world,” says Associate Dean Walter Dickey, Faculty Director of the Law School’s Remington Center, “Wisconsin is viewed as the place that has nurtured the study of the police and the police function.”

The Law School’s path-breaking police studies program dates from 1964, when Herman Goldstein joined the Law School faculty, charged with developing this new field of scholarly research by using the analytical methods of the social sciences. Goldstein was clearly the man for the job. He had just spent four years working with the Chicago Police Superintendent on a radical reform of the Chicago Police Department, and prior to that he was a member of a research team for a pioneering American Bar Foundation (ABF) survey, observing “what really happens” when police respond to a call.

Goldstein’s experiences led to a lifelong interest in the police and an acclaimed career in teaching and research at the Law School. He not only inaugurated the academic field of police studies but produced seminal articles and books on the police function that won widespread endorsement. His research and original paradigm of problem-oriented policing are repeatedly cited as the most valuable work in policing in the last several decades.

(For Goldstein’s reflections on his early career and the steps that drew him to policing and Wisconsin, see “How I Got Here,” on page 16.)

**An Officer and a Scholar:** Clinical Professor Mike Scott is ideally suited to direct the Law School’s policing studies program, which combines a rigorous academic study of the police function with a reality-based knowledge of police work. Scott studied policing at the Law School as an undergraduate; went on to become a Madison police officer, patrolling the State Street beat; earned a law degree from Harvard; worked in high-level police administration in several cities, and was a senior researcher for the Police Executive Research Forum.





## Policing as a New Academic Field

“It’s hard to convey how unique it was that a person like Herman Goldstein, with a graduate degree in public administration but not in law, would be a member of a law school faculty,” says Dean Dickey, Goldstein’s former student and longtime colleague in teaching criminal law.

The Law School’s decision to teach and study policing reflects its longtime commitment to the Wisconsin Idea, which encourages researchers and teachers to bring the problems of society into their university work and to share their discoveries and insights with the

**“Any law students would benefit from this knowledge. It makes them better citizens, and better members of the bar.”**

— Herman Goldstein

people of the state and beyond.

“What Herman has done for policing is the Wisconsin Idea to the maximum,” says Dickey. “What he has done for policing is what the agriculture school has done for the dairy industry.”

Dickey draws a clear picture of what makes the UW Law School unique in this field. “When you look at law school attention to policing, it usually falls into two categories, neither of which fits us. First, which is the dominant category, is criticizing the police. Second is justifying what the police do.” Neither of these approaches, Dickey notes, devotes serious academic attention to studying the function of the police and working with police to develop their capacity to serve.

Because Goldstein and his students focused primarily on studying the police function with the goal of helping the police develop new ways of working effectively, the Law School has enjoyed a partnership with the Madison Police Department

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“People in almost any other profession or trade can take for granted that there is an organized body of knowledge based on research and practice, which is accessible to practitioners to help them know what to do under certain circumstances. This was the missing piece in the whole professionalization movement in policing.”

(MPD) that is now in its fifth decade. Goldstein worked on pilot projects with the police to test his theories; student policing interns gained experience while helping to implement new programs and policies; and Professor Dave Schultz dedicatedly taught criminal law to Madison police officers for many years.

As Dickey points out, “Many law schools, because they position themselves as critics, are not in a position to have a relationship with the people they criticize.”

Approximately 50 UW Law School policing students had summer internships in law enforcement agencies around the country from 1966 to 1973, funded by the Ford Foundation, with approximately one-third working at the Chicago Police Department. When this funding ended, a new program began, placing four or five selected students each semester as interns with the Madison Police Department.

Both Goldstein and Dickey emphasize that policing studies was never an isolated program, but integrally connected with the Law School’s teaching of criminal law, with influences going both ways. The law faculty’s radical revision in the 1960s of the way criminal law was taught was in part a response to Goldstein’s findings that police officers had enormous discretion when they applied the law, and thus the law on the books often bore little resemblance to what was happening on the streets. Conversely, Goldstein’s celebrated concept of problem-oriented policing suggested

itself when he, Frank Remington, and other Law School professors were collaborating on the restructuring of criminal law courses and noted the success of dividing the subject matter into separate problems, each with specific contextual factors.

In the course of his 30-year teaching career, Herman Goldstein taught hundreds of students in his policing courses. Dozens of them now work throughout the country in policing, police research, and positions involving oversight and governance of police agencies. Many others are prosecutors, public defenders, and private practitioners.

“*Any* law students would benefit from this knowledge,” Goldstein says. “It makes them better citizens, and better members of the bar.”

