
Contemporary Issues in
Criminal Justice Policy
Policy Proposals from the
American Society of Criminology
Conference

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ⁱⁱ King (2000:310) characterizes line-technical innovations as those that would be used primarily by street officers as opposed to other people in police organizations. King argues that line-technical innovations that “are perceived by line police officers to enhance their law enforcement image will be more readily adopted” than technical innovations that do not enhance the law enforcement image.

HOT SPOTS DO NOT EXIST, AND FOUR OTHER FUNDAMENTAL CONCERNS ABOUT HOT SPOTS POLICING

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Mastrofski, Weisburd and Braga’s (2009) policy proposal (MWB hereafter), comes from three of the most respected policing researchers in the discipline. Among them they share far over half a century of policing research and policy expertise. Their research and the advice they have given police departments have done much to shape policing in the U.S. and elsewhere. They propose a national policy supporting hot spots policing (hereafter HSP).

Despite the sagacity, individually and collectively of the team, this work suggests such a proposal is premature because fundamental questions about and misunderstandings of hot spots or hot spots policing have not yet been resolved. Further, the proposed policy may create adverse side effects.

Readers should bear in mind three points. First, this author has never claimed to be a policing researcher, nor have police departments ever sought his advice. (Nor, after this piece, are they likely to in future!). Second, given space limitations the points here are delivered unadorned. This may create a more callow impression than intended. Third, the intent here is to stimulate debate, not be gratuitously critical.

MWB are to be toasted for developing their bold proposal, for opening the debate on whether we need a national policing policy and for asking would it look like. The ideas proposed deserve serious attention. What types of initiatives could serve as national policing templates is a most worthy topic for national debate.

My comments here raise the following concerns:

1. Hot spots do not exist in the real world. To believe they do is to commit the logical fallacy of reification.
2. The most important abstract quality of hot spots may **not** be that they are hot spots. To believe so is to commit the logical fallacy of misplaced concreteness.
3. There is no one set definition of the policies and procedures that constitute HSP. We know where this places police, but no consensus has emerged about what police do next. In short, there may not yet be a coherent set of policies, procedures, practices and strategies most would agree represent the core of HSP.
4. Advancing HSP as a national policing policy over and above other plausible initiatives is at best premature. Even if we disagree on the merits of the above three points, the sound scientific basis for establishing the significantly superior effectiveness and cost effectiveness of HSP *relative* to other potential national policing policies

does not exist. We do not have the requisite corpus of scientific work documenting its relative superiority.

5. Advancing HSP as a national policy may generate potentially adverse impacts including (a) police jettisoning key elements in their overall mission, (b) further isolating U.S. policing innovations from policy innovations in other countries, (c) overlooking important emerging new understandings about the roles of police in security and governance, (d) accelerating further the retreat from co-producing public safety which has been underway in American policing for at least the two last decades, and (e) further undermining the legitimacy of police and other public institutions.

Some of the points made here overlap to some degree with comments made earlier, either by myself or others, about hot spots policing (Buerger, Cohn & Petrosino, 1995; Rosenbaum, 2005; Taylor, 1998; Taylor, 2001) or policing more broadly (Mazerolle & Ransley, 2005, 2006)

CORE CONCEPTUAL CONFUSIONS

Despite an impressive 170 citations from scholars around the world in numerous disciplines to one of the key early publications on hot spots (Sherman, Gartin & Buerger, 1989), and enormous interest in HSP among police departments in many countries, two core confusions about hot spots have yet to be resolved.

To state the first confusion: assuming a stance of hypothetical realism, hot spots exist in the data world but not the real world (Taylor, 1994), unless you study geology (Taylor, 1998). There are types of places which exist in both social scientists' data world and the real world: places like land use parcels (Hirschfield & Bowers, 1997) or behavior settings (Wicker, 1979) or street blocks (Taylor, 1997) are some examples. To conclude that hot spots are free standing entities existing in the real world is to commit the logical fallacy of reification (Gould, 1981). It is in part because of this fallacy that it is so hard to operationally identify and bound hot spots using agreed upon, replicable, scientific criteria (Buerger, Cohn & Petrosino, 1995).

Rather, hot spots are amalgams of different types of locations. As MWB tell us: "they are addresses, buildings, block faces, street segments, or clusters of addresses" (p. 2). Because crime or arrest or calls for service data points cluster more densely on a map, relative to the surround, does not make the area within those points a specific type of entity. In short there is a core unresolved construct validation question.

