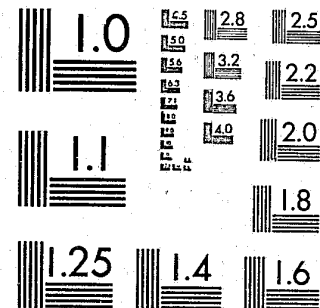


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Research Report

Policing a City's Central District: The Oakland Story

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Policing a City's Central District: The Oakland Story

Albert J. Reiss, Jr.
Yale University

March 1985

U.S. Department of Justice
National Institute of Justice

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- Reducing violent crime and apprehending the career criminal
- Reducing delay and improving the effectiveness of the adjudication process
- Providing better and more cost-effective methods for managing the criminal justice system
- Assessing the impact of probation and parole on subsequent criminal behavior
- Enhancing Federal, State, and local cooperation in crime control

James K. Stewart
Director

National Institute of Justice
James K. Stewart
Director

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Foreword

One of the pervasive problems of our time is the deterioration and decay of once-thriving central city areas. When I began my police career in Oakland, California, in the mid-sixties, Oakland was grappling with problems familiar to most urban centers. Rising crime had created fear, contributing to economic decline and flight from the central business area.

The Oakland Police Department had a well-deserved national reputation for effectiveness in major criminal cases. In trying to hold the line against serious crime, the disorder and soft crime--loitering, panhandling, soliciting, public drunkenness-- that blighted its central district necessarily was relegated to a lower priority. But such behavior is disturbing and frightening to those who must use downtown streets to go about their business.

Efforts to attract new investment and revitalize Oakland's central business district came up against this basic threshold issue of fear of crime. Investment decisions obviously had to take into account the downtown environment and its growth potential which, in turn, depended on the flow of employees, delivery people, customers, and tourists into the area. Although Oakland offered many advantages, marketing of properties and attracting investment faced difficulties unless the incivilities and fear could be allayed.

As this report by Professor Albert J. Reiss, Jr., of Yale University, describes, Oakland took a novel approach to these problems. The Oakland Police Department, under severe fiscal constraints, was unable to provide the level of services the private sector considered necessary. So the private and public sector collaborated in an effort to bolster security in the area. Developers made a long-term commitment to underwrite the costs of specific police activities in the central city area. Oakland Police managers implemented

strategies tailored to the special crime problems of the downtown area.

This combination of public and private cooperation and private sector activism seems to be working. Where revitalization once faced the barrier of crime and fear, investment prospects and new construction have risen and crime is down.

The Oakland approach represents a significant departure in efforts to deal with urban crime problems. For that reason, the National Institute of Justice commissioned this review of the program's objectives and implementation. Although it is not an in-depth analysis, the summary provides valuable insights and understanding useful to both policymakers and researchers.

The report represents a new level of research that fills an important need for reliable information produced within a limited time frame and without expenditure of large resources. It is, in a sense, investigative reporting on a significant criminal justice program.

Like all such reports, its accuracy and usefulness depend upon the credentials of the reporter. In the case of Professor Reiss, the credentials are well established. A seasoned researcher and one of the best observers of police working in the field, Professor Reiss has captured the essence of Oakland's program.

As one who walked many of these same beats and knows the political, economic, and social environment in Oakland, I am impressed with Professor Reiss' grasp of the nuances and context of the Oakland approach. His lucid discussion will be of value to all those seeking new ideas for improving the quality of life and economic vitality of our urban centers.

James K. Stewart
Director

Preface

From time to time one hears about changes in police objectives, organization, and practice that seem to offer some help as we try to deal with the crime problems of urban America. When I first heard about the RID card program in Oakland from Captain Peter C. Sarna and Lt. Ray Birge at a National Institute of Justice conference on innovations in policing at Anaheim, California, my interest was aroused and I sought to learn more about the program of which it formed a part.

The Director of the National Institute of Justice, James K. ("Chips") Stewart, encouraged me to look into that program and the Institute provided support for the inquiry that led to this report.

What I report, while my responsibility, is nonetheless the result of the openness and generosity of members of the Oakland Police Department. Chief George Hart was most helpful in providing the opportunity to look at the program and in discussing it frankly with me. Captain Sarna, its commander and guiding spirit, was exceptionally helpful, supportive, and open in providing all that I thought about asking for or wanting, and much more. He led me to inquire into many things. I am indebted to the members of his command, especially to Sgt. Rich Brierly, who helped me to understand how the team worked, and to Officer James Coleman, who took me about his footbeat. Lt. Birge of the Traffic Division was more than helpful in telling me of their work.

One of the rewards of research in police departments is that it is an opportunity to come to know officers in personal as well as in official roles. Although friendship may blur the lines of objectivity on all sides, it makes the effort in discovery and reporting all the more worthwhile. To be drawn closer into personal networks is not necessarily to lose one's objectivity and I can only hope that

the warmth and welcome from those I came to know in the Oakland Police Department have not altered that which I report.

This is not a usual evaluation. Rather, it is the report of a seasoned observer who was encouraged and impressed by what he saw.

My thanks then to all those in the Oakland Police Department who made it possible for me to see and who helped so very much. My thanks also to Chips Stewart for encouraging me to observe and to write this report. I hope that he and others will find it a useful one.

April 25, 1984

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Policing a city's central district

The policing requirements of a city's central district and its fringe neighborhoods are rather special. This central territory is inhabited by a diverse population of organizations and a mix of transient and residential populations. The most heterogeneous of all a city's territories brings with it competing and conflicting demands of the police. Some who do business within the area want the police to protect them from others who live or work within it. Some who live within the area want to be safe at night while others who work within it want to be safe during the day. Some businesses want maximum protection for their nighttime clients while others prefer minimum police attention to pursue nefarious activities. The streets of our cities have become more open in recent decades with the line between public and private behavior less clearly marked. Changing lifestyles are exhibited in new as well as old forms of street behavior and the margin of what is unlawful behavior to be enforced by the police is repeatedly challenged. The central territory, to be sure, is not alone in placing conflicting demands upon the police, but because of changes brought about by the growth of metropolitan areas since World War II and their differentiation into satellite communities, the demands have become exaggerated in the core areas of central cities like that of Oakland, California.

A quick look at these changes may help us to understand some of the special problems of policing the central territory of a city before we turn to the Oakland Story--a case study of how one major city police department and its central business community have evolved strategies and tactics for insuring the safety and revitalization of its central district.

Let us look first at the diversity of Oakland's core district and its fringe neighborhoods as a basis for isolating its policing requirements.

The core of the central district is home to a stationary population of businesses and professional offices and a transient population of daytime and nighttime people. The daytime population is of two distinct types. One population is the transient shoppers and clients of services--shoppers, investors, clients of lawyers and doctors, conventioners and visitors to the city, and those on government business. Few of these people come on a regular or routine basis and certainly not every day. They are true transients but their coming depends upon some sense that they will be able to do so without great personal cost. The second daytime population is more stable, consisting as it does of those who work in the central business district. Some of these are the owners or managers of businesses and professional offices who also are employers of a much larger relatively stationary daytime population of employees. They want to minimize labor turnover and to assure their employees that in coming to work they will be safe from harm. The employees are largely Monday to Friday workers, unless they are linked to businesses catering to transients, who want to feel safe in going to and from work and in going about while they work. Employers also have an added incentive in seeing that their businesses or offices are protected from crimes against property, particularly at night, weekends, and holidays.

The nighttime population is in many ways more heterogeneous. When the central district has hotels, restaurants, theatres, and other places of legitimate entertainment, the extent to which they can operate at night depends upon their capacity to attract nighttime transients to their locations. Historically the central district core included businesses and other organizations that attracted the resident population to the center in the evening.

Surrounding the core are diverse neighborhoods ranging from tightly organized ethnic neighborhoods to those housing homeless men and skid-row derelicts. Interspersed are businesses that cater not only to its heterogeneous residential population but to transients seeking the

underlife of the city or illegal services--cheap liquor, drugs, sex, and thrills. This diverse population of residents and transients often requires the services of the police to keep the peace or to respond to emergency but they make few organized demands upon it for services. Nor do the fringe ethnic communities make heavy demands, especially those occupied by Asiatics. They remain ethnic and cultural islands; when highly organized, they buffer its core.

The last forty years have witnessed substantial changes in the core and fringe areas of our central cities, however. These are largely the result of large-scale changes in American society.

With the rapid growth of metropolitan areas, satellite centers began to compete with central cities for their daily populations, especially those seeking its businesses and services. The residential population became less likely to have its services performed in the core areas; old properties were abandoned and newer ones became office towers or lifts which brought in a daily population of workers. Businesses catered more and more to the daytime demands of those workers.

At the same time, the lines between fringe areas and the core became less distinct and their populations more mobile. The core streets came to include many of the persons from its fringe areas. It attracted, moreover, the more mobile residents of the city, especially young and single persons. The police, mindful of the rights of persons to move about and pressed by challenges to traditional statutes such as loitering and disorderly conduct, became more reactive to reports of criminal activity. The massive shift to mobile patrol with its flashing faces in cars exacerbated control of the streets. The shift from preventive forms of patrol to proactive and reactive forms of mobile patrol was particularly consequential for the central city where many persons wanted protection while in the streets.

Many core cities, and Oakland is among them, underwent an economic decline following World War II, slowly at first and then at an accelerating pace. Major forms of business enterprise shifted to suburban locations. Buildings were left vacant and eventually abandoned, especially at the fringe of the core. The rate of abandonment exceeded that of building replacement. Occupancy rates fell. Core area buildings often underwent transitions in types of occupants. The nighttime businesses that catered to local residents often fled to be replaced by businesses catering to a more transient population--whether for fast food or sex shops. Legitimate first-run theatres gave way to abandonment and adult movies. There often was little new investment in buildings and real property values plummeted. The fringe often encroached even further upon the core and their populations merged.

With economic decline of the core area and the flight to the suburbs, the city's tax base eroded. To keep and attract businesses or offices, the city often had to provide incentives in the form of tax abatement, contributing further to the erosion of the tax base that provided essential city services. All city services, including that of the police, failed to grow to keep pace with the mounting problems associated with urban decay and the new problem populations. The decline in city services was exhibited in the physical environment and in its visible services.

Some other major changes in the 60's and 70's altered the public face of the core as well. They were changes altering the composition of its resident and transient population. The deinstitutionalization of populations, especially of the mentally ill, and the evolution of half-way houses for released offenders created a new population for the central areas. Half-way houses often located in the fringe areas or in abandoned buildings of the core. Released mental offenders who were homeless joined the population of drifters. The core and its fringe became large open-air psychiatric wards. Bag-ladies and homeless men often took to the streets, living out

their lives in doorways. Grate-people, who resided on the warmth of subway grates, became a new class of residents. Others took to the decaying single room occupancy hotels at the fringe. The life of many core area residents was managed by public agencies such as the city welfare department and private ones such as the Salvation Army. Although most of these inhabitants were not given to violence and thus did not directly threaten those who used the central area, they often were so viewed, especially as crime rose within the core and fringe areas.

Most threatened by these substantial changes in the central city were the stationary populations of workers and the local inhabitants who went there for services. The substantial crime rate against persons and property, rising from year to year, posed a substantial threat. The rate of victimization of the population fed into what was to become the major crime problem for its stable population--fear of victimization by crime.

Increasingly, local inhabitants gave up going to the central city. The core was virtually abandoned by residents who lived at some distance from it, especially those of the middle class. Visitors often were cautioned against going about on foot, becoming prisoners of their hotels and hostleries. At night, the core's population was made up largely of those who moved in from the fringe.

Those who worked in the central core grew increasingly reluctant to make the journey to work. They felt especially threatened in the final stages of that journey--within parking lots, in moving from lots or subway stops to their work place, and in going about while at work. Increasingly, they too behaved as prisoners of their work place. Building security, separating legitimate users from those who would prey upon or threaten its daily population, became a major concern. Private security burgeoned to make the building's members feel more secure.

Fear was fed by two main sources. One source was the network of regular workers who passed information on victimizations by crime. Actual victimization thus affected most substantially the fears of the stable population of workers. But the other main source of fear was soft-crime in the area. Soft-crime became visible in the streets as people moved about. There was the evidence of littering and loitering, of harassment and panhandling, of disorder and illegal sales. Soft-crime added to the fears of the stable worker population but also threatened those who came in as visitors, to transact some business, to shop, or to be provided some service.

These fears engendered a cycle of flight from the area, both personal and institutional, and of decreased activity by those who continued to come to it.

Increasingly, it has become clear that if the core areas of our central cities are to remain a vital part of it, that cycle of fear and flight must be interrupted as they impede economic development. There are a variety of ways that urban planners, city municipal fathers, services, and private enterprise are attempting to interrupt that cycle. We are primarily concerned with one of them: how policing can make a difference in interrupting the cycle of fear and flight. We present the Oakland Story of Policing the Central Core to illustrate how one major police department has imaginatively developed a program to revitalize the city center. What is unique about it is that it represents, in part, a partnership between the city and its police with private developers seeking to revitalize Oakland's core district.

As the story is told, it will become clear that the Oakland police have shied away from policing panaceas. There is no single remedy for dealing with crime and its consequence, the fear of victimization by crime. Nor have the Oakland police concentrated upon inventing new strategies and tactics or programs to deal with crime and fear of victimization by crime in the core area. Readers will look in vain for the seemingly new solution to

old problems. Rather, as will be seen, there are five distinguishing characteristics that set the Oakland course apart from many policing programs.

The first of these is that it began as a partnership between the city of Oakland and a group of private developers of the downtown area who saw their continuing investment threatened by their inability to attract tenants to their properties because of a pervasive belief that the risk of being victimized by crime was marginally greater than in alternative locations. Some way had to be found to convince potential tenants and their populations that the central area of Oakland was a safe place. With the cooperation of the Oakland police department, the developers began to plan a program that would increase the sense of public safety and reduce actual levels of victimization by crime. Out of this grew a mutually supportive relationship with private enterprise contributing financially to law enforcement in the central area of Oakland.

The second distinguishing characteristic was that police personnel spent considerable time diagnosing the sources of victimization by crime and what fed the fear of crime among persons in the central area. Out of this came a sense of the importance of soft-crime in shaping the fear of crime and the need to direct law enforcement effort to dealing with it.

The third distinguishing characteristic was a recognition of the fundamental importance of enforcing the law universally upon all when they are in the central area rather than selecting target groups for enforcement and enforcing it for simple infractions as well as for major crimes. Coupled with this was a growing realization that fundamental practices evolved over the years in law enforcement had achieved specific objectives which were inadvertently met when those practices were stopped. Among these were foot patrol, mounted patrol, and special attention to crime opportunities.

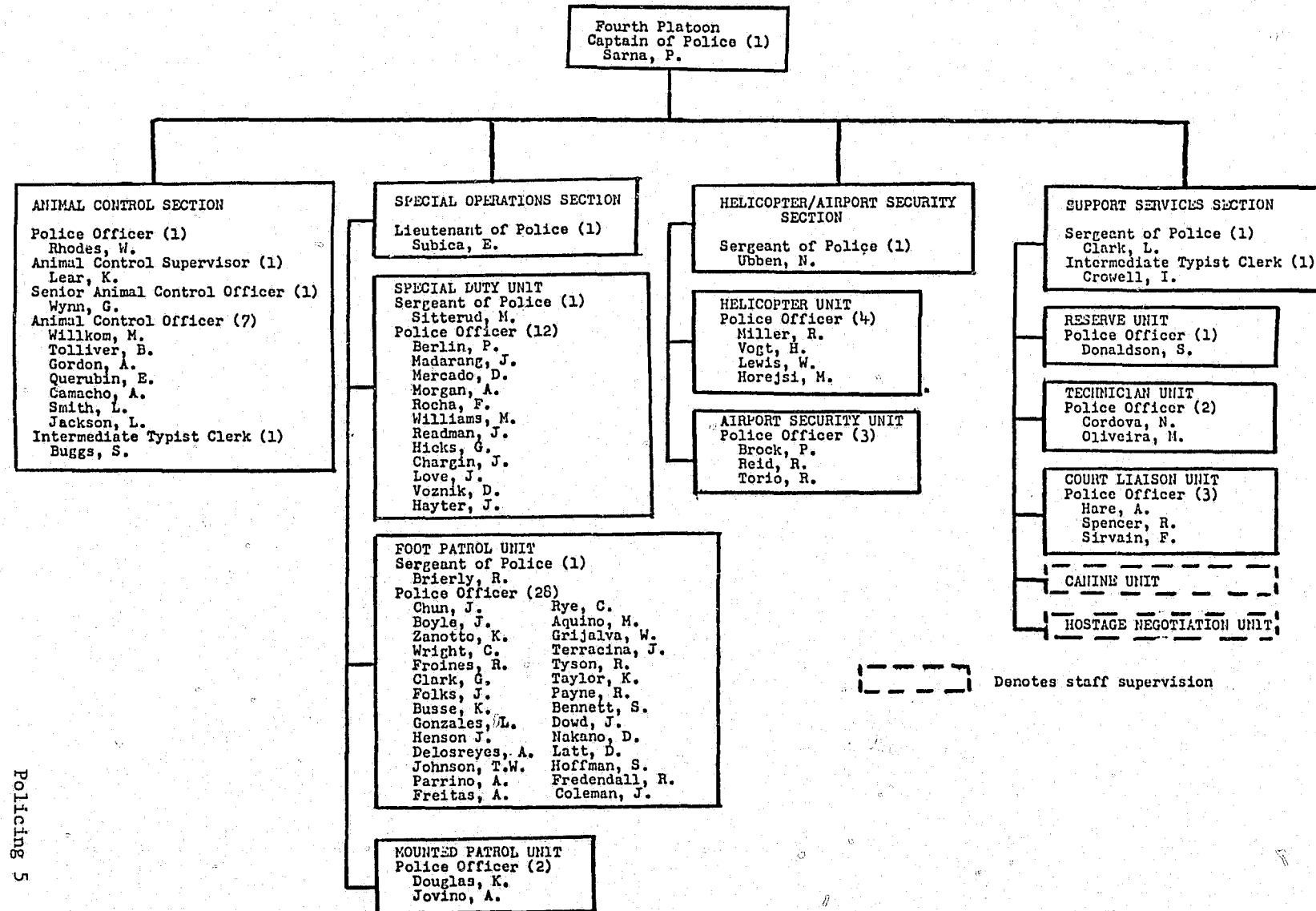
A recognition that multiple strategies and tactics are more optimal than single strategies in controlling and preventing crime was the fourth distinguishing characteristic. This included a recognition of the limited utility of reactive motorized patrol, especially in the central core areas, and the reinstatement of a whole series of strategies and tactics each of which has limited utility but which when pursued together appear to have a major impact. Where there has been innovation, it has had limited objectives. The major strategies and tactics are presented later.

