ORDER MAINTENANCE

> Much of what the police do is designed to make sure
> that the sidewalks, streets, arcades and intersections
> in their sectors are open to public use, so that shop-
> pers, restaurant- and theater-goers, or just ordinary
> pedestrians and shopkeepers are not harassed by pros-
> titutes and pimps, or by street-corner toughs, or
> boisterous adolescents....The police are also charged
> with maintaining and restoring order in private and
> quasi-public places; the tensions of urban life are
> such that violence is just below the surface, es-
> pecially in lower-class neighborhoods. (Silberman,
> 1978: 202-3)

In recent years, the order maintenance function of the

police seems to have been rediscovered by policy-makers and

researchers. In large part this interest is related to

increased citizen concern and anxiety about a perceived

deterioration in the quality of life in major cities.

Order-maintenance tasks -- ensuring that citizens walking

neighborhood streets do not feel threatened by other citizens;

responding to private and public disputes; controlling crowds;

dealing with obstreporous drunks and disorderly youth; and

generally monitoring the level of order on individual beats

(public drinking, panhandling, visible prostitution) -- are

again widely recognized as a central function of police.

The revived interest in order maintenance is partially

related to workload studies of the past twenty years, which tell

us that most of what police do is not crime control per se, and

argue that police work generally entails more order maintenance

than law enforcement. Yet clear definitions of the order-

maintenance function, apart from various lists of order —

maintenance tasks, are hard to come by. The order-maintenance

function is generally defined negatively, in contrast with crime

control and law enforcement. It is apparent in the literature,

however, that order maintenance is integrally related to law

enforcement -- that maintaining the peace frequently entails

calling upon statute and enforcing the law.

It is possible to argue that law enforcement is itself a

part of order maintenance -- the broad mandate of the police to

ensure domestic tranquility. "Order Maintenance" in this broad

sense, involves everything police do; crime control, so seen, from this

perspective becomes one of the ways in which police respond to

disorder. From this perspective, The mandate to "maintain order" involves three areas:

providing service and responding to the needs of citizens;

addressing violations of criminal law; and keeping the peace

(order maintenance, narrowly defined.)

Law enforcement (in contrast to peace-keeping) most often

involves individual perpetrators and victims, as involved in

behavior which is prohibited by the criminal law and widely

recognized as socially unacceptable. When such acts are brought

to the attention of the police, there is a compelling

expectation that the police will enforce the law by finding,

apprehending and preparing for the prosecution of the

perpetrator. In contrast, Peace-keeping (or order maintenance in the narrow

sense) more often entails general conditions of public concern

or behaviors which are seen as disruptive of social order.

Criminal law may or may not be invoked, there may or may not be

an individual victim or complainant, and apprehending individual

perpetrators may be less important than alleviating the general

conditions. Police discretion is broad in such instances and a range of strategies and tactics, including mediation and organizing social pressure against disruptive persons or conditions, may be used in lieu of, or in addition to, the application of relevant criminal and civil laws. The contrast here between law enforcement and order maintenance, narrowly defined, involves differences of degree, rather than of kind.

Recent increased policy interest in order maintenance generally rests on an historical argument, pointing to the erosion of the order-maintenance function since the 19th century (Moore and Kelling, 1983). Many claim that most early policing primarily involved maintaining peace on the streets, more than catching criminals (Levett, 1975; Fogelson, 1977). Others contend that the emphasis of the last three decades upon police profes- sionalism and crime control activities has actually increased distance between the patrolman and the community, and reduced our collective ability to deal effectively with chronic condi- tions of disorder. (Niederhoffer, 1967; Moore and Kelling, 1983)

Some argue that a return to the earlier emphasis upon order maintenance can have a direct influence on levels of crime in communities. In "Broken Windows" (1982), Wilson and Kelling argue that untended property -- one broken window, if gone untended -- can lead to increasing community decay and disre- pair, a growing awareness that no one cares, increasing vanda- lism, increased fear of crime, incivility, mutual disregard, avoidance of street use by respectable citizens, and, eventu- ally, areas of high crime concentration.

Wilson and Kelling also insist that the police are the "front line" or "key" to order maintenance; they suggest that police can "strengthen the informal social control mechanisms of natural communities in order to minimize fear in public places..." (35.) To do so (i.e., reinforce community social control) the police require an arsenal of "legal tools" to support the order-maintenance function. Wilson and Kelling contend that recent efforts to decriminalize victimless crimes--vagrancy, drunkenness, marijuana use--may reduce the number of legal tools available to police in order-maintenance situations and, inadvertently, increase the extent of citizen fear, neighborhood disuse, and urban decay.*

The implications of the demand for increased order maintenance upon the practice of urban policing are many. In practice, such a policy would lead to a shift in strategy toward community-oriented policing, rather than an increased focus on crime control. Such a strategy is seen as

> ...harking back to days when the police officer was a
> familiar neighborhood personality who knew the people
> on his beat, how they made their living, and which
> ones he could trust. (Bloch and Ulberg, 1972: 55).

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*Such an argument is echoed by opponents of a recent Supreme Court decision, ruling that states cannot give police officers "the discretion to arrest a person who fails to identify himself to the officer's satisfaction" (The New York Times, May 3, 1983: A23). In Kolender v. Lawson, the vagrancy law was successfully challenged by a black record-producer, who protested repeated arrest for walking at night in residential areas and refusing to identify himself. Police invocation of the ability to arrest individuals perceived as "the wrong person in the wrong place at the wrong time" for non-identification was deemed "unconstitutionally vague." Opponents of the decision argued that it "effectively removes an arrow from the quiver of the police at a time when all proper weapons are required to deter criminal activity."

A community-oriented strategy would involve such elements as: greater use of foot patrol, team policing, community profiling, training in mediation techniques, field interrogation, patrolman assignment to and identification with individual beats, and strong emphasis on feed-back between police and community regarding the identification of order-maintenance problems and the appropriate combination of police and citizen tactics in dealing with them.
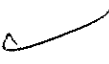
Yet in implementing a strategy aimed at increasing order maintenance in particular neighborhoods, police must be especially sensitive to the potential for corruption and the abuse of discretion (perhaps, especially in minority neighborhoods) which may be entailed in returning the patrol officer to his own beat, and affording him greater discretion in his dealing with the community. Professionalism and the increased emphasis on crime control emerged in the last few decades largely as a response to such problems.

Throughout the history of this country, the type and degree of police intervention in order-maintenance situations has led to controversy, at times major controversy. Efforts to restrain strikers in the 19th and early 20th centuries, or, in more recent years, to control civil rights demonstrations and anti-war protests, have been highly politicized, and have led to charges of police harassment, brutality and unequal enforcement of the law.

In less politically contentious situations, those with which this paper is primarily concerned, disputes about police

efforts to maintain public order in a particular neighborhood can also be controversial. In dense urban settings, where conflict about what constitutes acceptable behavior is frequent and expected, calls for service about highly concentrated chronic, order-maintenance problems can be abundant (public inebriates and drug sales in a park; rowdy teenagers on corners). Individuals neighborhoods may agree about desired ends (clean quiet streets with no hangers-out) and disagree about means (the objectives and tactics of police enforcement, such as street-stops and field interrogation, mediation and dispersal, or arrest.)

In affluent suburban settings, where "incivilities" are less severe and less frequent, order-maintenance situations may arouse equal concern. Wilson (1970) suggests that because such communities demonstrate a high degree of consensus about what constitutes acceptable behavior, any deviation from such behavior becomes a major focus of community interest. Recent suburban controversies involving "head shops" and video-game arcades, and the individuals who congregate around them, are representative of such concern. Police intervention is often invoked in such situations as communities try to develop statutles specifically addressing such conditions. When such settings are decreed illegal, either through local zoning ordinances or legislation, then the nature of expected police activity is dictated by the community. If they are not, and the problem involves congestion, teenage rowdyism, suspected drug-use, or simply "hanging out," then the nature of police activity expected to maintain order is less clearcut.