This confusion surfaces when, in specific studies, researchers and police personnel must move from the maps to the streets. In the process of operationalizing hot spots so that police personnel can work with them, idiosyncratic adjustments are made to each hot spot (Buerger, Cohn &

Petrosino, 1995). To take just one recent example, in describing their Lowell (MA) randomized trial of hot spots policing Braga and Bond (2008: 583) report: "Qualitative data on place characteristics, local dynamics, and Lowell Police Department (LPD) patrol officer perceptions of crime problems were used to determine hot-spot area boundaries."

Consider this. Suppose that researchers started finding that 70 percent of shootings in a number of large cities took place within about 1/10th of the hours in a typical week (9 pm - 3 am, Friday, Saturday and Sunday evenings: 18/168). They then proposed that these times deserved special recognition and policing strategies, and labeled them "hot hours."

Where reification is about making mistakes going from the abstract to the concrete, a related fallacy involves focusing selectively on concrete qualities as one abstracts. The abstraction may overlook other potentially important qualities. This is the fallacy of misplaced concreteness: "the accidental error of mistaking the abstract for the concrete" (Carolan, 2009; Whitehead, 1967: 50-51)." "Where does the misplacement come in? Prima facie it seems as though at best there is the suppression of important detail in the definition; at worst the crux of the matter has been ignored." (Lawrence, 1953) This error is potentially dangerous because it draws our attention away from other potentially critical features of these locations. Such features might be critical for advancing our scientific understanding of crime dynamics. In short, there may be numerous hitherto overlooked features of this crime patterning, relevant for advancing our scientific understanding, that the hot spots label has led to our overlooking.

Turning to hot spots policing activities, although MWB talk about adding problem oriented policing elements, and other discussions of hot spots have talked about introducing components of a co-produced model (Braga & Bond, 2008), all of which is helpful, there is no set of agreed activities which we all agree are HSP.

Broad agreement about *what activities* police will do does not exist, and varies from place to place. All that we know is that police will be present more, or doing more in these locations than they will be in other non-hotspot locations.

SHOULD HSP HOLD A PRIVILEGED POSITION IN THE POLICY DEBATE?

Why is hot spots policing privileged to be forwarded as a possible national policy? Yes, it is true the recent National Academy report spoke well of geographically targeted policing (Skogan & Frydl, 2004). But we have extensive empirical research on other policing strategies, including third party policing (Mazerolle & Ransley, 2006) and intelligence led policing (Ratcliffe, 2008), for example.

Most importantly, as yet, we have no solid *comparative* research testing various policing innovations against one another, and providing compelling rigorous scientific evidence that HSP has emerged as the winner. We need a

cadre of careful studies, preferably using randomized trials (Weisburd, 2000), across a range of cities and departments, which test HSP not against business as usual, but against *other policing innovations*. In part because of sub-optimal funding for policing innovation research in the U.S. in the last few years, the requisite evidence base is just not there.

RISKS

All policy proposals have potentially adverse side effects, and the national HSP proposal is no exception. Five are discussed below. It is hoped that drawing attention to them stimulates policy planners to think about policy features which might minimize them.

(a) In such initiatives (see for example, Braga & Bond, 2008: 584-584) what police actually do is likely to be dominated either by disorder reduction strategies or aggressive enforcement. Social service interventions and "deep" information gathering for problem solving are unlikely. Hot spots policing is basically about law enforcement (Weisburd & Eck, 2004: Figure 1). Service and reassurance functions of police diminish in importance and are engaged in less (see Weisburd & Eck's (2004) contrast of HSP with community policing). The service component of policing is at risk of being lost.

(b) Second, this initiative is at variance with other recent national policing policy initiatives undertaken in other countries. To take just one example, following the work on signal disorders and signal crimes (Innes, 2004b), the United Kingdom implemented a national reassurance policing policy (Innes, 2004a). What reassurance policing is and isn't, and where it would work best, and how it can be co-opted by ongoing police organizational traditions all make for interesting debates (Fielding & Innes, 2006; Herrington & Millie, 2006; Innes, 2005; Williamson, Ashby & Webber, 2006). But the key point here is that the policy explicitly seeks to make police more visible and available to local citizens and business personnel, and to increase communication between the police and the public. "Reassurance policing ... places an emphasis on police visibility, familiarity and accessibility" (Millie & Herrington, 2005: 41). It is about decreasing the distance between officers and the public. Hot spots policing, especially if intensive enforcement predominates, is likely to increase that distance.