### **Global Reach in an Electronic Age**

Goldstein took emeritus status in 1994 but is still actively involved in the policing field. His successor at the Law School is Clinical Professor Michael S. Scott, who studied with Goldstein as an undergraduate and worked as his research assistant on several occasions in the 1980s, discovering that there was a “fascinating academic side” to police work.

Scott’s wide-ranging experience includes patrolling State Street as an officer on the Madison police force as a new college graduate; earning his J.D. at Harvard Law School; working in high-level police administration at agencies in New York City, St. Louis, and Florida; working as a senior researcher at the Police Executive Research Forum, and delivering training in problem-oriented policing to police agencies around the country.

In the age of the Internet, Scott has made the Law School the home of policing in an entirely new way.

Scott is Director of the Center for Problem-Oriented Policing (often shortened to “POP Center”), a “virtual center” affiliated with the Law School and the criminal justice departments at Rutgers University and the University at Albany, and supported by the U.S. Department of Justice. The Center’s unique Web site ([www.popcenter.org](http://www.popcenter.org)) receives approximately 2 million hits each month from police officers and other professionals worldwide who download problem-specific research that challenges previous thinking and guides policy-making on the wide range of issues that the police confront.

### **From Barking Dogs to Homicide**

These highly-appreciated problem-specific “POP guides,” which now number around 85, are available to the public to download at no charge from the Center’s Web site, and also are published in paper form. The story of their development illustrates the ongoing collaboration between Scott and Goldstein.

Scott explains, “Herman had identified a large gap: There was no organized body of knowledge available to the police professional the way there is in law, medicine, psychiatry. People in almost any other profession or trade can take for granted that there is an organized body of knowledge based on research and practice, which is accessible to practitioners to help them know what to do under certain circumstances. This was the missing piece in the whole professionalization movement in policing.”

In 2000, Scott set about supplying this missing piece. He worked with five colleagues, including Goldstein, on a proposal to the Department of Justice that it fund an initiative to begin building the

long-overdue body of knowledge about policing.

“We knew early on,” Scott says, “that even though this was going to start as a modest project, Herman’s work had shown how crucial this would be to shaping the profession: to bring to policing the best that research had to offer, to map out for the first time the full breadth of the police function — the incredible array of public safety problems that the public expects the police to deal with.”

The proposal was funded as a pilot project, and Scott and his colleagues set to work. “One of the first things we did was to develop a taxonomy of substantive police problems — from barking dogs to homicide,” Scott says. “We have identified about 300 discrete problems common for almost any police agency.”

The colleagues set up a research methodology and a template for the study of each problem. “Then we looked at our list of problems and almost randomly picked five. I wrote the first three: *Assaults In and Around Bars*, *Street Prostitution*, and *Speeding in Residential Areas*. The other two were *False Burglar Alarms* and *Drug Dealing in Apartment Complexes*.”

In addition to the problem-specific guides, the Web site offers how-to Response Guides (e.g. *Police Crackdowns*), Problem-Solving Tool Guides (e.g. *Partnering with Businesses to Address Public Safety*), interactive problem-solving modules, and other practical tools for police professionals.

“Largely because of the advantages of the Internet,” Scott says, “this work has drawn considerable interest, not just across the U.S. but in the U.K., Scandinavia, South America, Canada, New Zealand,

Australia — and we’ve now had requests from scholars to translate some of our publications into about a dozen languages.

“We see this as the encyclopedia of the substantive work of the profession,” he says. “We believe they meet standards of good scholarship: The review of the literature is comprehensive, it is all peer-reviewed and professionally edited — but it is purposely written in an accessible style that is concise and readable for practitioners.”

Scott’s achievement draws strong praise from his mentor and colleague. “This is the most significant work being done in the field of the police today,” Goldstein says. “Mike has together, on one Web site, information that has the potential to improve the effectiveness and fairness of the police all over the world.”

### Teaching in Person

Although Scott’s POP Center is “virtual,” his presence in the Law School and the community — local and global — is quite real. He now teaches the core course in which he was a student almost 30 years ago, *The Role of the Police in a Free Society*, as well as the seminar *Selected Problems in Policing*.

He sets up and supervises, with Clinical Professor Ben Kempinen, student internships at local police and prosecution agencies, writes scholarly articles in addition to numerous POP guides, and sponsors the annual international POP conference (held in Madison in two successive years). He also teaches the highly successful summer seminars for Wisconsin police chiefs and sheriffs, gives police training sessions throughout Wisconsin, and travels widely to help police agencies in other states and countries imple-

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Most recently, in February 2008, he was in the U.K. as the keynote speaker at the Safer London Problem-Solving Conference, co-sponsored by the London Metropolitan Police Authority.