Finally, Chief of Police George Hart recognized the importance of management in achieving policing objectives. He began by appointing a police lieutenant, now Captain Peter Sarna, to work closely with community organizations and the area's developers in planning a program of policing that would make the area attractive to organizations, their employees, and their potential clients and customers. Not only did the department recognize the importance of centralizing law enforcement for the central area under a major administrator of the department, but responsibility for its operations was placed under him when it became an operational unit of a newly created Fourth Platoon. See Chart 1. The Platoon Commander has recognized the importance of continuing management of the program to insure its objectives are met. That continuing management includes ongoing attention to problem-solving. It represents a commitment by the Police Department to revitalizing Oakland's city center. After more than two years of operation, the Commander and the officers of the three beats that include the central area of Oakland remain firmly committed to it. The Chief is not only wholly supportive but maintains a strong interest in it and in evaluating its efforts.

This is a story then of management by objectives. But it also is a story of firm commitments to those objectives and insuring that status is granted to those who invest in achieving them.

CHART 1

FOURTH PLATOON
BUREAU OF FIELD OPERATIONS (EXISTING)



Policing 5

What is soft-crime?

The idea of "soft-crime" is as elusive as it is real. When compared with "hard-crimes" such as those of assault, theft, and vandalism, they superficially appear less consequential to the public and become a low priority for our public police. They are matters that in the statutory criminal law and in local ordinances deal with public manners and morals and with behaviors that ordinary citizens experience as threatening their personal integrity and safety. Included are such diverse matters as verbal and physical harassment, behavior offensive to private morals such as lewd and lascivious conduct, blaring sounds, panhandling, jostling, chronic loitering, littering, bizarre and frightening behavior, soliciting or importuning, and public behavior disclosing the use or influence of alcohol and drugs.

Much behavior that falls within the ambit of soft-crime appears tolerable to some and not to others. It, moreover, is more likely to be tolerated when it is infrequent than when it is fairly common. How often one comes into contact with soft-crime may influence how one feels about going about in a community than are any abstractly held views about it. It is daily experience with soft-crime that is unsettling. One's inability to forecast what are the consequences of it often accounts for the anxiety experienced as a result of encounters with soft-crime. Is the drunk who persists in blocking one's path harmless or not? And, why should one have to put up with behavior that is disgusting as well as threatening, if that is the way one feels?

Soft-crime is not of a piece and therefore neither are its offenders or its victims. Although women are more likely to report feeling victimized by soft-crime than are men, much depends upon what type of soft-crime we are talking about. Men may report panhandling as annoying as do women and business people, regardless of sex, find loitering before their place of business troublesome. Perhaps the best way to illustrate

what is soft-crime and what it means to people can be gained by examining the personal reports of incidents reported to the Oakland police in the RID program, a program of the Oakland Police Department designed to secure direct citizen reporting of incidents that were irritating or disruptive to them.

Harassment

The most commonly reported experiences were those we think of as harassment. They include importuning--persistent requests, molesting--interfering or meddling so as to injure or disturb, and annoying among the disruptive and irritating forms of behavior citizens reported. Hear their comments:

- "Man tried to kiss me, though he did not touch me physically".
- "Two males verbally harassed us (two women) on the sidewalk and one urinated against the building".
- "A man approached me and said, 'I've got money, honey'. I went into King's to avoid him".
- "They constantly harass us about sex and religion".
- "Young man keeps making lewd remarks to the females".
- "A black male keeps bothering people like me while we are waiting for the bus".
- "They keep ogling and making remarks to other female passers-by".

Harassment can be combined with other forms of offensive behavior as in the following cases:

- "An inebriated man asked me to have a drink with him and got abusive when I refused".
- "I was accosted by two drunks".

- "Drunk, well-dressed man asked me for my name and became irate when I said I did not give my name to strangers".

Panhandling

Accosting behavior often is accompanied by various forms of begging and illegal selling. Begging is more common than fencing in the streets, however. Most commonly one is accosted by the skid-row bum, the derelict, or the runaway minor. Among reports of panhandling are these:

- "Man tries to sell A/C Transit discount passes almost every day".
- "Man asked if I could spare him some change".
- "He kept yelling to give him 50 cents and started to approach me in a threatening manner".
- "Man stood in front of the entrance and kept asking for money".

Chronic loitering

What constitutes an instance of loitering is not easily determined. To loiter is to be dilatory, to stand about or move slowly, to spend time in idleness, or to linger or lag behind. These are matters of judgment. One's confidence in judging loitering is increased, nevertheless, when one identifies the same persons behaving in ways one views as loitering. Chronic loitering is most troublesome to those who have a fixed location and must experience its consequences day after day, as often is the case with businesses or offices. It may be equally troublesome to those who must run their gauntlet, coupled as it commonly is with verbal harassment. Teenagers, unemployed males, drunks, and derelicts are among the chronic loiterers whose behavior is seen as threatening or annoying. Some reports are these:

- "Two black males stand outside the bank and ask for handouts; they are almost always intoxicated".

- "He's always hanging around. Usually has a wire item and tries to get money out of coin slots".

- "He stares at our window for 15 minutes to a half-hour three or four times a day".

- "He always walks through and peeks for a while into the bank lobby".

Points of meeting or congregation are at the margin of loitering. Much depends upon the kind and quality of behavior of those congregating or waiting. Within the Oakland CBD, a few locations are most given to congregation and loitering.

Offensive and threatening behavior

What is acceptable in private often is unacceptable in public places. Some behavior is offensive because it is regarded as indecent for the occasion, such as exposing oneself or urinating in public. Other behavior is offensive because it symbolizes or presages disorder. This is commonly the case with objections to drinking alcoholic beverages while in the street or of littering. Dirt, litter, graffiti, physical destruction from vandalism, and other disarray in the physical order, disorderly conduct on the streets, and the public display of what is morally offensive behavior in shop windows and marquees often symbolize a hostile environment. The bizarre and outlandish similarly are threatening to some who become uncomfortable in the presence of, to them, incomprehensible behavior. Mentally ill persons out-of-touch with the world about them bring not only discomfort and avoidance but they may be viewed as a sign that one is in an alien environment, especially if one ordinarily fails to see such behavior where one lives. Many of these incidents go unnoticed; yet many do not. And to those discomforted by them, they would have the police keep the public peace as they wish it.

Some forms of threatening and offensive behavior clearly violate the law and can become police matters--littering, exposing oneself, urinating in public, and

drinking in public, for example. Others are more problematic, as for example, the behavior of the released mental patient. Such behavior can be problematic to communities and to their police, however, if they define an alien territory or places. We can see the nature of such complaints in these reports:

- "A man sat down next to me on the bench, threw a paper bag to the ground, and drank from some bottle. He was very drunk and arguing with someone who was not there".
- "A woman came up to me and out of nowhere said, 'You'd better stop that!' and then she hit me on the shoulder".
- "He keeps running around here and exposing himself".
- "He urinated in my planter box".
- "The man ran out of Hotel Will Rogers and pursued me. By luck, I was able to outdistance him".
- "I saw five youths passing around a joint in the phone booth up by Smiths".
- "I saw a man try to sell drugs to another man".

What seems characteristic of much of the behavior we have been describing as "soft-crime" is that it is either visible or leaves visible marks. Soft-crime occurs in public where one encounters it such as harassment and loitering. Or, it leaves its visible marks such as in littering and graffiti. It is the visibility, frequency, chronicity, and cumulative nature of soft-crime that is consequential.

The general strategy of the Oakland program

Perhaps all too often when police administrators are faced with problems of policing urban territories or populations, attention is directed towards innovation on the assumption that policing strategies and tactics of the present and those

abandoned from the past are unworkable. Although innovation is an important feature of solving organizational problems, it often occurs by devising new ways of implementing known strategies and tactics. Faced with the problems of dealing with fear of crime and the contribution that soft-crime made to it, as well as with the continuing problems of serious crimes against persons and organizational property, the Oakland Police Department and those with substantial organizational investments in the central district of Oakland developed general coping strategies. There were six strategies that are important features underlying its achievements in policing the central core.

The first is the adoption of a diversified patrol strategy for the central area and the second is private sector participation in enhancing the resources to support patrol. A third major strategy was to enforce laws for soft-crime. Attention has been given to seeking special legislation to cope with the problems of soft-crimes that were not easily dealt with under existing legislation. For the most part, however, emphasis has fallen upon enforcing conformity to existing statutes that were largely unenforced as the city decayed. A fourth strategy was to work with community agencies to ameliorate the problems associated with special populations that contribute to the fear of crime or detract from the quality of life in the central area. As a fifth control strategy, the department deployed tactical units to deal with special problems within the central core and its fringes, such as for the control of narcotic sales or to break up a car-boasting pattern. And, finally, the department has sought to obtain greater control over the sanctioning of offenders that create continuing problems in the central core. This has meant closer coordination and follow-up of arrests as they are processed in the Alameda County criminal justice system.

Each of these strategies and some of the tactics associated with them are presented next.

A diversified patrol strategy

Reactive mobile patrol with its one- and two-man cars equipped with two-way radios came to dominate the policing of US cities during the last three decades. In many cities, like Oakland, almost all members of the patrol were deployed in cars. Patrol was basically reactive, responding to dispatches from a central command. Preventive patrol rested largely in riding around a territory on the assumption that their visible presence deterred offenders. Patrol, then, was spent primarily within the confines of a patrol vehicle; patrolmen were visible to the public as "flashing faces" in a car. This core patrol strategy was supplemented by proactive tactical units which focused on special problems or areas. Their primary objective was to detect offenses and arrest offenders engaged in organized criminal activity. One might think of this as an elementary split-force patrol where most officers were primarily engaged in reactive and a few units almost exclusively in proactive policing.

Perhaps nowhere was the historic shift in patrol strategies more evident than in the core and fringe areas of our central cities. Traditionally high density areas of daytime occupancy and nighttime transiency, they were the home of foot patrol. The withdrawing of the public police from the streets into cars eliminated foot patrol and thereby most proactive patrol in the central district.

Nowhere was the consequence of the elimination of foot patrol more evident than in the streets of the core central area. This had important consequences for the policing of soft-crime. On the one hand, the abandonment of footbeats virtually eliminated proactive patrolling of soft-crime. The control of soft-crime was left entirely to citizen complaint and reactive mobile patrol. Given the priorities assigned to calls, such complaints were assigned a low priority and, at times of competing calls, often left unanswered. A general degrading of soft-crime occurred as limited resources were

stretched to respond to all major crime calls. Policing strategies came to be dominated by the injured victim and the rapid response to a citizen mobilization by phone. That citizens rarely walk around with phones to mobilize the police or that soft-crimes are not as amenable to control by mobile patrol escaped attention as police administrators stretched limited resources to deal with the "serious crime" problem. What seems in hindsight to have been missed is that the public and organizations often adapted accordingly, abandoning the city's core to those who accommodated to the quality of life created by soft and by serious crime. Although it would be stretching the point to suggest that withdrawing foot patrol from central areas was a major contributor to its deterioration, since major processes were at work redistributing the population in our major metropolitan areas, it would be equally misleading to suggest that they did not and cannot now play a significant role in coping with crime and fear of crime in our core urban areas.

Recognizing the important contribution that foot patrol can make to the control of crime, especially in these days when foot-patrol officers can be equipped with two-way radios and hence do both proactive and reactive policing, the Oakland strategy at the outset included the assignment of some officers to foot patrol. More was involved, however, than a simple return to footbeat policing. The general strategy adopted was one of diversifying the forms of police patrol, each form chosen to target a set of police problems in the central and fringe areas.

Basically, there are five major types of police patrol in the core area, each chosen because of its tactical significance. They are uniformed and plain-clothes foot patrol, mounted patrol, Cushman vehicle patrol, Yamaha motorcycle ("dirt-bike") patrol to deal with tactical matters, and car patrol.

Foot patrol Foot patrol was chosen because of its tactical significance in dealing with soft street crime. To deal with soft-crime, the officer must be primarily proactive rather than reactive, actively patrolling a district for conditions that contribute to soft-crime or instances of it. As a uniformed patrol, they likewise are visible. Their visibility is assuring to those who fear victimization and a reminder of potential consequences to those who would. Finally, foot patrol can be reactive as well,

responding to incidents that occur in close proximity to their foot location.

Later we shall describe some of the tactical programs for which foot patrol assumes major responsibility in the core and fringe areas. A brief statistical description of two day and two night foot officers' watch activity for a three-week period (March 12 to April 1, 1984) while capturing only summary statistics may help to understand what a day in the life of a foot patrol officer in the central district is like.

OFFICER ACTIVITY REPORTS

Male Officer: Day Crew Beat #4

TOTAL COURT DUTY 0

Traffic Activity:

Citations:
 Moving Violations 5
 Equipment/Regis. Violations 6
 Parking Violations 52
 Pedestrian Violations 0

Other:

Investigated Collisions 0
 Reported Collisions 1
 901 Assignment Reports 0
 905 Marked 0
 905 Towed 0

Arrest Activity:

Felony Arrests:
 Warrant 0
 Traffic 0
 Drunk Driving 0
 Other 3

Misd. Arrests:

Warrant 5
 Traffic 1
 Drunk Driving 0
 Other 25

TOTAL ACTIVITY REPORTS PROCESSED FOR ABOVE PERIOD 14

Reports Submitted:

Assignment Reports 4
 Offense Reports 12
 Field Contact Reports 2
 Insecure Premises Reports 0
 Technicians Reports 0
 Statements 2
 TOTAL 20

General Activity:

No. of Calls to Which Dispatched as Primary Unit 16
 No. of Calls to Which Dispatched as Cover Unit 3
 No. of Other Self-Initiated Cover Assignment 27
 No. of Other Self-Initiated Assignments Req. 908 Status 60
 No. of Prisoners Transported 0
 No. of Truants Processed 0
 Total Estimated Hours of Preventive Patrol 52

Male Officer: Day Crew Beat #3

TOTAL COURT DUTY 0

Traffic Activity:

Citations:
 Moving Violations 0
 Equipment/Regis. Violations 12
 Parking Violations 181
 Pedestrian Violations 3

Other:

Investigated Collisions 0
 Reported Collisions 1
 901 Assignment Reports 0
 905 Marked 0
 905 Towed 0

Arrest Activity:

Felony Arrests:
 Warrant 0
 Traffic 0
 Drunk Driving 0
 Other 0

Misd. Arrests:

Warrant 1
 Traffic 0
 Drunk Driving 0
 Other 6

TOTAL ACTIVITY REPORTS PROCESSED FOR ABOVE PERIOD 15

Reports Submitted:

Assignment Reports 11
 Offense Reports 4
 Field Contact Reports 4
 Insecure Premises Reports 0
 Technicians Reports 0
 Statements 1
 TOTAL 20

General Activity:

No. of Calls to Which Dispatched as Primary Unit 18
 No. of Calls to Which Dispatched as Cover Unit 7
 No. of Other Self-Initiated Cover Assignment 10
 No. of Other Self-Initiated Assignments Req. 908 Status 10
 No. of Prisoners Transported 0
 No. of Truants Processed 1
 Total Estimated Hours of Preventive Patrol 93 1/2

Although officers often work in pairs, especially at night, each officer's activity reflects a particular officer's contribution either individually or as a member of a beat team. One will readily note that the activity of these officers is primarily concentrated on four major tasks, although there is some variation by officer and by time of assignment. Clearly, foot officers contribute substantially to traffic enforcement in the central area. One night beat officer accounted for about 18 citations during each tour of duty and the other for 11. One day officer on Beat #4 averaged 12 per tour while the other in Beat #3 had only 3 per tour. Each officer also made a sizeable number of misdemeanor arrests (soft-crime), with the day officer having

fewer on the average than night officers. One night officer averaged 8 per tour. Perhaps even more striking is the number of special proactive assignments undertaken by each officer for which supervisory permission was obtained. One day officer on Beat #4 undertook almost 6 such assignments per tour and a night officer on Beats 1, 3, and 4 almost twice that many. Finally, each officer was dispatched as a primary unit to handle some police matter at least once per tour. Although precise comparisons with mobile patrol are lacking, it is apparent that these officers have a substantial number of contacts with the public. Overall, the statistics disclose that policing soft-crime matters and traffic enforcement are the primary business of foot patrol in the central district.

