# The Role of Lawyers in the Police

# Problem-Solving Process

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Over the past two decades, the field of policing has undergone a dramatic shift in practice. Traditionally, policing has been a profession driven to respond to incidents as they occurred; this has been characterized as "incident driven policing" (Eck et al., 1987). Progressive thinkers, such as Herman Goldstein, challenged this wisdom. Goldstein, in his now famous book, *Problem-Oriented Policing* (1990), laid down the foundations for dissecting and solving problems faced by the community. He suggested that the police work in a partnership with the community—such as residents, business owners, attorneys, students and the faith community—to address the core causes of crime problems or other quality of life issues. Rather than responding to the symptoms of the problem, the field of policing would attempt to remove the problem itself.

The problem-solving method put forth by Goldstein is often referred to as the "SARA" model. The four stages of the SARA model are as follows (Office of Community Oriented Policing Services, 1996; Goldstein, 1990):

- **<u>Scanning</u>** - The identification of a cluster of similar, related or recurring incidents through a preliminary review of information, and the selection of this crime/disorder problem, among competing priorities, for future examination.
- **<u>Analysis</u>** - The utilization of multiple sources of systematically collected information to determine
  - Why a problem is occurring (e.g., general neighborhood disorder);
  - Who is responsible (e.g., gang members);
  - Who is affected (e.g., business owners, community members, victims);
  - Where the problem is located (e.g., certain neighborhoods, streets, or even homes);
  - When it occurs (e.g., 11:00PM until 4:00AM); and
  - What form the problem takes (e.g., fear).

  Analysis requires identifying patterns that explain the conditions that facilitate the crime or disorder problem.
- **<u>Response</u>** - The execution of a tailored set of actions that addresses the most important findings of the analysis and focuses on any of the following: preventing future occurrences by deflecting offenders, protecting likely victims, or making crime locations less conducive to problem behaviors. Responses are designed to have long-term impacts on the problem, but should not require a

commitment of police time and resources that is not sustainable over the long-term.

- **Assessment** - The measurement of the impacts of the responses on the crime/disorder problems using systematically collected data from multiple sources, before and after the responses have been implemented.

"Community Oriented Lawyering" (COL) is similar to problem-oriented policing in that attorneys engage in formal and informal collaborations with their communities in an effort to address the safety problems and quality of life issues of particular places (Conner, 2000). Community prosecutors, other governmental lawyers, legal services attorneys, and private attorneys comprise the list of legal practitioners who are proactively working to solve problems in the communities where they work, and not primarily by handling criminal cases. Often, these efforts are undertaken jointly with police officers. However, the extent to which this collaboration occurs is not known. Further, the exact nature of these interactions cannot be accurately discerned from available information.

In some jurisdictions, a new approach to case handling, called "Community Prosecution" (CP), is being implemented. Community Prosecution involves each of the following elements, which embody the spirit of COL:

- Prosecutors are assigned responsibility for clearly defined target areas or problems;
- These attorneys focus on problem solving, crime prevention, and quality of life issues in addition to prosecution;
- These attorneys interact directly with people in the community outside of government;
- The prosecutor's staff works in partnership with law enforcement, public and private agencies, and the community; and
- They often use tools other than criminal prosecution, if needed, to address the problems.

Generally, CP involves the implementation of innovative solutions to neighborhood crime and quality of life problems (Conner, 2000).

Although initially, problem solving was thought to be solely a police practice, it has proven to be a tool that may be utilized by myriad professions and individuals, as well. As discussed above, lawyers have been engaging in problem-solving activities with the goal of reducing or eliminating problems faced by the communities in which they practice. Often, in the course of a problem-solving activity, the police may collaborate with lawyers to jointly address a crime problem or other quality of life issue. The purpose of this research was to determine the nature, extent, and desirability of this collaboration by collecting data from the police perspective.

The paper begins with a description of the instruments used, the data collected, and the analyses conducted. The findings are presented in the following section and the paper concludes with a discussion of the findings and their implications.

**Methods**

<u>Survey Instruments</u>

A series of Internet/mail surveys with police administrators and follow-up telephone interviews of police officers was used to assess the prevalence and nature of attorney participation in police problem-solving efforts. The instruments were created by Roger Conner, a visiting fellow at the National Institute of Justice (NIJ), with input from the Police Executive Research Forum (PERF)[1]. Mr. Conner has been actively involved in researching, advocating for, and assisting in the spread of COL efforts.

The survey of police administrators contained seven open-ended and 11 closed-ended questions, while the survey of line officers contained 26 open-ended questions (see Appendix A). Survey items were chosen because of their relevance to the interactions between attorneys and police practitioners with regard to problem-solving efforts. Both instruments contained questions designed to measure the frequency and nature of interactions between sworn personnel and attorneys with regard to police problem-solving efforts, as well as the perceived impact of attorney assistance. Specifically, respondents were asked how often attorneys from various offices assisted police officers with the development of strategies for problem solving or controlling crime in specific places or neighborhoods, or other tasks related to problem solving. Respondents were, then, asked to reflect on the value of this assistance.

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[1] PERF staff, including Dr. Lorie Fridell, PERF's Research Director, James Burack, PERF's Legal Counsel, and Bruce Kubu, a Research Associate with PERF and the co-author of this report, reviewed the surveys for content and provided feedback, which was incorporated into the instruments. One former and one current law enforcement officer on PERF's staff, Bryce Kolpack and Terry Chowenac, also reviewed the surveys to assure face validity. Both individuals are, or have been, extensively involved in problem solving.

