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ABSTRACT

This article of a first impression offers a radically different theory of community policing: “Police power as social resource theory” (SRT).

The SRT addresses three main questions: What is the role and function of the police? What is the relationship of the police with the people? Why do people call the police?

SRT (re)conceptualizes crime and police from the perspective of the people, not that of the state. From the people’s perspective crimes are personal problems, while problems are unmet expectations resulting from resource deficiencies and police are social resources make available to the people in solving their own problems.

In terms of foundation SRT is a theory of the people, a theory of democratic governance, a theory of empowerment, and a theory of self-help.

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Keywords: community policing, problem oriented police, police coercive power, a general theory of policing, self-help policing, police as social resource

A General Theory of Community Policing

The value of criminal records for history is not so much that they uncover about a particular crime as what they reveal about otherwise invisible or opaque realms of human experience.

Muir & Ruggiero (1994)²

The American city dweller's repertoire of methods for handling problem including one known as "calling the cops."

Egon Bittner (1970)³

If the people were allowed to manage their affairs for themselves. They could do that with half of the number of policeman who were now employed.

Halley Steward, MP (1888)⁴

I

Introduction

Introduced in the 1970s (in the United States), community policing (CP) is a philosophy and strategy to involve and engage the public to fight

² Edward Muir & Guido Ruggiero *History from crime* (Baltimore, 1994)

³ Egon Bittner, *The Functions of Police in Modern Society* (National Institute of Mental Health, 1970), pp. 36-47; Door Malcolm Gaskill *Crime and Mentalities in Early Modern England* (Cambridge University Pres, 2002). (It is important to investigate into people's mentality about crime to gain insight how people think, feel and act on crimes.)

⁴ *Hansard*, CCCXXVII, 19 June 1888, cols 605-6.

crime and improve quality of life in their own community. The ultimate purpose of CP is to provide for better – responsive and responsible, efficient and effective – police service. CP takes many forms, e.g., team policing, and is realized in different ways, e.g., problem oriented policing (POP).

CP, as a democratic practice, seeks to actualize Sir Robert Peel’s principle of “police are the people, people are the police.”

This article of a first impression offers a radically different theory of community policing: “Police power as social resource theory” (SRT).

The SRT addresses three main questions: What is the role and function of the police? What is the relationship of the police with the people? Why do people call the police?

SRT (re)conceptualizes crime and police from the perspective of the people, not that of the state. From the people’s perspective crimes are personal problems, while problems are unmet expectations resulting from resource deficiencies and police are social resources make available to the people in solving their own problems.

In terms of foundation SRT is a theory of the people, a theory of democratic governance, a theory of empowerment, and a theory of self-help.

This article is organized in the following manner. This brief “Introduction” (Section I) will be followed by an overview of “What is Community Policing?” as understood and practice in the U.S. (Section II). Section III: “A General Theory of Community Policing: A Statement” defines the basic concepts and propound the key propositions of the SRT. Section IV: “Theoretical Foundation” discusses the essential foundational elements of the theory and provides elucidation justifications thereof. The last section “Conclusion” highly the salient characteristics of SRT, as compared with traditional CP philosophy and principles.

II

What is Community Policing?

In the United States, CP resulted from an overall failure of the police to fight crime, maintain order and service the people.⁵ More simply, it is a reaction to the perception that in policing, nothing works.⁶

The seventh of Sir Robert Peel's nine Principles of Policing anticipates CP thusly:

To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen, in the interest of community welfare and existence.

There are two mainstream approaches⁷ to defining CP, i.e., as a philosophy or as a strategy. The philosophical approach described CP as:

⁵ David L. Carter, *Reflections on the Move to Community Policing*, Policy Paper, Regional Community Policing Institute at Wichita State University (2000)

⁶ Lawrence W. Sherman, "8. Policing for Crime Prevention," Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter and Shawn Bushway, *PREVENTING CRIME: WHAT WORKS, WHAT DOESN'T, WHAT'S PROMISING: A REPORT TO THE UNITED STATES CONGRESS* Prepared for the National Institute of Justice, Department of Criminology and Criminal Justice University of Maryland. 2002.

⁷ There are other more marginalized accounts. David E. Barlow and Melissa Hickman Barlow, "A Political Economy of Community Policing," *Policing: An International Journal of Police Strategies and Management*, 22: 642 – 647 (1999) ("Community policing is image – management policing.") See also David Bayley, *Police for the Future* (New York, N.Y: Oxford University Press 1994) ("police must not be allowed to make performance a 'con game' of appearance management.) p.100. See more generally, Jack

“a new philosophy, based on the concept that police officers and private citizens working together in creative ways can help solve contemporary community problems related to crimes, fear of crime, social and physical disorder, and neighborhood decline.”⁸

As a strategy, CP has variously been associated with police public relations, team policing, foot-patrol and crime prevention. Whatever the strategy, it is directed at:

"[The]he enhancement of human relations, a community-sensitive and user-friendly police service, consultation on the needs of communities, respect for human rights, cultural sensitivity, continuous positive contact with community members, discretion on the part of police officers when they enforce the law, and the establishment of mechanisms to enhance the accountability and transparency of the police".⁹

CP has revolutionized policing¹⁰ in untold ways, some by design, most by default. Thus, while there are continued and unrelenting debates

Greene and Stephen Mastrofski (ed.) *Community Policing: Rhetoric or Reality* (New York, N.Y.: Praeger, 1001).

⁸ R. Trojanowicz and B. Bucqueroux, *Community Policing: A Contemporary Perspective* (Cincinnati, OH: Anderson Publishing 1990), p. 5.

⁹ *National Ministry of Safety and Security: Draft policy document on the philosophy of community policing, 1996.*

¹⁰ Police has always engaged in aspects of CP activities – from reaching out to the community and to engaging in problem solving. The change that is radical is that police

over various aspects - philosophy, strategy, effectiveness¹¹ – of CP, there is little debate that community policing has changed fundamentally the way police organize and operate, i.e., from decentralized organization to reorient crime as problems.

However successful CP is as a police strategy, intellectually it is still very much a practice in search of a scientific theory.

III

A General Theory of Community Policing: A Statement

Proposition#1: People confront problems everyday as unmet expectations, resulting from a lack of resources.

Proposition#2: People experience crime as a personal problem not as a legal violation.

Proposition#3: People call the police because they do not have (or unwilling to spare¹²) the necessary resources to deal with their problems, crime and non-crime.

Proposition#4: Police call the police because they are resources of legitimacy and coercion, both resources of necessity by law.

has shifted focus, redefined mission, reorganized structure, changed culture in order to make police more community oriented.