Female Officer: Night Crew Beats 1 and 4

TOTAL COURT DUTY	0	Reports Submitted:	
Traffic Activity:		Assignment Reports	10
Citations:		Offense Reports	7
Moving Violations	13	Field Contact Reports	3
Equipment/Regis. Violations	6	Insecure Premises Reports	0
Parking Violations	152	Technicians Reports	0
Pedestrian Violations	10	Statements	1
		TOTAL	21
Other:		General Activity:	
Investigated Collisions	0	No. of Calls to Which Dispatched as Primary Unit	9
Reported Collisions	0	No. of Calls to Which Dispatched as Cover Unit	0
901 Assignment Reports	1	No. of Other Self-Initiated Cover Assignment	15
905 Marked	0	No. of Other Self-Initiated Assignments Req. 908 Status	74
905 Towed	0	No. of Prisoners Transported	9
Arrest Activity:		No. of Truants Processed	0
Felony Arrests:		Total Estimated Hours of Preventive Patrol	59
Warrant	2		
Traffic	0		
Drunk Driving	0		
Other	2		
Misd. Arrests:			
Warrant	5		
Traffic	2		
Drunk Driving	0		
Other	59		
<u>TOTAL ACTIVITY REPORTS PROCESSED FOR ABOVE PERIOD</u>			<u>14</u>

Yet, these statistics fail to disclose the nature and diversity of the activity officers may engage in while on foot patrol and the kinds of arrests they make. The following illustrate the diversity of tactics:

- keeping drunks on the move and out of the core area
- enforcing the school ordinances concerning attendance
- riding buses to detect fare cheaters, pick-pockets, disorderly persons
- following persons for hours or even days who harass persons in the area

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- issuing citations for both standing and moving violations of vehicles
- issuing move-along commands on complaints from area tenants as an alternative to arrest
- enforcing the public drinking ordinance by arrest on a misdemeanor charge
- citing pedestrians for failing to observe the pedestrian walk signs
- arresting panhandlers
- citation for littering streets
- surveillance of prostitutes and arrest of prostitutes and johns

Male Officer: Night Crew Beats 1, 3, and 4

TOTAL COURT DUTY	0	Reports Submitted:	
Traffic Activity:		Assignment Reports	15
Citations:		Offense Reports	16
Moving Violations	14	Field Contact Reports	15
Equipment/Regis. Violations	37	Insecure Premises Reports	0
Parking Violations	268	Technicians Reports	0
Pedestrian Violations	3	Statements	2
		TOTAL	48
Other:		General Activity:	
Investigated Collisions	0	No. of Calls to Which Dispatched as Primary Unit	19
Reported Collisions	2	No. of Calls to Which Dispatched as Cover Unit	4
901 Assignment Reports	0	No. of Other Self-Initiated Cover Assignment	27
905 Marked	1	No. of Other Self-Initiated Assignments Req. 908 Status	145
905 Towed	0	No. of Prisoners Transported	8
Arrest Activity:		No. of Truants Processed	0
Felony Arrests:		Total Estimated Hours of Preventive Patrol	35 1/2
Warrant	0		
Traffic	0		
Drunk Driving	0		
Other	4		
Misd. Arrests:			
Warrant	13		
Traffic	2		
Drunk Driving	1		
Other	105		
<u>TOTAL ACTIVITY REPORTS PROCESSED FOR ABOVE PERIOD</u>			<u>15</u>

- enforcing ordinances setting noise levels
- ordering the removal of abandoned, wrecked, dismantled or inadequate vehicles.

Even these simple descriptions of a range of activities do not disclose the diversity of ways that individual foot officers cope with the soft-crime problem. Where congregating threatens persons who would use an area, the simple stationing of a foot officer or taking up location at that point will discourage all but the most stubborn loiters. A pleasant and simple reminder of "I'm working this corner tonight" often is all that is required to cope with behavior that is

threatening to others. Similarly, the propensity to violate the law in ways that affect the quality of life in an area often can be dealt with by enforcing misdemeanor ordinances. Loiterers often are found littering and can be cited for littering when not for loitering, or for spitting on sidewalks, or for drinking from a bottle in a sack.

Where the foot officer is given responsibility for preserving the peace and maintaining order in an area, more is required than arrest, however. The traditional "walk and talk" tactics of officers are of primary importance in assuring those who would comply with the law that the officers are there to improve the quality of life in the area and to discourage

those who would contribute to its deterioration.

One cannot underestimate, moreover, the sense in which the public feels protected by officers who are out in the street rather than riding in cars. Perhaps nothing summarizes public response more pointedly than the comment of one Oakland citizen to a foot officer: "I like you because you're out here like I am".

Nor can one underestimate the consequences of instituting a foot patrol with the twinned objectives of breaking the cycle of fear of crime and low use of the central area as its consequence by concentrating on soft-crime and at the same time encouraging public use of the streets and patronizing core area establishments by increasing direct contact between the law-abiding public and the police.

Mounted patrol Perhaps no single strategy of policing is as visible and as reassuring to a public as is mounted patrol. We do not fully understand the appeal of a mounted patrol to those who use a central area. Yet, it is unmistakable that their presence encourages people to be about in the streets with less fear than otherwise. Some of this reassurance comes from a public's relationship to animals, especially horses. In Oakland the return of mounted police has been met not only with approval but with approving gestures. The public stops to admire the horse, to touch it, and to talk to it. In very subtle ways these are forms of communicating with the police themselves. Mounted officers are not unmindful of the prominent role they play in improving relations with the public and in making them feel unafraid. To touch a policeman's horse in itself may be for many to be less afraid. Often the horse is the key to conversation. Above all, the clear visibility of the mounted police from a distance and from on high is reassuring. For, it is their visibility both to those in the streets and to those in a high rise that reassures. The officer on a horse is visible to those walking the streets. The Oakland police

are well aware of their importance to the daytime population and use them to reassure their movement to and from transportation as well as in their going about in between times. They are there not primarily for crowd control but to build confidence. At the same time, they are visible to those who inhabit the buildings. Mounted officers can be seen for blocks from the windows that border the streets. By their own reports, executive and employee alike are emboldened by a glance from the windows to venture into the streets.

Officers and their horses can relate to a public in diverse ways, ways that draw the public closer to their police. At one Oakland bank, each day the teller places an apple in the teller's drawer and one of the horses extracts it and munches it with relish. It is good for a law-abiding crowd and their approval.

Tactically then the mounted patrol serves primarily as a means of reducing the fear that people have to be about in the streets and to convince them that if they go out, a mounted officer is almost always visible within a relatively short period of time on the main streets. Mounted patrol officers produce relatively little activity apart from functioning as visible preventive patrol. They average perhaps four parking citations per tour and an occasional misdemeanor arrest.

Small vehicle patrol The journey to work in the core area of our central cities, whether by public or private transport, is a source of anxiety and fear of victimization by crime, especially in arriving and departing from the core. Walking to and from the bus or subway stop to one's place of work or moving to, from, and within lots or street locations when after parking one's motor vehicle is a source of anxiety, especially so when one arrives and departs in the darkness of winter days. For many workers in our central cities and their fringe areas, each day brings with it fear of exposing oneself to victimization by crime as one moves from parking lot to work place and back again later in the day. Anxiety approaches

trauma when the grapevine spreads news of a most recent victim.

A major problem for those who would revitalize the core area of our cities is to assure the daily population of commuters and transients that they are safe in leaving the protection of their vehicles or public transportation and moving about. It often is not enough to reduce the risk of victimization since workers are hardly that rational about risk-taking. Several tactics are followed in Oakland to encourage and convince the daily population that it is safe in their journey into, about, and out of the central district.

We already have discussed the major tactics followed in assuring persons that they may safely move within the core areas by the use of foot and mounted patrol. Additionally, foot patrol is regularly assigned to stationary beats during the major hours that persons are arriving and departing from the central area by public transportation. They also sporadically ride public transport to cope with special problems of soft-crime and as a means of reassuring other riders of their safety in doing so. The most vulnerable commuters, however, are those who arrive and depart from parking lots, especially those located towards the fringe of the core area. It is to these locations that both the private developers and major employers of the core area and the Oakland police have given special attention.

Several major private employers and developers in the central district of Oakland provide a shuttle bus service for their employees, thereby providing protection as they move to and from the lot. Persons, nonetheless, feel vulnerable as they await the arrival of transport or as they move to their cars within the lot. Although many of the major Oakland parking lots provide some form of private security at points of entry and egress, the security is generally minimal, the lots vary in their natural protection, and many of the employees because of age or other characteristics are limited in

their capacity to protect persons as they move about. To enhance protection within the lots and to persuade users that they are reasonably safe from victimization in and around them, the Oakland Police Department has established a three-wheeled (Cushman vehicle) patrol.

Within the core area there are both three-wheeled motorscooter beats (Cushman vehicles) where an officer is assigned to a motorscooter overlapping several walking beats and small motorcycles (50cc to 125cc) for use by walking officers. The several three-wheeler officers in the core area provide a highly mobile support unit for the foot-beat officers. Operating during the hours of major movement within the central district, each is assigned to major lot areas, especially lots at the periphery during the main hours of moving to and from the district. The rest of the day Cushman patrol is assigned to the central area footbeats or in one case to a project area at its periphery. Cushman vehicle patrol officers also are available for quick deployment for crisis intervention in the central area since they are more mobile than either foot or motorized patrol.

The small motorcycle augmenting the mobility of footbeat officers makes it possible for them to address special problems on their walking beats, to be deployed tactically within the beat, and to move about larger areas such as parks, vacant lots, and byways with greater speed and flexibility of movement.

Motorized patrol Traditionally one-officer cars played a major role in the core area. With the addition of footed, mounted, and Cushman patrols, their role is considerably truncated during the daytime hours since these officers often are dispatched to handle complaints or incidents within their footbeat. The role of motorized patrol is enhanced for the evening hours and it becomes the sole source of coverage for the first watch from midnight to eight in the morning. These motor units are assigned to the beats of the central area during peak

hours. The daytime population of the core area is not very likely to see motorized patrol except in the vicinity of police headquarters at the edge of the core area.

Yamaha Motorcycle (dirt-bike) patrol No officers are regularly assigned to Yamaha Motorcycle patrol. Foot patrol officers, especially those on night duty, may use these dirt-bikes to increase their mobility in the area. The bikes often are used for tactical purposes. Although officers assigned to foot patrol spend the majority of time during their tour walking their beat, they fairly frequently combine Yamaha with foot patrol.

Private sector enhancement of patrol resources

The declining tax base and availability of extra-local resources to support policing in the central cities of major metropolitan areas led to severe resource constraints in developing police programs to deal with crime. The advent of Proposition 13 in California made it even more difficult for police departments to acquire new and additional resources for police work. In Oakland, then, as in many other core cities, any new or continuing program could grow only by shifting or reallocating resources. Since policing is labor intensive, growth occurs primarily in manpower.

Oakland, like many other major departments, had eliminated many of its footbeats in the downtown area with the advent of mobile patrol. Any large-scale reestablishment of those beats depended then upon reallocation of manpower or additional resources to acquire patrol officers. Moreover, absent a public police, organizations within the core area increasingly turned to hiring their own police. The private security industry burgeoned as the public police were withdrawn or as they failed to expand in response to growing police problems. In many cities, and Oakland is no exception, the resources spent on private security and policing in the central core exceed those spent for public police. Anoma-

lously then, in many American cities like Oakland, policing is split between the public and private sector.

This split in responsibility between the public and private sectors is far from satisfactory for a variety of reasons. The private sector police often are less able to deal with crime problems and their access to policing resources more limited. At most, they can provide some security for the domain of their private employers. The separate private security forces are, moreover, only loosely integrated with one another and even less so with the public police. Because of differences in their resources and ability, the public police generally place little confidence in policing by the private security sector. This organizational separation of public and private police limits the intelligence of the public police and hampers the efforts of both forces to prevent offenses and to apprehend criminal practitioners. Anomalously, were some of the resources now spent on private security and policing in Oakland reallocated to the public law enforcement sector, important gains could be made in the efficiency of the Oakland police to cope with crime problems of the central area and to enhance the capability of individual officers working within it. Parenthetically we note that private organizations might make greater gains in dealing with their crime and security problems were they to allocate at least part of those resources to enhancing public policing.

One of the major innovations in policing the core area of Oakland was the emergence of a partnership between the private and public sectors to cope with its crime problems. The private developers in Oakland allocated private sector resources to the Oakland Police Department to enhance its capability in the core area. We turn now to describe that enhancement program.

Before doing so, we take occasion to note that the enormous growth in the private security industry during the past decades may well represent a misallocation of

resources, especially in the central area of a city. Private resources are disproportionately concentrated to protect organizational resources within a particular building, shopping mall, or confined area. Yet, many persons must move from one restricted location to another. They are least protected on the streets and within transportation areas when they perhaps need it most. An increase in resources devoted to assuring the population that it is not going about in a hostile environment may be far more important than assuring them that at last they have entered a private fortress. For, to work in or use the resources of an area, one must encourage persons to come to it. They must be convinced that the larger environment is safe rather than hostile before one commands their fortress. An awareness of that problem of attracting workers, shoppers, and visitors and the employers and investors who depended upon them drew the attention of private developers in Oakland. For, at the core of their problem was how to make increased investment in the area pay off by attracting persons to work within and move about the core area and encouraging persons to shop and visit the core area on a transient basis. It was the safety of the environment outside of the buildings they were constructing or developing that drew their attention then. Empty shells required occupants and occupancy meant getting the kinds of people one needed to go about one's business within them. There were efficiencies, moreover, if one could attract large organizations with large numbers of employees to locate in downtown Oakland. But potential tenants had to be convinced that they could attract those who must come to work and those that make their organizational work to the central location. They also had to be convinced that there were advantages to making that move, especially that their labor turnover and related costs as a consequence of crime would not be offset by competing locations.

We shall turn first to describe the private sector enhancement program developed for downtown Oakland and then to the con-

cerns that the administration of the Oakland Police Department has had in embarking upon its partnership with the private sector.

The partnership between the public and private sectors to enhance the policing resources of the central Oakland area emerged as a consequence of attempts to revitalize the core area. On the private sector side were the principal agents of the major developers from outside Oakland who sought to invest foreign as well as domestic capital in Oakland's redevelopment. Only one of these, a Canadian developer, has continued to invest substantial sums in developing the area. On the public sector side, the principal organization has been the Oakland Police Department, largely in the persons of Chief George Hart and the Fourth Platoon Commander, Captain Peter Sarna, who was assigned responsibility for developing cooperative relationships with the private sector in downtown Oakland and later responsibility for the program that emerged. Parenthetically we note that the stability in and the exceptional quality of the leadership on both sides, Bill Bodgum of Bramalea, a Canadian based development firm, and Chief Hart and Captain Sarna from the police, cannot be discounted in the successful forging and continued operation of the program that emerged. Stability of and leadership in administration are required when the time to diagnose conditions, plan for coping with problems identified in them, and then implementing programs designed to ameliorate them are measured in years rather than months.

We do not propose to tell the story of how that dynamic leadership and commitments on both sides led to the emergence of what came to be called the private sector resource enhancement program for policing the central area of Oakland. Rather, we shall describe the current nature of that program.

The most tangible if not always visible part of the enhancement program is that the private sector developers, property owners, and tenants in downtown Oakland

provide financial support to enhance the policing resources of the central area. These private parties collect and contribute monies to a separate corporation, The Central Business District Security Association (CBDSA) to increase the personnel and resources that the Oakland Police Department provides for the central area. To receive these financial contributions, the CBDSA created a separate not-for-profit corporation, the Economic Development Corporation of Oakland (EDCO). By resolution of the Oakland City Council, "...the City Manager is authorized to accept monies donated by the parties to the Central District Security Association to provide additional Oakland Police Services". The Council resolution of February 1982 also provides that these monies are to be used for additional police services.

Under the terms of this agreement, the private sector has committed itself to provide financial resources to enhance policing of the central area for a period of 10 years, subject to a two-year cancellation clause for either party. Described as a sunset agreement so that both sides might reevaluate their commitments and participation, it should be apparent, nevertheless, that the program was set up in anticipation of long-rather than short-term gains. The key developers and major tenants of their buildings are committed annually to a budget of \$300,000 to \$400,000 in 1983 dollars. Initially, each of two developers was committed to contributing 50 percent of that cost and the tenants the rest. Allocations to tenants are based on an annual contribution of 10 cents a square foot of rented space. With the near bankruptcy of the Asia Development Corporation, the Bramalea Corporation has assumed responsibility for its contribution until additional contributions can be obtained. It should be noted that it has been difficult to secure regular and continuing support from small land owners and tenants in the area. The success of such a program may well depend, therefore, on a few large developers or investors in real property and their major tenants. Clorox and IBM, for example, are among

major tenants of Bramalea properties in downtown Oakland who contribute 10 cents a square foot to CBDSA as their assessment for the law enforcement resource enhancement program.

The basic resource contributions provide the following manpower and resources with the full understanding that they are incremental resources to the total resources of the department. Manpower must be assigned or allocated to the core area in central Oakland identified cooperatively as the target area. The target area is quite small, comprising as it does roughly one-half of the central area, or an area of about 7 by 6 city blocks. The corporation is committed to financing five additional police officers, three (two mounted and 1 Cushman) for days and two for a night footbeat unit. Basically, the enhancement program provides salary and fringe benefits for these officers. The officers are deployed and supervised as part of the regular patrol assigned to that area under the Fourth Platoon Commander and his supervising sergeant, Sergeant Brierly.

The enhancement program also provides for additional resources. The private sector provided funds to construct a facility to stable the horses in a park adjacent to the downtown area, thereby making it a simple matter to walk them to their assigned beats in the downtown area. It secured voluntary contributions to provide four horses for the mounted patrol. Additionally, the private sector has contributed to the purchase of three-wheeler motorscooters and the small motorcycles.

The law enforcement personnel enhancement program for the central area enhances in a double sense. On the one hand, it is designed to increase the visibility and effectiveness of police patrol in the central area by diversifying its forms and increasing its numbers. And it is enhancement in a second sense that any increase in police presence in the Oakland area was to add to total police resources and could not result in any decreased resources elsewhere in Oakland. Subjecting

the public and private sector cooperative program for enhancing police resources to the institution of contract seems a reasonable way of insuring that it will achieve its intended objectives, binding as it does all parties to an explicit agreement.