The respondents were also introduced to the topic of "Community Prosecution" (CP) discussed above and were asked how frequently the prosecutors in their jurisdictions engaged in CP-like activities. Both the police administrators and line officers were then asked to reflect on the perceived impact of CP, and attorney involvement in general, on police problem-solving efforts.

To pilot the survey of police administrators, copies were sent to 20 police chiefs (see Appendix B), chosen from the population that was to be surveyed. All were requested to provide feedback regarding questionnaire content and form. Half of the selected administrators were requested to complete the survey on the Internet, while the remaining half were asked to fill out the hard-copy instrument. This process was undertaken to determine the feasibility of using the Internet to collect data via an on-line instrument. Nine of 10 (90.0%) police administrators completed the survey via the Internet, while seven of 10 (70.0%) submitted hard-copy surveys. Overall, the pilot response rate was 80.0%. The police administrators were each asked to identify an officer involved with problem solving. Thirteen officers were contacted via phone to participate in follow-up interviews. As with the administrators, these officers were asked to provide feedback regarding questionnaire content and form. Feedback garnered from the police administrators and line officers was used to improve and refine the instruments.

A PERF staff member with considerable experience training and conducting interviews hired and trained three individuals to conduct the phone surveys of line officers involved with problem solving. Each trainee participated in a five-hour training session (see Appendix C) designed to introduce him/her to the topic of problem solving,

specifically the SARA model, the current project, the consent form, the survey

instrument, and basic interviewer rules and issues.  This introduction included careful

discussion and explanation of each of the items included on the instrument.  Following

the introduction, the survey instrument was administered to the trainee by the trainer.

This served to show the trainee precisely how questions were to be asked and the answers

recorded.  The trainer emphasized the following interviewing principles:

- <u>Read</u> all questions clearly and consistently;
- <u>Record</u> answers precisely as they are offered;
- <u>Do not</u> reflect (positively or negatively) on responses; and,
- <u>Maintain</u> a courteous and professional demeanor.

The trainee was, then, given the opportunity to administer the instrument.  Constructive

feedback was offered both during and after the survey administration.  This process was

repeated until the trainer was satisfied that the interviewer was administering the survey

as intended.  Interviewers also conducted practice phone interviews with officers engaged

in problem solving.  Any issues related to technique were discussed following these

phone interviews.


<u>Data Collection</u>

The survey of police administrators was sent in December 1999 to the population

of general PERF members with a cover letter (see Appendix D).  To qualify for general

membership a person must

- Be the executive head of a municipal, county, or state funded agency that provides general police services.  The agency must have at least 100 full-time employees or serve a population of 50,000 or more people.
- Hold at least a baccalaureate degree from an accredited college or university.

There were a total of 247 general PERF members at project inception, 173 of which submitted completed surveys resulting in a response rate of 70.0%[2]. Respondents could submit the survey via mail, facsimile, or the Internet. Of the 173 police administrators who responded, 85 (49.1%) replied via mail, 75 (43.4%) via the Internet, and 13 (7.5%) via facsimile. Each respondent was asked to provide contact information for a line officer involved with problem solving. Respondents were told that the line officers would be contacted via phone to participate in follow-up interviews. One hundred and thirty-eight officers were identified for the follow-up telephone interviews. The first 100 (72.5%) officers to be successfully contacted were interviewed. None of the officers with whom verbal contact was made refused to participate in the interview.

As stated above, all questions contained in the survey of line officers and some of the questions contained in the survey of police administrators were open-ended. All open-ended questions were coded by a single PERF staff member prior to data entry to assure consistency. To make certain that all similar answers were coded in the same manner, the open-ended answers were independently coded twice by that person and then the codes compared to determine consistency. Additionally, a PERF Research Assistant checked all coding to ensure that all answers were coded consistently and accurately. Where discrepancies existed, they were rectified.

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[2] In order to achieve a response rate of 70.0%, a reminder letter was sent out at the end of January 2000. A copy of this letter is contained in Appendix E.

**Results**

<u>Survey of Police Administrators</u>

The survey of police administrators was sent to 247 individuals, the entire population of general PERF members, 173 of whom responded. General PERF members represent the larger, more progressive police departments in the United States. Survey responses indicated that the majority of these departments (85.5%) have been engaged in community policing for five or more years. The departments employ an average of 945 sworn officers and serve, on average, a population of 352,640 people (see Table 1). As a measure of central tendency, the mean is extremely sensitive to outliers[3]. The median statistic is less sensitive to extreme values. The median number of officers employed by the responding PERF members is 241 and the median population for those departments is 122,000. This indicates that half of the departments surveyed had more than 241 officers under employment and half had fewer. Similarly, half of the departments served populations larger than 122,000 and half served populations smaller than that figure.

The survey of police administrators was designed to elicit information regarding the prevalence and nature of police-attorney interactions with regard to police problem-solving efforts. The majority of police administrators indicated that members of the prosecutor's staff work with their sworn staff on problem solving activities "occasionally" (32.9%) or "frequently" (23.7%). However, it appears that the

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[3] Two departments employ an extremely high number of sworn officers: the Chicago Police Department employs 13,400 officers and the New York City Police Department employs 38,000 officers. When these two departments are excluded, the average number of sworn officers under employment by general PERF member departments is 637.

prosecutors are generally not *assigned* directly to assist with problem solving instead of prosecuting cases (36.4%) or is assigned on such a basis only rarely (37.0%).