¹¹ See Gary W. Cordner, “Community Policing: Elements and Effects.” Chapter 22, *Critical Issues in Policing*, Fifth Edition, Roger G. Dunham and Geoffrey P. Alpert (eds.) (Long Grove, Illinois: Waveland Press, 2005), pp. 401 – 419, 401 – 2. (It is extremely difficult to demonstrate effectiveness of community because of its “programmatically complexity”, “multiple effects”, “variation in program scope” and “research design limitations.”)

¹² For the purpose of SRT, in cases when people are unwilling to spare personal resources to deal with a problem, the people really do not have a problem. This remains to be the most controversial aspect of SRT: Should police – social resources be made available to deal with people’s non-problem, problem.

Proposition#5: Police power is a kind of emergency (social) resources made available to the people to solve their problems.¹³

Proposition# 6: The more resources at the disposal of the people the less problem the people will be confronted with.

Proposition#7: The more resources at the disposal of the people the less they have to call on the police when problem (crime) happened.

Proposition#8: The more (adequate and appropriate) resources at the disposal of the police the more effective they are in solving people's problem.

Proposition#9: The less (adequate and appropriate) resources at the disposal of the police the more likely they will resort to illegal or extra-legal means in solving people's problem.

Definitions:

¹³ The idea that police are problem solving is traceable to Goldstein. This is misconceived. *Police as a problem solver is misconceived* because before long before Goldstein, and certainly with other culture, police have been observed to be 24/7 problem solvers, from helping old lady to cross the street to repairing broken tires. There is nothing unique to this observation. What is new and refreshing, however, about Goldstein's insight is that he liberated the police from the mantle of the law, which Goldstein insightfully and rightfully observed to be constricting police's imagination and constraining police's (re)actions. Goldstein preached that police should see and react to public's call for help not as legal problems but social ills. This allows the police to venture beyond the confine of the legal definition of a problem reported to the police – rape, murder, burglary - to attend to the roots of the problem – urban plight, social disintegration, moral bankruptcy - the police was first enlisted to help. Once liberated from law, as a defining and empowering device, the police is free to look at problem in different ways and boundless manner. While liberating, Goldstein provided no clue as to how far the police should go and where the police should stop, in solving (root causes) problems. This issue perplexed scholars and confused practitioners. The lawyers have long understood the pitfalls of trying to find the causes to events: proximate cause, contributing cause ad infinitum.

“Police” is defined as: “Police is a depository and coordinator of social resources. Police is an all purpose emergency problem solver who is authorized to use “legitimacy” and “coercive” resources to solve people’s problems in a domestic situation and during peaceful time.”

“Problem” is defined as: “An unrealized expectation of wants or needs due to resource deprivation.”

“Resource”¹⁴ is defined as: “Things of all kinds, including power, time, materials, skills, culture, ideas, knowledge, that can satisfy ones expectations of want and needs.”¹⁵

“Legitimacy” is defined as: “That which is endorsed, supported and promoted by duly constituted political authority, which illicit intuitive respect and demand obedience.”

¹⁴ Depending on context and discipline, there are many definitions to the term “resource”. Some common ones are: “a source of aid or support that may be drawn upon when needed; “the local library is a valuable resource” wordnet.princeton.edu/perl/webwn “A person, thing, or action needed for living or to improve the quality of life.” www.ec.gc.ca/water/en/info/gloss/e_gloss.htm

“An aspect of the physical environment that people value and use to meet a need for fuel, food, industrial product or something else of value.”

www.wasd.k12.pa.us/district/curriculum/geography/geography_glossary.htm

“Something which is required to complete a task. Resources are characterized by the fact that they have a limited time availability (e.g., an employee that works 8 hours a day, 5 days a week)” www.koffice.org/kplato/docs/glossary.html

¹⁵ Resource has three innate properties: First, resource is a necessary thing, as in: a student said: “I need a pen to write.” That is to say, people cannot do without it, under certain set of circumstances. Second, resource is an instrumental thing, as in a general said: “I need a battalion to secure the battle zone.” That is to say, resource is needed to get things done. Third, resource is a goal oriented thing, as in: “I cannot live without money.” This is to say, that, recourse is of use in solving problem.

IV

Theoretical Framework

A radical theoretical framework

SRT looks at police as a resource for solving people's problems (including crime) through empowerment and self-help.

SRT starts with a basic observation that in a state run by the people we must understand how the people conceive of the nature of crime and role of the police.¹⁶

From the perspective of the state, crime is a legal violation. From the perspective of the people, crime is a set of life experience, and a multi-faceted personal problem.

From the perspective of the state, police power is a political resource to secure control, maintain order¹⁷ and command obedience.¹⁸ It is defined coercively, structured legally, organized bureaucratically and imposed unilaterally.

From the people's perspective, police power is a social resource made available by the state and draw upon by the citizens to handle personal problems of an emergency nature or crisis kind. More significant, in the eyes of the people, police power is not reconstructed in political image, structured

¹⁶ Conflict theorists have long observed that it is impossible to have all the people agreed upon a uniform understanding of the social order. The radical theorists have challenged consensus theorists' understanding of law and order from the perspective of the dominant class, while totally ignoring the contribution of the dominated class. This is a major oversight; people's mentality and sensitivity matters. The nature and distribution of police power takes different shape viewed from above, as it is from below.

¹⁷ Cyril D. Robinson and Richard Scaglione, "The Origin and Evolution of the Police Function in Society: Notes Toward A Theory," *Law & Society*, Vol. 21, No. 1 (1987).

¹⁸ Austin, John, *The Province of Jurisprudence Determined*, W. Rumble (ed.), (Cambridge: Cambridge University Press, 1995) (first published, 1832).

by law, organized with reference to police needs¹⁹ but dictated by the people and negotiated to fit the personal circumstances and situational needs the problem calls to mind.

In its entirety, SRT argues that the definition and availability of police power as a political resource happens at a structural-macro level, e.g., legislative process and policy debate, and the initiation, distribution, disposition of police power as social resource happens at the personal-situational-micro level, e.g., reporting crime and preferring charges.²⁰

Policing from the people's perspective

Looking at police role and functions from the public's perspective can be justified on a number of grounds:

First, SRT calls for looking at life course problems from the people's perspective, as a matter of birth right and process of maturation. In Kant's words:

“Enlightenment is man's emergence from his self-imposed immaturity. Immaturity is the inability to use one's understanding without guidance from another. This immaturity is self-imposed when its cause lies not in lack of understanding,

¹⁹ Peter K. Manning, “organizational Constrains and Semiotics.” In Punch (editor) *Control in the Police Organization* (Cambridge, Mass: MIT Press, 1983), pp. 169-194., p. 176.

