Does Hot Spots Policing Inevitably Lead to Unfair and Abusive Police Practices, or Can We Maximize Both Fairness and Effectiveness in the New Proactive Policing?

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ABSTRACT

Hot spots policing has emerged as one of the most important and widely diffused of what are sometimes termed the “new policing” strategies. Such strategies were developed in response to a critique of police effectiveness in preventing crime that developed in the late twentieth century. While hot spots policing strategies have been shown to be effective in preventing crime, a narrative is developing that links hot spots policing, as well as other new policing strategies focused on crime control, to unfair and brutal police practices. In this paper, I examine this growing narrative both to challenge some of its assumptions and to create a counter narrative about how we can integrate hot spots policing with approaches that encourage positive evaluations of police legitimacy. After reviewing the development of hot spots policing, I show that there is little evidence that it leads to biased or abusive policing, and indeed that the approach more generally increases the focus of crime prevention and thus should reduce the degree to which police intervene in the lives of citizens across communities. At the same time, using stop, question, and frisks in New York City as an example, I illustrate that aggressive policing strategies likely to lead to negative community responses can be focused on hot spots. In concluding, I argue that we can maximize both crime control and citizen evaluations of police legitimacy in the context of hot spots policing, and I provide two examples of ongoing programs that attempt to achieve both of these goals.

Narratives about what works in crime control are often as important to how practitioners and policymakers understand “what

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they should do” as the science that such narratives draw upon. A single narrative can shape discussions about reform. It has implications for the types of programs that are adopted in the field, and the direction of innovation in the future. Because narratives are so important in the development of crime prevention programs, it is important to carefully examine what the evidence actually says about such narratives. Below I argue that a narrative is developing that links hot spots policing to unfair and brutal police practices. In this paper, I want to examine this growing narrative both to challenge some of its assumptions and to create a counter narrative about how we can integrate hot spots policing with approaches that encourage positive evaluations of police legitimacy. But it is useful at the outset to consider how recent narratives surrounding hot spots policing developed and how they overturned earlier narratives about the ineffectiveness of police efforts to control crime.

Robert Martinson's review of research on correctional programs, published in 1974, began what has often been identified as the “nothing works” narrative in crime prevention and rehabilitation.¹ He based his article on a review of outcome evaluations of correctional innovations. He asked in his article: “Do all of these studies lead us irrevocably to the conclusion that nothing works, that we haven’t the faintest clue about how to rehabilitate offenders and reduce recidivism?”² While he did not actually state that nothing works, he concluded: “With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.”³ This nothing works narrative became dominant in discussions of criminal justice interventions over the next decade not only in corrections, but in other fields as well.⁴ In policing, the evidence used to support a nothing works narrative was not drawn from a systematic review of research, but was cumulative across a few major studies.⁵ Evaluations of key police prevention approaches, such as “routine preventive patrol”⁶ and

¹ See DAVID WEISBURD ET AL., WHAT WORKS IN CRIME PREVENTION AND REHABILITATION: LESSONS FROM SYSTEMATIC REVIEWS (Springer 2016) (discussing the importance of narrative in crime prevention); Robert Martinson, What Works?—Questions and Answers about Prison Reform, 35 PUB. INT. 22 (1974).
² Id. at 48.
³ Id. at 25.
⁶ See GEORGE L. KELLING ET AL., THE KANSAS CITY PREVENTIVE PATROL EXPERIMENT: A SUMMARY REPORT 7 (Police Found. 1974) (defining routine preventive control as the time on-duty officers spend not responding to calls but instead engaging in self-initiated pursuits, including
"rapid response to citizen calls for service," suggested that these programs did little to reduce crime. By the early 1990s, David Bayley could argue with confidence that "[t]he police do not prevent crime." While the narrative that "nothing works" gained wide acceptance, some scholars began, almost from the outset, to question the broad scope of conclusions that Martinson and others had reached. In an early criticism, Ted Palmer argued that Martinson had overlooked many positive findings in his review to come to a strong general statement about the ineffectiveness of programs. In the area of policing, Lawrence Sherman and I argued similarly that despite studies such as the Kansas City Preventive Patrol Experiment, the 1970s produced some examples of successful crime prevention programs in policing. While it was clear that many crime prevention and rehabilitation efforts did not work, the conclusion that nothing works was in some ways as naive as the narratives prevalent before the 1970s, which assumed that crime prevention programs were generally successful.