**Table 1.**
**Number of Sworn Officers Employed by**
**General PERF Member Departments and**
**Population Served by those Agencies**

|  |  | Number of Officers | Population |
|---|---|---|---|
| # Respondents | Valid | 163 | 163 |
|  | Missing | 10 | 10 |
|  |  |  |  |
| Mean |  | 944.9 | 352640.2 |
| Median |  | 241.0 | 122000.0 |
| Std. Deviation |  | 3313.4 | 774190.2 |
| Minimum |  | 23.0 | 10400.0 |
| Maximum |  | 38000.0 | 8000000.0 |

The police administrators surveyed indicated that there are particular situations or types of crimes where involvement of prosecutorial staff in problem solving has occurred most frequently. The most common problem areas identified include domestic violence (43.4%), drug offenses (25.4%), gang issues (22.5%), and homicide (12.1%)[4].

Concerning the assistance of particular types of attorneys (e.g., police attorneys, city/county attorneys) with regard to problem-solving activities, 50.9% of the respondents indicated that police attorneys participate in such activities rarely (6.4%), sometimes (11.6%), or frequently (32.9%). Police attorneys most commonly provide legal advice or review of cases (41.2%), or assist with the implementation of a problem-solving response (20.0%). The city/county attorney also may be involved with police problem-solving efforts. While 15.6% of the police administrators indicated that city/county attorneys had modest involvement in problem solving activities, most indicated that these attorneys were either sometimes (37.6%) or frequently (26.0%) involved in such efforts. The

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[4] The percentages total more than 100.0%. Respondents could list more than one problem or crime type.

assistance offered by city/county attorneys was similar in nature to that of the police attorneys. Respondents indicated that city/county attorneys often had direct involvement with the implementation of a problem-solving response (27.4%) or offered legal review/advice (14.8%) on the case. With regard to private attorneys, most police administrators (57.1%) reported that they do not assist with problem solving.

The majority of police administrators indicated that they were not aware of "Community Prosecution" (CP) initiatives (38.7%) in their jurisdictions, or had knowledge that some discussions had taken place but had seen no implementation of such programs (27.7%). Approximately one-third (33.5%) of the police administrators reported that CP initiatives were underway. As defined in the survey, under a CP initiative, prosecutors are assigned responsibility for a clearly defined target area or problem. However, according to police administrators, much of the assistance offered by their prosecutor's offices, including the prosecution of cases and other problem solving responsibilities, is not targeted to specific geographic areas (32.9%), or is so targeted only on a temporary basis (41.0%). Although it does not appear as if CP is being implemented on a wide-scale basis, an overwhelming majority (87.3%) of the police administrators surveyed expressed the belief that the adoption of CP by the prosecutors in their jurisdiction would enhance the ability of the police to do problem solving (see Table 2)[5].

Often, police departments face barriers as they attempt to implement strategies for problem solving. Respondents were asked to rank seven potential sources of this difficulty. The barrier that was most frequently ranked as either the most serious or the second most serious problem was inadequate police staffing. The next most frequently

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[5] Respondents indicated that CP would improve the ability of police to do problem solving to either a moderate (28.3%), significant (43.4%), or very significant (15.6%) degree.

mentioned barrier was the lack of understanding by judges, followed by a lack of

computer-based information support and/or other technological aids.  A lack of

community support was least often named as the either the most serious or next most

serious barrier.

**Table 2.**
**In your opinion, if prosecutors were to adopt Community Prosecution, to what degree would it improve the ability of police to do problem solving?**

| Rating | N | % |
|---|---|---|
| Not at all | 2 | 1.2 |
| To a small degree | 20 | 11.6 |
| To a moderate degree | 49 | 28.3 |
| To a significant degree | 75 | 43.4 |
| To a very significant degree | 27 | 15.6 |

Approximately half of the police administrators (50.9%) have initiated efforts to

increase the participation of various types of lawyers in their departments' problem

solving efforts.  For those that did make this effort, the majority (61.6%) received a

positive response and made a good deal of progress towards initiating these relationships.

Many police administrators surveyed reported that establishing such relationships would

positively impact police problem-solving efforts.  One police administrator succinctly

summed up this feeling:  "I'm sure that establishing a positive relationship with the legal

community will only enhance our ability to provide quality service to all involved."

Survey of Line Officers

One hundred and thirty-eight line officers were identified by the responding

police administrators for participation in the follow-up telephone survey.  As mentioned

previously, the first 100 (72.5%) officers to be successfully contacted were interviewed.

The average officer has 16.2 years of experience in law enforcement and has been

involved with problem solving for an average of 8.0 years (see Table 3). The vast

majority (88.0%) of the officers interviewed engaged in problem-solving activities on a

frequent basis.