Managerial concerns with the enhancement program

Chief Hart and his commanders, well aware of the important gain in resources through the enhancement program, nonetheless have some concerns about the ways such a program may compromise or alter substantially a department's objectives for policing the entire city as well as those of the central district. Below we provide a synopsis of their concerns to sensitize administrators to them should they attempt to implement a law enforcement enhancement program with resources allocated by the private sector for particular objectives.

Before summarizing these concerns, it may be well to reflect upon the fact that with the advent of private security and private police forces in the United States, the objectives of law enforcement in a community at all times are determined to some degree by private sector objectives for protection and security and the allocation of resources to them. Indeed, with the rapid growth of private policing, a substantial amount of all protection in the USA is provided by private security forces. The enormous amount of money devoted to those resources can be seen by citing one simple statistic for Oakland. The amount of money major organizations contribute to the enhancement program is only about a fourth that the same organizations budget for their private security forces. And that could well be an underestimate, given incomplete information from all organizations. Clearly, the expenditure of resources under private control in some sense deprives of their use for collective as well as for private interests. And, at the same time, as noted previously, market allocation can have long-run consequences on how public resources are

allocated. What is at stake then is not whether private resources have an effect on public law enforcement but how they have that effect. It seems that such resources are more under the control of the public police in an enhancement program of the kind developed in Oakland than they are under most circumstances where the public police have almost no effect on their deployment.

A first major concern is that in accepting private sector resources, administrators run the risk that their influence will determine future demand for resources and their current allocation. In one sense, the more successful the enhancement program in the central district of Oakland, the more likely it is to generate additional demands to enhance that program, demands that draw upon public as well as private resources. Their success, or for that matter even a failure, in the central district can have major effects on the use of resources in the rest of the city. How does one deal with a demand for foot patrol in all areas, especially when they seem successfully deployed in the central area? Moreover, how much flexibility does one retain for allocating these resources?

Closely related to the first is a second, a concern for the equality of police service to all citizens and in all territories of the city. Where programs may be introduced as effectively in other areas that are unable to generate private resources, is there not an obligation to meet them from public resources? Are ghetto businesses or those in other high crime areas any less deserving of foot patrol or mounted police when such businesses, being more marginal, cannot afford to allocate resources to enhance law enforcement in their area?

Although some concerns do not stem directly from the enhancement program, they stem from their use to implement the objectives of revitalizing the downtown area by particular policing objectives.

A third management concern has been that of how one meets competing population and

interest group claims for public territory or to ameliorate claims for private use that have public consequences. These concerns are especially germane where there are lifestyle clashes or where the deprived and underprivileged lay claims to territory and in their doing so, exacerbate the objectives of reducing crime and the fear of crime. To what extent can or should a police department place the objectives of one group over those of others? Or, if not placing them above, how can one meet competing claims while still achieving the objectives to revitalize an area such as the core central district of the city? To enforce the law equitably may not be enough when there is enormous discretion about which laws to enforce and limited personnel to enforce all of them in any case. How then does one justify a policy of selective or discretionary law enforcement that satisfies the interests of those who generate more goods for an area than do others?

There are competing claims also between private and public sector goals even in such matters as environmental design and their consequences for crime control. The developers of one major set of buildings in Oakland, for example, employed an architect who designed a broad plaza with planters. Contributing to the aesthetic pleasure of those who view it, the space and especially the planters are somewhat like an attractive nuisance--drawing loiterers who harass passers-by. To what extent should the public police have a say in the planning of buildings? Just as an impact statement may need to be filed on the consequences of using resources in an area, so one may need to begin thinking about requiring an impact statement of private owners and developers on their potential for crime in an area and of how they draw upon public police resources. And then perhaps it is more difficult to resolve issues of environmental design for crime control when the public police are resource dependent on those they would control than when they are not.

There are dangers also of allocating resources disproportionately to the fear of

crime and hence to controlling soft-crime while there still are serious problems in controlling major crimes and dealing with their victims. At issue is how perceptions of the crime problem in an area affect administrative decisions in both the public and private sectors.

Likewise, administrators, especially operational commanders, can become concerned with the loss of flexibility that attends a private sector enhancement program. One inevitably has less flexibility in allocating foot patrol at certain times in the central areas, committed as they are to routine assignment. Still, such fixed commitments can be balanced by greater flexibility in deploying personnel at other times. The Oakland program displays a great deal of that flexibility, giving foot patrol officers discretion to police their territory in innovative ways. It also permits them to request permission to take on special assignments, e.g., tailing a suspect over a much larger area, if that appears a reasonable action. Still, the more specified the resource allocation by contractual agreement, the less flexibility operating commanders and staff have to allocate resources.

Finally, any enhancement of resources in an area runs the risk of displacing crimes to other areas. Displacement is laden with problems of equity, for example, in that it may reduce the risk of some while increasing that of others. Displacement also shifts burdens among officers and their commanders and complicates problems of internal resource allocation. It may contribute, moreover, to increased operating costs since there inevitably are inefficiencies in such allocation.

The Oakland Fourth Platoon Commander and his staff are well aware of the problem of displacing crime to other areas. They observe that some of the crime formerly concentrated in the central area now has moved to its fringes, e.g., prostitution. Their response to this situation is to monitor the patterns of complaints and reports for the larger area to determine

whether displacement is taking place, e.g., whether the drunks or prostitutes have moved location or whether auto burglary has shifted to different parking lots or to areas outside the central district. When displacement is observed, a special effort is made to deal with it at that location, and so on, following the problem to new locations and dealing with it by special patrols or other means. This close monitoring of displacement effects and then coping with them whenever observed rests in a belief that there are substantial costs connected with the displacement of offending, especially for some types of crime, and that in the long run there also are deterrent effects.

We shall have occasion to return to some of these issues and to how they have been dealt with by the Oakland department when we later review some of the managerial issues in developing the coordinated program targeting the central district of Oakland.

Other private sector involvement

The private sector in the downtown area has been significantly involved in preventing crime and enforcing the law in two other ways.

CPTED One of these is through a concerted effort on the part of all city agencies and the police to cooperate with private sector developers and real estate owners in subjecting all new construction and major rehabilitation projects to the concepts and practices of Crime Prevention Through Environmental Design (CPTED). A growing recognition that one can control the opportunities for victimization by crime through planning interior as well as exterior space and its uses is an important objective.

A few examples may illustrate how broadly the concepts and practices of CPTED are construed and implemented in Oakland. Not only can the interior space of buildings be constructed in such a way as to minimize opportunities for victimizing persons but so can its daily use. In renting space, therefore, attention is

given to whether space is publicly accessible and for what populations. The Department, for example, recommended against the placement of an unemployment office on the upper floors of a building. Similarly, for some time the design of parking lots has been under intensive scrutiny. Questions to which answers are sought include: are persons more likely to be victimized or to be afraid of being so in open lots than in enclosed ones or in closed or open parking structures? This second example points to the importance of maintaining intelligence on both victimizations and the environmental conditions under which they occur so that they may feed into environmental design and control. The department has therefore enhanced its information gathering capability not only to facilitate deployment of personnel and the selection of law enforcement tactics but as an aid to crime prevention.

The RID program One of the problems identified early in exchanges between private organizations and representatives of the police was that a great many incidents, especially those of soft-crime, were being reported to private security personnel rather than to the public police or went unreported altogether. Not only did private security personnel often fail to do much more than take note of them but information on them remained the property of each security officer or his employer. This lack of sharing information had serious consequences, especially for soft-crime. The two major consequences were that often the officer simply displaced the offending party to the territory of another. The other was that a concerted attack on the problem often could not be identified because the information was not shared. Since no satisfactory information or tactical network capability existed among the private security personnel and agencies, it seemed obvious that ways should be found to convey this information to the Oakland police. In the past, moreover, these complaints had been given a low priority by the Oakland police. If reported to 911, they were given a low priority. Often they were neglected when

attention had to be given to the more pressing high priority calls.

The least likely incidents to be reported to the police were those identified earlier as soft-crime and especially those identified by the Oakland police as "irritating or disruptive" behavior. It seemed clear that since these kinds of incidents were critical ones if one wished to reduce the fear of crime, some way should be found to bring them to the attention of the public police so that they might find ways to prevent their occurrence or to cope with their consequences. An early meeting with building managers and private security officers led to agreement that private security personnel and building managers should work more closely with beat personnel in reporting such incidents. Out of that exploration a special program was developed, one of the few innovations for the central district.

Dubbed the RID CARD program for Report Incidents Directly, it was designed to give these complaints about soft-crime a higher priority. The basic features of RID are several.

Firstly, a postcard size incident reporting form was developed that asked the person completing the card to provide information on any irritating or disruptive behavior and personally deliver it either to any Oakland police officer or any uniformed security guard or to mail it directly to the Central District Section of the Oakland Police Department. Specific incidents included for reporting were those involving drug sales, chronic loiterers, verbal harassments, and panhandlers. A space was provided to report any other incidents but specific instructions were given not to use the card to report an emergency or a crime that "should be investigated". The date, time, and location of the incident were requested. On the reverse side of the card there was a request to describe "what happened?" and also to describe up to two suspects in terms of sex, race, age, height, weight, complexion, hair, eyes, mustache, beard, glasses, hat, and

clothing. If a vehicle was involved, its description was sought in terms of year, make, color, license number, and any other information. Finally, the person could provide at option information on "You may call me at _____".

Secondly, flyers were distributed that described the objectives of the RID card program, emphasizing that the information was important to the Crime Analysis Section of the Oakland Police Department to "...identify crime patterns and potential suspects". They were told that, "The information is then used to deploy police personnel and to assist investigators". Persons were encouraged to "get into the habit of carrying a blank RID card" so that the information could be expeditiously reported to the police department.

Thirdly, cards were distributed to building managers and to security personnel and they were encouraged to hand them out to persons who were regularly in their building. Copies of the card and of the flyer available to them are included as an Appendix to this report.

It is not clear that the RID program is an important feature of the Oakland central district program. There were problems initially in getting security personnel to turn the cards over to the beat officer or directly to the department and for beat officers to turn them in to the Central District Section. In some cases this was owing to the fact that the officer took action to deal with the reported incident and failed to report that action.

What does seem clear is that the card was of some importance to the department initially in getting officers to see the value of looking into such incidents and that it made supervisors aware of the kinds of soft-crime problems that daily users of the central area consider irritating and of consequence. The sensitizing and indoctrination values appear to have been of some importance. Yet over time, ever fewer RID cards are turned in and at the present time there are relatively few that come to the Central District Section.

It seems likely that continuing relations between security personnel and the police patrol in the area may account for this general decline in reporting by card. Informal but direct reporting may have replaced the card. As foot officers develop contacts with organizations in the central area and their personnel, more matters are reported directly to them. This fact is reflected in their mobilization statistics reported above. It also seems a possible explanation that proactive policing by foot patrol to locate such incidents has essentially substituted for the reactive policing by card. But equally likely is that all such programs are subject to a secular decline in compliance in the absence of measures to continually reenforce its use. After initial attention, the Department has found that its continuing network of contacts and its proactive policing of the district seem more effective ways of detecting and coping with soft-crime. It is unclear that they substitute entirely for the RID card and the substitutes appear to lack some of the values of citizen involvement in reporting such incidents to the police.

Regardless of the merits of a RID card reporting program in the long run, instituting one appears to be a useful and commendable objective when initiating a soft-crime program.

Enforcing laws relating to soft-crime

One of the major decisions of the Oakland program managers for the central area was to reduce the fear of crime by reducing the amount of soft-crime in the central area. This program objective was adopted with a full realization that it was vulnerable to being undermined in a variety of ways. Officers typically place greater value on policing hard-than soft-crime and it is difficult to control their allocation of effort to soft-crime, given the highly discretionary nature of policing. Without a continuing and strong emphasis on soft-crime enforcement, moreover, the officers assigned to the central area might not continue to take it seriously. The program also could be under-

mined by the failure of the criminal justice system to sanction persons arrested for misdemeanors. Managers also run the risk that a program to reduce soft-crime will be challenged on grounds that it is an interference with liberties or as discriminatory in its application. All of these are risks and each must be dealt with if one is to achieve the program's objectives. Before turning to how decisions were made to enforce particular laws relating to soft-crime and what legislative additions or changes were necessary to do so, it may be helpful to review some of the ways that the Oakland Police Department dealt with these three major issues.

Securing officer commitment to the program

Perhaps nothing is more vulnerable to subversion within a police department than a new program or the introduction of programs that require substantial work and challenges to police officers. The return to foot patrol, for example, might appear burdensome to many officers, especially the change in environmental risks in going from car to foot. There are also the inconveniences of weather, though these seem much less important in an environment as benign as that of Oakland, California compared to what it would be for officers on a cold winter's or a hot summer's day in Chicago. Recognizing that many officers may not wish to change patrol style, the operational commanders adopted personnel and command policies designed to minimize officer efforts to undermine the program. Rather, they sought to select and train officers who would develop substantial commitments to it. The main features of efforts to insure commitment to the program are summarized briefly below.

Firstly, the officers who work the various kinds of patrol in the central area were generally not selected for duty in the central area by selecting from a list of those requesting transfers. Rather, the platoon commander began by selecting supervisory personnel who he knew would be committed to the program and could provide leadership in not only starting it but in continuing to operate it. They

in turn gave particular attention to selecting officers they knew or who had a reputation of being committed to professional policing objectives. Each of those selected had a genuine option to decline.

Note here that the model was not one that directed concern to whether this kind of program could be run department-wide. It was assumed, in fact, that it might well be limited in its transfer to other areas. Moreover, it was assumed that to achieve its objectives, it might be essential to have the positions staffed by the more talented and committed officers than by a random subset. Commitment, allegiance, interpersonal skills, and a desire to innovate rather than go by the book were characteristics sought in recruits to the program. These were not raw recruits in any sense but experienced and dedicated police officers who sought the freedom of the streets rather than the confines of the car. They were willing to try rather than to be told.

A second and related characteristic was that there was a strong commitment for leadership and by the leadership to the program. The Chief made a strong commitment to the program and selected an innovative lieutenant (now captain) to develop and operate it. That Platoon Commander, for example, though responsible for many special programs as well as for the Central District program, spends a great deal of street time with the officers. He also spends a great deal of time continuing the liaison functions with the private sector. It is his personal relationships and that of his sergeant with the men during their work that provide opportunities for supervision and control. But, hands-on contact is also the major ground for training. The Platoon Commander also works closely with major developers and business groups to insure their continuing interest in and evaluation of the program. What is established at all levels is a network of contacts and communication among central area persons and organizations and the department's officers that includes leaders.

A third way of obtaining commitment is through feedback to officers. The Oakland Department, in fact, is organized to review case and activity reports of officers, feeding back in writing, if not in person. The officers in the central program, however, not only have continuing contact with their supervisor but there are regularly scheduled meetings to review an officer's activity and provide feedback.

Coupled with feedback, however, is an even more important feature that generates commitment. There is considerable feed-in as well by requesting and facilitating communication among the officers in the central area and to its supervisory command. Partnerships are formed on the basis of street-wide knowledge, expertise, and experience. There is considerable mutual respect among the officers and of the officers for the command coupled with a freedom to feed in information that has operational consequences. That freedom is appropriately constrained in ways that provide for advice and review. Thus, when an officer wishes to engage in a special assignment in the interest of the major policing objectives, he is constrained to request permission. That request provides not simply for review but it is an opportunity to exchange views as well and to supervise in the sense of reciprocity as well as authority. One gets the impression that the exchange of information across authority is important in the program's achievements.

Finally, the Command realizes the importance of training and continual supervision to reenforce the objectives of the program. Without these, the emphasis on soft-crime might soon give way to traditional concepts of going after the "real criminals". There is close supervision by all in the command with regular walking tours by the Captain, a lieutenant, and a sergeant to work with their officers in this program.

This important mix of selective recruitment and of authority with collegiality

that characterizes policing in the central core is an important ingredient in the continuing commitment of officers to policing soft-crime in the area and in implementing the other major objectives of the program.

The program runs a great risk also that it will be undermined by bureaucratic authority and relationships. Often to resolve an issue requires agreement across agencies. A parade or political rally permit requires coordination with other municipal offices. Other problems such as dealing with licensed operations require the mobilization of other city agencies or of private sector organizations. Each has its own hierarchy of authority. Typically, to resolve an issue that involves the police and another agency, one must make contacts with a higher echelon of authority than that which has the responsibility for its resolution. Police organizations often are dominated by hierarchy and review by the chief and his deputies. Their approval often is required if one is to intrude upon the turf of a unit inside the organization or to make overtures to outsiders. And, within those outside organizations, similar problems of hierarchical review prevail.

The net result of hierarchical review in two or more agencies often is delayed response and frustration by those who seek to resolve matters by action. Continued frustration often gives way to resignation if not to apathy as well. Policing the central area often requires coordinating across units within the department and of the department with other organizations. Problems with the homeless and the alcoholic, for example, require cross-agency cooperation.

Recognizing that much action could be stymied by hierarchical problem solving, the platoon commander sought institutionalization of a lateral problem solving model. Matters of policy would continue to be subject to hierarchical review but matters of problem solving were to be dealt with by direct access to personnel who could resolve matters. This means

that generally the Oakland program avoids using dual hierarchies to deal with a problem--that of the police and that of one or more other agencies or organizations. One must, of course, be attentive to what is likely to be a policy issue to avoid being trapped by actions one may take. But generally speaking, most problems have been treated as matters of problem solving than as matters of policy.

What this has generated is the establishment and working of problem solving networks--networks made up of persons who can resolve the problems within organizations rather than networks of persons who resolve matters of policy. These lateral problem solving networks linking persons at the same level of command or operations permit one to resolve matters with a short turnaround time. They also short out the noise from bureaucratic authority that attend hierarchical decision making.