“When you look at the list of things Mike does, it’s extraordinary: the foreign countries he visits, the research he produces,” says Walter Dickey. “He is uniquely qualified to do this work, which is the logical continuation of what has gone on here beginning with Frank Remington and Herman Goldstein.”

Scott is now beginning to see his own students take positions of responsibility in local government. Joel Plant ’06 became the City of Madison’s first Alcohol Policy Coordinator when he was still a second-year law student, after interning with the Appleton Police Department and Outagamie County District Attorney’s Office. Plant is now the Madison mayor’s point person on Public Safety and Neighborhood Sustainability. Plant’s successor as Alcohol Policy Coordinator is another UW law student, Katherine Plominski 3L.

### Local and Regional Impact

Since the early pilot projects in POP, when Goldstein worked with the Madison Police Department on two specific problems (drunk driving and repeat sex offenders), making suggestions that led to tangible improvements, the police and Law School continue to work together on projects that directly influence life in Madison.

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When Scott is asked whether his program contributed to the increased success that the Madison police are having in dealing with State Street violence on Halloween he replies, “Yes, I think we can claim a bit of credit. The Center for Problem-Oriented Policing published a guidebook for police on Student Party Riots and that guidebook was shared with the City of Madison staff to help them rethink their approach to this event. Our student Joel Plant worked extensively on the Halloween problem when he was Alcohol Policy Coordinator and had a lot to do with changing the approach.”

The value and impact of the connection is confirmed by Madison Chief of Police Noble Wray, who comments, “During my tenure with the Madison Police Department, starting in 1984, we have had an outstanding partnership with the UW Law School. Professors Mike Scott and Herman Goldstein have been at the core of this relationship. Clearly the relationship has been mutually beneficial. The Law School has access to day-to-day practical experience with police officers and MPD in general. At the same time, the Law School provides insight and expertise on contemporary issues facing police to over 400 MPD commissioned personnel.”

Like the city of Madison, the entire state of Wisconsin benefits tangibly from the Law School policing program, both through Scott’s officer training sessions and through the highly successful Problem-

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Oriented Leadership Institute for Chief Executives (Wisconsin POLICE, for short), summer seminars that bring 25 or 30 Wisconsin police chiefs and sheriffs to Madison for a two-week intensive workshop in problem-oriented policing taught by Scott, Goldstein and others. The programs draw the chiefs’ profound thanks and off-the-charts evaluations (see page 13).

### **A New Policing Partnership**

The police program’s most recent partnership is a new internship opportunity co-sponsored with the Remington Center, devised and developed by Mike Scott and Prosecution Project Director Ben Kempinen. The Gary P. Hayes Police-Prosecution Internships, launched in 2007, honor the memory of Gary Hayes ’72, who studied with Herman Goldstein and went on to found the Washington-based Police Executive Research Forum (PERF), to promote research in policing.

The Hayes internship makes an uncommon connection: Student interns spend 10 weeks in the summer working jointly with a Wisconsin law enforcement agency and a district attorney’s office, focusing on one or more problems that are of concern to both. The intern, using the problem-solving methodology learned in policing classes, assists the police and prosecutor in examining the scope and causes of the problem as well as the effectiveness of current responses, and then goes on to help develop an improved response.

Last summer’s inaugural group of three Hayes interns, Gabrielle Bauman, Katherine Plominski, and Kathryn Gapinski, studied the prob-

lems of domestic violence, stalking, and acquaintance rape, respectively.

“This project is pretty unique,” says Scott. “I’m not aware of any law school in the country that does this.”

### **Research is the Key**

The strength of the Law School’s program on the police is a result of its interconnected branches: teaching, research, and outreach to police practitioners. Of these, the one that has contributed most to Wisconsin’s internationally prominent position is the commitment to research, a function that the university and Law School are uniquely equipped to fill.

Research was central to Goldstein’s early explorations of the nature of the police function and especially the discretion exercised by the police. It was central in efforts to encourage police agencies to articulate their policies, supported by the results of available research and careful analysis. And it is clearly the central focus of Scott’s POP Center, which assembles research on specific behavioral problems and disseminates it for practitioners to inform and thereby improve their practices.