**Table 3.**
**Number of Sworn Officers Employed by**
**General PERF Member Departments**

|  |  | Years in Policing | Years Involved With Problem Solving |
|---|---|---|---|
| # Sworn Officers | Valid | 100 | 100 |
| Mean |  | 16.2 | 8.0 |
| Median |  | 17.3 | 7.0 |
| Std. Deviation |  | 7.6 | 5.7 |
| Minimum |  | 2.0 | 0.0 |
| Maximum |  | 30.0 | 25.0 |

Attorneys from various offices sometimes engage with sworn officers in

problem-solving activities; these include district attorneys who generally handle state

felonies, misdemeanor prosecutors, city/county attorneys, U.S. Attorneys, police

attorneys, private attorneys, or other special attorneys, such as domestic violence or

juvenile prosecutors. Ninety-two of the 100 officers (92.0%) surveyed indicated that they

either sometimes or frequently worked with at least one of these types of attorneys to

develop strategies for problem solving or controlling crime in specific places or

neighborhoods. The attorneys that worked most frequently with police officers on their

problem solving strategies were members of the district attorney's or city/county

attorney's offices (see Table 4). Approximately half of the officers indicated that they

have either sometimes (24.0%) or frequently (27.0%) received help from their district

attorneys in developing strategies for problem solving or controlling crime in specific

places or neighborhoods.  Further, 63.6% of the officers reported that they worked with

the city/county attorney on a similar basis.

**Table 4.**
**Attorney Assistance With the**
**Development of Police Strategies for Problem**
**Solving or Controlling Crime in Specific**
**Places or Neighborhoods**

| Attorney Type | Never (%) | Rarely (%) | Sometimes (%) | Frequently (%) |
|---|---|---|---|---|
| District Attorney | 18.0 | 31.0 | 24.0 | 27.0 |
| Misdemeanor Prosecutor[6] | 22.4 | 30.6 | 22.4 | 24.5 |
| City/County Attorney | 15.6 | 20.8 | 29.2 | 34.4 |
| U.S. Attorney | 44.4 | 30.3 | 7.1 | 18.2 |
| Police Attorney | 32.8 | 12.5 | 18.8 | 35.9 |
| Private Attorney | 49.5 | 31.3 | 12.1 | 7.1 |

The interview data revealed that officers generally feel very favorable about

attorney assistance with their problem-solving efforts (see Appendix F).  Over 70%

(72.0%) of the officers surveyed indicated that the involvement of lawyers facilitated

their development of effective strategies a good (37.4%) or great (35.2%) deal (see Table

5).  The officers noted that this assistance most often included participation in the

implementation of the chosen response(s) (14.5%).  Attorney assistance also focused on

legal review of the effort, as well as the provision of legal advice (12.1%) to the officers.

However, often times attorney assistance was not available to the officers.  Many of the

officers indicated that they sometimes (21.4%) or frequently (57.1%) could have used the

active assistance of lawyers on problem solving efforts but did not have access to such

help.  In most cases, this desired, but unavailable, assistance was legal review/advice

(19.7%) or assistance with implementing the response (7.5%).

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[6] In some jurisdictions, the district attorney or the city/county attorney handle misdemeanor prosecutions.

**Table 5.**
**Generally, in situations where lawyers were involved with problem solving, to what extent did this involvement facilitate your development of effective strategies?**

| Rating | | N | % |
|---|---|---|---|
| Not at all | 1 | 1 | 1.1 |
| | 2 | 10 | 11.0 |
| Moderately | 3 | 14 | 15.4 |
| | 4 | 34 | 37.4 |
| A Great Deal | 5 | 32 | 35.2 |

The officers generally report favorable relationships with the prosecutors with whom they interact and that they have access to needed information regarding cases on which they have worked. Over 80.0% of the officers indicated that they can very easily (48.0%) or somewhat easily (37.0%) find out the status of any proceedings arising from particular arrests. Most noted that this situation exists because of favorable relationships and open communication they have with the prosecutors' offices. Usually, they can get the information they need over the phone. Further, the officers responded that it would be either somewhat easy (49.5%) or very easy (35.4%) for them to find out the reasons for the particular charging decisions. Again, the reasons offered for this centered on the positive relationships between the prosecutors and the officers and the simple manner in which this information can be acquired, namely, through phone calls.

Often times, when officers are involved in problem-solving efforts, they need the prosecutors to give special attention their cases. This may involve such actions as prosecuting a case that might ordinarily be dismissed, rejecting a plea agreement that would ordinarily be accepted, or insisting on special conditions of supervision. Most officers (57.6%) indicated that it would be somewhat easy to get the prosecutors' offices to alter their normal way of handling cases to promote the problem-solving efforts.

Approximately one-third of the officers feel that prosecutors are willing to listen and assist with problem-solving efforts (35.4%). Open channels of communication and favorable relationships (23.2%) between the law enforcement agencies and prosecutors' offices were also identified as contributing to this situation.

When officers are involved in complicated problem solving efforts, it sometimes requires them to meet repeatedly with affected citizens. It is often favorable to have a member of the prosecutor's office attend such meetings. Most officers indicated that it would either be very easy (18.2%) or somewhat easy (39.4%) to get a representative from this office to participate.

Just as the police administrators were asked to reflect on the prevalence and importance of "Community Prosecution" (CP), so, too, were the line officers. Almost two-thirds (61.2%) of the officers interviewed indicated that they were not aware of any discussion or implementation of CP. However, 16.3% of the officers indicated that CP was being implemented in some limited areas of their jurisdictions and 15.3% said that CP was being fully implemented in their jurisdictions. Although it does not appear as though CP is being implemented on a wide-scale basis, an overwhelming majority (92.3%) of the line officers surveyed indicated that it would enhance their ability to do problem solving if the prosecutors in their jurisdictions were to adopt CP[7]. Officers made comments such as the following:

- "Community Prosecution is a good step in the right direction. If we had a specific prosecutor for an area, we could target certain problems in that area. This is needed."