One must recognize, of course, that a lateral problem solving model depends upon the willingness of the chief and his deputies to delegate authority and responsibility. It is doubtful that such a model could work in a department where the chief insists upon traditional prerogatives of review. A more flexible hierarchy is required for a lateral problem solving model to work.

Supervision and command authority

Patrol policing is a highly discretionary activity in that each level of patrol from the duty officer to the highest in command has considerable choice about which laws to enforce and how. At the same time, each patrol officer is obliged by the hierarchical nature of police command to implement objectives by orders. It is no simple matter, however, to ensure either that orders are carried out as intended or that discretion is exercised within the limits of legality and the objectives of the department. Supervision and review of the paper trail left by officers in carrying out their duty are the main ways that departments have to hold officers accountable to their managers.

Supervision is in some sense a misnomer for what must be one of the more complex job assignments in any organization. Supervision implies a number of things. For one, it implies assessment of performance. For another, supervision implies a determination of whether performance achieves organizational objectives. But above all, it implies teaching and training in how best to perform one's task in the interest of department objectives. When one is implementing a territorially based program, such as the enhancement program of the central area of Oakland, an important problem is how to achieve objectives by supervision.

The shift from motor to walking patrol requires some restructuring of supervisory styles. The reason is that supervision of officers in the central area program means field supervision in the full sense of that term. For field supervision of foot, mounted, and Cushman patrol means not only supervising officers in fixed settings about police practice but it requires that supervisors have a thorough knowledge of the territory to be policed, its problems, and its patterns, so that one may supervise not only work that is done but trains for work that is not. It means, moreover, that one not only trains officers to do police work but of how to do it under field conditions. Above all, it means that supervisors as well as their line officers must work in the field. They must not only come to know the officers and the territory they police but the main problems of the area policed. They need to assess those problems independent of the officers immediately charged with policing their area. By contacts with members of organizations and residents in the area served, they can better assess the patterns requiring policing.

One of the impressive things about the Oakland central area program is the quality of its supervision. That supervision is characterized not only by the many features that mark high quality supervision but it is marked also by supervisors spending a great deal of time working in the field, especially as walking officers.

Captain Sarna and Sgt. Brierly, the immediate supervisor of the foot officers, not only spend a great deal of time walking the day and night beats to supervise the officers under their command but they walk to do police work--as members of a foot team. They thus teach by the example of the working officer serving in a team setting, not primarily as supervisors who ride to situations to watch and then instruct, if though necessary, but as ones who move with them for as much as an entire watch. Supervision in the Fourth Platoon thus occurs primarily as "hands on" experience.

Insuring cooperation from the criminal justice system Like most criminal justice systems, the Alameda County system is characterized by overload and by priority given to major felony cases. Under these circumstances, it becomes difficult to interest other criminal justice agencies, especially prosecutors, to take an interest in soft-crime matters. Yet, without some semblance that sanctions will be meted out when the law is enforced, there is reason to doubt that the program can be as effective as with a strong sanctioning system.

There are no panaceas or even simple recipes for linking law enforcement to other criminal justice agencies so as to achieve the major objectives of a policing program. Yet, some of the things that the Oakland program did to increase the risk of being sanctioned and its costs are worthy of consideration.

Prosecutors are unlikely to pay attention to misdemeanors or lesser felonies unless there are complainants. Often such offenses lack specific victims or complainants other than the police; such offenses are mislabeled victimless crimes. That consensual crimes lack complainants or victims in the restricted sense of injury to one of the consenting parties does not mean that other parties are not injured by such behavior. Such offenses may have an enormous impact on the way other people can live their lives and how they may operate their organizations. Neither prostitutes nor their

customers are necessarily injured in a consenting sexual relationship but their congregation in an area affects the interests of real property owners and of residents. It is they who often bear the consequences.

Historically, the police became the substitute complainant for many instances of public disorder and misdemeanors committed in their presence. They often became surrogate complainants. Where the police serve as surrogates, prosecutors and judges often shunt such cases aside and treat them as de minimus matters. Individually they may be so in many instances but their collective effect is substantial. The Oakland police sought to control that collective effect and were faced with obtaining some degree of cooperation from the criminal justice system. It is unclear just how much cooperation has been obtained but the tactical choice is to bring pressure to bear upon the rest of the criminal justice system to pay attention to such cases. Two such ways of bringing pressure are especially noteworthy.

Obtaining citizen complaints One way of pressing misdemeanor and lesser felony cases is to produce complainants who are willing to press their claims. Faced with a citizen complainant, prosecutors find they must be more responsive than faced with only an officer's complaint. The higher the status of those complainants, seemingly, the more responsive prosecutors are. The Oakland police encourage complainants to cooperate with them and use those complaints in turn to bring pressure for prosecution and sanctioning. Moreover, the organizational interests in the central district provide a representation of a collective interest to which prosecutors must attend. It is difficult to know whether complainant and collective victim interests have had much effect on sanctioning offenders of soft-crime in Oakland. Nonetheless, there are reports that such matters now are more likely to be taken seriously than heretofore.

Still, on balance, the criminal justice system is unlikely to give most soft-crime

matters serious and continuing attention. Those that bear fines, however, can be processed routinely and it is probably the enforcement of offenses sanctioned by fines that in the long run may be the most effective way to cope with much soft-crime.

Selecting statutes for enforcement and collecting evidence of compliance A persistent problem in parts of downtown Oakland and in its fringe areas is the sale of drugs. Most police departments find that drug arrests have an uncertain fate in the criminal justice system and that offenders rarely are sanctioned for them. Pleas to lesser offenses are accepted and release on probation is common. Recognizing these difficulties, the Oakland Police Department sought to deal with drug offenses by using a special provision of the California Penal Code (11550 H & S) that mandates an automatic 90-day sentence for being under the influence of narcotic substances. The simplicity of this statute, obviating the necessity of proving transactions and its focusing on consequences--being under the influence in public--makes it easy to enforce the law by arrest. Moreover, if one can prove that the arrested person was under the influence and the offense is charged, there is an automatic 90-day sentence. Begun as a citywide strategy of enforcement, it has been applied to the downtown area. Central District foot and beat officers participate in it with almost weekly surveillance and arrest.

Such a statute can be extremely useful in removing persons from the street when it is enforced and if and when the sanctions are carried out. The Fourth Platoon for the central district decided to charge under this statute and began by assigning a Special Duty Unit to conduct surveillances at least one day a week to observe offenders under the influence. Such surveillances are conducted from rooftops in the area and other locations and normally net a substantial number of offenders--from five to ten per special duty tour. To insure the evidence is sufficient for conviction, photographs are taken of the offender and physical evidence of drug use recorded by photograph.

Evidence of being under the influence is recorded by pupil size, reflex, and by tests of being under narcotic influence. Such evidence stands up well in proceedings since it is systematically collected and recorded.

Awareness of how drug cases fare in the Alameda County criminal justice system led the police to do research on the fate of their arrests so as to determine how effective their enforcement program was and whether or not it could achieve its objectives as they were processed subsequent to the arrest. A follow-up investigation was conducted based on a random sample of 50 arrestees to determine whether the Alameda County prosecutor and the criminal courts were charging under the statute and if so, whether judges were meting out the 90-day sentence as required by statute. The investigation disclosed that at least two-thirds were not being handled as charges allowed, even when in no case was there a challenge to the efficiency of the evidence. Few received the automatic 90-day sentence to the county jail. Clearly, the attempts of the police to get such persons off the streets and to interrupt the cycle of drug transactions were being subverted by the criminal justice system.

The Fourth Platoon was not content to let matters rest there, hoping that additional

Robbery	Crimes Against Persons	Crimes Against Property	Drugs	Weapons
65	71	348	266	36

Involvement in specific offenses was obtained for the crimes against persons and against property. For the crimes against persons, there were 3 arrests for murder and attempted murder, 21 for assault with a deadly weapon, 3 for sex crimes, 19 for

Burglary & House-breaking	Receiving Stolen Property	Grand Theft	Theft	Motor Vehicle Theft	Forgery & Counterfeit
127	53	18	92	23	35

research on the quality of these arrests might persuade prosecutors and judges to operate under the statute. Soft-crime arrests are often part of a criminal history that includes more serious offenses. They sought to show that these drug users had high individual rates of offending for major crimes against persons and their property and that they were prime candidates for incarceration --90 days would indeed be a minimal sentence. Incapacitation then might avert other crimes, even for such a short period, were these high rate offenders. Criminal histories were obtained for these 50 arrestees from Alameda County records and the CI & I state criminal history records. The results of the survey are extremely interesting. They disclosed that the mean length of the criminal history of individuals was about 10 years. These 50 individuals accounted for a total of 786 arrests for major crimes against persons and property or for drug or weapons arrests. The average was 16 arrests per person based on the variable length of criminal histories. By any standard, given a ratio of arrests to offenses for which no arrest was made, these are likely high rate offenders. Offenders also showed a pattern of recency of arrest. The actual distribution of arrests was as follows:

resisting arrest or obstructing an officer, and 15 for battery involving drawing or using a firearm or deadly weapon. 51 of these crimes then involved some form of violence towards persons. The property arrests were distributed as follows:

Finally, the survey disclosed that the mean number of arrests for drug related arrests was 5.3. Conviction for almost any of these arrests would bring a sentence in excess of 90 days.

These results on individual offending histories, together with those disclosing lack of charging and when charged, and lack of compliance with the 90-day sentence rule, are now being used to press the prosecutor and the judges to treat these arrests with the 90-day sentence.

Observe that the Platoon strategy for influencing the outcome of their arrests is to do research by collecting information that is useful for both evaluating the quality of the arrests being made in their program and to press for greater compliance in charging, prosecution, and adjudication with the intent underlying the provisions of the statute. It also demonstrates that at least for one type of soft-crime, there is a substantial relationship with crimes ordinarily treated as more serious.

Increasing the costs of committing soft-crime Given the overload and inefficiencies in processing arrests in the criminal justice system and the low likelihood of substantial penalty, it is clear that a program of enforcing the laws relating to soft-crime must rely largely upon increasing the costs to offenders by other means. There are several ways of increasing those costs, each of which is used in policing the central core of Oakland.

Increased reliance on fines The first of these, already mentioned, is to enforce ordinances or infractions under the penal code to which fines are attached. In these days of electronic information systems, it is a fairly simple matter to make fine systems work, at least at the level of whether or not there is compliance. One can also track scoff laws and those for whom there are warrants for failure to pay fines, if such warrants are sought.

Increasing the losses from engaging in soft-crime For a substantial number of crimes, there are costs associated with changing the location or mode of operation for doing illegal business. This is especially the case for those involving transactions linked to particular locations, such as the sale of narcotics, prostitution, and illegal street sales, but it also is true for other infractions tied to location, such as illegal parking.

There are several ways that one can increase costs or losses by engaging in soft-crime tied to location. One of these is by increasing the rate of arrest so that the rate of rearrest is boosted. Where fines are involved, that increases the financial cost. Often rearrest has other costs as well, such as loss of time, inconvenience, or even psychic costs. Where one forces displacement of the crime, there can be a number of costs. Prostitution may serve as an example. To be forced to change location of doing business can affect the volume of business since customers must relocate as well. Moreover, in changing location, one may invade another's territory. A pimp and his prostitutes, for example, cannot readily move into the territory of another without risking increased costs, even those of violence. If one continues to force change of location, one may increase the costs to a point where one must remove the businesses entirely from an area--even from a city. But whether or not one is successful in moving such businesses entirely out of the territory policed, continuing enforcement to increase the costs of doing business will have substantial effects on the scale of the illegal activity and on marginal entrepreneurs in illegal markets.

Police presence and its risks Perhaps one of the ways that the police can more effectively control soft-crime is by increasing their presence in situations where they wish to control the incidence of soft-crime or its consequences. By being present, they either increase the risks of potential offenders to the point

that offending is thwarted or their presence increases the probability that those being observed can be arrested for some infraction of the law.

The Oakland police are well aware that effective situational control over persistent loitering, panhandling, and similar offenses can be attained by observing these groups and citing for some infraction of law. Such simple infractions as violating pedestrian crossings, littering, spitting on the sidewalk, and other violations of municipal ordinances are likely occurrences in a population that is unused to being policed for them. Similarly, continuing presence in an area where customers are cruising prostitutes or where illegal drug sales are likely to be made may inhibit trade to the point where the place of doing business is changed.

Discriminatory enforcement and harassment

An argument advanced against the extensive use of surveillance, especially of surveillance targeted towards preselected populations, is that it is inherently discriminatory and if continued over time, verges on harassment. Yet, that position can rest, somewhat tenuously, on assumptions that the primary means of police control of behavior is arrest on probable cause. A whole tradition of law enforcement based on peace-keeping and order-maintenance techniques is easily ignored on that presumption. Police presence and their enforcement of ordinances and statutes that are far from universally enforced are important means of situational control of behavior. They are, moreover, important forms of enforcing a continuing order of events.

Though these traditional forms of keeping the peace and order maintenance are less constrained by statutory and case law than is arrest on probable cause, they are buttressed by common and case law. Often they are less costly and more efficient ways of achieving the objectives of controlling soft-crime. Their continuing invocation may be quite consequential in making persons feel safe.

The Oakland foot patrol often uses police presence and enforcing ordinances as a means of controlling behavior that enhances the fear of victimization by crime. Their use of such techniques appears to be situationally determined since they are sensitive to the problems of discriminatory enforcement. By referring to their situational use, we mean that they are usually directed towards behavior and infrequently towards individual characteristics. Their selective situational use appears effective in controlling the forms of congregation and harassment that occur in public streets.

Selecting and enforcing ordinances and penal code statutes

Much of what constitutes soft-crime falls either under municipal ordinances or statutes of the state penal code that are not ordinarily enforced. The Fourth Platoon deemed it important that their tactics of enforcement conform to principles of legality and that insofar as possible, behavior be controlled under statutory authority. They thus looked for statutory authority to control the kinds of illegal behavior deemed consequential for creating fear of crime. In many cases they found statutory authority for its control but in some cases either case law or difficulties in applying statutory language to behavior had obviated its use. In still other cases statutory authority was lacking. For these latter instances statutory authority was sought and in some cases obtained in the form of municipal ordinances. In other cases concerted effort among California police departments brought changes in the penal code. Below we present examples of the kinds of ordinances or statutes found particularly useful in controlling kinds of behavior that was irritating, annoying, or threatening to persons in the central area. The enforcement of these codes was part of the strategy to reduce a fear of crime on the part of its daily populations. They serve as examples since one would expect that different states and localities will have related though not identical ordinances.

Statutes invoked to control soft-crime

Most law enforcement agencies engage in discretionary enforcement of particular statutes. Many statutes are rarely used. Those dealing with felonies are far more likely to be invoked than are those dealing with misdemeanors, given an opportunity to apply the law. The situation in Oakland was no different than that in other cities when planning for the law enforcement program in the central area got under way. As attention focused on reducing the fear of crime by using the discretionary powers of the police to enforce laws, awareness shifted to which state statutes and municipal ordinances could be applied in this new war on crime. Some of these statutes that they invoked are discussed below and copies of some of the ordinances are provided in an appendix to this report.

What will become apparent is that invoking these statutes led to a substantial increase in misdemeanor arrests and to the issuance of citations as well as of warrants by the court. The use of citations to which fines are attached can be an especially important tool of enforcement when fines are not paid. Failure to pay fines results in a warrant being issued by the court. The person is then subject to arrest on warrant. The foot officers in the central area continually issue citations and continually check for outstanding warrants as they make contacts in the central area.

Controlling drug related behavior Earlier we gave the example of the Oakland police deciding to use Section 11550 H & S of the California Penal Code, a section that provided for a 90-day mandatory sentence for persons arrested while under the influence of drugs in public places. One reason for deciding to use that statute to control drug use is that its enforcement required fewer police resources to make a substantial number of arrests. It also potentially required fewer resources to process an arrest, once made. And, it had the advantage of a mandatory sentence. The statute also could be enforced with a minimum of

resources that could be concentrated in space and time. A Special Duty Unit could be given that assignment once a week on a recurring basis without absorbing them exclusively in the control of drugs. Moreover, while other units of the Police Department concentrated upon the less visible traffic in drugs, the Fourth Platoon was concerned with its visible consequences--persons being about under its influence--and upon the consequences arising from users victimizing persons in the central area. Enforcement of the statute appeared an efficient means for affecting both the visible nature of drug use that generated fear and aversion in persons who observed them and of actual victimization by crime that might follow as a consequence of their use.

Controlling loitering Statutes governing loitering often are so general as to provide dubious authority for the control of loitering. The Oakland Police found the general loitering statute was not altogether satisfactory for controlling loitering, particularly some forms and in some sites adjacent to and outside of the central area.

Especially problematic was the use of the general loitering statute in controlling loitering in and about public housing projects. Accordingly, in 1983 they sought authority by ordinance to control loitering about property owned by the Housing Authority of the City of Oakland (Ordinance No. 10342 C.M.S.; See Appendix).

Earlier in 1979 they sought and received passage of an ordinance (Ordinance 9822 C.M.S.; See Appendix) prohibiting loitering for the purpose of a prostitution offense. Among the specific enabling features of this ordinance was defining a "known prostitute or panderer" in terms of reputation or prior conviction within one year and specifying the circumstances that may be considered in determining whether a person intends to engage in conduct prohibited under the ordinance, such as "repeatedly beckons to, stops or attempts to stop or engage passers-by in conversation or repeatedly stops or attempts to stop motor vehicles by hailing,

waving of arms, or any other bodily gesture".

Both of these specific statutes were sought as a means of charging loitering that might be more difficult under the general statute and to set specific penalties for loitering under these circumstances. The statute for controlling loitering was later struck down by the court on grounds of vagueness. But, the Oakland police soon recognized that the application of other statutes often is equally effective. When prostitutes walking the streets signal to men cruising in cars, they can be arrested, for example, on a charge of directing traffic. Close attention to the behavior of persons engaging in practices that contribute to the fear of crime in an area often means that they can be controlled by citation or arrest for other offenses or infractions of the law. When, of course, they fail to pay fines, they are later subject to arrest on warrant. All of this can increase the cost of doing business that violates the law.