From Goldstein’s creation of a new academic field of analytical study where none existed before and a new paradigm for police work, to Scott’s virtual encyclopedia with its rapidly-growing body of knowledge for police all over the world, Wisconsin’s outstanding contribution to policing is the combination of producing high-quality research and sharing it for the benefit of society. ■

# School Days for Police CEOs: A Unique Seminar

A highly original two-week summer seminar that brings 25 to 30 police chiefs and sheriffs from all parts of Wisconsin to Madison to learn with each other is a recent example of the cutting-edge work of the Law School's policing program.

The Wisconsin POLICE seminars (the acronym stands for Problem-Oriented Leadership Institute for Chief Executives), developed by Professor Mike Scott and funded entirely by the Wisconsin Department of Justice, employ a unique structure. For a week in June, chiefs and sheriffs leave the responsibilities of their agencies to concentrate on full days of lectures and discussions with UW law professors and prominent guest speakers from different spheres of the criminal justice system. "It's very interactive," says Scott.

At the end of the week, the chiefs and sheriffs return to their jurisdictions with a homework assignment: to apply the POP approach in their agencies and communities as they tackle a selected problem. In

July, they come back to Madison for their second week, to share information about their experiences and ask new questions.

"The first week gets you all fired up on the issue," says Merrill Police Chief Neil Strobel. "Then you go home and do your homework. It gave me support to go back to my organization and change people's minds who've done it a different way for a long time."

In the course of the first three summers, 80 chiefs and sheriffs attended the seminars, including the chiefs of most of the largest communities in the state. "They have been very high-caliber groups," Scott says.

UW law professors and instructional staff who contributed to the program included Walter Dickey, Keith Findley, Ben Kempinen, John Pray, Dave Schultz, Michael Smith, Sue Center, and Nina Emerson.

Guest speakers included former Madison Chief of Police David Couper, Wisconsin Supreme Court Justice Shirley Abrahamson, and scholars and police officials from

outside the state.

The visiting police also had opportunities to forge new links in Madison. "Chancellor Wiley gave a really nice reception at his house — it was a terrific social event," Scott reports. One chief wrote in an evaluation, "I have to say I haven't had the previous opportunity to have lunch with the Chief Justice!"

Extremely positive course evaluations tell the story. "The program has been an awesome experience," wrote one participant, while another commented, "Overall, this program has been the best that I have ever been associated with. It is the first and only program that I have attended that actually shows a different way of policing that solves problems and keeps them solved."

Scott notes, "The university can be seen as an ivory tower, but this was a clear example of a program specifically designed to benefit the people of the state. The new insights the chiefs and sheriffs take back to their agencies should end up making a tangible difference to the communities they serve."



Wisconsin Department of Justice

## Class Photo

Wisconsin police chiefs and sheriffs gave rave reviews to a stimulating program that brought them to Madison for two weeks to study problem-oriented policing with UW law professors. Above is the inaugural class of 2004, with professors Mike Scott and Herman Goldstein flanking the first row. The fourth program will be held in June 2008.

# They're Law Alumni and Police Officers

The Law School's strong program in police studies means that the officer investigating a case may be a fellow law graduate.

The police studies program at the UW Law School, now in its fifth decade, results in a strong contingent of law alumni working in area police agencies. Graduates can be found in the Madison Police Department, Dane County Sheriff's Office, Milwaukee Police Department, Wisconsin Department of Corrections, and other agencies throughout the state (as well as farther afield).

Currently several officers at the Madison Police Department (MPD) are UW law graduates. Here, three of them share the stories of their own personal connection between law school and policing.

## **Detective Brian Austin '94: "The city is my office"**

Brian Austin was a law student in one of Professor Herman Goldstein's policing courses when a memorable guest speaker came in: Sergeant Mike Koval of the Madison police, a graduate of William Mitchell College of Law. Austin remembers thinking, "Here's a guy with a law degree who's a cop. That seems like a neat job."

Austin did not pursue the thought, as policing was not a profession that anyone in his family had ever considered. He had taken the police course as background for Professor Ben Kempinen's Prosecution Project, which placed him as an intern in the Kenosha District Attorney's Office. "I enjoyed prosecu-

tion — trying to see justice done," he says.

After graduation, Austin worked approximately four years in the Kenosha and Milwaukee D.A.s' offices. He had a lot of contact with police officers, and one day he went for a "ride-along" with a Kenosha officer. "In the first hour of sitting in the squad car," Austin says, "I knew this was what I wanted to do."

Austin joined the MPD in 1997. "I don't regret a day," he says. "I am really happy. I love it. I like the reality of my job — being out on the street and meeting all kinds of different people. The city is my office."

Austin's law background has been helpful in more than one way. "It has made my transition to being a detective easier," he says. "Because I prosecuted so many cases, I know what prosecutors look for. It's also a benefit to have a solid constitutional law background when you're protecting people's rights."