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[7] Respondents indicated that CP would improve the ability of police to do problem solving to either a moderate (16.9%), significant (18.5%), or very significant (56.9%) degree.

- "Community Prosecution looks like it could help. It is good idea to assign a prosecutor to a specific area or problem."

- "Community Prosecution would help us solve problems. The prosecutor will help out quite a bit."

## Conclusions

Over the past twenty years, the field of policing has undergone a radical change. This change has substantially modified the way that the police perceive and do their jobs. Where once they were driven to respond to incidents as they occurred, the police now are proactive in addressing these crimes, as well as quality of life issues. They actively attempt to find solutions to problems. This paradigm is known as "problem-solving policing."

Attorneys, too, are involved with problem solving in the communities in which they work. These efforts often occur in collaboration with police problem-solving efforts. The purpose of this project was to examine the role of lawyers in police problem-solving matters. Specifically, emphasis was placed on determining the nature and prevalence of this collaborative effort.

It appears that attorneys, typically city/county attorneys and district attorneys, are involved to a large extent in police problem-solving matters. This assistance has come in the form of traditional activities with which lawyers are commonly associated, such as prosecuting a case as part of a problem-solving initiative, or by providing case review and legal advice for a particular problem solving activity. However, it also appears that lawyers are involved in activities outside the scope of their traditionally prescribed duties. Attorneys were commonly reported to be involved in suggesting possible responses and in actually implementing the selected response strategies.

Regardless of the type of assistance being offered to the officer engaged in problem solving, both police administrators and line officers consistently viewed the

collaboration as helpful.  In fact, many officers reported that they could have utilized this assistance in problem solving situations where an attorney was unavailable.  This indicates that officers want attorneys involved in their problem-solving activities.  Most of the desired assistance revolved around legal advice and review of problem-solving efforts, as well as direct involvement in the development or implementation of the responses.  While some officers saw the role of attorneys strictly in traditional terms, many believed they had a role to play in more progressive realms, namely problem solving.  Most importantly, however, officers perceived this assistance as beneficial.

The current investigation revealed that Community Prosecution is not very widespread.  However, both police supervisors and line officers are in agreement that more of such initiatives would greatly enhance the ability of police officers to solve crime and quality of life problems.

**Citations**

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# Appendix A

# The Role of Lawyers in Policing: Survey of Police Administrators

## *About this survey:*

This survey is being conducted under a grant from the U.S. Department of Justice by the Police Executive Research Forum, your resource for police research, information and training. The survey explores the degree to which prosecutors, city attorneys, police legal advisers, and other attorneys assist sworn personnel in developing strategies for problem solving. Please take the few minutes it requires to respond to our questions. The information collected from you will be used to develop better services for attorneys working with police officers in their efforts to build viable, safer communities.

## *Confidentiality:*

The answers you give in this survey are confidential and will only be available to the investigative team. However, for tracking purposes, we request that you enter your name and agency, OR the six digit identification number (ID) specified in the letter sent to you. If the person filling the survey out is someone other than the individual to whom the letter was addressed, please provide the name of the person completing the survey.

Name: _____

Agency: _____

-OR-

ID (as indicated in the survey request letter): _____

## *Definition:*

For the purposes of this survey, when we use the term "problem solving", we are using this definition:

"A process by which governmental agencies, including police, work in collaboration with affected citizens and non-governmental organizations to:

* Identify problems affecting the safety and quality of life in specific neighborhoods and places
* Collect and analyze information about the problems
* Develop and implement responses to manage or eliminate the problems, prevent

**crime, or improve quality of life**
**\* Evaluate the implementation of the responses and their effectiveness."**

# SURVEY OF POLICE ADMINISTRATORS

## PART I: PROSECUTING ATTORNEYS

**This section concerns the office that handles state felonies.**

**1. To what extent do members of the prosecutors' staff work with your sworn personnel in problem solving as we have defined it above?**

- o    Not at all
- o    Rarely
- o    Sometimes
- o    Frequently

**2. To what extent have members of the prosecutors' staff been assigned to work with your officers on problem solving instead of prosecuting cases?**

- o    Not at all (skip to Question 4)
- o    Only on rare occasions
- o    In the past, at least one person was assigned full or part time, but not currently
- o    Currently, one person from the prosecutors' staff now works full or part time on problem solving
- o    Currently, several persons have been assigned to work full or part time on problem solving

**3. Please describe this activity in a few words:**

_____
_____
_____
_____
_____

**4. To what extent do individual prosecutors work with police to target specific geographic areas---for prosecution or problem solving?**

- o      Not at all
- o      Only on a temporary basis, from time to time
- o      On a regular basis, in one or two areas
- o      On a regular basis, in several areas
- o      On a regular basis, individual prosecutors target specific areas covering most or all of my jurisdiction

**5. Are there any situations or types of crime where involvement of the prosecutors' staff in problem solving has occurred most frequently? (For example, domestic violence, homicides, gang violence, shoplifting, violence that appears to involve multiple acts by one person, organized crime, etc.)**

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_____
_____
_____

## PART II: "COMMUNITY PROSECUTION"

**The following questions are about "Community Prosecution," a new approach that is being implemented in some jurisdictions. As we are using the term "Community Prosecution" in this survey, it involves the following elements:**