There is much about order maintenance that is ambiguous. The level of order to be maintained in response to conflicting community demands is frequently unclear. And the form of police action called for in response to demands for order -- ranging from informal to formal reaction -- is equally difficult to define precisely. The appropriate police response in order-maintenance situations depends very much on context and interpretation.

Various commentators on order maintenance focus on different aspects of that function; few commentators provide a comprehensive definition of what it entails. It is generally recognized that order-maintenance situations, frequently involve competing definitions of acceptable behavior, and provide the police with great discretion in deciding whether to intervene and, if so, how (Wilson, 1970; Bittner 1967.) It is also recognized that such situations are unpredictable and occasionally dangerous.

This report reviews literature on the order-maintenance function of the police in an attempt to define the components of that function and describe recent policy discussions concerning strategies of police response to order-maintenance problems. Order-maintenance literature is largely theoretical and historical. Research on order maintenance, with the exception of recent studies of experiments involving foot-patrol and domestic disputes, is mostly qualitative, involving ethnographic studies of police in different communities, with extended observation of what police actually do, or interviews with patrol officers and their supervisors.

This report discusses the literature related to the order-maintenance function of the police, first by reviewing the issue in Section I from a historical perspective -- the gradual reduction of the importance of order-maintenance activities as police departments, after a series of reform movements, grew increasingly professional. Section II considers major themes in the order-maintenance literature -- the relationship between order maintenance and law enforcement, definitions of order, degrees of enforcement and potential abuses. Section III describes different types of response to various order-maintenance situations (domestic disputes; incivilities) in different types of departments, by different types of patrolmen, or in different contexts world-wide. Finally, Section IV reviews recent experiments and policy recommendations designed to address order-maintenance problems.

I. Police and Order Maintenance: The History

Discussions of the order-maintenance function of the police
in relation to police history have a double focus. The first
centers around the founding of police in England and America in
the first half of the nineteenth century--the extent to which
police departments were initiated, centralized and developed as
a force of order maintenance, rather than primarily a
law-enforcement agency. The second focal point involves the
gradual diminishing of the perceived importance of order
maintenance, and the emergence of law enforcement as the central
concern of the 20th century police.

There seems to be general agreement that order maintenance
was the primary task of the 19th century police, and that the
need for order maintenance was the impetus behind the founding
of the police. But interpretations of the implications of such
a need (according to some, suppression and restraint of the new
working classes; according to others, control of hooligans,
rowdies and criminals in emerging urban settings) vary
considerably.

It is also argued that with the increasing professionaliza-
tion of police departments in the mid-20th century, and the rise
of the RMP as the major form of patrol, law enforcement became
the dominant interest of police departments, at the expense of
order maintenance and, according to some, community cohesion.

A. Order Maintenance and the 19th Century Police

A recent article reviewing historical assessments of the
relationship between police, society and social control

(Pisciotta, 1982), divides histories of police in America into three schools: progressive or "heroic," radical-Marxist, and "social context." Progressive histories of police were generally produced by individual departments or urban centers in the early years of the 20th century, to pay homage to crime fighting forces. The heroic school of police history envisions a homogeneous society in which police have become increasingly successful at controlling a small group of deviants, and in which technology grows increasingly refined in efforts to prevent and control crime.

The radical-Marxist school of police history, according to Pisciotta, provides a direct contrast to the progressive school. Such historians reject the concept of a "consensual normative order" served by the police. Instead they contend that police were primarily an order-maintenance force, designed to serve the interests of middle and upper classes by:

> ...fully enforcing discriminatory laws and ignoring the transgressions of the upper classes. Instead of controlling a pathological dangerous class, police serve to control disobedient members of the proletariat and capitalism's surplus population. (524)*

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* From this point of view, the founding of the police is seen as a response to industrialization and class conflict in the mid-19th century. Police are presented as an instrument of peace-keeping, manipulated by ruling elites, to prevent assembly of strikers; disrupt union meetings; repress immigrants, in an effort to make them fit the needs of manufacturers; and protect the property and well-being of all groups, except the working-class.

Finally, the "social context" school, like the radical school, focuses on the order-maintenance function of the police, but argues that police did not remain the "passive tool of industrialists." Such historians contend that police were formed in most major American cities in response to specific problems of riot, theft and disorder. These historians acknowledge that some police departments (Detroit's, for example) were indeed founded to protect industrialists and "upper-classes", but contend that over time they developed a "non-class" perspective. Social context historians acknowledge legitimate aspects of both progressive and radical histories, pointing to the development of professionalism as exemplifying a shift from "class to crime control."

Most recent reviews of the nature of English and American police in the 19th century can be classified as belonging to the latter two schools--radical or social context. Recent history generally acknowledges the importance of the order-maintenance function of early police, over and above law enforcement. The following review considers recent historical accounts of 19th century policing regarding issues of order maintenance.

Manning (1977) reports that the development of an organized police force in London in 1829 represented an increase in the power of the state to intervene in the daily lives of citizens. Previous modes of control (militia, yeomanry) had been less than successful at maintaining order. Private agencies, that already existed to deal directly with property criminals, attempted to recover stolen property for a fee. The English police,

according to Manning, were created not to control property

crime, but to mediate between the people and the elite.   Manning

reports that the 19th century city "was becoming a mosaic of

subcommunities separated from each other by barriers of class

and culture." (94) By implication, the police acted as cultural

emissaries to lower classes, attempting to impose ideals of

behavior on the developing working class.

Silver (1967) sees the creation of the police as a more

direct response to fear among English elites of mob, riot, and,

potentially, revolution. He describes London and Paris in the

late 18th century as criminal, vicious and violent. The rapidly

multiplying poor of the inner city were perceived as "dangerous

classes," an unmanageable and "convulsively criminal" class at

the bottom of society. The London police, according to Silver,

served as as representatives of a new form of moral consensus,*

carrying out a mission against the dangerous classes, "a sophis-

ticated and convenient garrison force against an internal

enemy" (22).   Silver reports that only after the creation of

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    * In English working class neighborhoods in the mid- to
late-19th century, police actively attempted to transform the
recreational habits of the poor. Cohen (1979) reports that in
Islington, a working class slum outside London, police used
force to keep youngsters from playing football on the streets.
By World War I, however, Islington police had begun to differ-
entiate between various neighborhoods and to enforce applicable
norms in different settings, accomodating working-class uses of
space and time.
    Storch (1976) contends that the English police in the 19th
century functioned as "an all-purpose lever of urban disci-
pline." According to Storch, in Northern factory towns, police
acted as "domestic missionaries," monitoring and controlling
streets, pubs, race courses, wakes and festivals. Police be-
havior, breaking up aggregations of men in the streets and in
front of pubs, was new and humiliating to working-class men, and
gave rise to the anti-police riots of 1835 to 1840. Police
attempts to enforce middle-class morality (strict pub-closing
hours, prohibitions on cock-fighting and badger-baiting, con-
trols on popular ballad-singers, enforced church attendance)
were perceived as an attack upon traditionally sanctioned

the police was mob riot perceived as something other than a form of "articulate" political protest, and defined as explicitly criminal.

