

Plainclothes detectives question suspect.

carrying knives. If the police were forbidden to stop persons at the scene of a crime, or in situations that strongly suggest criminality, investigative leads could be lost as persons disappeared into the massive impersonality of an urban environment. Yet police practice must distinguish carefully between legitimate field interrogations and indiscriminate detention and street searches of persons and vehicles.

The Commission recommends:

State legislatures should enact statutory provisions with respect to the authority of law enforcement officers to stop persons for brief questioning, including specifications of the circumstances and limitations under which stops are permissible.

Such authority would cover situations in which, because of the limited knowledge of a policeman just arriving at the scene, there is not sufficient basis for arrest. Specific limitations on the circumstances of a stop, the length of the questioning, and the grounds for a frisk would prevent the kind of misuse of field interrogation that, the Commission study also indicated, occurs today in a substantial number of street incidents in some cities. As discussed in a later section, such statutes should be implemented by the creation by police administrators of specific guidelines for police action on the street. A balance between individual rights and society's need for

protection from crimes can be struck most properly through this combination of legislative and administrative action. Court review then proceeds under more enlightening circumstances.

The Commission notes that the U.S. Supreme Court will review this term at least two cases bearing on police authority to stop persons. Of course, any legislation and administrative rules must be consistent with court rulings on this issue.

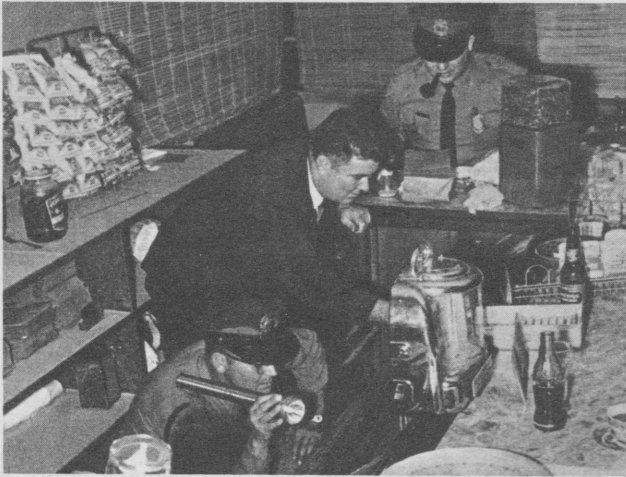
THE OPERATIONAL PROBLEMS OF LAW ENFORCEMENT

PATROL

The heart of the police law enforcement effort is patrol, the movement around an assigned area, on foot or by vehicle, of uniformed policemen. In practically every city police department at least one-half of the sworn personnel perform their duties in uniform on the street. Patrol officers are not, of course, mere sentries who make their rounds at a fixed pace on a fixed schedule. They stop to check buildings, to investigate out-of-the-way occurrences, to question suspected persons, to converse with citizens familiar with local events and personalities. If they are motorized, they spend much of their time responding to citizen complaints and the reports of crime that are relayed to them over their radios.

There can be no doubt that large numbers of visible policemen are needed on the streets. For example, a Commission analysis showed that 61.5 percent of over 9,000 major crimes against the person—including rapes, robberies, and assaults—in Chicago over a 6-month period occurred on the streets or in other public premises. Moreover, there have been a number of demonstrations that increasing the patrol force in an area, through use of special tactical patrols, causes a decline in crimes directed at citizens walking the streets in the heavily patrolled area. The number of crimes committed in the New York subways also declined by 36.1 percent last year after a uniformed transit patrolman was assigned to every train during the late night hours.

Although all police experts agree that patrol is an essential police activity, the problem of how many policemen, under what orders and using what techniques, should patrol which beats and when, is a complicated, highly technical one. A principal purpose of patrol is "deterrence": discouraging people who are inclined to commit crimes from following their inclinations. Presumably, deterrence would best be served by placing a policeman on every corner. Street crimes would be reduced because of the potential criminal's fear of immediate apprehension. Even indoor crimes, such as burglary, might be lessened by the increased likelihood of detection through a massive police presence. But few Americans would tolerate living under police scrutiny that intense, and in any case few cities could afford to provide it.