²⁰ This theory offers a rebuttal to Marx theory of policing. Put it simply, Marx observed that the police is a political agent of the state, SRT argues that the police, depending on mission, is variously a political or social agent. The state in using the police to put down the riot is using the police as a political resource to maintain control. The public in calling the police to put down the riot is using it as a social resource to solve a disorderly problem. This is what I called in my paper duality of police power concept.

but in lack of resolve and courage to use it without guidance from another.”²¹

This means empowering the people to meet their own personal needs by supplying them with the necessary resources, on demand and as required.

Second, SRT corrects the lopsided relationship between police and the people by returning the people to the center stage, and put them in control,²² thus achieving the communalization,²³ socialization²⁴ or personalization²⁵ of crime.

Third, SRT marks a shift of focus from a state centered community (oriented) policing to a people’s oriented policing.²⁶ While COP calls for the

²¹ IMMANUEL KANT, “An Answer to the Question: What is Enlightenment?” (1784).

²² Lisa L. Miller, “Rethinking Bureaucrats in the Policy Process: Criminal Justice Agents and the National Crime Agenda,” *Policy Studies Journal*, Vol. 32, 2004 (“Using the national crime agenda, this study analyzes the role of federal, state, and local criminal justice bureaucrats, in contrast to traditional interest groups, community organizations, and crime victims, and hypothesizes that criminal justice agents dominate the criminal justice policy process at the national level.”) The domination of crime (prevention, deterrence, detection, and punishment in the hands of CJ experts, as noted by Mao, is not harmless. It creates dependence on the police and in time alienation of the people from crime as a personal and community problem. John *Braithwaite Crime, Shame and Reintegration* (Cambridge University Press, 1989), p. 7.

²³ Communalization of crime recognizes that crime is given meaning by the community, in context of culture, custom, and morality. Crime as a problem cannot be solved without attending to normative (expectation) deficit of the people.

²⁴ Socialization of crime recognizes that crime is a product of society. Crime result from social resource deficits, e.g., poor schooling or dysfunctional family, and cannot be solved without investment of social resources.

²⁵ Personalization of crime recognizes that crime creates different problem with different victim, i.e., there are difference in expectation deficits.

²⁶ There is an urgent need to draw a clear distinction between the “community” and the “people.” They are conceptually different categories for analytical and operational purposes. Analytically, a community is a collectivity (group of people) sharing certain identifiable characteristics and relationship, i.e., “a group of people who share certain demographic and socio-economic traits and fellowship.” Donald R Fessler, *Facilitating Community Change: A Basic Guide* (San Diego University Associate, 1976). The people are an unbounded group of individuals sharing few things in common other than a

police to listen to and serve the needs of the community as a collective in order to enhance its political legitimacy and operational efficiency, SRT asks of the police to be responsible and accountable to the people as individuals and collective.

Fourth, SRT gives “social” meaning and lends “emotional” content to police – people activities, which is what policing is all about, i.e., dealing with personal issues, human problems, relationship difficulties of one form or another.²⁷ In so doing it socialize and humanize the police – people interface, making police business a truly peoples’ business.²⁸

Fifth, SRT liberates the police from the sterile confine of the law and stifling restraints of the bureaucracy. It gets away from one size fits all “McDonaldization” of police (burger, cheese burger, double cheeseburger is still a burger) strategy and practices.

universal social nature (humanity) and particularistic political character (nationality). Operationally, COP means that “The police designate a community in which they will engage in problem solving, develop relationships (that hopefully become partnerships) with the population, collaborate with them to diagnose problems that have some generalized impact, prescribe and implement interventions to solve the problems, and continuously monitor the results.” Daniel W. Flynn, “Defining the Community in Community Policing” (July 1998) (WWW search community). In the case of people’s policing it is the people’s problem, individually or as a group that should be of dominant concern.

²⁷ Crime is never more than a breach of human trust, destruction of social relationship and infringement personal rights. Breach of trust as failed expectation of predictability generates fear (of crime). Destruction of relationship as failed expectation of intimacy results in alienation (from others). Infringement of personal rights as failed expectation of entitlement caused loss (of property) or injury (to body). A reintegration strategy is much better than punishment strategy in renewing faith, building relationship and repairing harm. In this way, my theory echoes the concerns of Braithwaite with traditional punishment. John Braithwaite *Crime, Shame and Reintegration* (Cambridge University Press, 1989)

²⁸ At its heart all policing is a policing of relationship.

Sixth, SRT recognizes police work should be as diverse and complex of people's problem, i.e., policing changes with time, place, people, context, circumstances and situations.

Seventh, and most importantly, SRT allows the people to be heard. For all too long, the public is an object of policing when in fact they are, and should be, the subject of policing. Instead of being policed, people are engage in problem solving.

The legal anthropologist has contributed much, through the study of "trouble cases," to our understanding of how indigenous people of other cultures settle dispute and deal with problems. Such research informs that the problems of everyday life look and feel very differently from the inside than from outside point of view.²⁹

The lesson to be drawn from such insider (people) vs. outsider (police) points of view is that the legal classification of a problem, e.g., murder or rape, does not usually capture the true nature, broad reach, fine details, subtle nuances and deep impact of a problem as experienced by the parties involved. The nature and remedy of a problem must be provided for by the parties involved who are anchored within a complex social milieu, locked into an enduring human relationship role set, constricted by all embracing local customs and moved along by interactive situational dynamics and personal exchanges.³⁰

²⁹ Laura Nader, *Law in Culture and Society* (CA: University of California Press, 1969), pp. 337-348. (Law of the state is build upon custom of the people but never able to reproduce its richness or replicates its nuance.)

³⁰ James L. Gibbs, "Law and Personality: Signpost for a New Direction." Laura Nader, *Law in Culture and Society* (CA: University of California Press, 1969), pp. 337-348. (Law of the state is build upon custom of the people but never able to reproduce its richness or replicates its nuance.) pp. 176-207.

SRT as proposed – people solving their own problem with state resource - is consistent with the civil society movement,³¹ privatization of police trend,³² and alternative dispute resolution initiative.³³ The theory, if ever fully realized, allows the people to be the master of their own affair. They have the right to dictate and control the extent and manner of the state’s involvement in their life choices.

Personal problems as legal violations

Legalization of people’s problem resulted from the fact that the police as a criminal law agent would only recognize a case for investigation and prosecution if the elements of a crime can be proven in a court of law beyond a reasonable doubt with competent evidence: (1) a conduct (*actus reus*) (2) a criminal intent (*mens rea*), (3) a harm, (4) causation, (5) a law against it.

In being captured by law, a personal problem loss much of its attributes and meaning derived from the social milieu, communal setting, interpersonal relationship, historical context and situational dynamics of which it is an integral part, or what the “situation” in situ is all about.