Controlling drinking alcoholic beverages in public A persisting feature of public behavior in core areas and their fringes is public drunkenness. Drunkenness is preceded by drinking in public. It often has proven difficult to control that drinking since the bottles are concealed in paper sacks, often the ubiquitous "brown bag". Such behavior had become quite common on many downtown Oakland streets during day as well as evening hours so that in 1975 a so-called "sack-sucking" ordinance was sought and obtained to control that behavior (Section 3-4.21, Oakland Municipal Code; Appendix). It provides that no person shall have an open container of any alcoholic beverage on any public street, sidewalk, or other public way or within 50 feet of it while on private property open to public view without the express permission of the owner, his agent, or persons in lawful possession of the property.

A decision to enforce this ordinance regularly and routinely has substantially

reduced such behavior on the downtown streets.

Control of nuisances Plazas and other open spaces in a downtown area become convenient places for soap box speakers, demonstrators, or political activity. Often such use is accompanied by sound amplification equipment that constitutes a form of noise pollution not only to those in the streets but to those who work in buildings adjacent to where they take place. Moreover, leaflets handed out in conjunction with such activities often are discarded, littering not only the streets but private buildings adjacent to them. Over and beyond that, such congregation often damages public and private property within or adjacent to the space used for public demonstration.

Clearly, it is difficult to control some of this activity since one risks litigation over First Amendment rights. Yet, the frequent occurrence of such activity not only disrupts the daily rhythms and patterns of use in an area but it can lead to vacancy rates as tenants flee the noise, litter, and disorder.

There is no single or simple answer when First Amendment rights are potentially at stake. Yet, several patterns of control of use have emerged in Oakland. One is that the city has restricted the issuance of permits where sound will be used to the Plaza near City Hall and when issuing permits for that area, cautions against "excessive sound levels". These restrictions are permissible under Section 3-6.09 of the Oakland Municipal Code governing sound amplifying equipment. The ordinance, included in an appendix, defines sound amplifying equipment, the conditions for its use only by permit, and the use restrictions applying to it. It also provides for a procedure for revoking any permit, appeal from revocation, and of special importance, it defines different types of quiet zones and provides for the City Council to establish quiet zones by resolution.

The City Manager of Oakland has cooperated with the police in the issuance of those

permits and in paying attention to complaints filed by the police and other complainants violating the conditions of their use. The implementation of this ordinance passed in 1981 appears to have been reasonably effective in restricting its use in the main downtown area, thereby by practice restricting the use of sound amplifying equipment within the core area to the City Hall Plaza.

Control of behavior on public transit Both the public and employees of public transportation were often afraid and annoyed by the behavior of some passengers on public transport. Such behavior ranged from intimidation and threats to excessive noise from blaring radios by some passengers. In order to more effectively control disorderly behavior on public transport, the transportation security community in California lobbied for the passage of Chapter 776, a statute that makes it possible to more effectively control disorderly behavior on public transportation. When there are complaints of disorderly behavior on public transport or at certain stops, foot officers in the central area periodically ride public transport as it moves through the area as a plainclothes detail.

Cooperation with local organizations and municipal organizations to control behavior associated with soft-crime

Soft-crime has a higher probability of occurrence for some populations or groups than others. Although the risk of discriminatory enforcement is high, so long law enforcement focuses on behavior and means of coping with it that are lawful rather than upon class enforcement, focusing on the behavior of preselected populations seems an important means of controlling both soft-crime and opportunities for committing it.

Young persons, especially truants, are one of the problem populations of many central areas. They litter, loiter, and congregate in ways that are troublesome to other users of the same area. During the day many of those who congregate are truant, violating statutes of compulsory

school attendance. Yet, every school and every police department concludes that it is difficult to control truancy and especially so if it is the responsibility only of the schools or only of the police. Moreover, over time juvenile courts were unsympathetic to enforce even those provisions that pertain to persistent truancy. Within the core area, the congregation of truants was especially problematic for the daytime population and for core area businesses open to the public. Littering, loitering, harassment, and shoplifting attended their congregation.

Recognizing that these problems were by no means universally characteristic of truants but that truancy was in itself a violation of compulsory school attendance laws and recognizing that the juvenile justice system was unlikely to deal even with the problem of persistent truancy, the Oakland Police Department and the Oakland Public Unified School District created a Truancy Reduction Program dubbed Operation Stay-In-School. The program is mobilized when Oakland police officers observe that youngsters are in the community during school hours. When upon stopping them any is found to be without a pass authorizing absence from school or is found failing to have enrolled in school when of the mandatory age for school attendance, the youth is transported either by the police or by an Oakland Public School Officer to an Operation Stay-In-School Reception Center. There are four such centers for Oakland and they are staffed by school teachers, attendance workers, and their assistants.

When a youth is received at the Reception Center, the staff telephones his or her parents and directs them to come to the Center before the youth is returned to school. Upon arrival, the staff discusses the truancy problem with them and the youth is either returned to school or released to the parent with a promise to attend the following day. Provisions are made for cases where the parents cannot be contacted, for students under suspension, and for youngsters who are

not enrolled in any school. A student on suspension, for example, is transferred to a special school until the suspension is cleared. Moreover, students who are enrolled in schools that are not part of the Unified District are processed for return to their schools. Authority for these actions is part of the California Education Code Sections 48264 and 48265. A more detailed set of guidelines for police action is provided in Appendix.

There are varying estimates as to how effective the program is overall in increasing school attendance but the Oakland police in the core area are agreed that it is an important means of controlling youthful behavior in the central district during school hours on school days.

The police recognize other problem populations for the core area. Most of these reside or take up residence in its fringe area. They include patients on mental release who have no regular residence in the area, members of the skid-row community, released offenders in half-way houses, and other transient or homeless persons who move from the fringe to the core area in daytime hours. These problem populations do not lend themselves to as neat a cooperative solution as appears to be the case for truants. They present a dual set of problems--the resolution of matters that are problematic to them (e.g., their illness, their impoverishment, their lack of competence) and their behavior that is problematic for others (e.g., panhandling and bizarre behavior).

The Fourth Platoon Commander attempts to work with community agencies to provide housing and resources for these problem populations with some view to ameliorating their conditions. At the same time, the foot, mounted, and Cushman patrols attend to the ways that their behavior is problematic to the daily population of the central city. Loitering is discouraged by traditional peace-keeping measures and arrests are made when necessary to curb panhandling and other

soft-crime committed by them. All in all, given the rights of persons to be about, the police are constrained in dealing with these problem populations. They remain visible within the core Oakland area.

The use of special units and special duty

The Fourth Platoon Commander has responsibility for a number of units organized as Support Services for the department as well as foot patrol for the entire city and responsibility for the central area enhancement program. See Chart 1. The Support Services under the Fourth Platoon Commander include Reserve Unit, Canine, Hostage Negotiation, Court Liaison, and Evidence Technical Detail. Having these services under his command, the Platoon Commander perhaps can utilize them more effectively in the core area crime control program. He also cooperates with the assignment of Patrol Tactical Division and other units on special problems in the core area, e.g., vice control and traffic control.

The diversity of daily and episodic activity in the central area complicates crime control. In addition to the regular policing activity in the central area, one may have a convention scheduled that requires police resources, e.g., a visit of major candidates for political office requires protective services from the police department. Or, a parade may be scheduled. There are the more common problems of traffic control complicated by new construction and renovation. And so on. All of these problems are familiar to police commanders and they are well aware of the demands they make upon internal as well as for external coordination. That coordination, in Oakland, falls more heavily upon the Fourth Platoon Commander.

These activities complicate the problem of insuring that sufficient manpower always is available to meet the core requirements of the crime control program in the central area. Generally, the Commander is protective of those requirements, recognizing that the

enhancement program involves deployment obligations. Still, the mounted, for example, may be redeployed temporarily for a convention or a parade. There also is sufficient flexibility in the program so that members of the foot, mounted, and Cushman patrols can undertake special assignments related to the core mission of the program.

Each patrol officer assigned to core area beats is given considerable discretion to decide upon what to do on a particular watch. Their primary responsibility is that of visible uniformed patrol as a foot officer. They thus are primarily walking officers. Yet, they may request temporary assignment for part of a tour or even for several tours where they use a vehicle. They likewise may request plainclothes work for a period of time, a change in hours to attack a special enforcement problem, or to work alone or as a team, to cite other examples of the kind of general requests an officer makes. By way of specific example, an officer might request permission to stick with a particular congregation of persons who have been harassing passers-by. Or, they might request permission to investigate a particular series of teller robberies. The regular duty patrol officers then combine routine patrol with investigative activity.

The Fourth Platoon Commander also creates Special Duty Units. Although the tactical units are citywide in assignment, they are given assignments to the central area to conduct special surveillance or to target a particular problem. A tactical unit usually spends one day a week targeting 11550's under the California Health & Safety Code--Addicts Under the Influence. To locate these addicts, the unit teams often do rooftop surveillance with binoculars, some of 80 x 20 magnification and a fixed tripod. Or, special duty units may be drawn from the Reserve Unit under his command. Reserve unit members might be deployed, for example, for crowd control at the Convention Center, thereby leaving foot patrol free to pursue their usual duty. Or, they might be assigned to investigate an auto

boosting pattern on a particular street or in a parking structure or lot. The Commander similarly may arrange for the assignment of Canine Units for special duty in the area, though the Canine Unit never is used for routine foot patrol. They are auxiliary to motor patrol.

The creation and selection of special assignments depend in part upon the discretion given each individual officer to gather intelligence that defines problems where special assignment may pay off. Those assignments can be undertaken only with permission from a supervising officer. Other special assignments using special duty units depend heavily upon intelligence provided from the Criminal Investigation Division (CID). The CID provides the Fourth Platoon with information on the identity of particular persons with high rates of offending who are working the area or of patterns of offending, e.g., parking meter thefts or automatic teller robberies that occur in a particular location or in a pattern where special attention may be productive of arrests. The Platoon Commander and his supervisory officers then determine whether the cases warrant assignment to a footbeat officer, to tactical units, or to special duty units to resolve by arrest or other means or whether they should be put on the back burner.

The decision about which officers to place on special assignment or which units shall be assigned and of how they will be composed is another example of how the command depends upon mixed strategies and tactics for any assignment in the central area. Initially a choice is made between one of two strategic forms of implementation.

One choice leads to the assignment of a foot patrol officer to special duty, an example of combining investigation with routine patrol activities in the foot patrol officer. The officer then moves from regular footbeat work to special assignment and back again. Requiring permission for such assignment meets two objectives. On the one hand, it holds the officers accountable to

supervisors. More importantly, perhaps, it permits the command to weigh the advantages of special assignment with continuing regular duty so as not to jeopardize the visibility and contact advantages of foot patrol. By this means, a supervisor can, of course, control the rate and pattern of assignment as well so as to insure that the basic functions of foot patrol are met for the entire district. It follows then that special assignment cannot be a part of ordinary routine.

The second choice involves the selection or creation of a special unit to deal with the problem. This form of implementation is simplified when it involves one of the subordinate units under the command of the Fourth Platoon. But, such assignment also has been simplified when it involves units under another command such as the assignment of a vice unit. Here again the principle of lateral integration followed in the Oakland department is an advantage. One can bypass much of the hierarchical review and approval by establishing lateral channels for command decisions.

It should also be clear that the flexibility for special duty assignment, ranging as it does from the assignment of footbeat officer to tactical and support service units, encourages both the collection and pooling of information in the department. Information can flow upward from any officer or unit as well as downward based on information compiled by the Criminal Investigation Division. Officers are encouraged to collect information that is relevant to special duty. The possibility in the central area that that officer can be given a special assignment for information he or she obtains serves as an enormous incentive to develop intelligence leads and to share that information, especially if one is rewarded with a special duty assignment sufficiently often so as to make the incentive a real one. That seems to be the case with assignment in the central area of Oakland. The system also provides that one cannot be assigned unless one shares

information, a chronic problem in getting detectives or special units to pool information. The Platoon Commander wisely creates incentives for the foot patrol through assignment to special duty and by maintaining special and diverse with regular and routine assignment.

Cooperation of other department divisions & units

We have emphasized the importance of lateral problem-solving in contributing to the effectiveness of crime control in the central area. Yet, its effectiveness depends also upon the continuing contributions of divisions and units of the police department that are mobilized and deployed by other commanders. It is all too common that the priorities of each command determine the deployment of resources of that command, often to the detriment of common efforts. Although the Oakland Police Department recognizes the importance of individual command discretion in the deployment of resources, it also encourages commanders to recognize the need for deploying those resources to enhance programs beyond each command. Nowhere perhaps in Oakland is the need for resource support from other units more essential than in the crime control program of the central district.

A good example of how a division of the Oakland Police Department contributes to the effectiveness of the central area law enforcement program is provided by the cooperation of the Traffic Division under the able command of Lt. Roy Birge. Traffic is a citywide enforcement unit with many special calls for resource deployment. Yet, the Enforcement Section of the Traffic Division routinely provides considerable support to the central area program. Among those resources are these:

1. The regular assignment of two motorcycle officers to the central area;
2. Priority in providing up to 12 motorcycle officers for assignment to special duty, e.g., for a major event at the convention center;

3. Priority in dealing with abandoned cars on both private and street property; those on private property can be removed only with a 72-hour abatement, and one officer is assigned on a regular basis to the central territory to deal with abandoned autos.

4. On-going attention to the traffic control problems associated with business and development activities in the central area by assigning a liaison person from traffic to the business community. Included among the problems requiring coordinations of traffic enforcement by the Traffic Division and the Fourth Platoon are dealing with problems arising from site construction such as blocking traffic lanes, eliminating street parking, and closing streets during construction and dealing with the congestion caused by vehicle unloading. Resolution of these problems includes increased attention to facilitating the flow of traffic, increased off-street parking during construction, and addition of zones set aside for vehicle loading and unloading. In the latter instance, foot officers enforce the zone restrictions by regularly and routinely ticketing unauthorized parking in zones restricted to business interests in the central area.

5. Joint attention to pedestrian safety.

The cooperation between Traffic and Fourth Platoon is an example of the high overall commitment of the department to the central area program.

How well does it work?

We have described a program designed to prevent and control crime in the core area of a large central city. The program was designed to meet the special requirements and objectives of the population of people and organizations that use the central area for living, working, or on a transient basis. In addition to the traditional objective of trying to reduce actual victimization by crime, it has a unique focus of reducing the fear of crime on the part of those who use the

central area and, as importantly, of those who might be attracted to the central area if fear of victimization by crime is minimized. The program is unique in several other senses.

It is unique in the sense that it combines private with public support of the public police on assignment in the central area. Those resources add to the total resources assigned to the central area without reducing assignment elsewhere. That feature is important since all too often new programs siphon resources from other compelling demands or functions. It is unique also in that it gives a single commander considerable discretion to develop private and public resources outside the department in combination with the mobilization and assignment of departmental personnel and units to deal with special as well as continuing problems in the area. Finally, it is unique in the number and variety of strategies and tactics and in the types of units that it deploys in the concerted attack upon the crime problems of the central area.

We have by no means described the program in its richness and diversity. Nor could anyone purport to have experienced it in that sense, for the advantage of organization is that it can transcend the possibility of experience of any individual who is inside of it and of any outsider who would attempt to comprehend it. The description given then is from the perspective of an experienced interviewer, observer, reporter, and analyst. That description is reported with a view to interesting those departments that have a similar set of problems in their core area to consider adapting, if not adopting, features of the Oakland experience.

One reason then for generality and detail, for exposition and inference, and for judgment as well as fact in this report is that we would not expect any program might be copied but that it may provide a basis for innovation and adaptation. Naturally then if one is to do that, the bottom line is how well does it work?

The answer to the question how well anything works is far from simple, especially when it is made up of many parts. For, the answer might well be it works well so long as "x" holds up or if you can do both "x" and "y". And maybe "z" doesn't make much difference. Or, it might be said that it doesn't work because it was never implemented. In brief, we would have to evaluate many things.

Clearly, this survey was not designed to evaluate many things. But, it should likewise be clear that it might prove impossible to evaluate the many things that have been done in Oakland precisely because they have already been done and because many rather than a few things were done in a short period of time. The time for much experimentation is past and in any case, experiments rarely permit one to do many things at one time if they are to be done well. We therefore cannot evaluate the Oakland experience in any rigorous sense in this report. We certainly cannot do so in the relatively short period of time devoted to this investigation, even the period of time for which the program has been in existence.

Rather, what we can do is something like what the lawyer does in an adversary proceeding. We can present a number of facts and opinions, each of which provides evidence of how well it is working. We shall suggest that the preponderance of that evidence is that it is working well, at least in some ways. If we are successful in that argument, then the burden of proof may shift to those who would argue otherwise. We would hope, rather, that this report would simply encourage other departments faced with similar problems in their central area to be equally daring. Above all, we would hope that other departments would pay attention to the special importance of coping with fear of crime in its central areas--for its nonresidential as well as for its residential population. For, that is a problem generally ignored in policing our modern cities. And, when attention is directed towards coping with fear of crime, it ordinarily focuses

on the fear of residents as they live and move about small local areas rather than upon the fear of those who are vital to its central core.

Is the program being implemented?

Before one turns to the question of whether or not a program has any effects, one wants to know whether and to what extent a program is being implemented. All of the observational, interview, and statistical evidence suggests that there is remarkable compliance at all levels in implementing the objectives of the program.

Firstly, as repeatedly noted, the program has the continuing support of its initiator, Chief Hart, and that he continues to provide leadership for it.