**\* A clearly defined target area**
**\* An emphasis on problem-solving as well as prosecution**
**\* Direct interaction between the prosecutors' staff and the community in setting priorities**
**\* Ongoing partnerships among the prosecutors' staff, law enforcement, public and private agencies, and the community**
**\* Uses tools other than criminal prosecution as needed, such as civil remedies, code enforcement, negotiated voluntary compliance, etc.**

**6. To what extent have you observed Community Prosecution, as described above, being discussed or implemented in your jurisdiction?**

- o    I am not aware of any discussion or implementation of such changes
- o    I am aware of some discussion from time to time, but have not seen anything being implemented
- o    I am aware that extensive discussion or planning has occurred, but have seen no implementation
- o    I am aware that Community Prosecution is being implemented in some limited areas of our jurisdiction
- o    I am aware of an extensive Community Prosecution program being implemented

**7. In your opinion, if prosecutors were to adopt Community Prosecution as defined above, to what degree would it improve the ability of police to do problem solving?**

- o    Not at all
- o    To a small degree
- o    To a moderate degree
- o    To a significant degree
- o    To a very significant degree

**PART III: THIS SECTION CONCERNS LAWYERS OTHER THAN THE OFFICE THAT HANDLES STATE FELONIES**

**To what extent have lawyers from the following offices assisted sworn officers in problem solving?**

**8. Police Attorneys (Please include here all lawyers whose offices are within the police department and work full time on police matters):**

- o    Not at all (skip to Question 10)
- o    Rarely
- o    Sometimes
- o    Frequently

**9. Please describe the assistance of the Police Attorneys in a few words:**

_____
_____
_____
_____
_____
_____

**10. Attorneys from the City or County Attorney's office:**

- o     Not at all (skip to Question 12)
- o     Rarely
- o     Sometimes
- o     Frequently

**11. Please describe the assistance of Attorneys from the City or County Attorney's office in a few words:**

_____
_____
_____
_____
_____

**12. Please list any other offices where lawyers have been involved with police in problem solving efforts and describe these efforts in a few words:**

_____
_____
_____
_____
_____

**13. Are you aware of situations in which lawyers from private firms or non-profit groups in your jurisdiction have represented neighborhood groups to deal with crime or quality of life problems?**

o     No
o     Yes, it is very rare
o     Yes, it happens sometimes
o     Yes, it happens frequently

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## PART IV: GENERAL PROBLEM-SOLVING QUESTIONS

**14. Municipal police agencies frequently face barriers as they develop and implement strategies for problem solving. Please rank the following seven factors in terms of the effect they have on your efforts ("1" indicates the most serious barrier, "7" indicates the least serious barrier).**

| | |
|---|---|
| [ ] | Lack of support from other city/government agencies |
| [ ] | Lack of support from prosecutors |
| [ ] | Inadequate police staffing |
| [ ] | Lack of training on problem solving |
| [ ] | Lack of computer-based information support and/or other technological barriers |
| [ ] | Lack of community support |
| [ ] | Lack of understanding by judges |

---

**15. Have you made a specific effort to increase the participation of lawyers in your department's problem solving efforts?**

o     Yes
o     No (skip to Question 17)

**16. Briefly describe the response of the agency or agencies that you approached:**

_____
_____
_____
_____
_____
_____

---

**17. Is there anything else you would like to add about the relationship between lawyers and problem solving?**

_____
_____
_____
_____
_____

**18. Has a community policing program been in place with your agency for five or more years?**

o       Yes
o       No

**We are interested in conducting a telephone survey to find out about the experiences of the line officer, with respect to the relationship between lawyers and problem solving. The telephone survey will be brief, approximately 15 minutes. Please list one officer whom you feel could assist with this effort. If you have any questions about this telephone survey, please contact Bruce Kubu at the Police Executive Research Forum at 202-466-7820 or bkubu@policeforum.org**
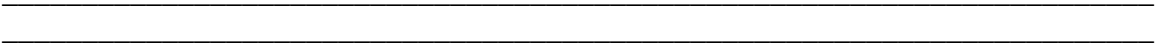
**Name of Officer:**         _____

**Phone number:**           _____

**Shift/time on duty (if this information is immediately available to you):**  _____

**Email address of Officer, if available:**         _____

**Thank you for completing this survey. If you would like to receive a copy of the survey results, please provide us with your name, address, and email address (where applicable):**

_____
_____
_____

# Appendix B

(pilot - hard-copy survey)

October 20, 1999

CHIEF
ADDRESS1
ADDRESS2
CITY, STATE  ZIPCODE

Dear CHIEF:

The Police Executive Research Forum (PERF) is assisting Mr. Roger Conner, a Visiting Fellow at the National Institute of Justice (NIJ), with the collection of information on the involvement of lawyers in the police problem-solving process.  We are contacting you to request that you review a *draft* of the questionnaire that will be distributed in the future to selected chiefs and sheriffs.  Specifically, we would like you to complete the survey and review it critically to provide us with comments regarding survey format, question content, wording, and so forth, which would allow us to answer the following questions:

▪ Were the questions worded clearly and consistently?

▪ Did you understand what was being asked in each of the questions?

▪ Are there any modifications (additions/deletions) that would improve the survey?

▪ Do you think making the survey available on the Internet will improve the response rate of chiefs and sheriffs?