In America, police also appear to have developed primarily as an order-maintenance force, although--according to some--one with less emphasis on riot and potential revolution, and with more concern for the degree of order in working-class, urban settings. Levett (1975) reviews the kind and quantity of reported offenses in nine American cities where central police forces were established between 1830 and 1860. He reports that there was generally a large influx of immigrants before the centralization of police departments and contends that

> ...the strengthening of police forces at the disposal of city authorities was a response to demands for new kinds of order which the police departments were created to maintain. At the same time, police unification was a response to what certain powerful elements perceived as mounting disorder. (12)

Police, he argues, focused on types of behavior which established citizens objected to, and less established citizens enjoyed. Levett found a striking increase in arrests for public order offenses (drunkenness, idleness, vagrancy, disorderly conduct) during the years reviewed, in contrast to a moderate decrease in the rate of property offenses.* He suggests that the dominance of public order enforcement, rather than crime enforcement, reflects concern about the lifestyles of immigrant

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* Clearly, the data on types of arrest were not kept with the accuracy that current computer-equiped departments can maintain. Yet Silver's review serves to point to the focus of attention of 19th century American policing; it can tell us little about the other problems faced by police, which did _not_ lead to arrest.

groups, who deviated from mainstream definitions of what constituted correct behavior.

James Q. Wilson (1983) presents a somewhat different account of the relationship between the police and the development of a moral consensus, which affected and controlled the behavior of the working class in America. According to Wilson, the urban immigrant poor and newly urbanized working-men of America did not explicitly resist the order-maintenance efforts of the equally new police, although there was some anti-police activity, he suggests, instead, that they were swept along in the general moral condemnation of urban disorder and dissolution expressed by dominant middle-class culture. Wilson reports that in the 1830s and 1840s a crime wave (related to urban expansion, industrialization, unoccupied young male workers, and waves of immigration) spread through the developing nation, only to be held in check for most of the rest of the century. He attributes the levelling off of crime and disorder to the development of a new moral and cultural hegemony, rather than to the recently created police:*

> ...there were created, during the latter part of the century, urban police forces to replace the older system of volunteer night watchmen. But these fledgling departments would have to have been astonishingly--and implausibly--effective to have stopped the antebellum crime wave dead in its tracks. There is no evidence they were so effective. (24)

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* Wilson does not consider the role played by Western expansion and the Civil War in reducing disorder in major Eastern cities simply by drawing off unemployed young men. He is far more concerned with cultural influences alone.

Wilson further argues that the crime waves of the twentieth century are integrally related to the decline of that moral consensus and the cultural transformation of the 20th century-- the psychology of radical individualism and the philosophy of individual rights. In effect, he blames much of contemporary crime and disorder on cultural factors: "a preference for spontaneity over loyalty, conscience over honor, tolerance over conformity, self expression over self restraint" (36.)

To some extent, Wilson's recent historical-cultural review seems a direct complement to the argument in "Broken Windows." He again emphasizes the need for order maintenance, and the relationship between order maintenance and crime. He again denounces efforts to decriminalize victimless crimes in the name of individual liberty and "maximum self-expression." Yet, it is not entirely clear, given the cultural transformation of the 20th century defined by Wilson, how police order-maintenance efforts can be effective without the underlying moral consen- sus--the belief in the value of self-restraint--which he claims brought order to 19th century American. In recognition of this difference, Wilson contends that

> Societies that are free need to rely more heavily on the police apparatus...because they have fore- sworn the use of other methods. Law becomes important as informal social control becomes less important. (47)

Yet in "Broken Windows", Wilson and Kelling contended that police could merely strengthen, not replace, informal social control in communities. Without such community pressure, it

seems that a return to a 19th century style of order maintenance may not, in itself, be enough, to restore public order. According to Wilson, we may need more reliance on police to maintain order than in earlier days.

Clearly, broad historical perspectives over-simplify differences between 19th and 20th century levels of order and order-maintenance policing. Yet, it is generally acknowledged in historical reviews of 19th century Anglo-American policing that there was far more emphasis on order maintenance, far more police involvement with individual beats, and far more informal social control than there is today. There may also have been more overt repression of and brutality to working class and/or immigrant groups. Some contend that by returning to the style of the 19th century policing, or aspects of that style, we may be able to regain some of the purported orderliness of the 19th century, as well.

B. Order Maintenance in the Twentieth Century

According to most commentators, the history of policing in America from the 1890s until the 1980s can be seen as the progressive decline of the order-maintenance function and the increasing focus on law enforcement activities.* According to Fogelson (1977), the development of the law-enforcement orientation was the result of a series of police reform movements--in

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*For a review of programs which represent exceptions to this trend, see the discussion of community-oriented police tactics in Sviridoff, (1983.)

the 1890s, the development of the military model of policing, in response to scandals about party-machine control of police; in the 1930s, the development of the professional model of policing, in response to police corruption following prohibition.

In Fogelson's account, the Lexow Commission, reviewing the domination of police by ethnic political machines in the 1890s, demonstrated that neighborhood-based police, whose jobs were obtained with political help, could be manipulated for political ends and be used to get out the vote. The "cronyism" and patronage systems of political machines in big cities led to the first wave of police reform. The resultant "military model" of policing reorganized departments along functional (i.e., centralized) rather than territorial grounds, broke down precinct ties to local ward politicians, and clarified responsibility among divisions, squads and units.

The second wave of reform was directly related to lapses of order maintenance during Prohibition. In the 1930s, the Wickersham Commission revealed that local gamblers, bookies, numbers runners and liquor dealers were paying police officers large sums for police protection. Widespread defiance of Prohibition was seen as fostering major police corruption: enforcement of vice laws, and, by extension, order maintenance came to be seen as a breeding ground for such corruption. Reformers emphasized law enforcement as the primary role of a new "professional" and centralized police. Fogelson reports that

> ...the reformers had a noteworthy impact on the function of the big-city police. Applying the

> logic of the professional model and, to a slight
> degree, the military analogy, they prevailed on
> most departments to place a higher priority on
> crime prevention than on peace-keeping, crowd
> control, and the other chores that had been their
> raison d'etre in the late 19th century. (233)

Fogelson, however, also contends that the reduction in order-maintenance activities was less drastic than many believe; he argues that the 19th century police had not maintained order in the streets with much objectivity and consistency, and that they served themselves and the political machines often far better than the citizenry.

According to Niederhoffer (1967), the professional model also led to a better educated police force, lengthier training, higher standards, codes of ethics, and ultimately, a degree of autonomy from political and civilian review. He suggests that because of this autonomy, police came to resent public criticism of their behavior in the civil rights protests and riots of the '60s.

Moore and Kelling (1983) focus on the transformation of the police from a constabulary, order-maintenance oriented unit into a "professional, law enforcement" agency. Like Fogelson, they point to progressive reforms which led to this transformation— first the condemnation of political machine-police ties and enforcement of vice laws at the turn of the century; second the reform perception of "unequal enforcement of the law" evidenced in the corruption of the Prohibition era. They report that

> This "lesson," whatever its flaws and whatever
> its unforeseen consequences, laid the basis for
> the next phase of American policing in which the

police became primarily concerned with serious
crime..."victimless" crimes, disorderliness,
economic regulation, and social services became
less important after the 1930s because, it was
argued, police activity in these aroused citizen
opposition, encouraged unequal enforcement, and
spawned corruption. (55)

They also contend that no other public agency has taken up a

large number of constabulary functions related to maintaining

order in public places. The new technology and the new crime

control focus of the 20th century have, according to the

authors, led to a general neglect of order-maintenance activi-

ties which, when "properly performed,...make people feel safer

in their neighborhoods than a drop in the crime rate as measured

in the Uniform Crime Reports." (57)

The development and increasing reliance of police on rou-

tine motor patrol since the 1930s is also seen as contributing

to the decline of order maintenance. Moore and Kelling report

that professionalization ultimately weakened the bonds between

citizens and the police:

Officers stare suspiciously at the community from
automobiles, career through city streets with
sirens wailing, and arrive at a "crime scene" to
comfort the victim of an offense that occured 20
minutes earlier. They reject citizen requests
for simple assistance so that they can get back
"in service", that is, back to the business of
staring at the community from their cars. No
wonder so many citizens find the police unrespon-
sive. Officers treat problems which citizens
take seriously--unsafe parks, loud neighbors--as
unimportant. (50)

In general, the decline of the police order-maintenance

function in the 20th century is attributed to the development of

functional rather than geographical organization; increasing

reliance on motorized patrol, at the expense of foot patrol; the

declining prestige of foot patrol; the primacy of crime control;

increased protest over discriminatory police practices in ethnic

enclaves; and reduced enforcement of victimless crimes and

public order offenses in general, because of concern with civil

liberties and equity.