New Zealand, to take another example, has moved toward an intelligence led policing model (Ratcliffe, 2008: 206). This is a revised, geographically-aware evolution of problem oriented policing model (Goldstein, 1993). Intelligence analysts in police departments play leading roles.

(c) HSP views police departments as agencies with more solo responsibility for security than they have in some situations. More recent policy initiatives like third party policing (Mazerolle & Ransley, 2005, 2006) recognize that police operate within a complex web of organizations, and examine how to most effectively embed police work within that broader web. This type of innovation is in line with an emerging policy framework

in security studies emphasizing shared governance dynamics (Wood & Shearing, 2007). This emerging perspective recognizes hybrid governance operative in many situations and considers how agencies can most effectively operate when governance around security is distributed across a public or public/private mix of groups. A focus on hot spots policing seems at the least to overlook the increasing prevalence of and recognition of hybrid governance around security issues.

(d) Embracing HSP may mark another step in American policing's retreat from reform. Initiatives emerging in the U.S. following the civil disorders of the 1960s sought to create more understanding between police and the policed (Taylor, 2005). Somewhere between 1980 and 1990 these series of reforms (community relations councils, team policing, geographic policing, community crime prevention, community policing, incivilities reduction policing) morphed into strategies that instead further alienated the police from the public (quality of life policing, zero tolerance policing) and collapsed the harm principle (Harcourt, 2001).

The reforms intended initially to create co-produced public safety and increased police responsiveness (Ostrom, Parks, Whitaker & Percy, 1979; Ostrom & Whitaker, 1973) ended up doing the opposite. "Security is unlikely to be produced by institutional actions undertaken in isolation. Security must be co-produced, with publics playing their part in enacting informal modes of social control that interlock with the more formal actions of the police and partner agencies" (Innes, 2004a: 162).

(f) HSP if formally endorsed seems likely to continue this retreat from a co-production reformist model. Another potential consequence follows if this happens. Because the police activities most likely in the hot spots policed - most likely because this is what has generally been done in the bulk (but not all) of the works cited by those promoting this approach (Sherman, 1989, 1995; Sherman et al., 1989; Sherman & Weisburd, 1995) - has been aggressive enforcement. If so, then given what we know about procedural justice, HSP seems likely to further decrease the perceived procedural justice of police actions, especially in communities of color (Tyler, 2004; Tyler & Wakslak, 2004).

I recognize that MWB talk about integrating problem solving activities into HSP, and this has occurred to some degree in some studies (Braga & Bond, 2008). I seriously question, however, whether on the ground in most settings aggressive enforcement would not dominate (McArdle & Erzin, 2001)

CLOSING COMMENTS

It is premature to promote a national policy favoring hot spots policing. Literally, hot spots do not exist; we do not yet know what the most important scientific attributes are of hot spots and their variations; there is no agreement on what defines hot spot policing behaviors, we do not have a

corpus of comparative empirical work clearly indicating the superiority of this approach relative to other policing innovations, the approach makes governance assumptions about police agencies that appear increasingly unrealistic, and the policy carries with it serious potential liabilities for how the public views police and public agencies more broadly.

MWB's proposal is enormously valuable, however, for three reasons. First, it gets us started on thinking about important issues. Should there be a national policing policy and if so what would it be? Other countries like the U.K. and New Zealand have moved recently in this direction. Second, MWB endorse reviving locally initiated research partnerships (LIRPs) between police and local researchers. These were last promulgated in the mid-1990s with varying success (McKewen, 1999). Let's revisit and update that model based on what we have learned so that the second generation of LIRPs can be more cost effective and more useful for police. Third, their call will hopefully stimulate not only policy debate, but meta-analyses of recent U.S. and non-U.S. policing research, deeper examinations of innovations in other countries, and most important of all a raft of high quality new policing studies which can provide us with more information about the relative effectiveness and relative cost effectiveness of a range of policing innovations, including co-production models involving citizens (Ostrom et al, 1979) and other agencies (Mazerolle & Ransley, 2006), and how relative innovation return rates might be shaped by the local crime, political, cultural, and organizational climates.