Before the police intervene, a personal dispute between two office lovers ending in a street fight at night registers a rupture of a personal

³¹ Richard Madsen, “The Public Sphere, Civil Society and Moral Community: A Research Agenda for Contemporary China Studies,” *Modern China*, Vol. 19 (2): 183 – 198 (1993)

³² Elizabeth E. Joh, "The Paradox of Private Policing," *Journal of Criminal Law and Criminology*, Vol. 95, No. 1, 2004 Available at SSRN: <http://ssrn.com/abstract=643184>
Dennis O’Leary, “Reflections on police privatization,” *FBI Law Enforcement Bulletin* (1994).

³³ J Gross, “Introduction to Alternative Dispute Resolution,” 34 *Alberta Law Review* 1, 1-33 (1995).

<http://scholar.google.com/scholar?hl=en&lr=&q=info:C28lAGzFGPUJ:scholar.google.com/&output=viewport>

relationship, derailment of a marriage plan, disruption of office work, damaging of career prospects, not to mention hurt ego, tested confidence, loss opportunities. When the police are called, the street fight becomes a “public nuisance” and the lovers turned into “complainant” and “defendant.”

In the process of transformation/conversion, the personal problem loses much of its original meaning and natural feeling to the actors involved and others who might be afflicted, e.g., sons, daughters and neighbors of the “offender.” More significantly, what matters most to the actors involved, i.e., emotion, and people affected, e.g., relationship, are of the least concern to the state. For example, police care little about the children of an abusive husband but loving father, when a case of “spousal abuse” is reported and acted upon.

For example, criminal law does not recognize “motive” as a justification or excuse for illegal actions. Intentional killing of one depraved criminal to save a million innocent people is as guilty as killing a million innocent people to satisfy ones deprave mind. It is still prosecuted and punished as one murder all the same. Likewise killing a person to relieve his pain is no less killing than the cold blooded killing of a person for no reason at all.³⁴ This is because under criminal law, intent and not motive to kill is considered important. However, from the victim’s perspective communal custom and personal morality has always been concerned with motivation, i.e., why a person kill is more important than the fact that someone

³⁴ “A Matter of Life and Death: A Very Personal Discourse,” *Georgetown Journal of Law and Public Policy* Vol. 1 (2): 339 – 361 (2003).

intentionally killed.³⁵ This is most clearly illustrated by Kobben's observation of conflict between local custom and government law:

In the village of Ajumakonde a man and a woman are caught in *flagrante delictor*. A few of the woman's brothers want to beat her and the man, but the man fight back. In the heat of the flight he is bitten by one of his assailants. The man goes to Mungo to ledge a complaint with the police; before going into the office, he rolls about in the mud to make himself look really pitiable. The police go to Ajunmakonde, where they arrest two men ("not even the one who did the bearing")

The event is the talk of the whole district. People are indignation at the man's action but equally at the police. "The one who broke the rules is put in the right and the others in the wrong. The police are stupid, they should ask what was the reason for the fight. It is just like a snake; when it is lying curling up and a person passes, it won't do anything. Only if a person treads on the snake will it bite. That is what we do; we don't justice strike a man; we only strike him when there is a reason."³⁶

³⁵ "A Preliminary Assessment of Hong Kong Interception of Communications and Surveillance Ordinance: For Whom the Bell Toll." Hong Kong's Basic Law: The First Ten Years and its Future" Conference. City University of Hong Kong - School of Law. June 25 – 27, 2007. (Chinese jurisprudence considered Qing-Li-Fa before coming to judgment of liability.") A daughter who killed an official to avenge the death of her father at the hand of an official executing a legal duty was executed for murder but lauded by the emperor for filial piety to the father.

³⁶ See Andrea J. F. Kobben, "Law at the Village Level: The Cottica Djuka of Surinam," Laura Nader, *Law in Culture and Society* (CA: University of California Press, 1969), pp. 117-146, 127.

For example, criminal law assumes that people are rational and is built upon the foundation of utilitarianism,³⁷ denies emotions of everyday life. Thus killing emotionally is no less guilty as one who intentionally kills. Likewise, jurors are instructed not to allow emotional considerations to influence the outcome of a case.³⁸ In both cases the core constitution and basic values of people as victim, defendant and jury is denied in favor of the rational administration of the law.³⁹

The process and effect of transformation of a private affair into a public matter on the event and people involved is best described by Manning:

As the message moves the system, it loses the implicit, connotative meanings associated with the polysemic nature of

³⁷ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1781)

³⁸ The American jury system has originated with the firm belief that community justice shall prevail over the black letter law. Jeffrey Abramson, *We, The Jury* (Basic Books, 1994), pp. 22-33. This has led inevitably to the nullification of the law based on “conscience of the community” in modern time. Michael Granberry, “Abortion Protest Juries Told to Ignore Nullification Ad,” *L.A. Times* (San Diego County edition), Jan. 27, 1990, p.B1. See Jon M. Van Dyke, “Merciful Juries: The Resilience of Jury Nullification.” *Washington and Lee Law Review* 48 (1991): 165-83. In the case of ‘Camden 28’ the judge allowed the draft card burning defendants to argue for nullification based on the fact that the FBI informants have supplied the antiwar protesters with the tools to carry out their draft raids. Donald Jackson, “Judge Instructs ‘Camden 28’ Jury,” *New York Times*, May 18, 1973, p. 13. The defense lawyer in the case argued to the jury that the term “nullification” means: “power of a jury to acquit if they believe that a particular law is oppressive, or if they believe that a law is fair, but to apply it in certain circumstances would be oppressive...” *Id. We, The Jury*, p. 59. The jury “nullification” doctrine clearly allows the jury to rise above the confine of the law in search of higher justice. In so doing, they imbue the legal process with moral and ethical considerations

³⁹ See how the concept of “reasonable man” is made to accommodate local differences and give vent to emotional sentiments. Max Gkuckman, “Concepts in the Comparative Study of Tribal Law.” In Laura Nader, *Law in Culture and Society* (CA: University of California Press, 1969), pp. 349-373, 367-371

what was reported to have happened and becomes more denotative, represented in police classification, and is treated by the organization more as something to sort out and deal with and less as a reflection of a complex, emotional, sensate event. Manning. I shall refer to this as bureaucratization of social and personal problems.⁴⁰

Manning's observation was elaborated upon in concrete details by Canadian criminologist Jorgensen who examined 16 hours of police calls – 820 telephone conversion, 210 dispatches and 53 request reports – into a large suburban police station in Central Canada. In concluding, Jorgensen clearly observed legal and administrative considerations come before the citizen's concern:

“We have seen that C.O. (communication officers) do not mechanically act on caller requests. Conversations are difficult and require the application of interpretations. Citizen explanations and concerns are not necessarily police consideration and concerns...All trouble announced to the police may potentially involve “chargeable” matters, or prove otherwise...The C.O. is concerned, our findings suggest, more with managing and negotiating caller requests than, perhaps with satisfying caller demands. By placing calls under legal definitions, C.O.s can

⁴⁰ Peter K. Manning, “Organizational Constrains and Semiotics.” In Punch (editor) *Control in the Police Organization* (Cambridge, Mass: MIT Press, 1983), pp. 169-194. p. 176.

achieve and maintain the most administrative control.”⁴¹
(Underline supplied).