The historical shift from an order-maintenance to a law-

enforcement police orientation has recently become of central

interest to leading theorists and policy makers as well as his-

torians. In contending that professionalization "eventually

weakened the bonds between the private citizens and the police,

and shifted the burden of enforcement to an agency that could

not succeed by itself" (50), Moore and Kelling use history to

buttress their argument for a return to neighborhood-based

order-maintenance activity, as a means of bolstering the law-

enforcement capacity of the police as well.

II. Order Maintenance: Workload Studies, Definitions and Descriptions

Estimates of the proportion of the police workload devoted to order maintenance, as well as definitions of that function and what it entails, vary considerably in recent literature. Literature of the past 20 years, reviewing how police actually spend their time (workload studies) presents different estimates of the proportion of police activity involved in order maintenance.* Estimates range from one-third to a half of police activity involved in order maintenance, although in some cases order maintenance and service activities are not explicitly differentiated.

Even after the decline of the order-maintenance function in the 20th century, that function remains a central part of what police do. Cumming, Cumming and Edell (1965) report that calls for support (personal problems, order maintenance and service) constituted 50 percent of calls to police to an unnamed metropolitan police department in 1961. Goldstein (1968) found that 44 percent of calls to police during a single day in Chicago in the 1960s involved calls for assistance (disturbances, intoxicated persons) in which no arrests were likely. Bercal (1970) found that 35% of calls leading to dispatch in Detroit in 1968 involved "disorder." Wilson (1970) reported that 30 percent of calls leading to dispatch during a week in Syracuse in the late '60s involved order maintenance (gang disturbances, family problems, assaults, investigations, neighbor trouble).

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*For a fuller review of police workload studies, see Sviridoff (1982).

All these studies suggest that order maintenance involves more police time than crime and law enforcement per se, but they do not clearly define what order maintenance entails.

A. Defining Order Maintenance: The Relationship to Law Enforcement

Banton (1964) was one of the first researchers to emphasize order maintenance as a central function of the police. In a review of police practices in both Scotland and the United States, based on extensive observation of four departments in the early '60s (one in Scotland; one outside Boston; and two in the American south), Banton found that police served essentially as

> ..."peace officers" [who operate] within the moral consensus of the community [and] interact with all sorts of peoples... More of their contacts centre upon assisting citizens than upon offenses. (7)

Banton draws a basic distinction between law enforcement situations, which are likely to involve arrest, and "peace-keeping" activities, in which arrest is often not an appropriate response; the distinction lies in the likelihood of arrest.

Police work for Banton primarily involves "handling people so that they are more disposed to keep the peace." (266) He reports that officers do so by cultivating personal ties on their beats, knowing individuals likely to cause trouble, and dealing leniently with order-maintenance violators who are part of the network of personal connections. Banton contends that police act more as peace officers than law officers; have great discretion; frequently underenforce the law; and respond to

order-maintenance situations according to context, rather than

statute:

> In the rougher neighborhoods they will disperse
> groups from the street corners to prevent the
> conditions arising in which fights and distur-
> bances most easily start. A larger group on the
> pavements at the end of a church service or in a
> middle-class neighborhood will be left un-
> disturbed. Offenses such as obstructing the
> highway, loitering and vagrancy are difficult to
> define objectively, and the laws governing them
> are used by the police to frustrate activities
> that seem likely to cause trouble. (131)

In contrast to Banton, other commentators contend that it

is impossible to separate the roles of law officer and peace

officer, and that peace keeping entails the power to enforce the

law. In a review of police activity in skid row areas, based

on 11 weeks of field work in two cities west of the Mississippi

in the mid-60s, Bittner (1967-1) argues that "the roles of the

'law officer' and of the 'peace officer' are enacted by the same

person and thus are contiguous...patrolmen do not act alter-

nately as one or the other." (714)

Bittner speaks of the need for "pretext arrests" made for

protection and prevention in such settings. He reports that

coercive control is employed in skid row contexts "as a means of

coming to grips with situational exigencies."*(713)

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*According to Bittner, the overall police objective is to reduce
the total amount of risk, a goal which may lead to seemingly ad
hoc selection of arrestees. Arrests do not necessarily reflect
a judgment of blame or fault in a given situation. Arbitrary
coercion is seen as expected in such neighborhoods, and is
thought not to interfere with close ties between police and
citizens.

Police action in skid row, according to Bittner, is based on a rich body of concrete knowledge, involves actions based on assessments of risk rather than culpability, displays more concern with aggregate trouble than with individual justice, and does not seem subject to any form of external control.

According to Bittner, beyond the limited skid row context, peace keeping activities include license and traffic enforcement; mediation and aid in disputes; crowd control; groups requiring special support (lost children; disoriented mental patients); and discretionary situations in general.* Elsewhere, Bittner claims that "police are required and empowered to impose or coerce provisional solutions to emergent problems without opposition in any kind of emergency." (1979:120) Order-maintenance arrests of the mentally ill (1967 - 2), or of neighborhood gamblers (1979) represent a response to potential risk or trouble, and act to remove individuals from the immediate situation, and establish boundaries of control.

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* Wilson (1970), in contrast to Bittner, considers traffic control a police-invoked law enforcement activity, permitting limited police discretion, subject to administrative control and review, and distinct from order maintenance. Vice and gambling also fall in this category. Wilson distinguishes instead between police-invoked order-maintenance situations (such as policing drunks and "keeping things quiet") and citizen-invoked order-maintenance situations (such as domestic disputes). In the first, the police enforce the law (drunk and disorderly) with a discretion that is modified "by general incentives to be more vigorous or to take it easy." (88) The second affords even greater discretion; police action depends almost entirely on individual judgement, rather than departmental policy.

Wilson (1978) contends that order maintenance need not involve law enforcement per se, but rather areas in which the law is ambiguous, contexts in which citizens feel harassed, outraged or neglected. He argues that, particularly in heterogeneous urban settings, there are different expectations of appropriate levels of public order. He maintains that

> ...police should recognize that order maintenance is their central function--central both in the demands it makes on time and resources and in the opportunities it affords for making a difference in the lives of citizens.

Wilson focuses more on the reasons why order-maintenance situations can be so controversial than on the relationship between peace keeping and arrest.

> The first objective I call order maintenance--the handling of disputes, or behavior which threatens to produce disputes, among persons who disagree over what ought to be right or seemly conduct or over the assignment of blame for what is agreed to be wrong or unseemly conduct. A family quarrel, a noisy drunk, a tavern brawl, a street disturbance by teenagers, the congregation on the sidewalk by idle young men...all these are cases in which citizens disagree as to whether or how the police should intervene. (57)

B. Definitions of Order

Ericson (1982), in a review of observed patrol practices in Ontario, Canada in 1976, also defines the central function of patrol police as "the reproduction of order"; but for him order seems more related to keeping people in their place, according to social hierarchy, than to peace on the street. Ericson defines the police as agents of status quo and consensus, policing lower class citizens who are out of place or disorderly (18).

According to Ericson, police patrol "with a suspicious eye for the wrong people in the wrong places at the wrong time" (8) to fulfill both an ideological and a repressive function. They attempt "to transform troublesome, fragile situations back into a normal or efficient state whereby the ranks in society are preserved." (7)

Ericson contends that maintaining order involves transaction and negotiation, a response to evolving community norms. He suggests that "each incident they deal with belies the consensus they symbolize" (10), echoing Wilson's concern with the ambiguity of what constitutes "order."