An adequate number of policemen must be available and must be deployed in the most efficient, effective manner possible. On the theory that the widest patrol coverage is the most deterrent coverage, police have only recently begun to devise systematic ways of obtaining this coverage in the most economical fashion and at the times of day and night when it is most needed. However, resources and talent for proper research have not been devoted in any great extent to discovering and analyzing the relationship between police patrol and deterrence. There have been few scientifically controlled experiments concerning deterrent effects of various patrol techniques. One line for such experimenting on the effects of deploying varying numbers of policemen, suggested by the Science and Technology Task Force, is described in chapter 11.

There are a multitude of questions about deterrence that the police, in the present state of knowledge, simply cannot answer. One set of questions concerns the extent to which crimes of various kinds can be deterred. Common sense would seem to suggest that crimes like homicide, which are typically committed in moments of high emotion, are less likely to be deterred by fear of arrest and punishment than crimes like burglary, which typically arise from premeditation and calculation. But little or no research into this subject has been done.

Another set of questions concerns the extent to which various kinds of people can be deterred from crime. Once again, on the basis of guesswork, it can be maintained that youths are harder to deter than older people because they tend to be more hotheaded, or that people with criminal histories are harder to deter than those who have none because the social stigma of being arrested has already been imposed on them. Once again, there are no data to confirm or refute such theories.

A third set of questions concerns where and when what kinds of crimes are most likely to occur. Clearly such knowledge is needed if the police are to look for the right things in the right places at the right times. A number of big-city police departments do have fairly ambitious programs of crime analysis, but they are too recent for

meaningful evaluation. The departments must have the aid of representatives of academic disciplines—such as operations analysts, criminologists and other social scientists—before crime trend prediction can be fully developed and usefully related to day to day changes in patrol concentrations and planning for long-range patrol needs.

A final set of questions concerns the extent to which different patrol techniques result in arrests and lead to the fear of arrest. There has been a good deal of discussion in police circles about foot patrol versus motor patrol, one-man patrol versus two-man patrol, fixed patrol versus fluid patrol, whether or not to use detectives on patrol, and other such technical matters. Lack of knowledge about deterrence has meant that many of these operational patrol decisions have been made on the basis of guesswork or logic, rather than on facts.

Perhaps the best proof that much remains to be discovered about police work is that the ratios of policemen per thousand residents in cities of over 500,000 population range from 1.07 to 4.04, while the incidence of reported crime in those cities shows no such gross differences. One part of the explanation for such a disparity is that the size and physical characteristics of a city, its geographic location, and its population mix are factors in determining police needs. However, another part is that there is no consensus among chief administrators about many aspects of the how, what, and when of police patrol.

INVESTIGATION

When patrol fails to prevent a crime or apprehend the criminal while he is committing it, the police must rely upon investigation. Every sizable department has a corps of investigative specialists—detectives—whose job is to solve crimes by questioning victims, suspects, and witnesses, by accumulating physical evidence at the scene of the crime, and by tracing stolen property or vehicles associated with the crime. In practically every department the caseloads carried by detectives are too heavy to allow them to follow up thoroughly more than a small percentage of the cases assigned them. In other words, a great many cases are unsolved by default—or, at least, time will not permit a determination of whether or not they are solvable. The effects of this condition go far beyond lack of redress for many victims of crime.

A Commission survey of the reasons citizens give for not reporting crimes to the police shows that the number one reason is the conviction that the police cannot do anything. If this impression of the ineffectiveness of the police is widely held by the public, there is every reason to believe that it is shared by criminals and would-be criminals. Under such circumstances, “deterrence” is, to say the least, not operating as well as it might.