Please mark your survey answers and make comments directly on the enclosed instrument.  Your comments will help us to improve the instrument.  All responses and comments will be kept confidential, and will only be available to the primary investigative research team.  Please note that Questions 18-20 request that you identify and provide contact information for a line officer involved with problem solving.  We will contact the officer you name and request that he or she submit to a brief telephone interview.  This will assist us in evaluating the instrument that will be administered to field personnel.

When you have completed the survey and have written all comments directly on the document, please enclose the survey in the self-addressed envelope and send it to us no later than November 3, 1999.  If it is more convenient, please feel free to fax the survey

to Mr. Bruce Kubu at 202-466-7826.  Should you have any questions or comments regarding this survey, please contact Mr. Kubu at 202-466-7820 or bkubu@policeforum.org.  Thank you for your time and consideration.

Sincerely,


Chuck Wexler
Executive Director

(pilot - Internet)

October 20, 1999

CHIEF
ADDRESS1
ADDRESS2
CITY, STATE  ZIPCODE

Dear CHIEF
The Police Executive Research Forum (PERF) is assisting Mr. Roger Conner, a Visiting
Fellow at the National Institute of Justice (NIJ), with the collection of information on the
involvement of lawyers in the police problem-solving process.  We are contacting you to
request that you complete a *draft* of the questionnaire that will be distributed in the future
to selected chiefs and sheriffs.  Your assistance will help to test this survey and our
procedures before we begin actual data collection.

The survey is located on the Internet at
http://www.communitylawyering.org/surveys/chiefs.htm.  We request that you complete
the survey directly on the Internet.  If you do not have access to the Internet, please fax
the enclosed form to Mr. Bruce Kubu at (202) 466-7826.  Your responses will be kept
confidential and will only be available to the primary investigative team.  When you
begin the survey, you will be prompted to provide your name and agency affiliation.
This information will be used strictly for tracking purposes.  However, if you would
rather, you may simply enter the following unique identifier [**ID**]:

**110101**

Please note that Questions 18-20 request that you identify and provide contact
information for a line officer involved with problem solving.  We will contact the officer
you name and request that he or she submit to a brief telephone interview.  This will
assist us in evaluating the instrument that will be administered to field personnel.

Should you have any questions or comments regarding this survey, please contact Mr.
Kubu at 202-466-7820 or bkubu@policeforum.org.  Thank you for your time and
consideration.

Sincerely,



Chuck Wexler
Executive Director

# **Appendix C**

## Operational Definition of Problem-Solving

The problem-solving approach is a methodical process for reducing the impact of crime and disorder problems in a community. The process is implemented by the police in a partnership with the community. The four stages of the SARA model approach to problem solving are described below:

**Scanning**
The identification of a cluster of similar, related or recurring incidents through a preliminary review of information, and the selection of this crime/disorder problem, among competing priorities, for future examination.

**Analysis**
The utilization of multiple sources of systematically collected information to determine:
- why a problem is occurring (e.g., general neighborhood disorder);
- who is responsible (e.g., gang members);
- who is affected (e.g., business owners, community members, victims);
- where the problem is located (e.g., certain neighborhoods, streets, or even homes);
- when it occurs (e.g., 11:00PM until 4:00AM); and,
- what form the problem takes (e.g., fear).

Analysis requires identifying patterns that explain the conditions that facilitate the crime or disorder problem.

**Response**
The execution of a tailored set of actions that addresses the most important findings of the analysis and focus on any of the following: preventing future occurrences by deflecting offenders, protecting likely victims, or making crime locations less conducive to problem behaviors. Responses are designed to have long-term impacts on the problem, but should not require a commitment of police time and resources that is not sustainable over the long-term.

**Assessment**
The measurement of the impacts of the responses on the crime/disorder problems using systematically collected data from multiple sources, before and after the responses have been implemented.

**Overall Problem-Solving Points:**
- Even though quite commonly it is the police who are involved in problem-solving, other individuals may also be involved, including the lawyers, citizens, apartment managers, etc. (for examples, See Roger's concept paper).
- Things are connected. A crime might be the symptom of a larger problem. You must make sure you are not focusing on the symptom. Traditional policing responded to the symptoms, not the disease itself.
- Many times the response that is necessary may not originate with the police (e.g., Roger's description of a drug house that had several fire code violations).

- Think outside the traditional "box."
- What worked in one area or city, may not work in another. In other words, there is no such thing as a "cookie cutter" response.
- There are many types of successes.
- Avoid tunnel vision when determining a response.

## NIJ/Lawyers Project

**Objective:**  To discover the extent to which "Community Oriented Lawyering" is available to police, and, if it is available, the extent to which it is being utilized.

"Making the community a full partner" and "focusing on solving problems that matter to the community" are core principles that can be applied outside the confines of police practices (Jeremy Travis).  A byproduct of the incorporation of problem-oriented policing into standards of police practices, Community Safety Law attorneys engage in formal and informal collaborations with their community in efforts aimed at solving community problems.

This project will examine the extent to which police officers have attorneys available to them to assist with problem-solving efforts.  Additionally, if the resource is available to police officers, we will be examining the extent to which they are utilizing this valuable resource.

**STEPS:**

1). The Chief/Sheriff completes the web-based survey (or submits it in hard-copy format).

2). Bruce Kubu will provide you with a list of officers to be interviewed along with their ID number.

3). When you fill out the survey, carefully record the officer's name ID number, and the population size of the officer's jurisdiction.

4). If you are using the electronic version of the survey (as opposed to the paper version), make sure the Officer's Survey web site has been accessed prior to calling the officer.