For the last three years, Austin has been a Violent Crimes Detective in Madison's Allied Drive neighborhood and a member of the Emergency Response Team (the MPD SWAT team), receiving about 40 calls a year to help deal with dangerous situations.

He is also now a guest lecturer at the Law School himself, speaking to students in the Prosecution Project about alternative careers for people with law degrees. "I like

coming back to talk," he says. "I feel like I'm giving students permission to do something different, the way I did."

For Austin, policing has turned out to be an excellent fit. "I feel good about what I'm doing," he says. "We're doing good work."

## **Lieutenant Vic Wahl '98: Law classes and patrol duty**

Vic Wahl always planned to go to law school. His father was an attorney, and so were two grandfathers. "But as an undergrad I got interested in policing," Wahl says. "So as a 21-year-old, right out of college, I was hired by the Madison police."

Wahl didn't drop the law school plan, however. He enrolled as a part-time student while he was an active police officer. "It took me five years," he says. "For the first few years, I was a patrol officer on the night shift. I'd work from 11 p.m. to 7 a.m., go home to sleep, then go to law classes at night and study for a couple of hours before I went on duty."

In his final year and a half, he worked the day shift with the Dane County Narcotics and Gang Task Force and also the MPD Emergency Response Team.

Wahl's familiarity with the day-to-day work of the Madison police gave focus to his Law School policing courses. "I did a project on false alarms and police response," he says. "It was a pet peeve of mine."



Madison police officers (from left) Matt Tye '99, Vic Wahl '98, and Brian Austin '94 find that their UW Law School courses were an excellent preparation for the policing profession.

His report was used as a resource when the force revised its policies on alarm response.

After graduation, Wahl continued to work at the job he had never left, benefiting from new research methods and substantive knowledge.

"I've certainly used my law degree a lot," Wahl says. "I've done a lot of teaching across the state: teaching legal issues and constitutional law to police officers. I also use it internally a lot when we're analyzing policy decisions." He writes a legal update that is distrib-

uted by e-mail to people who took his classes.

Wahl affirms the importance of the connection between the Madison police and the Law School. "It's a good partnership for us to have: real-world applications of things that get discussed up there at the School."

He adds, "When you think of the impact policing has on our society and our culture, it's too bad it isn't studied in more law schools. It's great that it gets that kind of attention here in Madison."

### Detective Matthew Tye '99: "Understand the complexity"

When Matt Tye graduated from Northwestern University with a bachelor's degree in history, he faced a choice between two paths. Neither of them included policing.

"I was deciding between pursuing a Ph.D. in history or going to law school," Tye says. "I chose law school because I thought a J.D. would have the potential for broader applications."

During the course of his UW Law School education, Tye took a class in police studies from Professor Herman Goldstein. When he graduated, he went on to practice law briefly in Madison.

"But Herman's class had such an impact on me," Tye says, "that I elected to leave the practice of law and enter policing."

He adds, "I went into policing with the desire to help others and give back to my community. I suppose this is like many others who work in the public or nonprofit sector."

Tye felt an intellectual pull as well. "The class gave me the additional insight into the utter complexity of police work. The first step is to understand the complexity. The problem-oriented model then applies a social-scientific approach to these complexities. This is challenging work and I find this challenge appealing."

Tye, like several of his colleagues, bears witness to the strong ongoing connection between the Law School and the MPD. "Herman Goldstein's class and the continued work of Mike Scott greatly influence my work on a daily basis," he says. ■



# How I Got Here

Herman Goldstein

BOB RASHID



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

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

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

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

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

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

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

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

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

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

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

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

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

**"Up to that time only one or two studies had been conducted on the street operations of the police. The police were very secretive; access for purposes of research was hardly ever granted."**

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

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



Herman Goldstein, age 17

study of the law in action."

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

"Up to that time only one or two studies had been conducted on the street operations of the police," Goldstein says. "The police were very secretive; access for purposes of research was hardly ever granted."

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

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

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

"These volumes quickly influenced the literature on crimi-

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

### Reforming the Chicago Police

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

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

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



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

years in that position.

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

#### **An Invitation from Wisconsin**

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

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

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

Hurst wrote:

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

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

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

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

#### **Students in Squad Cars**

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

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

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

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

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

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

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

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

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

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

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

### **The Origin of POP**

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

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

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

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

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

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

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

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



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

criminal law, for responding to each specific problem.”

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

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

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

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

#### Current Projects

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

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

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

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

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

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

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