Legalization of a problem also shifted the ownership and arena of dealing with the problem from the public to the state. For example, once a family problem (dispute) become acted upon by the police as a legal violation (assault) the parties involve (husband and wife) cannot (re)claim ownership of the problem (which is theirs in the first place and affects them most) until such time the police has determined it is no longer in their interest to proceed with the case.

Still, there are formal and informal ways the parties can influence the legal process and outcome, e.g., by refusing to testify, but they have to do so within the law, i.e., people can be forced to testify under contempt order. The police and prosecutor have long respected the rights of the victims not to prosecute. Otherwise, the law makes it possible to mount a private prosecution if the police or state refuses to move forward.⁴² More recently, the victim’s right movement successfully reforms the law to allow the victims to participate in the sentencing of the offenders⁴³ and the re-integration shame theorists have made it possible for the victims to play a key role in having some control over the disposition of the case. All this argue for a prominent role and active involvement of the public (victim) in the management of its own business and problems.

⁴¹ Birthe Jorgensen, “Transferring Trouble – The Initiation of Reactive Policing” *Canadian Journal of Criminology* Vol. 20: 257-279 (1980), p. 276.

⁴² Daniel Klerman, “Settlement and the Decline of Private Prosecution in Thirteenth-Century England,” Independent Institute Working Paper #19 January 2000. (“Although modern societies generally entrust enforcement of the criminal law to public prosecutors, most crimes in pre-modern societies were prosecuted privately by the victim or a relative.”)

⁴³ See “Crime Victims' Rights” in Minnesota. <http://www.letswrap.com/legal/victrts.htm>

Policing as self-help

As structured, the theory SRT give credence to CP in that it openly acknowledges in theoretical terms and explicates in concrete detail why and how the public should play a key role in the deployment and disposition of police power as a social resource in search of a solution to their own problem.⁴⁴ To that extent this is a theory about “self-help,”⁴⁵ “private ordering” and “personalized justice.”⁴⁶

This theoretical approach – looking at police services from public’s perspective and as personal/community problems - is anticipated by Cumming, Cumming and Edell, Goldstein, and Bittner, though all three of them did not carry their analysis far enough in addressing the central proposition of this theory – people should be empowered⁴⁷ to solve their own problems.

Cumming and her colleagues discovered the “support” function of the police but fail to discuss its theoretical and operational import in terms of people’s policing.⁴⁸

⁴⁴ “The self-policing society,” 19-24. In Charles Leadbeater, *The Self-policing Society* (Demos, 1995); Neal Katyal. “Community Self-help,” *I J. L. Econ. & Pol’y* 33 (2005).

⁴⁵ Donald Black, *The Social Structure of Right and Wrong*. Revised edition. (San Diego: Academic Press. 1968)

⁴⁶ To the extent “private ordering” as “self help” involves police resources, “self help” is mediated by the police in legal and bureaucratic considerations. “Within very broad limits, citizens must generally avail themselves of police services rather than resort to “self-help” in dealing with problems or property.” Albert J. Reiss, Jr. and David Bordua, “Environment and Organization: A Perspective on the Police.” In David J. Bordua (ed.) *The Police: Six Sociological Essays* (N.Y.: John Wiley & Sons, Inc., 1967), pp. 25-55, 28.

⁴⁷ I use empowering to mean giving the people the necessary social resource and helping them to use the resource in a proper, efficient, effective and responsible manner.

⁴⁸ Elaine Cumming, Ian Cumming, Laura Edell, “Policeman as Philosopher, Guide and Friend *Social Problems*, Vol. 12 (3): 276-286 (1965)

Goldstein identified the “community problem solving” functions of the police but stops short of recognizing the public having an inherent *right* as citizens to demand police power to solving their own problems.⁴⁹

Bittner demonstrated that the police bring with them the “capacity and authority” of using coercive force to solve situational problems of all kinds without also realizing that in actuality police possesses a range of other resources - diverse capacity and multitude authority, the most sought after one is legitimacy - which made them valuable to the public for problem solving.

All these scholars contributed significantly to my thinking about people-problem oriented policing but none of them envision a re-conceptualization of the role (problem oriented) and relationship (people’s oriented) of the police to the people.

Policing as social services

Cummings and her colleagues were one of the very first to discover the dual roles of the police, i.e., as a control vs. supportive agent. “Finally, besides latent support, the policeman often gives direct help to people in certain kinds of trouble.” After analyzing 801 calls over 82 hours, Comming and her colleagues found that over 50 percents of the police calls seek help of one sort or another. The research team concluded that the police instead of enforcing law or fighting crime were asked by the people to help solve their problems, i.e., in acting as philosopher, guide and friend to people in need. This research is important because it breaks with traditional conception of police (in 1960s, the height of professional policing) in openly recognizing the social role and service nature of police work.

⁴⁹ Herman Goldstein *Problem-ppOriented Policing* (McGraw-Hill 1990)

For our purpose, what social service the police rendered is less important as the fact that the police are not solely political controller, law enforcer and crime fighter. They help people to solve their problems of all kinds. Like so many other researches to follow, the research failed to draw upon the empirical findings to articulate a police theory calling for a renewed understanding of police role, focusing of problem solving. This task is left to Goldstein.

Policing as problem solving

In a seminal article Goldstein observed and lamented that there is a “tendency in policing to become preoccupied with means over ends.”⁵⁰ By that Goldstein means that traditionally police in America has structured their activities around law enforcement and crime control when they should be orientating themselves to the “substance” of policing, i.e., solving crime and related problems of the community.

Goldstein was one of the first to re-orient the police function from reactive crime fighting to pro-active problem solving in the community. He called for a shift in police strategy and activities to that of “problem oriented policing” (POP) which has since then been the organizing principle informing police reform in the 1980s. “The police must give more substance to community policing by getting more involved in analyzing and responding to specific problems citizens bring to their attention.”

This invitation for the police to shift its role and function from dealing with crimes to solving community problems, challenges the police to look at

⁵⁰ Herman Goldstein, “The New Policing” *Research in Brief* (Washington, D.C.: Department of Justice, Dec. 1993).

the nature (complexity of causes), extent (diversity of manifestation) and remedy (variety of alternatives) to community problems beyond the narrow confine of the tradition role of police as law enforcer and crime fighter.