Ericson also stresses the extent to which order-maintenance situations are proactive rather than reactive:

> ...when he is not reactively called upon to handle troubles defined by others, he often goes looking for things and people out of order on the streets within his territory. He sees his mandate as maintaining order on the streets, reproducing it when something or someone is found out of order. (78)

Proactive stops and interrogation, according to Ericson, are a subtle way of reminding marginal people of the order of things.

Other literature proposes that police approaches to order-maintenance situations differ according to setting or context and the way citizens respond to police involvement. Van Maanen (1978) suggests that police believe public order to be a product "of their ability to exercise control" (226) and, therefore, "activity which may threaten perceived order becomes intolerable." According to Van Maanen, the order which police

protect is defined by the level of respect accorded to them,

rather than by some form of community consensus. Although

police see themselves as "protectorates of the right and

respectable against the wrong and not-so-respectable" (226), an

assertion of police authority in order-maintenance situations

arises largely in response to a challenge to that authority,

rather than to statutory violation or potential danger. He

quotes one patrolman as representative of a general police

viewpoint:

> I guess what our job boils down to is not letting
> the assholes take over the city...They're the
> ones who make it tough on the decent people out
> there. You take the majority of what we do and
> it's nothing more than asshole control. (221)

Van Maanen contends that for police, "asshole" is an analytic

category referring to individuals who challenge police

authority: "the young, the black, the militant, (and) the

homosexual constitute a sort of permanent asshole grouping."

(226) Order-maintenance encounters become "moral contests in

which the authority of the state is tested." (229)

Skolnick (1967) presents still another definition of the

relationship between the police and social order. Like Wilson,

he agrees that the definition of what constitutes order varies,

a fact which complicates "maintaining order through the use of

law."

In a non-totalitarian context, Skolnick reports that law

and order are often in opposition, because of a "tension between

the idea of order and legal constraints upon police initiative

based on an individual rights perspective." (6) Law, (for example, exclusionary rules, the Miranda decision, etc.) according to Skolnick, often conflicts with the "actual enterprise of maintaining order." Yet the laws which Skolnick points to as conflicting with order maintenance seem specifically related to arrest procedures and evidence of crime. Order, for Skolnick, at times seems similar to crime control.*

In other contexts, he claims that

> Conceptions of order may be rigid, as, for example, when order is seen as existing only when people dress alike, think alike, actively participate in programs of self-improvement, and refrain from activities which may be harmful to themselves. Under totalitarian conditions...many "social problems" could be subjected to the remedy of criminal enforcement, including drinking alcoholic beverages, using drugs or marijuana, smoking cigarettes, eating cholesterol or dealing in foreign currency..." (205)

Skolnick defines the totalitarian impulse as a criminalization of the environment.

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*Reviewing police activity in a Northern California city through observation and interview, Skolnick focused on police enforcement of gambling, prostitution and drunkenness laws. He found, like Banton, that police acted more often as peace officers than law officers: "he may put the drunk in a taxi, tell the lovers to remove themselves from the back seat, and advise a man soliciting a prostitute to leave the area." (56) Yet such peace-keeping activities often led to public hostility, even when laws were not fully enforced. According to Skolnick, police once used violence to maintain respect in order-maintenance situations, although a recent "civil rights outcry makes that difficult." Field contact reports and interrogations of suspicious looking individuals, therefore, became a central tool of order maintenance.

C. Degrees of Enforcement

Brown (1981), in observations of how police "work the streets" in three Southern California communities in 1972-73, focuses on police discretion and underenforcement of the law in order-maintenance contexts, even in the face of explicit administration policies concerning what should be enforced. He reports that

> Policemen approach order maintenance situations with the attitude that all that can be done is to handle the immediate problem, almost always by some means other than arrest... Widespread non-enforcement in these situations has meant de facto acceptance of violence among some groups of individuals, and has denied the protection or legality to those so affected. (204-5)

Brown finds more incentive to police action in public, rather than private disturbances. He reports that professional police departments do not respond to the "unique and particular needs of...different segments" in order-maintenance situations.

Rubinstein (1973), reviewing what police actually did on patrol in Philadelphia in the early '70s, termed police officers "informal specialists in street use." The policemen he rode with demonstrated considerable knowledge of their territory--familiarity with streets, restaurants, diners and bars. Alleys were perceived as "not public space" and therefore avoided.

He reports that it was standard practice to ignore what might constitute order-maintenance violations in lower class neighborhoods, where streets were seen as extensions of private space. Police employed considerable discretion in defining

their own province and would do little without a citizen
complaint about abandoned cars and empty buildings, which were
seen as "garbage."

> Once the patrolman has decided that a car is
> abandoned, he ignores it. Although he knows that
> many of them are being used, he does not see them
> as features of a public place... In some neigh-
> borhoods, people live in them during the summer.
> They are used as storage places for contraband,
> "drops" for illicit sales, hiding places... (143)

Congregations on street corners are regularly, but selec-
tively, dispersed even without complaints; areas of intensive
use produce conditions of interest to police. Open hydrants and
teenage prostitutes can be ignored. The patrolman's actions are
based on personal knowledge about how life on the street works:

> There are corners where he ignores people massed
> together and others where he will move just one
> or two...who seem quiet. These are not random
> decisions, nor are they simply the product of
> personal animus. (163)

According to Rubinstein, police behavior in order-main-
tenance situations is learned through experience and makes sense
to practitioners. The more the patrolman knows about his terri-
tory, the less likely he is to misunderstand what he sees. Yet
Rubinstein points to an "insoluble dilemma" concerning the
intimate connections the patrolman develops on his beat and the
extent of order-maintenance enforcement. Because of personal
involvement, Rubinstein argues, the police officer may be more
inclined to ignore illegalities.

Indeed, both under-enforcement and over-enforcement can be problematic. Niederhoffer (1967) reports that Martin Luther King complained about police acceptance of crime and disorder within ghetto neighborhoods, at the same time as James Baldwin condemned oppressive policing of ghetto residents. Both are aspects of a form of "ghettoization," which can become a tool of order-maintenance policy. (Indeed, such a strategy may account for the high levels of public order which Wilson calls characteristic of the last half of the 19th century.)

D. Abuses of Order Maintenance:. Discriminatory Enforcement

Discriminatory enforcement in order-maintenance situations can apply to neighborhoods as a whole. Werthman and Piliavin (1967) reviewed police tactics in the Hunters Point area of San Francisco in the mid-'60s. In a lower-class black neighborhood, geographically separated from a middle-class white area, police actively enforced boundaries and curfews upon resident black youth, making arrests for being out of the area or out at night, sometimes even before the official start of curfew. Given conflict over whose sense of proper behavior would prevail, some police used arbitrary enforcement, perceived as harassment by resident youth. Other policemen, perceived as "good cops," tried to order life from within by holding to ideals of the community, and regulating youth behavior according to the norms of neighborhood adults. Werthman and Piliavin contend that

> ...a patrolman can...compromise his legitimacy
> while maintaining order in one of two ways:
> either by visibly betraying his obligation to
> enforce some rules of law or by fulfilling these
> obligations in ways that conflict with the moral
> standards of the populace. If he is too legal-
> istic, he runs the risk of being perceived as
> arrogant and unjust...(66)

Order-maintenance situations can in fact be the major
context for police abuse, because they are ambiguous, permit a
great deal of police discretion, and are perceived as unpredict-
able and potentially dangerous. In a review of cases of police
abuse brought to the attention of the American Civil Liberties
Union, Chevigny (1969) argues that "police abuses are the
product of the police role as an instrument of authority in
society..." (p. 29) Arrest, brutality and harassment arose in
situations involving both teenage minorities (in parks and on
the street) and middle-class liberals, objecting to police
behavior or challenging unequal enforcement. Chevigny speaks of
"arbitrary and summary punishment" of citizens who did little
more than express views in opposition to those of the police.