Secondly, it is equally evident that the Fourth Platoon has an exceptional qualified and talented leadership and staff at all levels associated with the central area program. The command not only is informed by intelligence and reporting from officers under them but they devote many hours to hands-on experience with those under their command.

Thirdly, it is clear that the enhancement program has involved an increment of officers and that they are assigned to foot, mounted, and Cushman vehicle patrol. Moreover, it is clear that a full complement of foot officers is generally assigned to day and evening watches.

Fourthly, interviews with foot patrol officers and observation confirm that they view their assignments as discretionary, that they are highly motivated in carrying out their duty, and that they experience the incentives to gather information relevant to special assignment. They appreciate and enjoy being master of one's beat and the incentives of combining special with routine assignment. It is apparent also that they are individually qualified as well as motivated to carry out their assignment.

Finally, it appears that there is considerable officer initiated activity in keeping with the objectives of the program. Although raw statistical reports of activity available through reports filed by the officers are only a rough and crude means of assessing whether the program in the central area is being implemented, the summary in Table 1 of the 318 activity reports filed by the 17 foot, mounted, and Cushman vehicle officers assigned to Beats 1, 3, and 4 for the day and night watches during the period March 12 to April 1, 1984 is consistent with the conclusion they did so. There is a considerable volume of proactive police work evident in their arrest reports and self-initiated assignments. Although handling a reasonable volume of dispatched calls, their proactive work exceeded that by a considerable margin. They accounted for a considerable volume of citations as well as of arrests. And although arrests at times resulted from reactive assignments as well as proactive mobilization of the officer, arrests were largely self-initiated for soft-crime. Their felony arrest record, nonetheless, is surprisingly high--almost one and a half per officer in a three-week period, well above the national average for mobile patrol officers. For some other periods the felony arrest record is as high as two per officer during a three-week period. Especially impressive is the 674 total misdemeanor arrests of which 602 (other) were for misdemeanors designated as soft-crimes.

Are there any effects on the crime rate?

Statistics can be misleading, especially when they are used to evaluate a program. They are subject to misinterpretation because of inattention to secular trends in the time series, to errors in collection and measurement, and to deliberate distortion. To some, they are suspect when gathered by the very agency whose program is being evaluated. Moreover, whenever statistical data are lacking in a form permitting the test of statistical models of evaluation, there is less likely to be agreement on their

interpretation. With available statistics for Oakland, it is not possible, for example, to test the effects of the Oakland program using a quasi-experimental interrupted time series design.

These caveats aside, we at least can look at whether the statistics on crime and arrests for the central area and its beats are consistent with the notion that the added manpower and the implementation of the program objectives affected the rate of actual victimization by crime. Note that under some assumptions the added manpower might actually be expected to produce some increase in reported crime and arrests. Table 1, for example, provided evidence that attention to soft-crime results in a substantial number of misdemeanor arrests and citations for infractions of municipal ordinances.

The central area program did not get implemented until early in 1982. Using 1981 as the base year prior to the program, we have two calendar years of operation since then. Although one cannot conclude too much from three annual comparisons, one before and two after the program, the statistics on Selected Part I offenses for the years 1981-83 given in Table 2 generally show reductions in the crime rate for the larger central area. These crimes were selected as they were regarded as most likely to be affected by the program.

Overall, there have been substantial drops in the rate of crimes against persons and their property in the central area comprised of Beats 1, 3, and 4. There was a sizeable drop from 1981 to 1982 and an even greater one from 1982 to 1983. These drops occurred both for the crimes against persons and for those against property, being sizeable for both major types of crime from 1982 to 1983. Compared with citywide figures, the armed and strongarm robbery rates parallel those citywide, however. Nonetheless, the drop for strongarm robbery was greater in the central beats than citywide (20% central compared with 6% citywide). Purse snatches fell citywide, 1982-83 as well as in the central area. But again they fell by a

TABLE 1

OAKLAND POLICE DEPARTMENT, PATROL DIVISIONS

OFFICER ACTIVITY REPORT FOR PERIOD BEGINNING 12 MARCH 84 THRU 1 APRIL 84

Watch 0 CDS 27 Officer Summary

TOTAL COURT DUTY	0	Reports Submitted:	
Traffic Activity:		Assignment Reports	287
Citations:		Offense Reports	224
Moving Violations	102	Field Contact Reports	81
Equipment/Regis. Violations	316	Insecure Premises Reports	0
Parking Violations	2653	Technicians Reports	0
Pedestrian Violations	142	Statements	19
Other:		TOTAL	611
Investigated Collisions	0	General Activity:	
Reported Collisions	10	No. of Calls to Which Dispatched as Primary Unit	330
901 Assignment Reports	2	No. of Calls to Which Dispatched as Cover Unit	84
905 Marked	12	No. of Other Self-Initiated Cover Assignment	404
905 Towed	3	No. of Other Self-Initiated Assignments Req. 908 Status	997
Arrest Activity:		No. of Prisoners Transported	68
Felony Arrests:		No. of Truants Processed	22
Warrant	6	Total Estimated Hours of Preventive Patrol	1533
Traffic	0		
Drunk Driving	0		
Other	38		
Misd. Arrests:			
Warrant	54		
Traffic	18		
Drunk Driving	2		
Other	602		
TOTAL ACTIVITY REPORTS PROCESSED FOR ABOVE PERIOD			318

greater percent (42%) in the central area than citywide (14%). One might easily argue that both strongarm robberies and purse snatches are more amenable to control by foot, mounted, and Cushman vehicle patrols than is armed robbery.

Although property crimes fell by roughly 9 percent citywide from 1982 to 1983,

they fell by 20 percent in the central area. For commercial burglary, the fall was 11 percent in the central area compared with 5 percent citywide; for auto burglary, the percent decrease is respectively 28 and 12 percent. The decrease in auto accessory and auto theft rates was fairly comparable in the central and citywide areas, however. Again, one

TABLE 2

SELECT PART I OFFENSES 1981-1983

OAKLAND, CALIFORNIA POLICE DEPARTMENT

Part I Offense	Number of Offenses			Percent Change	
	1981	1982	1983	1981-82	1982-83
Crimes Against Persons	(634)	(520)	(448)	-18	-16
Armed Robbery	224	195	218	-13	+12
Strongarm Robbery	254	192	153	-24	-20
Pursesnatch	156	133	77	-15	-42
Crimes Against Property	(2319)	(2241)	(1789)	- 3	-20
Commercial Burglary	625	438	389	-30	-11
Auto Burglary	1187	1345	973	+13	-28
Auto Clout	72	74	76	- 3	+ 3
Accessory Theft	183	157	143	-14	- 9
Auto Theft	252	227	208	-10	- 8
TOTAL NUMBER	2953	2761	2237	- 7	-19

might argue that prevention of burglary is more susceptible to these forms of patrol, though perhaps with less conviction than in the case of crimes against the person.

Although the overall changes in rates are apparent for the central area, there is variation by beats as Table 3 shows.

Beats 1 and 3 are more alike than is either with Beat 4. Although all three beats show substantial reductions overall in crimes against property, only Beats 1 and 3 show a substantial reduction in crimes against persons.

For crimes against persons, strongarm robbery showed substantial drops in Beats 1 and 3, by at least one-third in each case. But, there was little change in Beat 4, with strongarm robbery showing a modest increase and pursesnatch a small decrease. Armed robbery rose in two of the three beats but quite substantially so in Beat 4.

For crimes against property, there again is some beat variation, with Beat 4 differing from Beats 1 and 3 in showing a decrease in the auto clout rate and an increase in accessory theft.

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TABLE 3
 SELECT PART I OFFENSES FOR BEATS 1, 3, and 4, 1981 - 1983
 OAKLAND, CALIFORNIA POLICE DEPARTMENT

	Beat 1			Beat 3			Beat 4		
	82	83	% Change	82	83	% Change	82	83	% Change
Crimes Against Persons	(78)	(67)	(-14)	(305)	(213)	(-30)	(137)	(168)	(+23)
Armed Robbery	30	35	+17	114	104	- 9	51	79	+55
Strongarm Robbery	31	21	-32	106	73	-31	55	59	+ 7
Pursesnatch	17	11	-35	85	36	-58	31	30	- 3
Crimes Against Property	(672)	(596)	(-11)	(1067)	(783)	(-27)	(502)	(410)	(-18)
Commercial Burglary	84	78	- 7	248	232	- 6	106	79	-25
Auto Burglary	451	383	-15	621	379	-39	273	211	-23
Auto Clout	20	24	+20	30	34	+13	24	18	-25
Accessory Theft	56	51	- 9	50	36	-28	51	56	+10
Auto Theft	61	60	- 2	118	102	-14	48	46	- 4
ALL OFFENSES	750	663	-12	1372	996	-27	639	(578)	-10

Source: Weekly Summary of Select Part I Offences, O.P.D.

Each of the beats, however, is larger than that covered by the central area enhancement program and includes fringe areas that are largely transient, public housing, or other low income areas where the crime rates are expected to be fairly high. To control for these effects, the central foot patrol area was divided into two parts. The Enhancement Program was concentrated in the lower portion of the central area (see map). The remainder of the central area which was not generally patrolled by project resources is designated the non-enhancement area. Information on selected Part I offenses against persons and their property in these two areas is presented in Tables 4 and 5.

What emerges from analyzing changes in crime for these two areas from 1981 to 1983 is that there are substantial drops in crimes against property for both areas. But, as one might expect from a program that concentrates on soft-crime, the drop in theft is appreciably greater for each of the years for the Enhancement program area. Robbery--which is both a property and a person crime--also fell appreciably in both areas, suggesting again that foot patrol may have a deterrent effect on street crimes such as robbery.

The picture is less clear for crimes against persons. Some of the crimes against persons result from stranger contacts while others occur among individuals with a prior relationship. The information available did not permit us to sort out these two types of offenses nor to single out those crimes against persons that occurred in the streets or in connection with a felony. The fluctuation in the felony assault and rape rates seems to be greater in the non-enhancement than in the enhancement area. Of particular interest is the rather sizeable decline in the rape rate in the enhancement area. One must be cautious in interpreting these rates for crimes against persons, however, since their actual numbers are relatively small.

Although one cannot affirm in any conclusive sense that these are program effects, the fall in rates is substantial even from the first to the second year of the enhancement program.

There likewise has been a decrease in the crime rate for the entire city of Oakland during the period the program has been in effect. Overall, however, the decrease in crimes occurring within the central area is somewhat greater for those where one expects the central area policing program to decrease crime. There, nonetheless, is some variation among the beats of the central area and among the tracts which comprise the enhancement program area that are not easily explained if one assumes program effects. More attention to beat, tract, and officer characteristics and to monthly variation over a longer period of time seems required to assess more precisely the program's effect statistically.

Mounted patrol Observation of the mounted patrol discloses considerable public visibility of the patrol and attention to it. Clearly, the members of the public take notice of the mounted patrol when in its vicinity. Without information from a before-after survey measuring the effects of instituting the mounted patrol, it is impossible to determine with any degree of accuracy what impact its introduction has had on public fear of victimization or increased their use of the streets policed by the mounted patrol.

Oral testimony of its importance was obtained from the developers in the area and from business managers and owners who uniformly remark upon it favorably. What strikes one in reviewing such remarks is the importance of knowing of its presence, suggesting that people do feel safer when they know an officer is within visible distance. There is good reason to conclude that seeing an officer in the elevated position of a mounted officer enhances not only visibility but the sense of presence--he too can see what is happening at a distance. Added to these characteristics is the favorable

TABLE 4
 NUMBER OF PART I OFFENSES REPORTED FOR THE ENHANCEMENT CENTRAL AREA
 OF OAKLAND, CALIFORNIA, 1981 TO 1983

PART I OFFENSES	Year		Percent Change from:			
	1981	1982	1983	1981-82	1982-83	1981-83
Homicide	2	2	5	0	+66	+150
Rape	10	4	2	-60	-50	- 80
Robbery	152	114	92	-25	-19	- 39
Felony Assault	82	35	62	-33	+13	- 24
Burglary	436	364	313	-16	-14	- 28
Theft	505	451	333	-11	-26	- 34
Auto Theft	73	60	51	-17	-15	- 30
Total Part I Offenses	1260	1050	858	-17	-18	- 32

attitude towards the horse as compared with attitudes towards motor vehicles.

Overall, the mounted patrol appears to be very favorably received from members of organizations and from the public in the streets of the central area.

Cushman patrol No separate evaluation has been undertaken of the Cushman Patrol. The officers on Cushman patrol do not have as much arrest activity or traffic citations as do the foot officers. But, that is not surprising since much of their activity is confined to preventing crimes in parking lots. Cushman officers and their supervisors point to instances where Cushman officers were able to make arrests of persons who were committing crimes against persons or against property in parking lots and streets adjacent to them but no overall quantitative evaluation has been made of their patrol.

Reports of developers indicate that oversight of the parking area by Cushman patrol officers does aid them in encouraging rental of space in their office buildings. But, whether or not they have an effect on reducing fear is unknown.

A few concluding observations

The Oakland Story describes how one major urban police department has tried to make the central area of Oakland a place where those who occupy it from day to day and those who come as transients will feel safe. To enhance both their feelings of safety and their actual safety, the program has diversified its strategies of policing and its types of patrol for the central area. Motor patrol of the area is now more limited during the day and evening watches with foot, mounted, and Cushman patrol comprising the dominant source of manpower to enforce the law.

TABLE 5
 NUMBER OF PART I OFFENSES REPORTED FOR THE NON-ENHANCEMENT CENTRAL AREA
 OF OAKLAND, CALIFORNIA, 1981 TO 1983

PART I OFFENSES	Year			Percent Change from:		
	1981	1982	1983	1981-82	1982-83	1981-83
Homicide	7	0	2	-100	+200	- 71
Rape	19	13	21	- 31	+ 61	+ 11
Robbery	265	217	184	- 18	- 15	- 31
Felony Assault	96	106	82	+ 10	- 23	- 15
Burglary	850	764	525	- 10	- 31	- 38
Theft	1085	948	955	- 14	+ 1	- 12
Auto Theft	139	121	66	- 13	- 45	- 53
Total Part I Offenses	2461	2169	1835	- 12	- 15	- 25

The program has a number of distinguishing features. Among them are the fact that the private sector has contributed financially to increasing manpower and other resources of policing for a portion of the central area. Another is that the program focuses on reducing the fear of crime as well as upon reducing victimization by crime. To reduce fear, it focuses on apprehensions for soft-crime offenses and upon preventive measures. The program also increases the involvement of both the regular members of the area and of the police officers in achieving its objectives.

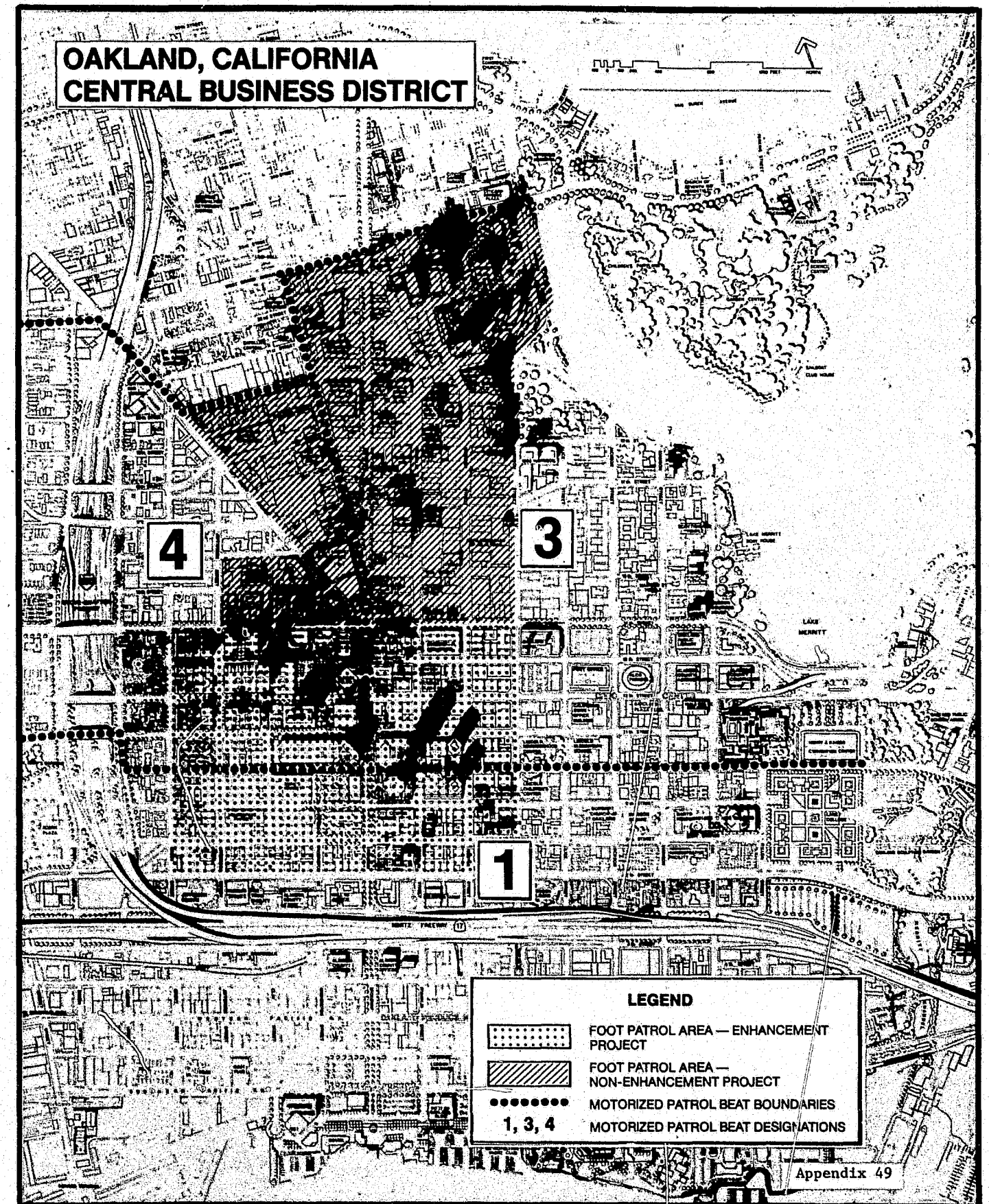
We have tried to describe in some detail how that program came into being in Oakland and how it works. There is good reason to conclude that the program is having its intended effects even though the hard data are not there to demonstrate that is the case.