“This calls for a much heavier investment by the police in understanding the varied pieces of their business, just as the medical field invests in understanding different disease. It means that police, more than anyone else, should have a detailed understanding of such varied problems as homicide involving teenage victims, drive-by shootings, and carjackings...Analyzing each of these quite different problems in depth leads to the realization that what work for one will not work the other, that each may require a different combination of different response.”⁵¹

In so doing, the police no longer fight crime and enforce law but engage in community problem solving.

SRT while agreeing with Goldstein’s POP approach differs from POP in a number of important and illuminating ways.

First, Goldstein’s POP theory is in the main a theory about solving “community problem” as revealed by individual’s call for assistance, e.g., repeated calls about robbery in a neighborhood tells the police that this is a criminal “hot spot.” Goldstein argued that the police should not be driven by law, focused on crime and reacting to incident. Instead police work should have a larger reference and more pragmatic concerns in dealing with citizens’ problems. By that Goldstein means that police should not be

⁵¹ Herman Goldstein, “The New Policing” *Research in Brief* (Washington, D.C.: Department of Justice, Dec. 1993).

organized only to fight crime reactively but also take the initiative to deal with community problems giving rise to crime and disorder proactively.

While it is true that Goldstein's theory would readily accommodate the use of police to solve personal problems, this is not the original intent of the theory. This is an important distinction for three reasons. First, Goldstein is not interested in dealing with individual level problems as much as he is concerned exclusively with resolving community level problems. More bluntly, Goldstein looks at individual problems reported to the police as indicators of larger problems in the community, not personal problems worth attending to.

Ultimately, an issue is raised as to what kinds of problem are Goldstein interested in – problems giving rise to crime or problems generated by or associated with crime? Should the police be dealing with the crime and disorder problem at its root, i.e., solving “community problem” giving rise to crime and disorder, such as a lack of welfare network and support for disabled veterans leading to crime? Or, Should the police be dealing with the various problems associated with a “crime” or “incident” a experienced by the victims, including emotion-psychological, material-economical, relation-social, e.g., asking for compensation from robbers and providing counseling for the rape victims?

SRT I argue that both are important, but from the perspective of the people (victim) it is the later that is more important. That is why people called the police in the first instance, i.e., to seek help from crime precipitated and related problems.

Second, Goldstein's theory is a “police” theory. Goldstein's main contribution is in having the police looking at the larger picture beyond the immediate, beyond law and into society. He asks the police to look at the

problems lurking behind crime and disorder in the community. PPRST is a pure “people” theory of policing. It asks the police to look at crime, disorder and other problems from the perspective of the people. From the people’s perspective crime is manifested as problems in people’s life course. As a people’s theory of policing, what is a problem (crime and non- crime, legal violation or not) to the public is considered ipso facto a problem for the police.

There is an interesting question whether the police can ever disagree with the public over the existing and classification of a problem. They can. However, under SRT, the police as an agent cannot override the people’s (as a principle) assessment of a situation, however irrational or objectionable. The police of course can offer his advice as an expert consultant as to how best to deal with a problem. This necessary gives them the right to dissuade the citizen from using the police for what to the police is a non-problem, problem. Lastly, the police can certainly limit the availability of resources based on commonly agreed upon objective criteria written into law and policy.

Third, Goldstein expects the police to solve community problem with the help of the community. SRT wants the people to solve their own problem with or without the help the police. More importantly, police resource is only one of the many resources potentially available.

Fourth, Goldstein wants the police to have more expansive police power to solve the crime problems, e.g., nuisance abatement law. SRT wants to empower the citizens, themselves (e.g., learn how to deal with disputes) or with the help of others (e.g., mobilize police, social workers, friends, relatives) to solve their own problems. While SRT does not object to police having more power to serve the public, such power should only be

activated and used with the people’s consent and at their direction and control.

Fifth under Goldstein’s formulation, police problem solving will lead to more police penetration into community lives. Under SRT the police will be playing a lesser and lesser role in the community with the people getting better and better in taking care of their own business. Goldstein’s theory allows the police to enter the people’s life at will in search of a solution. SRT will allow the public to control the police once he is called to ones assistance. In sum, Goldstein wants to enlarge the state role, my SRT wants to create more civil society space.

Table I: Goldstein “problem oriented policing” vs. Wong’s “state police power as social resource”

	Goldstein POP	Wong SRT
Definition of problem	Police in consultation with the public	People identifying their own personal or community problem
Ownership of problem	Police	People
Solution to problem	Police provide solution to problem	People draw upon the police as a resource to solve personal problem
Mean to solve problem	More police resources	Varieties of community/ personal resources
Role of police	State control agent	People’s problem solving agent
Role of citizen	Community participation (policy consultation) and assistance (eyes and ears)	Citizen consult, engage, or direct police to solve problem.

Police as a coercive resource

In an equally important and provocative article Bittner convincingly argued that “the role of the police is to address all sorts of human problems when insofar as their solutions do or may possibly require the use of force at the point of their occurrence.”⁵² More specifically, police: “is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies.”⁵³ He observed that the police is the only social institution empowered to use legitimate force to settle problems in our society in peace-time. For example, he gave this illustration of why police are called

“In a tenement, patrolmen were met by a public health nurse who took them through an abysmally deteriorated apartment inhabited by four young children in the care of an elderly woman. The babysitter resisted the nurse’s earlier attempts to remove the children. The patrolmen packed the children in the squad car and took them to Juvenile Hall, over the continuing protests of the elderly woman.”⁵⁴

Bittner was quick to observe that in most cases police coercive force is not needed and never will be used, e.g., e.g., police treatment of lost children. However, this does not mean that coercive force *might not* be

⁵² *The Functions of Police in Modern Society* (National Institute of Mental Health, 1970), pp. 36-47. Reprinted in Richard J. Lundman, *Police Behavior* (Oxford University Press, 1980), pp. 28-41, at p. 38.

⁵³ *Id.* P. 41.

⁵⁴ *The Functions of Police in Modern Society* (National Institute of Mental Health, 1970), pp. 36-47. Reprinted in Richard J. Lundman, *Police Behavior* (Oxford University Press, 1980), pp. 28-41, at p. 32 - 43.

necessary, as a last resort. In essence, to Bittner it is not the actuality or even probability of using force that define the role of police, it is the possibility (no matter how slim) and potentiality of use of force (no matter how contingent) which justifies the definition of police role.