> The police engage in the wholesale arrest of
> pariahs because the public urges them to do so,
> and because the public will obviously not object
> to the unconstitutional treatment this inflicts
> upon the victims of the roundups. And so the
> public participates in what we have called the
> police ethic--if a man is 'dangerous', that is,
> if he has a criminal background or is a potential
> criminal, then he ought to be arrested. 233

Chevigny distinguishes between the formal justice, featur-
ing due process regulation, which is applicable in criminal

contexts, and the informal and unregulated justice, which is applied by police in order-maintenance settings. In contrast to Wilson, Moore and Kelling, he favors extension of formal justice to all police activity.

In summary, each of the theorists reviewed above presents a slightly different perspective on the order-maintenance function. All agree that peace keeping is a central activity of police, which consumes more police time than crime control and law enforcement. Some argue that order maintenance, properly performed, can make a difference in the quality of life in a community. Others point to the potential for abuse inherent in the order-maintenance function. It seems agreed that order-maintenance is both proactive and reactive; may, but need not, involve arrest; and entails the power to coerce. The literature as a whole points to considerable uncertainty concerning whose definition of order or peace the police should employ--that of a social elite, of a community consensus, or of the police themselves.

It is recognized that police often under-enforce order-maintenance violations, and that under-enforcement can be functional--in building neighborhood contacts, establishing good will, increasing ties to informants, and expanding knowledge of the beat. Yet it is also recognized that police at times ignore the order-maintenance problems citizens want attended to, or are too rigorous in attending to them. The level of proper enforcement in order-maintenance situations appears to differ from neighborhood to neighborhood and from incident to incident.

Guidelines are difficult to establish; the police are more often guided by community outcry--at times, conflicting outcries--than by established rules of procedure.

III. Substance and Issues: Forms of Order Maintenance

As in the well known anecdote of blind men describing an elephant, different commentators on the order-maintenance function point to different aspects of that function, but no single description provides a full account. Perhaps only in typologies of police behavior do we get a full sense of the range of possible approaches to order maintenance, and a glimpse of the variety of settings to which that function pertains.

Wilson (1970) divides police departments into three types: watchman style, legalistic style and service style. To some extent these groupings reflect different stages of police history, the watchman style harking back to the order-maintenance orientation of the 19th century, the legalistic style reflecting the professional orientation of the 20th. From another point of view, the types reflect different contexts, with the service style predominant in upper- and middle-class communities where crime and disorder are less visible. Wilson's types, based on a review of relationships between police administrators and police behavior in eight communities in the mid-'60s (large and small, urban and suburban) cover a variety of possible contexts.

In the watchman style, order maintenance is perceived as a central function of the police.

> The police are watchman-like not simply in emphasizing order over law enforcement, but also in judging the seriousness of infractions less by what the law says about them than by their immediate and personal consequences, which will differ in importance depending on the standards of the relevant group--teenagers, Negroes, prostitutes, motorists... In all cases circumstances of person and condition are taken seriously into account--community notables are

> excused because they have influence and perhaps
> because their conduct is self-regulating; Negroes
> are either ignored or arrested, depending on the
> seriousness of the matter, because they have no
> influence and their conduct, except within broad
> limits, is not thought to be self-regulating.
> (141)

All the potential abuses which gave rise to reform movements of

the 19th and 20th centuries are inherent in the watchman

style--favoritism, inequity, over- and under-enforcement.

Political influence is strong. Officers ignore minor violations

and handle non-crime situations informally. Police are likely

to arrest minorities on charges of drunk and/or disorderly far

more frequently than in other type departments, and such arrests

are often arbitrary responses to disorder or potential disorder.

> To a watchman style department, the penal law is
> a device empowering the police to maintain order
> and protect others when a serious infraction has
> occurred: the exact charge against the person is
> not so important--or rather it is important
> mostly in terms of the extent to which that
> particular section of the law facilitates the
> uncomplicated exercise of police power. (144-5)

In contrast, legalistic departments emphasize crime control

over order maintenance, and an equal standard for all; such a

style represents "the general drift in police management."

Legalistic departments reduce corruption within, and focus on

efficiency and measurable productivity (traffic enforcement;

response time; arrest rates). Police deal formally with ju-

venile offenders through arrest and referral, rather than in-

formal mediation. Such police are far more likely to arrest or

issue violations than watchmen style departments, and less

likely to discriminate on the basis of personal characteristics. Charges of brutality can arise, however, when police face large-scale outbreaks of disorder and riot.

The service style is characteristic predominantly of suburban communities. Personal characteristics matter more to police than in legalistic departments, but less than in watchman style departments. Wilson claims that because there is a high degree of consensus concerning the level of order desired in such communities, there can be a high arrest rate for offenses involving public disorder. Arrests are infrequent for minor infractions (traffic, juveniles), as in watchman-style departments, yet property crimes are seriously enforced in the legalistic mode. Public education and community relations are emphasized. There is a high level of foot patrol and a concern to provide courteous and personal service.

According to Wilson, it would be desirable to combine the leniency and neighborhood orientation of the old-style watchman-like departments with the honesty and equity of the new, legalistic police. He suggests, however, that there may be a trade-off between leniency and equity, and that it may be difficult to separate the even-handed enforcement of legalistic departments from the heavy enforcement orientation of that style. He suggests that, because arrest is often not the best way to cope with order-maintenance situations, there may need to be a wide variety of options created for dealing with disorder--dispute resolution centers, detoxification facilities, and juvenile service bureaus. Wilson also recommends combining

the centralized command of new style departments with the neighborhood orientation of the old.

Brown, reviewing police behavior in three California communities (two districts in Los Angeles, two in surrounding small communities) proposes a typology of police behavioral styles within departments, rather than styles of departments themselves. Brown contends that administrative orientation may have far less influence on individual style than Wilson suggests. At times, however, his attempt to distinguish between the influences of individual and departmental styles confuses more than it clarifies.

Brown reports that there is some relationship between individual style and department type. For example, he contends that in Los Angeles, there were far more Clean Beat and Professional officers than in the smaller communties, corresponding to the department's professionalism. Brown agrues that individual operational style structures choices concerning degree of aggressiveness, selectivity, crime fighting and service delivery. Both operational and departmental style influence behavior in drunk driving incidents, neighborhood disputes, family disputes and juvenile disorder contexts. Brown reports:

> ...operational style is decisive in service
> order-maintenance incidents. Highly aggressive
> and somewhat younger patrolmen are more inclined
> to treat these incidents less seriously... In the
> more serious order-maintenance incidents, opera-
> tional style is far less influential... In a
> high-risk, low-opportunity situation, such as a
> family dispute, only those patrolmen with little
> sense of their vulnerability at the hands of ad-
> ministration will risk an arrest. Otherwise,
> they resort to mediation or ignore the matter.
> In a public dispute, in contrast, the more ag-
> gressive patrolman will resort to arrest in the
> LAPD but not in the small departments. (276)

Brown's typology--Old Style, Clean Beat, Professional and
Service--to some extent seems to complement Wilson's, with the
Legalistic style being represented by both "Clean Beat" and
"Professional" orientations. Brown's Old-Style officer,
however, differs significantly from Wilson's watchman-style
department. Such officers are aggressive and felony-oriented.
They conduct many field interrogations based on suspicion for
crime enforcement purposes. They largely ignore violations and
order maintenance and, like Wilson's watchmen, resolve such
situations informally. They can be brutal and abusive, and
regard domestic disputes as trivial, but they will attend
seriously to violent order-maintenance situations.