We are in a period today when there is often a naive counter view of what works in policing. Many law enforcement leaders are confident in their ability to control crime. Research supports that confidence, though rather than suggesting that everything works, it finds that specific types of programs and practices will impact crime. But the strength of the evidence for the effectiveness of policing strategies to control crime has raised a new set of concerns. An argument is developing both among observers of policing and police scholars that recent innovations in proactive policing, sometimes called the "new policing" or "new proactive policing" lead inevitably to abuse and bias against specific groups. This was an issue raised early by Lawrence observing from police cars, checking on suspicious citizens or vehicles, and serving warrants).

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11 See Visher & Weisburd, supra note 4, at 229, for a broader discussion of these issues.
14 See, e.g., Eugene McLaughlin, Police Culture, in The New Policing 143 (Sage
Sherman, one of the key developers of police innovation over the last few decades. He wrote in 1986: “Done properly, proactive strategies need not abuse minority rights or constitutional due process nor hinder community relations. But the difficulties of implementing such strategies are substantial.” More recently, this concern has been raised as one of the key problems with the new proactive policing, which emerged in the 1990s. Some commentators argue that there is a choice to be made between the new policing that focused on crime control, (which inevitably leads to abuse and discriminatory practices), and a “newer policing” that focuses on the legitimacy of public perceptions of the police:

We argue that these changing goals and style reflect a fundamental tension between two models of policing: the currently dominant proactive risk management model, which focuses on policing to prevent crimes and makes promises of short-term security through the professional management of crime risks, and a model that focuses on building popular legitimacy by enhancing the relationship between the police and the public and thereby promoting the long-term goal of police-community solidarity and, through that, public-police cooperation in addressing issues of crime and community order.

Perhaps the most important innovation to emerge in the new proactive policing to control crime is what has been termed “hot spots” or “place-based” policing. Philip Heymann argues in *The New Policing*, for example, that the essence of the new policing is its recognition of the importance of focusing police resources:

What does make a difference, careful evaluations show, is focusing patrol resources on places and times that have the most crime. The idea is supported by epidemiological research that has shown that crime tends to be very localized, and by careful studies in Minneapolis suggesting that doubling the police

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17 See generally Sherman & Weisburd, supra note 10 (finding substantial increases in police presence in targeted areas reduces crime and disorder in high-crime areas); David Weisburd & Lorraine Green, *Policing Drug Hot Spots: The Jersey City Drug Market Analysis Experiment*, 12 JUST. Q. 711 (1995) (finding law enforcement is more effective in preventing and reducing crime focused on specific hot spots, rather than larger areas).
presence led to a 50 [percent] decrease in crime in the hot spots, even when the police were not present.  

Hot spots policing emerged out of empirical observations that crime was highly concentrated in urban areas. The logic behind it was simply that if crime was highly concentrated on specific streets in the city, the police should focus their interventions at those places. As I detail below, the evidence base for hot spots policing is very strong. But in recent years, like other new proactive policing strategies, it has come under attack because of concerns that it leads to biased and abusive policing practices. A number of scholars have recently argued that intensive police interventions, such as hot spots policing, may erode citizen perceptions of the police. Dennis Rosenbaum, for example, claims that enforcement-oriented hot spots policing runs the risk of weakening police-community relations. He notes that aggressive tactics can drive a wedge between the police and communities, as the latter can begin to feel like targets rather than partners. This is particularly relevant in high-crime minority communities, where perceptions of the police already tend to be more negative. 

Scholarly criticism has been followed by a growing public narrative that there are inevitable negative impacts of hot spots policing. Recently, a newspaper reporter called me and asked, “Is there any chance I could interview you—even briefly—about law enforcement arguments that hot spots policing inadvertently creates racial disparities in who is pulled over, ticketed, etc., because such neighborhoods are typically populated by minorities?” Whatever the reality of law enforcement concerns, the question clearly suggests the argument that hot spots policing and new policing strategies that focus on crime control more generally lead us to unfair policing strategies. Similarly, a recent article on police brutality published in The Hill, a widely distributed political print and Internet paper in Washington, D.C., notes:

18 Heymann, supra note 14, at 417 (footnotes omitted).
19 See, e.g., Lawrence W. Sherman, Repeat Calls to the Police in Minneapolis (Crime Control Inst. 1987); Lawrence W. Sherman et al., Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place, 27 CRIMINOLOGY 27, 37–42 (1989).
21 See Rosenbaum, supra note 20, at 253–54.
22 See id. at 253–59.
The epidemic of police brutality—primarily affecting black males—can be linked to the history of a technique called hot spot [sic] policing, which criminologists Anthony Braga and David Weisburd have described as a technique that stations many cops in areas with higher crime rates; these areas overlapped with areas inhabited by lower-class minorities. Police initially utilized this technique to prevent crimes from happening in hot spots, but the specific measures that would be taken to prevent crime were often left unclear; there were almost no boundaries to these officers’ powers as authority figures who could stop at nothing in their crime-fighting efforts, which ironically led to many officers committing brutal crimes themselves.24