More pertinent for our analysis, Bittner postulated that everyone expects the police to use force to solve problem when they call the police:

“There is no doubt that this feature of police work is uppermost in the minds of people who solicit police aid or direct the attention to problems, that persons against whom the police proceed against have this feature in mind and conduct themselves accordingly, and that every conceivable police intervention projects the message that force may be, and may have to be, used to achieve a desired objective.”⁵⁵

Bittner as with this author agrees that people call police as a resource to solve their problems. However, Bittner is mistaken in claiming that most if not all the people who call the police do so because of the police’s “capacity and authority” to use force. Bittner’s argument is flawed in the following ways:

(1)The public call the police for a variety of reasons, not all of them require the use of force. In fact most of the problems requiring police attention defy the use of force for a satisfactory resolution. For example, when the police is called to help locate a lost relative, to unlock a locked vehicle, or put out a fire, the public do not expect

⁵⁵ *Id.*

the police to use force because force is not contemplated and of no use. Take the case of a fire in a rural area with no fire department nearby. People call the police because they lack the resource to do it themselves – fire fighter equipment (technology resource), fire fighter skill (knowledge resource), and fire fighter personnel (people resource). While the “capacity and authority” to use force is certainly one kind of resources needed to remove anyone who obstruct and impede with the fire fighting, but this is not the only or most important kind of resources sought. Coercive force, if ever to be used in such situations, is quite remote and very contingent. The people who call the police certainly do not anticipate such far-fetched theoretical possibility. Bittner is stretching his logic in order to make a point.

(2) According to SRT, people call the police to solve their personal problems because they do not have the resource to do so. That is to say that if people have the necessary resources they will not call the police. Since, personal or community resources to deal with a given problem, e.g., fighting a small fire, is not evenly distributed, this means that some one will be calling the police for help while others will not. For the people who opt to take care of the fire problem themselves, they will be using whatever resources available to their disposal, such as calling upon their relatives to help. This certainly does not include the use or potential use of force. If the same problem could be solved by the citizen without the use of force, it is far fetch to claim that people who call the police on the same kind of problem are calling the police because the police has a “capacity and

authority” to use force as a “contingency,” however remote. The fact of the matter is from the public’s perspective most problems they have to deal with defy forceful and coercive intervention, e.g., when people are depressed and want someone to talk to. In fact, for most of the time and with nearly every matter the police is called upon to deal with by the public, forceful invention is inappropriate if not even counter-productive. Coercive use of force is an exception, not the norm, in real police work and as expected by the people.

(3) In some cases, the people call police precisely because they do not want force to be used. For example, people may be calling police as an arbitrator in a family dispute with strong headed family members. An irate wife may call the police to affirm that her husband had a lady in the car while he crashed in the early morning. A frustrated father may call the police to tell his daughter how dangerous it could be to go out at night to a rowdy bar. The irate wife in drawing upon the police’s information power wanted the police to show the husband that she has a right to be upset, to be vindicated. The frustrated father, on drawing upon the police’s expert power, wanted the daughter to teach his daughter a lesson, to be reinforced. In either case, the parties do not want nor expect force to be used.

(4) According to SRT, whether a citizen is calling on the police’s “capacity and authority” to use force certainly depends on whether the citizen have the “capacity and authority” to use force *relative* to the police, thereby making the police “capacity and authority” superfluous. In those case where the citizen has the “capacity and

authority” to use force, e.g., arresting and turning a thief over to the police, he has no need to invoke the police for its “capacity and authority” to use force but only to process the person through the next stage of the criminal justice system.

(5) Lastly, and perhaps most importantly, Bittner’s formulation assume that all people in all communities at all time on all matters look at police (coercive) role the same. More pertinently, all people have the same expectation of the police role and relations. This presupposition runs counter to the first lesson learnt about studying policing and society. How the people of a given society in a certain era conceive of the police and their relationship with society must of necessity depends on the cultural understanding of that society about the role, functions and relationship of the police with the public in point of time. In pre-history time, the tribes police their members with high priests who were readily obeyed without the threat or use of force. In modern time, private security of a company is able to police without resort to force in that company because their enforcement without force is accepted by the employee to be legitimate.

Police power as a “legitimacy” resource

In theory, SRT postulates that police power is a “legitimacy resource” for the people to solve problem. “Legitimacy” is defined as: “That which is endorsed, supported and promoted by duly constituted political authority.” In political science, legitimacy is acceptance of a governing authority while authority is the ability to influence people’s action.

In fact most people call the police to “legitimize” what they are doing. In essence, the private citizens want the police to endorse his/her stance or action to a situation as legitimate, i.e., legal or just; more simply to bless the citizens with state authority. This is especially the case when citizens engage in disputes with each other over matters of right or wrong.⁵⁶ For example, in divorce cases, embattled spouses routinely call the police to be arbiter of property, custody, privacy disputes.⁵⁷

In practice, most people call the police because the police’s other “capacity and authority,” i.e., the police’s ability to command respect and obedience as a legitimate state authority, without more. In such cases, people see police as a moral authority representing the state, or “legitimacy resource.”⁵⁸ As such, they follow the police instruction voluntarily and instinctively, and expect others’ to do so. In this way, the police will be listened to, not because he/she has the “capacity or authority” to use force but as the British had it, they are the representative agent of the people (some said state) and thus carry with them the moral authority of the people and state.

The importance of legitimacy and moral authority in securing compliance and helping people to resolve problem within relevant in-groups is well established. Different groups secured legitimacy and privileged authority differently.⁵⁹

⁵⁶ Donald Black, *The Social Structure of Right and Wrong*. (San Diego: Academic Press, 1998).

⁵⁷ The author was an experience divorce lawyer.

⁵⁸ In time, police has come to be looked upon as the government in action.

⁵⁹ Robert Graftstein, “The Failure of Weber's Conception of Legitimacy: Its Causes and Implications” *The Journal of Politics*, Vol. 43, No. 2 (May, 1981), pp. 456-472 (article consists of 17 pages)

In imperial China, the instruction of the father (delegated police authority) is instantly obeyed, less so because he can use force to exact compliance and more so as a result of his elevated social status and established moral authority. Within the Church, the admonition of the Pope is never challenged because he possesses ultimate religious stature and moral authority. In a corporation, the security chief's order is never questioned, not because he can use physical force to enforce his will but because he is empowered by the company to compel performance from the employee with economic means. Within the scientific community, the lead scientist has the final say over a scientific project because he has expert authority.

As the various examples from the above show, different people can draw on different capacity and authority to compel people to act. Likewise, police possess different capacity and authority to move along people as expected. Force is only one of the many resources used by the police to put things in order.