Clean Beat officers are also aggressive and also dislike
service and order-maintenance calls. They are legalistic,
hard-nosed enforcers, preferring arrest over mediation,
attending to all violations. They resent limitations on police
authority and make frequent stops for field interrogation. They
"have no comprehension of the limits to violence and...no
understanding of the necessity for measured responses" (232)--in
order-maintenance situations as well as law enforcement
contexts.

Both Professional and Service style officers will assist
and aid citizens in order-maintenance situations. The
professional is less aggressive than the other "crime fighters,"
but is active and flexible. He does not make random field
stops; he enforces many violations. The service style officer
is less aggressive in violation situations, more like a

community-oriented beat cop. He opposes the legalism of the professional, and prefers diversion to arrest.

Muir (1977), examining diverse police approaches through interview and observation in a small, progressive department in "Laconia," proposes four characteristic types of police behavior--avoidance, enforcement, reciprocating and professional styles. He considers police response in four types of situations, all involving order maintenance: skid row settings, crowd scenes, family disputes ("beefs"), and juvenile disorder. The avoidance style officer seeks to have little to do with any order-maintenance situation. Enforcement style officers are legalistic and hard-nosed, more likely to arrest than mediate. Reciprocating style officers (like service style) attempt to mediate and soothe, to restore civility at all costs without arrest. Muir's "professional" officer combines the personal approach of the reciprocating style, the effort to mediate, listen and resolve, with the authority of the enforcement style; he is not afraid to resort to arrest if the situation calls for it. Muir reports that the latter two styles are more effective at "cooling down" violent and potentially violent situations. He recommends training in his version of the "professional" model.

Bayley (1982), considering police styles from a worldwide perspective, differentiates between Authoritarian, Oriental and Anglo-Saxon types of police. In the Authoritarian style (represented by eastern European and some Latin American countries), the state role is dominant and police control social life intrusively (Skolnick's totalitarian police). The police system

seems monolithic to citizens and operates without checks and balances. Police operate from a central administrative agency which controls licensing, censoring, inspecting and recordkeeping as well as order maintenance and crime control. Bayley reports "the police intervene preventively in private lives almost as they wish, in order to ensure that public order is not threatened." (2) Weapons are prominantly displayed. Police exist to serve the state, not the citizen.

In contrast, the Oriental style police is decentralized, enmeshed in the daily routine of the community; Oriental police exercise informal control, and try to "create a known police presence in the community so that people do not have to deal with anonymous officials." Oriental police serve the citizen rather than the state; no problem is too trivial. They provide an informational "citizen's corner," providing community information from small neighborhood police centers where foot patrol officers are assigned.*

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*Elsewhere, Bayley (1976) provides a detailed description of Japanese policing, exemplary of the Oriental style as a model of the order-maintenance oriented police:

> The streets of Japan are safe. Americans who live for a while in Japan soon begin to experience a liberating sense of freedom; they forget to be afraid. They learn to walk through city streets by night as well as day and not fear the sound of a following step, the sight of a lounging group of teenagers, or the query of a stranger for directions. Vandalism is rare; even graffiti is unobtrusive. (9)

Bayley attributes the qualitative difference in levels of civility not only to higher levels of informal social control, but also to the police organization. He argues that Japan is densely urbanized and has a long tradition of violence, like America. Yet he commends the role of the Koban, the small, neighborhood based police house, which provides services (message boards, warnings about safety, entertainment, advice) to the "defeated, bedraggled and helpless" as well as to more respectable citizens. Wilson (1979) echoes the Koban concept in _____ store-front police sub-stations within precincts.

Anglo-Saxon style police place more emphasis on law enforcement than either of the other styles. Bayley does not review how such a style operates, assuming familiarity among his readers, but does argue that

> ...the failure of the Anglo-Saxon police, American especially, to work cooperatively with the public in social control, is at the root of our law-enforcement dilemma. (6)

He suggests that Anglo-Saxon control procedures decay in the direction of the Authoritarian rather than the Oriental style.

The typologies of police behavior reviewed above provide implicit, rather broad-based policy recommendations. Generally, they recommend mediation over arrest in order-maintenance contexts; informal rather than formal approaches; a combination of concern and authority; neighborhood orientation; and extensive knowledge of the individual beat. Wilson specifically recommends referrals to increased community services as a means of expanding the options available to police in order-maintenance situations.

IV. Policy Directions

The historical and theoretical literature reviewed so far generally supports a return to the centrality of order maintenance, reduced emphasis on the primacy of crime fighting, and re-establishment of close ties between the officer and his beat. In addition to this literature, recent controlled experiments in two specific areas bear directly on order-maintenance issues--experiments concerning foot patrol and domestic violence.

The findings of the Police Foundation's evaluation of the Newark foot patrol experiment (Police Foundation, 1981) were in fact the impetus for Wilson's and Kelling's argument concerning the relationships between disorder and the fear of crime in "Broken Windows." The Police Foundation compared attitudes of foot patrol officers with those of other officers in the 28 Safe and Clean Neighborhood cities; compared levels of reported crime in Elizabeth, N.J. and Newark neighborhoods which featured either steady foot patrol or foot patrol added; and established an elaborate experimental design involving twelve Newark beats, four in which foot patrol was added, four in which foot patrol was maintained, and four in which foot patrol was discontinued. The experimental period began in 1978 and continued through February, 1979.

The research found little impact on levels of reported crime or victimizations because of increased or reduced foot patrol. Yet it did find that residents were aware of different levels of foot patrol; that residents saw crime problems as

diminishing and safety as increasing in foot patrol areas; that residents used fewer protective measures than before foot patrol; and that residents had improved attitudes toward the police. Foot patrol officers displayed better job satisfaction levels and less absenteeism than other patrol officers. Merchants in foot patrol areas, however, were unaware of foot patrol levels (perhaps because foot patrols were mostly deployed after business hours) and saw community conditions as growing worse (possibly because of highly publicized police lay-offs at the time of follow-up interviews).

The Police Foundation's participant observation of foot patrol in Newark leads to the conclusion that perceptions of increased safety by citizens are related to improved order maintenance in the neighborhood. The presence of threatening groups, it is argued, increases fear of crime.

> What these people triggered was a fear of strangers and of public order breaking down. When city streets work well, when areas are thriving, even though almost all of a citizen's contacts on streets are with strangers, the citizen feels reassured by the "hustle and bustle" of urban life. While there might be drunks and panhandlers in the area, most of the people seem familiar. Rules with which citizens are familiar seem to operate... But there seems to be some point of turnover, at which the number and kind of strangers who elicit fear becomes so threatening that people lose confidence in their ability to manage by themselves. (117)

The presence of a foot patrol officer in such circumstances can be more than reassuring; it can also serve to control the level of public disorder and to disperse those who are, in fact, troublesome.

Moore and Kelling's historical review of order-maintenance style policing (1983) carries the findings of the Newark foot patrol study one step further, in support of a return to a modified form of 19th century constabulary-style policing. They recommend increased use of foot patrol, supplemented by increased status for officers who walk beats; geographic, rather than functional organization; aid and concern for victims, both as an end in itself and as a way of improving ties to the neighborhood for information and support; and support for private enforcement efforts (not only neighborhood-based organizations and auxiliary police, but also such controversial groups as the Guardian Angels). They recommend the following features as central for a new police style:

> The two fundamental strategies must be these...
> that the role of the private citizen in the
> control of crime and maintenance of public order
> be established and encouraged, not divided and
> thwarted, and that the police become more active,
> accessible in community affairs. (64)

Currently, similar policy suggestions are also being advanced by neighborhood groups seeking to act in cooperation with police to control crime. An ABT review of strategies for neighborhood crime prevention strongly echoes the language of supporters of the constabulary style of policing (Feins, 1983):

> Residents of urban neighborhoods can and do act
> as individuals to protect themselves, their homes
> and their families. But many of the actions
> involve increased isolation and withdrawal from
> public places and other people, which tend to
> increase fear and crime rather than reduce them.