5). Call each officer to conduct the Officer Telephone Survey. After making contact, and receiving permission for the telephone survey, conduct the interview.

6). Return completed surveys to Bruce Kubu

## Officer's Survey Informed Consent

**Hello! My name is _____. I work for Roger Conner, a Visiting Fellow at the National Institute of Justice in Washington, DC. Mr. Conner is collaborating with the Police Executive Research Forum to explore the role of lawyers in police problem solving efforts. I am contacting you because _____ told me your experiences, as a police officer would offer great insight into this topic. Do you have a moment to speak with me?**

⇒ NO: **When would be a better time to contact you so we can continue?** Write this down in your file. Make certain to contact the officer when they requested. **Thank you for speaking with me. I will call you back at the time you suggested.**

⇒ YES: **Thank you.**

**Before I go any further, I would like to assure you that your answers are completely confidential. We will not share your responses with anyone. All responses to this survey remain confidential, and any reports based on the data will be presented in statistical summaries, so that neither you nor your agency can be identified.**

**You can refuse to participate in this survey if you wish. If you agree to participate, you can refuse to answer any question or stop at any time. However, we would greatly appreciate your assistance with this very important project. Results from this investigation will allow police officers, like you, to learn more about the impact of lawyers on the problem solving process. The survey will be brief** (if they ask how long, tell them **it should take approximately 15 minutes).**

**Do you have any questions, sir/madam?** Answer them as best as you can. If you have any problems, please ask Bruce.

**Is now a good time to speak with you?**

⇒ NO: **When would be a better time to contact you so we can continue?** Write this date/time in your file. Make certain to contact the officer when they requested. **Thank you for speaking with me. I will call you back at the time you suggested.** The next time you contact them you will have to read the introduction script again since they probably will have forgotten what you told them.

⇒ YES: **Thank you. I will now begin the survey. Please stop me if you have any questions or if you do not understand something.**

## Overall Issues:

- <u>Speak</u> slowly and clearly.

- <u>Read</u> questions in a consistent manner.

- <u>Do not</u> paraphrase. Read the entire question.

- <u>Stop</u> to ask if they have any questions before each new section.

- <u>Read</u> each section heading. This will allow the officer to think about the topic and triangulate their answers accordingly. "I am now going to ask you Questions about Problem Solving in Your Work," for example.

- <u>Remember</u>, although you have the questions in front of you, the officer does not.

- <u>Read</u> the questions as if they are all open-ended.

- If you do not understand an answer, <u>probe</u>. Chances are, if you don't understand something when the officer answers you, we will not understand it later either.

- If an officer says, "I don't know," make sure you <u>probe</u>. Try to jog his/her memory by repeating the question or definition.

- If an officer says, "That's hard to say…," <u>ask</u> them to respond to the best of their recollection.

- <u>Do not</u> respond to any answer (unless highly offensive and, then, go get Bruce). NO:

    - laughing

    - "oh, my"

    - "you're joking"

- ▪ …in other words, do not reflect on any answer given by the officer. It could have the effect of tainting their responses.

- ▪ Keep the interview formal. However, try to make it seem as though you are not simply reading questions to them.

Question #9: "…the past two or three years…" refers to two or three years in the past from today.

PART II: Read the introduction and then ask questions #10 through 13. Before reading question 14, read "Are there any other prosecutors that have helped you or your fellow officers to develop…" If they say, "Yes," then repeat the question for each lawyer mentioned by the officer (question listed above).

Remember, ONLY skip to question #20 if the officer has responded "Never" to Questions #11 through 17. If the officer responded to any of Questions #11 through 17 with a response other than "Never," go to Question #18.

Question #18: Ask them, "For which lawyers mentioned above does this pertain?" If they can't remember each of the lawyer types mentioned, list them again.

Question #34: Prior to reading Question #34, ask them if they would like you to repeat the definition of "Community Prosecution."

Question #36: You probably will have to prompt the officer. They will most likely respond that they do not have anything to add. Probe by asking them:

 Do you think lawyers can play a part in police problem solving?
 Do you think lawyers should be involved in problem solving outside of police matters?

After the survey is over, tell the officer they can contact Bruce Kubu at 202-466-7820 should they have any questions or concerns.

The key theme here has to be "quality in, quality out."

# Appendix D

Letter sent to chiefs

# Appendix E

Reminder letter

# Appendix F

**Officer Feedback with Regard to the Involvement of Lawyers in the Police Problem-Solving Process**

**Positive Responses:**

- Officer # 9:
  "They (lawyers) are a definite asset for problem solving, mostly in terms of advice."

- Officer # 32:
  "From the city prosecutor's point of view, they can play a big role in problem solving."

- Officer # 58:
  "I think they (lawyers) are very important in problem solving. You must involve all players to successfully handle a problem."

- Officer # 141:
  "It would be a great benefit to have a prosecutor more involved with the problems of the community."

- Officer # 144:
  "If the State's Attorneys made themselves available to us so we could find out what tools they have at their disposal to assist us with our problem-solving effort, it would be helpful."

- Officer # 145:
  "For problem solving to be more effective, we need more community involvement from prosecutors."

- Officer # 241:
  "The city and district attorney are critical to problem solving. They need to be on-board from the start."

**Negative Responses:**

- Officer # 109:
  "I don't see them (lawyers) playing much of a role in problem solving."