Problem as resource deprivation

As intimated above, when people call the police, they do so because they need help (with resources) to solve a problem. A problem arises as a result of unmet expectations, or resource deficit. Expectations can be met by deploying proper resources. For example, a simple theft is a problem because it breaches a number of expectations: victim does not expect to be violated; victim does not expect to loss money; victim does not expect to have to walk to work, etc. Problems can also be solved with the lowering of expectations. For those who lived in a crime infested neighborhood,

residences learn to adjust their normative expectations and prioritizing their needs; a “crime” problem in the suburb might just be a nuisance in the inner city. Finally, we hold the ultimate key to solution to our problems – we can end our life, and with it all worldly problems.

The victim might not need to call the police if he has resources to meet those expectations, e.g., if the victim is rich he might be protected by security guards and if a driver has AAA insurance he can call AAA to open the locked car. The most appropriate way to deal with crime as a personal or social problem is: First, define what problems are confronted by the people; Second, provide the people the necessary resource to prevent or resolve such problems.

This is exactly what imperial Emperors did; they avoid crime through enrichment (material resource) and education (mental resource) of the people.

V

Conclusion

The whole purpose of this long article is to introduce a new way of thinking about CP, making policing a people’s business and problem solving exercise. This new way of CP is encapsulated in a new theory of policing: SRT.

There are many reasons for engaging the people in solving (crime) problems with SRT:

First, the people have the right to participate in their own governance. This is the idea and ideal of localism in the U.S.⁶⁰ wherein all

⁶⁰ For a comprehensive treatment (law and theory) of localism in the U.S. see Richard Briffault. *Our Localism: Part I - The Structure of Local Government Law*. 90

the powers of the central government come from the people. While federalism envisions a government from the top down, localism conceives of a government from the bottoms up. The legal status and relationship of local associations to central authority (state) is best captured by the U.S. Supreme Court in *Avery v. Midland County*⁶¹ “Legislators enact many laws but do not attempt to reach those countless matters of local concern necessarily left wholly or partly to those who govern at the local level.”⁶²

Second, the people has the responsibility (as a citizen) to fight crime.⁶³ This is the notion of “communitarianism” in the U.S. which is defined as “a mindset that says the whole community needs to take responsibility for itself. People need to actively participate, not just give their opinions ... but instead give time, energy, and money.”⁶⁴

Third, the people is in the best position to see that “people’s justice” is done, including making decisions on who to police, what to police and how to police. This is akin to the idea in the U.S. that the community notion of order and justice prevails over the rule of law.⁶⁵

Fourth, the people are more motivated, thus more vigilant to take care of their own problems and concerns. This is the idea that citizens of a state,

Columbia Law Rev. 1-115 (1990); Richard Briffault. Our Localism: Part II - Localism and Legal Theory. 90 *Columbia Law Rev.* 346-456 (1990). For a brief history on the development of localism, see “The Right to Local Self-Government” in 13 *Harvard Law Review* 441-454 (1900).

⁶¹ 390 US 474, 481 (1961) (Challenge to the apportionment of the Midland County Commissioners Court - the county legislature - which gave a tiny rural minority a majority of the legislative seats. The apportionment was pursuant to Texas Constitution which did not require districts to have equal population.)

⁶² *Id.* (Local inhabitants have personal stake in local government. Their self-determination is not to be interfered with by the state,)

⁶³ *Id.* p. 52.

⁶⁴ Rob Gurwit, “Communitarianism: You Can Try It at Home,” *Governing* 6 (August 1933): 33-39.

⁶⁵ James Q. Wilson, *Varieties of Police Behavior* (The sense of justice of a police officer is necessarily informed by the community he works in.) (Harvard, 1968). P. 287

as with employees of an organization, naturally seek responsibility if they are allowed to “own” a problem. “The average human being learns, under proper conditions, not only to accept but to seek responsibility.”⁶⁶

Fifth, the people are in the best position, being more able, efficient, and effective in conducting the people’s business. This is the notion in the U.S. that the public is the best source of intelligence for the police.⁶⁷

Sixth, the police could not be everywhere the same time and in any one place all the time. This is especially the case in the sparsely populated area: e.g., rural areas.⁶⁸ It is unlikely that the police could be informed of illegal activities unless informed by the people.⁶⁹

Before we end we need to compare and contrast CP vs. SRT. There are substantial differences between CP vs. SRT, in theory and practice. The final table (Table III) below illustrates the major differences when comparing traditional CP with proposed SRT. As discussed earlier, CP is a “police” theory from vantage point above whereas SRT is a “people” theory from below. CP presupposes and works towards consensus in the community, while SRT embraces and promotes diversity and individuality in defining expectations of the police. CP is a control theory, while SRT is an empowerment theory. CP looks at crime as legal violation and SRT considers crime as people’s problem. CP relies on the police to solve legal

⁶⁶ This is the famous “Theory Y.” Douglas McGregor, *The Human Side of Enterprise* (N.Y.: McGraw-Hill, 1960), p. 48. Theory Y calls for involving the employee in making and implementing decisions.

⁶⁷ Malcolm K. Sparrow, “Information Systems and the Development of Policing” (U.S. Department of Justice, National Institute of Justice, Perspectives on Policing (Washington, D.C.: Author, March 1993), p. 4.

⁶⁸ Ralph Weisheit and David Falcome, *Rural Crime and Rural Policing* (NIJ, 1994).

⁶⁹ The rural people do not trust the police and rarely call the police, preferring to solve problems in their own ways. *Id.*

violations and SRT depends on the people to (re) solve their personal problems.

Table III: Comparing Traditional CP Theoretical Orientation vs. Proposed SRT Theoretical Orientation:

Dimension Of Police Power	Traditional CP Orientation	Theoretical Premise	Proposed SRT Orientation	Theoretical Premise
Ideological base	State	Power as instrumentality of State	Democratic	Power as a resource of the people.
Whose Perspective	Police	Police professional perspective.	Public	Public personal perspective.
Vantage Point	Top Down	Power is created and imposed from the center.	Bottom's Up	Power is developed and shared by the people.
Orientation	Past	Mechanical solidarity. Punitive law Public justice. Defendant's rights.	Future	Organic solidarity. Restitution Law. Private justice. Victim's rights.
Method	Consensus	People are more alike than different.	Critical	People are more different than alike.
Dimension	Unitary	Power as control.	Dualistic	Power as control and service.
Defined by	Law	Power justified by legal rule.	Problem	Power justified by situational needs.
Structured by	Bureaucracy	Rational rule.	Culture	Historical – customary norms.
Function	Coercion	Non-contingent and non-negotiable force to suppress.	Resource	Contingent and negotiable resource to resolve.
Purpose	Control	Monopolistic/ Central/ Political/ Ideological	Empowerment	Pluralistic/ Local/ Social/ Personal
Availability	Supply	Determined by	Demand	Determined by

		interests.		morality.
Application	Executed	Imposed by police.	Self-help	Seek out by the public.