By contrast, participation in collective anti-crime activity has been shown to be associated with less fear and with belief that local conditions are improving...

It is important to realize that some patterns of street use (for example, groups of youths hanging out by the corner store or listening to loud radios on the steps of buildings) may generate fear among other residents, even though crime does not result. Similarly, vandalisms and graffiti seem to carry a message about neighborhood conditions that is associated in peoples' minds with reduced safety. (v)

Feins argues that police alone are incapable of controlling neighborhood-based crime, and that neighborhoods must organize and work in collaboration with police to prevent crime and disorder, reduce fear, and regain informal social control. Police in turn, she argues, must engage in proactive policing, and provide an enhanced reward structure for foot patrol officers. The argument envisages the linkage between police and community organizations as central for effective order maintenance and crime control.

Another area of order maintenance, domestic disputes, has also recently received considerable policy attention. Those who point to the centrality of the order-maintenance function until recently have generally recommended a great deal of discretion in such situations. They see the police officer as mediator, service provider and counsellor.

Brown (1981), for example, argues that non-enforcement in domestic disputes need not entail avoidance. He admits that some police officers "display openly hostile attitudes toward

these calls, while others become skilled and effective mediators." (205) It is common practice to separate disputants and calm them down. The objective is to solve the problem, and, if possible, keep both parties satisfied. There is general recognition of the difficulty of obtaining convictions--or even signed complaints--in domestic assault cases because of the unwillingness of complainants to press charges. (Wilson, 1970)

Yet, in recent years, feminist groups have been strong in their demand for increased enforcement of domestic disputes. Oppenlander (1982) reviewed outcomes in 596 domestic disputes drawn from 5,868 observed police encounters in Rochester, Tampa/St. Petersburg and St. Louis in the late '70s. She reports that dispatchers systematically underreport the nature of domestic assaults as "altercations," but regularly report stranger-to-stranger disputes as "assault." She also reports that 78 percent of the victims of domestic assault are women and that 53 percent of domestic victims are injured, nearly twice the rate for non-domestic disputes. She contends that "victims appear to want officers to act as law enforcement authorities as opposed to counsellors." But she also contends that arrest and threat of arrest is more likely in the case of domestic (42 percent) than non-domestic assaults and that only a quarter of such cases were resolved through mediation alone.

In a recent Police Foundation experiment, it was found that arrest, rather than mediation or separation, appeared to be the most effective deterrent to domestic violence, a finding which runs counter to the dominant theory about how police should

handle domestic disputes (Sherman and Berk, 1983). In coopera-
tion with the Minneapolis police, the Police Foundation trained
some 35 officers to employ three distinct tactics randomly
(arrest, mediation, separation) for a 16 month period in cases
of "moderate" domestic violence (simple assaults without major
injury). Review of police contacts for a six-month follow-up
period revealed that ten percent of cases that led to arrest
generated a new report of domestic violence, compared to 16
percent in cases in which mediation was employed, and 22 percent
of cases in which the aggressor was ordered to leave. Although
the number of cases involved was small (252 cases covered by
analysis), the findings have been widely publicized and will
clearly have some impact on policy and practice in this area.

It is apparent, from a review of recent literature about
how police act in order-maintenance contexts, that the state of
the art is changing rapidly. Neighborhood groups are demanding
that "incivilities" be attended to. Feminist groups are equally
strong in their insistence that arrests be made in cases of
domestic violence--child abuse as well as wife-beating (Jacoby,
1983).

A major challenge for order-maintenance policing lies in
developing ways to understand what constitutes "applicable
norms", what degree of order the community wants enforced. One
approach to this problem is represented by neighborhood
profiling.

San Diego's Community Oriented Policing (COP) was designed
in response to the City's previous problems with team policing

-- to help change officers perceptions of the patrol function, to increase officer-community interaction and to expand officers knowledge of their individual beats (Boydstun and Sherry, 1975). The concept of the community or beat "profile" was central to the project; 24 experimental officers and three experimental sergeants were trained in the community profile approach, in which "profiling work", (gathering information on community problems, priorities and resources through repeated data collection and analysis) becomes an integral part of the patrol day. Experimental officers alternated shifts with control officers, not trained in this approach.

The study design used a stratified random approach, assigning 24 pairs of experimental and control officers to the same beats for a ten-month period. It found that experimental officers alone, based on before-after patrol officer surveys, showed a marked improvement in attitudes toward the community, knowledge about the community, contact with the community, acceptance of citizen advocacy roles, and attention to beat problems.

Such an approach might serve to sentitize officers to community norms, as well as make the patrol officer a recognized individual in the community, a factor which might improve his ability to control neighborhood crowds and protests. Yet it is also possible, as Rubenstein suggests, that there may be a conflict between identification with the community and the ability to establish orderly conditions. If street life is part of the structure and fabric of community interaction, inappropriate

street behaviors may be routinely ignored. Although such a response to these behaviors may be functional to the patrolman, order-maintenance policing may need to seek a new balance between communitynorms per se and the norms of a selected segment of the community. A delicate balance is called for.

The tactics police use in order-maintenance situations still remain very much subject to police discretion. Because such situations will probably remain ambiguous, and because it is often difficult to attribute clear blame in disputes between acquaintances or on the street when disorder arises, it is indeed appropriate that tactics not be strictly delineated, and that police have a broad array of possible responses to indivi-dual situations. It is also evident that such broad discretion carries with it great potential for both under- and over-enforcement. Such abuses can be corrected, given the force of media attention and citizen demand. Instead of attempting to determine appropriate guidelines for order maintenance, it is probably more important that police recognize the centrality of the mandate to keep the peace and establish moderate approaches to ensuring the continuance of public order according to the evolving standards of individual neighborhoods.

Wilson and Kelling's argument in "Broken Windows" is strong and compelling. Neighborhood disorder may lead to citizen fear, disuse, urban decay and increased criminality. Yet the further arguments against decriminalization of victimless crimes may not provide appropriate solutions concerning how to deal with many groups who represent disorder in some neighborhoods. Clearly,

the re-criminalization of drunkenness offenses might have the
effect in many jurisdictions of re-establishing the drunk tank
and associated ills. Elsewhere, Wilson recommends widespread
use of detoxification centers and other more humane services for
public inebriates; the fact that there are still close to
2,000,000 drunkenness arrests annually (Gibbons, 1983) suggests
that even more decriminalization of such offenses may be
appropriate.

In addition, order-maintenance problems created by the
widespread deinstitutionalization of the mentally ill, in all
likelihood, cannot be effectively addressed by police action
alone, nor should jails be substituted for mental institutions
for this group. The problem can perhaps best be addressed by
the development of a broad array of community services, possibly
working in concert with police.

Charges of "disorderly conduct" may, in fact, provide
broad enough authority to handle most order-maintenance
situations. It is likely that police will continue to disperse
or arrest the same disorderly individuals, with or without more
specific statutory authority. Wilson's recognition of the
inherent conflict between strict order maintenance and equity,
and of the necessary ambiguity concerning what order means in
different settings, underlines the problematic nature of order
maintenance. The emphasis of some historians and commentators
on the inherent potential for abuse in the order-maintenance
function suggests that concern with the civil liberties of those

who appear disorderly to some factions within the community is necessary, unwarranted.

Currently there is a growing demand for improved order maintenance in neighborhood settings. Further experiments--with neighborhood based foot patrol, efforts to promote interaction between police and community groups concerned with crime prevention and order maintenance, and explorations of various tactics to resolve and deter domestic disputes--may tell us more about how police can best perform the order-maintenance function.

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