The program is described in detail not with the intent that other departments might adopt the Oakland program in its full form but with the hope that other police departments faced with a similar set of problems in their commercial areas may see in it elements that might work in policing them. Oakland, like all cities and like all police departments, is both like and different from others. It may serve as a model but not as a carbon copy.

Appendixes

Appendix 47

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Report Incidents Directly

WE NEED YOUR ASSISTANCE!

The Crime Analysis Section of the Oakland Police Department reviews all crime and arrest reports to identify crime patterns and potential suspects. The information is then used to deploy police personnel and to assist investigators. Good use is being made of the data received through existing formal reporting methods, but we believe that some incidents are not being reported.

Regular reporting systems have not provided a ready means for citizens to report continuing problems or situations that are disruptive and irritating to the community. Therefore, Reporting Incidents Directly (R.I.D.) cards have been designed to make it easier for citizens to report such problems so that we can assign officers to work on resolving them.

Get into the habit of carrying a blank RID card. You will then have it available if and when you have the need or desire to report information to your Police Department

Report Incidents Directly



YOU MAY USE THIS CARD TO REPORT IRRITATING OR DISRUPTIVE BEHAVIOR. DO NOT USE IT TO REPORT AN EMERGENCY OR A CRIME THAT SHOULD BE INVESTIGATED.

DELIVER TO: ANY OAKLAND POLICE OFFICER
ANY UNIFORMED SECURITY GUARD

OR MAIL TO: OAKLAND POLICE DEPARTMENT
CENTRAL DISTRICT SECTION
455 7TH STREET
OAKLAND, CA 94607

TYPE OF REPORT (CIRCLE)
DRUG SALES CHRONIC LOITERERS VERBAL HARASSMENTS PANHANDLERS
OTHER _____
DATE _____ TIME _____ LOCATION _____

WHAT HAPPENED? _____

SUSPECT DESCRIPTION

1. SEX _____ RACE _____ AGE _____ HT _____ WT _____ COMP _____
HAIR _____ EYES _____ MUSTACHE BEARD GLASSES HAT _____
CLOTHING _____

2. SEX _____ RACE _____ AGE _____ HT _____ WT _____ COMP _____
HAIR _____ EYES _____ MUSTACHE BEARD GLASSES HAT _____
CLOTHING _____

VEHICLE DESCRIPTION

YEAR _____ MAKE _____ COLOR _____ LICENSE _____
OTHER _____

OPTIONAL INFORMATION

YOU MAY CALL ME AT _____

INTRODUCED BY COUNCILMAN _____

Richard P. Salky
CITY ATTORNEY

ORDINANCE No. 10342 C.M.S.

ORDINANCE AUTHORIZING THE ADDITION OF CERTAIN SECTIONS TO ARTICLE 13, CHAPTER 3 OF THE OAKLAND MUNICIPAL CODE PROVIDING FOR THE REGULATION OF TRESPASSING UPON AND LOITERING ABOUT CERTAIN CLASSES OF PROPERTY WITHIN THE CITY OF OAKLAND

WHEREAS, the Council of the City of Oakland finds that the loitering of persons in or about property of the Housing Authority of the City of Oakland without lawful business constitutes a risk of impairing the health and safety of Housing Authority tenants and their guests.

The Council of the City of Oakland does ordain as follows:

SECTION 1. Section 3-13.10. LOITERING ABOUT PROPERTY OWNED BY THE HOUSING AUTHORITY OF THE CITY OF OAKLAND. Every person who loiters, prowls, wanders or is present without lawful business on the property of the Housing Authority of the City of Oakland and who fails to leave upon request of a peace officer or authorized agent of the Housing Authority of the City of Oakland or returns within 72 hours, after being asked to leave by a peace officer or authorized agent of the Housing Authority of the City of Oakland, is guilty of a misdemeanor, and is punishable by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

As used in this section, "loiter" means to delay, to linger, or to idle about any such Housing Authority of the City of Oakland property without a lawful purpose for being present.

Section 2. This amendment to the Oakland Municipal Code shall become effective June 1, 1983.

I certify that the foregoing is a full, true and correct copy of a Ordinance passed by the City Council of the City of Oakland, California, on
May 10, 1983

ARRECE JAMESON
City Clerk

Per Mary B. [Signature] Deputy

INTRODUCED BY COUNCILMAN _____

[Signature]
CITY ATTORNEY

ORDINANCE No. 9822 C.M.S.

AN ORDINANCE AMENDING CHAPTER 3 OF THE OAKLAND MUNICIPAL CODE BY THE ADDITION OF ARTICLE 17 PROHIBITING LOITERING FOR THE PURPOSE OF ENGAGING IN A PROSTITUTION OFFENSE.

The Council of the City of Oakland does hereby ordain as follows:

SECTION 1. Article 17 is hereby added to Chapter 3 of the Oakland Municipal Code to read as follows:

CHAPTER 17

Prohibition of Loitering for the Purpose of Engaging in Prostitution

SECTION 3-17.01. DEFINITIONS. For the purposes of this Article the following definition will apply:

(a) "Public Place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and building open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the ground enclosing them.

(b) "Known prostitute or panderer" means a person who, within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in the Oakland-Piedmont Judicial District of the Municipal Court or any court of the State of California of any offense relating to or involving prostitution as defined in the Penal Code of the State of California or the Oakland Municipal Code.

(c) "Commit prostitution" means to engage in sexual activity for hire, including homosexual or other deviate sexual relations.

SECTION 3-17.02. LOITERING FOR THE PURPOSE OF ENGAGING IN PROSTITUTION, A MISDEMEANOR. It shall be unlawful for any person to loiter in or near any public place in a manner and under circumstances which openly displays the purpose of inducing, enticing, soliciting, or procuring another to commit prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

Among the circumstances which may be considered in determining whether a person intends such prohibited conduct are that she or he:

- (a) Repeatedly beckons to, stops or attempts to stop or engage passersby in conversation;
- (b) Repeatedly stops or attempts to stop motor vehicles by hailing, waving of arms, or any other bodily gesture; or
- (c) Is a known prostitute or panderer; or
- (d) Has previously been convicted of violating this section.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 3. This ordinance shall become effective immediately upon passage.

I certify that the foregoing is a full, true and correct copy of an Ordinance passed by the City Council of the City of Oakland, Calif., on September 16, 1979

Per Michelle Taylor Deputy
ARRECE JAMESON, City Clerk

Crimes: transit districts

Penal Code

SB 887 (Ayala)

Adds Section 640

CHAPTER 776

CRIMES: TRANSIT DISTRICTS

ANALYSIS: Under existing law, a violation of an ordinance, rule, or regulation of the Bay Area Rapid Transit District relating to smoking or evasion of fare, or of any ordinance, rule, or regulation of the Southern California Rapid Transit District relating to playing sound equipment is an infraction.

This bill would, instead, provide that the evasion of fares, misuse of transfers, playing sound equipment in a clearly audible manner, smoking, eating, or drinking in areas where those activities are prohibited, expectorating, or willfully disturbing others by boisterous or unruly behavior, on or in the facilities or vehicles of a public transit system, is an infraction.

SECTION 1. Section 640 is added to the Penal Code, to read:

640. Any of the following acts committed on or in the facilities or vehicles of a public transportation system as defined by Section 99211 of the Public Utilities Code is an infraction punishable by a fine not to exceed fifty dollars (\$50):

- (a) Evasion of the payment of the fares of the system.
- (b) Misuse of transfers, passes, tickets, or tokens with the intent to evade the payment of fares.
- (c) Playing sound equipment on or in system facilities or vehicles.
- (d) Smoking, eating, or drinking in or on system facilities or vehicles in those areas where those activities are prohibited by that system.
- (e) Expectorating upon system facilities or vehicles.
- (f) Willfully disturbing others on or in systems facilities or vehicles by engaging in boisterous or unruly behavior.

Cross Reference: Penal Code section 1463.11

Public Utilities Code sections 28766.5, 28766.6, 32076.



NOTICE

YOUR ATTENTION IS INVITED TO THE FACT THAT A CITY ORDINANCE MAKES IT UNLAWFUL TO DRINK AN ALCOHOLIC BEVERAGE OR TO POSSESS AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE ON ANY STREET, SIDEWALK OR PUBLIC WAY. IT IS ALSO UNLAWFUL TO DRINK OR POSSESS AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE ON PRIVATE PROPERTY IN SOME CASES, WITHOUT THE PERMISSION OF THE PROPERTY OWNER.

"No person shall drink or have in his possession an open container of any alcoholic beverage: (1) On any public street, sidewalk, or other public way; (2) within 50 feet of any public way while on private property open to public view without the express permission of the owner, his agent, or the person in lawful possession thereof."

(Section 3-4.21, Oakland Municipal Code; 4 Aug 75)

NUISANCE CONSEQUENCES OF POLITICAL ACTION

Grubbs & Ellis Development Management Division, which acts as the managing agent for all buildings located at the Oakland City Center Project, complained on May 10, 1983 that the "...rise of 'soap-box' speakers and demonstrators who have received permits from the City of Oakland to conduct their activities at the corner of 14th & Broadway...have caused disruption to the building operations and our tenant population as noted below:

- "1. Leaflets handed out are discarded throughout the project, creating additional work for our janitorial staff.
- "2. Group members or spectators often sit or stand in our landscaping planters, causing damage and replacement expense.
- "3. Sound amplification systems create a level of noise that is very disruptive to tenants located on the street level and the lower floors of our buildings.
- "4. Prospective tenants, considering the possibility of locating in our project, have made rather negative comments about the noise and disruption these groups cause.
- "5. Certain groups, directing their activity at the operations of one or two tenants within our project, have caused concerns for security within that organization and, on one instance, resulted in the lock-down of the building entrances to insure that only authorized personnel gained access to the building."

"Due to these reasons, we are protecting the policy of the City to locate this type of activity in front of our buildings. We strongly urge that these events be relocated to the City Hall Park between 14th Street and San Pablo."

The Deputy City Manager responded with the hope to be able to restrict sound permits to the Plaza area near City Hall and to caution permittees there "...against excessive sound levels." It appears that amplification is now prohibited in the downtown area.

SEC. 3-6.09. SOUND AMPLIFICATION EQUIPMENT.

A. DEFINITIONS. "Sound amplifying equipment" as used in this chapter, means any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including such equipment when used in a normal and reasonable manner in or about the home, or business, standard automobile radios when used and intended to be heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

B. ISSUANCE CONDITIONS. It is unlawful for any person to use or operate or permit the use or operation of any sound amplifying equipment out-of-doors or indoors when used or operated to reach persons out-of-doors without first obtaining a written permit from the City Manager by submitting an application at least 10 working days prior to the date of intended use; provided, however, that permits for the use or operation of sound amplifying equipment in public parks or playgrounds shall be obtained from the Director of Parks and Recreation. Such permit shall be issued unless the permit requested is for a location at which sound amplifying equipment is prohibited by Subsection (C), or is for a location within a zone of quiet which has been established as hereinafter provided. The use or operation of sound amplifying equipment for which a permit is issued, shall be subject to the limitations and regulations set forth in Subsection (C).

C. USE RESTRICTIONS--GENERALLY.

1. The volume of sound from sound amplifying equipment shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the audibility.

2. Sound amplifying equipment shall not be used or operated out-of-doors or indoors when used or operated to reach persons out-of-doors except between the hours of 9:30 a.m. and 10:00 p.m.

3. Sound amplifying equipment shall not be used or operated for the amplification of any sound in those areas of the city which are designated as residential districts by the zoning ordinance of the city.

4. Sound amplifying equipment shall not be used or operated in a business district of the city where such use or operation is so loud as to disturb or disrupt the operations or meetings of businesses, a governmental entity or any public hearing conducted by such governmental entity.

5. Sound amplifying equipment shall not be used at any location where such use or operation would impede the flow of pedestrian or vehicular traffic to such an extent that it would create a dangerous traffic situation or would constitute a detriment to traffic safety.

6. Sound amplifying equipment shall not be used or operated such that it will interfere with another permit or event previously granted.

D. USE RESTRICTIONS. All the provisions of this chapter shall apply to the use or operation of sound amplifying equipment by a hospital, church, school, educa-

tional institution or private enterprise when used or operated upon property owned or controlled by said hospital, church, school, educational institution or private enterprise when such amplification is audible outside the boundaries of such property.

E. EXEMPTION. No permit shall be required for sound amplification equipment used by a governmental agency when engaged in duties requiring such amplification for the benefit of the general health and welfare of the community.

F. REVOCATION OR DENIAL OF PERMIT. The City Manager shall deny a permit for sound amplifying equipment where it is determined that:

1. Any use restricted as specified in Subsection (C) will be violated;
- or
2. The facts contained in the application are found to be false or non-existent in any material detail; or
3. The applicant refuses to agree in writing to abide by or comply with all conditions of the permits.

G. APPEAL FROM REVOCATION OR DENIAL OF PERMIT. Any person aggrieved by a denial or revocation of a permit considered or issued under this ordinance shall have the right to appeal to the City Manager by filing with the City Clerk, within five (5) days from and after the date of denial or revocation, a written notice of appeal which shall set forth the grounds for such appeal. The City Manager shall act upon such appeal as expeditiously as possible and advise the appellant of the results.

H. QUIET ZONES--CITY COUNCIL ESTABLISHMENT AUTHORITY. The City Council, for the purpose of preventing disturbances to the occupants of churches, hospitals, institutions, or the students or faculties of said schools or educational institutions, may establish by resolution, zones of quiet adjacent to churches, hospitals, institutions, when the superintendent or chief executive officer of such church or institution requests the establishment of such zones.

I. QUIET ZONES--EXTENT--SIGNS INSTALLED. The resolution establishing a zone of quiet shall describe the extent of said zone of quiet, and upon the establishment thereof, the Department of Public Works is authorized to install and maintain appropriate signs to indicate the existence of said zone, provided that the expense of such installation and maintenance is paid by the institution making such request prior to such installation.

J. QUIET ZONES--USE OF SOUND AMPLIFYING EQUIPMENT PROHIBITED. It is unlawful for any person to use or operate or permit the use of or operation of any sound amplifying equipment out-of-doors or indoors when used or operated to reach persons out-of-doors within any zone of quiet established by resolution of the City Council, provided that signs indicating the existence of such zone of quiet have been erected and are in place.

K. CONFLICTING ORDINANCES. All ordinances, Oakland Municipal Code sections or parts of ordinances or code sections in conflict with this ordinance are hereby repealed.

(As added by Ordinance No. 10029 C.M.S., passed February 17, 1981.)

**CITY OF OAKLAND
CITY HALL
OAKLAND, CALIFORNIA 94612**

OFFICE OF CITY MANAGER

PHONE: 273-3301

No. 47838
Expires: 12-31-81

November 18, 1981

FRIENDS OF THE REVOLUTIONARY WORKER
3126 Grove St
Berkeley, CA 94703

NOTICE OF APPROVAL OF APPLICATION OF FRIENDS OF THE REVOLUTIONARY WORKER

To operate OUTDOOR SOUND AMPLIFICATION EQUIPMENT, between the hours of 9:30 a.m. and 10:00 p.m., during the period of November 18- December 31, 1981.

At the following locations, except where residential zoning exists: Foothill Blvd, E. 14th St, MacArthur Blvd, High St, San Leandro St, E. 16th St, Fruitvale Ave, 14th Ave, Chapman St, Ford St, Park Blvd, Glascock St, 73rd Ave, Hegenberger, Under the name of Bancroft, 14th St & Broadway, MacArthur & Broadway.

In accordance with the provisions of existing city ordinances: This permit is issued with the following conditions:

1. There shall be no sound amplification equipment used from vehicles in the Central Traffic District, namely, that area bounded by the following streets: Harrison St, 9th St, Grove St, Grand Ave, and West Grand Ave.
2. In accepting this permit, the permittee certifies that he/she is familiar with all of the conditions and restrictions contained in Section 3-6.09 of the Oakland Municipal Code relating to sound amplification equipment.
3. This permit shall expire on December 31, 1981.
4. See page 2.

Home address of applicant is 3126 Grove St, Berkeley, CA 94703.

This Notice of Approval Does Not of Itself Constitute a Permit Unless All Required Permits and Licenses Are Obtained. Please Present This Notice to Department or Division Indicated by X below for Necessary License and/or Permit.

- Permits and Licenses Division, 1st Floor, City Hall
- Building Inspection Division, 11th Floor, City Hall
- Fire Marshal—Room 201, 2nd Floor, City Hall
- Other:

cc: City Clerk
Licenses Bureau
Chief of Police (2)

HENRY L. GARDNER
DAVID A. SELE
City Manager

NOTICE OF APPROVAL OF APPLICATION OF
Friends of the Revolutionary Worker
Permit #47838 - page 2
November 18, 1981

4. The City Manager's Office has received written complaints from business establishments in the vicinity of 14th Street and Broadway regarding your alleged violations of the use restrictions of sound application equipment, as contained in Section 3-6.09(C) of the Oakland Municipal Code, under a permit previously issued.

In view of the foregoing, you are hereby placed on notice that complaints made to the City alleging violations of the aforementioned use restrictions, and found to be justified by the Police Department, will be cause for immediate revocation of this permit.

END