REFERENCES

- Braga, A.A. & Bond, B.J. (2008). Policing crime and disorder hot spots: A Randomized controlled trial. *Criminology*, 46, 577-607.
- Buenger, M.E., Cohn, E.G. & Petrosino, A.J. (1995). Defining the 'hot spots of crime': Operationalizing theoretical concepts for field research. In J.E. Eck and D. Weisburd (Eds.), *Crime and Place* (pp. 237-257). Monsey, NY: Criminal Justice Press.
- Carolan, M.S. (2009). Process sub-politics: Placing empirical flesh on Whiteheadian thought. *Ethics, Place & Environment*, 12, 187-203.
- Fielding, N. & Innes, M. (2006). Reassurance policing, community policing and measuring police performance. *Policing & Society*, 16, 127-145.
- Goldstein, H. (1993). *The New Policing: Confronting Complexity*. Washington, DC: National Institute of Justice.
- Gould, S.J. (1981). *The Mismeasure of Man*. New York: Norton.
- Harcourt, B.E. (2001). *Illusion of Order: The False Promise of Broken Windows Policing*. Cambridge, MA: Harvard University Press.
- Herrington, V. & Millie, A. (2006). Applying reassurance policing: Is it "business as usual"? *Policing & Society*, 16, 146-163.

Hirschfield, A. & Bowers, K.J. (1997). The development of a social, demographic and land use profiler for areas of high crime. *British Journal of Criminology*, 37, 103-120.

Innes, M. (2004a). Reinventing tradition?: Reassurance, neighborhood security and policing. *Criminal Justice*, 5, 151-171.

Innes, M. (2004b). Signal crimes and signal disorders: notes on deviance as communicative action. *British Journal of Sociology*, 55, 335-355.

Innes, M. (2005). Why 'soft' policing is hard: On the curious development of reassurance policing, how it became neighbourhood policing and what this signifies about the politics of police reform. *Journal of Community & Applied Social Psychology*, 15, 156-169.

Lawrence, N. (1953). Single location, simple location, and misplaced concreteness. *The Review of Metaphysics*, 7, 225-247.

Mastrofski, S.D., Weisburd, D. & Braga, A.A. (2009). *Rethinking Policing: The Policy Implications of Hot Spots of Crime*. Policy Proposal essay submitted to the American Society of Criminology.

Mazerolle, L.G. & Ransley, J. (2005). The Case for third-party policing. In D. Weisburd and A.A. Braga (Eds.), *Police Innovation: Contrasting Perspectives* (pp. 191-206). Cambridge: Cambridge University Press.

Mazerolle, L.G. & Ransley, J. (2006). *Third-party Policing*. Cambridge: Cambridge University Press.

McArdle, A. & Erzlin, T. (Eds.). (2001). *Zero Tolerance: Quality of Life and the New Police Brutality in New York City*. New York: New York University Press.

McKewen, T. (1999). NJ's locally initiated research partnerships in policing: Factors that add up to success. *NJ Journal*, January(238), 2-10.

Millie, H. & Herrington, V. (2005). Bridging the gap: Understanding reassurance policing. *The Howard Journal*, 44, 41-56.

Ostrom, E., Parks, R.B., Whitaker, G.P. & Percy, S.L. (1979). The public service production process: A framework for analysing police services. In R. Baker and F.A. Meyer, Jr. (Eds.), *Evaluating Alternative Law Enforcement Policies* (pp. 65-73). Lexington, MA: DC Heath.

Ostrom, E. & Whitaker, G. (1973). Does local community control of police make a difference?: Some preliminary findings. *American Journal of Political Science*, 17, 48-76.

Ratcliffe, J.H. (2008). *Intelligence-Led Policing*. Cullompton, Devon: Willan Publishing.

Rosenbaum, D.P. (2005). The limits of hot spots policing. In D. Weisburd and A.A. Braga (Eds.), *Police Innovation: Contrasting Perspectives* (pp. 245-263). Cambridge: Cambridge University Press.

Sherman, L.W. (1989). Repeat calls for service: Policing the "hot spots": In D.J. Kenney (Ed.), *Police and Policing: Contemporary Issues* (pp. 150-165). New York: Praeger.

Sherman, L.W. (1995). Hot spots of crime and criminal careers of places. In J.E. Eck and D. Weisburd (Eds.), *Crime and Place* (pp. 35-52). Monsey, NY: Criminal Justice Press.