Clearly, a narrative is developing that links hot spots policing to unfair and brutal police practices. Below, I examine this growing narrative both to challenge some of its assumptions and to suggest a counter narrative about how we can maximize both crime control and positive evaluations of police legitimacy by integrating what are sometimes seen as conflicting models of policing. Does hot spots policing lead to unfair and biased police practices? Is there a fundamental conflict between the crime control focus of the new proactive policing, at least as indicated by hot spots policing approaches, and fair and legitimate police behavior? Or are such strategies simply like policing more generally—they can be fair or unfair, biased or unbiased? Can we maximize both the fairness of policing and police effectiveness within the context of hot spots policing? These are the main questions this paper seeks to address.

I. HOT SPOTS POLICING: WHERE IT CAME FROM AND WHAT WE KNOW

Hot spots policing, also sometimes referred to as place-based policing, covers a range of police responses that all focus resources on the locations where crime is highly concentrated.25 The specific geographic area that makes up a hot spot has varied across studies, ranging from individual addresses or buildings,26 to single street segments (i.e. both sides of a street from intersection to intersection),27 to small groups of street segments with similar crime problems, such as

26 See Sherman et al., supra note 19, at 33.
27 See Sherman & Weisburd, supra note 10, at 633.
a drug market.\textsuperscript{28} Hot spots are smaller than the units police departments have traditionally used to divide up patrol resources, such as patrol beats, zones, or sectors.

There is no single way to implement hot spots policing. Approaches can range rather dramatically across interventions.\textsuperscript{29} For example, strategies of hot spots policing are often based simply on drastically increasing officer time spent at hot spots, as was the case in the Minneapolis, Minnesota, Hot Spots Patrol Experiment.\textsuperscript{30} But hot spots policing can also employ much more complex interventions to do something about crime problems.\textsuperscript{31} In the Jersey City, New Jersey, Drug Market Analysis Program Experiment, for example, a three-step program (including identifying and analyzing problems, developing tailored responses, and maintaining crime control gains) was used to reduce problems at drug hot spots.\textsuperscript{32} Also in Jersey City, in the Jersey City POP Experiment, a problem-oriented policing approach was taken in developing a specific strategy for each of the violent crime hot spots.\textsuperscript{33}

The idea of hot spots policing developed out of a collaboration between Lawrence Sherman and me at Rutgers University in the late 1980s, where I had taught and where Sherman spent time as a distinguished visiting faculty member. When we met, we both found that we shared common ground in our view of what had to be done in policing. Both of us felt that prevailing narratives about what the police could do about crime were wrong. Studies of policing in the previous decade provided a very strong narrative regarding the inability of the police to prevent crime. David Bayley summarized this well when he wrote on the first page of his influential book \textit{Police for the Future}, that:

\begin{quote}
The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society’s best defense against crime . . . . This is a myth.\textsuperscript{34}
\end{quote}


\textsuperscript{29} See Weisburd, supra note 25.

\textsuperscript{30} Id. at 4; see Sherman & Weisburd, supra note 10, at 634.

\textsuperscript{31} Weisburd, supra note 25, at 4.

\textsuperscript{32} Id.; see Weisburd & Green, supra note 17, at 717–18.

\textsuperscript{33} Weisburd, supra note 25, at 4; see Anthony A. Braga et al., \textit{Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment}, 37 CRIMINOLOGY 541 (1999).

\textsuperscript{34} BAYLEY, supra note 8, at 3.
Both Sherman and I thought that the police could prevent crime, but they had to reorient their focus to recognize that crime was highly concentrated in urban areas.

My critique of the academic narrative and standard police practices developed out of work I had done at the Vera Institute of Justice in New York. As part of an evaluation of a pilot community-policing program, I walked the “beat” with nine community police officers four days a week for a year. They were each assigned beat areas ranging between twelve and thirty blocks\textsuperscript{35} that were considered so-called bad neighborhoods. The Vera Institute, and indeed the field of criminology at the time, felt that crime was spread evenly across bad parts of town. After a few weeks in the field, however, it became apparent to me that the idea of bad neighborhoods belied the realities of crime in communities and how the police worked. We did not spend our time walking around the whole beat that was assigned. Rather, we spent most of our time at a few “bad places”: often a street segment between two intersections with a good deal of street activity or a few problematic facilities. This led me to the concept of crime hot spots. Importantly, my observations of the positive impacts of police focus on those hot spots led me to doubt the common wisdom that the police could not prevent crime.