In the present state of police knowledge and organization many crimes are, in fact, not solvable. In the great majority of cases, personal identification by a vic-



tim or witness is the *only* clue to the identity of the criminal. The Commission analyzed 1,905 crimes reported during January of 1966 in Los Angeles, which has a notably well-trained and efficient police department. The police were furnished a suspect's name in 349 of these cases, and 301 were resolved either by arrest or in some other way—either the victim would not prosecute, subsequent investigation disclosed that the reported crime was not actually a crime, or a prosecutor declined to press the case. Of the 1,375 crimes for which no suspect was named, only 181 cases were cleared. Since crimes against the person are more likely to be named-suspect crimes than crimes against property, it is natural that a much higher proportion of them are solved. In 1965, 78 percent of reported serious crimes against property were never solved.

An increase in the number of investigative personnel would permit a wider search for possible witnesses to a crime and thus increase the number of cases in which suspects are named. However, insufficient manpower is not the only impediment to effective investigation. Scientific crime detection, popular fiction to the contrary notwithstanding, at present is a limited tool. For example, single fingerprints can be used for positive identification when compared to those of a named suspect, but they are of limited utility when there are no suspects. There is no practical method for classifying and searching single latent fingerprints by a manual search of local, State, or national files. Overcoming this difficulty is a major, long-range technological problem that is discussed in chapter 11.

Moreover, there is a shortage of policemen who are skilled in the collection, analysis and preservation of evidence. Only the biggest and best-run departments have personnel with sufficient technical training to search a crime scene effectively and have laboratory facilities to make use of the fruits of such searches. By and large, the most productive kinds of criminal investigation today are first, questioning a person who may have some knowledge of the identity of a criminal and, second, tracing stolen property.

Successful crime solution also depends on good patrol work. The Los Angeles study, admittedly conducted on a very small scale, bears this out. Nine-tenths of the arrests were made by patrolmen rather than by detectives, although a quarter of the patrolmen's arrests were on the basis of leads provided by detectives who conducted followup investigations.

There appears to be a correlation between crime solution and the time it takes for patrol officers to respond to a call. The average response time in cases in which arrests were made was 4.1 minutes; in cases in which arrests were not made it was 6.3 minutes. The Los Angeles study further shows that almost 36 percent of all arrests were made within one-half hour of the commission of the crime; more than 48 percent were made within 2 hours.

What these figures suggest to the Commission is that rapid arrival by the police at the scene of a crime is of sufficient importance that ways should be found of getting persons with investigative expertise to crime scenes with the greatest possible rapidity—before crimes, in police terms, are "cold." The new division of police functions that is proposed in a later section of this chapter has this as one of its aims.

THE COMMUNITY-SERVICE FUNCTION OF THE POLICE

In the course of inquiring into police activities, the Commission encountered many differences of opinion among police administrators as to whether the primary police responsibility of law enforcement is made easier or more difficult by the many duties other than enforcing the law that policemen ordinarily perform. Policemen, in large numbers, direct and control traffic. Policemen watch the polls on election day, escort important visitors in and out of town, license taxicabs and bicycles, and operate animal shelters. Policemen assist stranded motorists, give directions to travelers, rescue lost children, respond to medical emergencies, help people who have lost their keys unlock their apartments. It is easy to understand why the police traditionally perform such services. They are services somebody must perform, and policemen, being ever present and mobile, are logical candidates. Since much of a uniformed patrolman's time is spent on simply moving around his beat on preventive patrol, it is natural for the public to believe that he has the time to perform services. Moreover, it is natural to interpret the police role of "protection" as meaning protection not only against crime but against other hazards, accidents or even discomforts of life.

Those who believe that policemen should be relieved of all duties not directly relevant to enforcing the law have a number of arguments: That full-time service duties—traffic direction and so forth—are a waste of the time and the skills of people who have been specifically trained for fighting crime; that every minute a patrolman spends off patrol is a minute during which a crime that