- Sherman, L.W., Gartin, P.R. & Buerger, M.E. (1989). Hot spots of predatory crime: Routine activities and the criminology of place. *Criminology*, 27, 27-56.
- Sherman, L.W. & Weisburd, D. (1995). General deterrent effects of police patrol in crime 'hot spots': A randomized, controlled trial. *Justice Quarterly*, 12, 625-649.
- Stogon, W.G. & Frydl, K. (2004). *Fairness and Effectiveness in Policing: The Evidence*. Washington, DC: National Academies Press.
- Taylor, R.B. (1994). *Research Methods in Criminal Justice*. New York: McGraw Hill.
- Taylor, R.B. (1997). Social order and disorder of streetblocks and neighborhoods: Ecology, microecology and the systemic model of social disorganization. *Journal of Research in Crime and Delinquency*, 33, 113-155.
- Taylor, R.B. (1998). Crime in small scale places: What we know, what we can do about it. In *Crime and Place: Plenary Papers of the 1997 Conference on Criminal Justice Research and Evaluation* (pp. 1-20). Washington, DC: National Institute of Justice.
- Taylor, R.B. (2001). *Breaking Away from Broken Windows: Evidence from Baltimore Neighborhoods and the Nationwide Fight Against Crime, Crime, Fear and Decline*. New York: Westview Press.
- Taylor, R.B. (2005). Incivilities reduction policing, zero tolerance, and the retreat from coproduction: Weak foundations and strong pressures in D. Weisburd and A.A. Braga (Eds.), *Police Innovation: Contrasting Perspectives* (pp. 98-114). Cambridge: Cambridge University Press.
- Tyler, T. (2004). Enhancing police legitimacy. *Annals of the American Academy of Political and Social Science*, 593, 84-99.
- Tyler, T. & Wakslak, C. (2004). Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority. *Criminology*, 42, 253-281.
- Weisburd, D. (2000). Randomized experiments in criminal justice policy: Prospects and problems. *Crime & Delinquency*, 46, 181-193.
- Weisburd, D. & Eck, J.E. (2004). What can police do to reduce crime, disorder, and fear? *Annals of the American Academy of Political and Social Science*, 593, 42-65.
- Whitehead, A.N. (1967). *Science and the Modern World*. New York: Free Press.
- Wicker, A.W. (1979). *Introduction to Ecological Psychology*. Monterey, CA: Brooks/Cole.
- Williamson, T., Ashby, D.I. & Webber, R. (2006). Classifying neighborhoods for reassurance policing. *Policing & Society*, 16, 189-218.
- Wood, J. & Shearing, C. (2007). *Imagining Security*. Cullompton, Devon: Willan.

THE U.S. NEEDS A NATIONAL POLICE UNIVERSITY

GARY CORDNER

The body of scientific and professional knowledge about policing has expanded greatly over the past three decades, as has knowledge about crime, crime prevention, and related topics. It might be hoped, even expected, that police executives would be masters of this knowledge, but they are not. Our fragmented and extremely thin system of police higher education leaves most police executives substantially uninformed about the research, knowledge, and evidence that should form the basis of police strategies and programs. We lack an effective system by which police leaders might keep up with the latest knowledge in their field. The existing executive development institutes and professional police associations all suffer from significant limitations. None of our universities is willing or able to make a truly substantial and long-term commitment to police higher education. The only viable solution is the creation of a brand new national institution – a national police university – not for entry-level police officers, but for commanders and chief executives.

A LOT OF CHIEFS

The American police system is extremely fragmented. There are almost 18,000 separate and distinct law enforcement agencies in the country, of which 88.3% are local police departments and sheriff's offices, 11.1% are special jurisdiction police and investigative agencies, and the remaining 0.6% are primary state police or federal law enforcement agencies (Reaves, 2006; 2007). In this federal system, the vast majority of police agencies are locally operated and controlled. With these 18,000 separate agencies come 18,000 police CEOs – chiefs, sheriffs, commissioners, superintendents, directors, etc. Most of these CEOs are in charge of pretty small operations, but the number of sizeable agencies is not insignificant:

- 1,000+ full-time sworn officers – 93 agencies
- 250-999 full-time sworn – 318 agencies
- 50-249 full-time sworn – 1,993 agencies
- 0-49 full-time sworn – 15,537 agencies

There are no national requirements or standards for police CEOs, and few state requirements. Typically, in order for a chief or sheriff to have sworn status, which is traditionally expected in most jurisdictions, he or she must meet the state's police officer training requirements, although some states exempt sheriffs on account of their elected and constitutional status.