Sherman’s interest in hot spots of crime developed out of a study of crime calls to the police in Minneapolis. With colleagues, he found that a very large proportion of crime was found at a relatively small number of places.\textsuperscript{36} Just 3.5\% of the addresses in Minneapolis produced 50\% of all crime calls to the police in a single year. Importantly, many studies since then have confirmed the very significant clustering of crime at micro-geographic units of analysis.\textsuperscript{37} In my Sutherland Address to the


\textsuperscript{36} See SHERMAN, supra note 19; Sherman et al., supra note 19, at 37–39.

American Society of Criminology, I argued that the evidence of crime concentrations in urban areas made it possible to state a law of crime concentration at places. Figure 1 (placed at the end of this paper) shows data on crime incidents in five larger cities. As is apparent, crime is highly concentrated in large urban areas, with about fifty percent of crime on streets found at just five percent of streets, and twenty-five percent of crime found at just one percent of streets.

Based on the idea of hot spots of crime, Sherman and I argued that the police needed to refocus their crime control efforts. This was key, in our view, to creating effective policing strategies:

The premise of organizing patrol by beats is that crime could happen anywhere and that the entire beat must be patrolled. Computer-age data, however, have given new support to Henry Fielding's ([1751] 1977) eighteenth century proposal that police pay special attention to a small number of locations at high risk of crime. If only 3 percent of the addresses in a city produce more than half of all the requests for police response, if no police cars are dispatched to 40 percent of the addresses and intersections in a city over one year, and, if among the 60 percent with any requests, the majority (31%) register only one request per year (Sherman, Gartin, and Buerger, 1989), then concentrating police in a few locations makes more sense than spreading them evenly through a beat.

This led us to the Minneapolis Hot Spots Patrol Experiment: Recognizing that a strong research design would be necessary to overcome the common narrative that the police could not prevent crime, we implemented one of the first large-scale randomized experimental field trials in policing in Minneapolis, Minnesota. One hundred ten high-crime hot spots were randomly allocated to treatment and control conditions. The treatment sites received at least twice the level of police patrol as the control sites (dosage was measured throughout the study). The results of the Minneapolis Hot Spots Patrol Experiment stood in sharp contrast to findings in earlier studies. For the eight months in


See David Weisburd, The Law of Crime Concentration and the Criminology of Place, 53 CRIMINOLOGY 133, 138 (2015) ("This law states that for a defined measure of crime at a specific microgeographic unit, the concentration of crime will fall within a narrow bandwidth of percentages for a defined cumulative portion of crime.").

Sherman & Weisburd, supra note 10, at 629 (citation omitted).
which the study was properly implemented, we found a significant relative improvement in the experimental as compared to control hot spots, both in terms of crime calls to the police and observations of disorder.\textsuperscript{40} We concluded that there were “clear, if modest, general deterrent effects of substantial increases in police presence in crime hot spots.”\textsuperscript{41} We noted that it was time for “criminologists to stop saying ‘there is no evidence’ that police patrol can affect crime.”\textsuperscript{42}

In some sense, this was the beginning of the “new policing,” or at least the narrative that has come to predominate: the police, when properly deployed, can reduce crime. Since the Minneapolis study, there have been at least nineteen experimental and quasi-experimental evaluations of hot spots policing programs.\textsuperscript{43} The vast majority of these have shown significant crime prevention benefits. Indeed, twenty of twenty-five tests of hot spots policing show positive statistically significant findings, and all randomized trials evidenced significant positive crime prevention benefits.\textsuperscript{44} In 2004, the National Research Council issued a report on police practices that stated, “studies that focused police resources on crime hot spots provide the strongest collective evidence of police effectiveness that is now available.”\textsuperscript{45}

A number of hot spots policing studies have looked at spatial displacement of crime as a response to police focus on high-crime places. Spatial crime displacement is the notion that efforts to eliminate specific crimes at a place will simply cause criminal activity to move elsewhere, thus negating any crime control gains. In their systematic review, Anthony Braga and others found statistically significant evidence of spatial displacement in only one study,\textsuperscript{46} and even there, the amount of displacement was far less than the main crime prevention benefit of the intervention.\textsuperscript{47} Thus, in nearly every study he reviewed, Braga found that crime did not simply shift from hot spots to nearby areas.\textsuperscript{48} Indeed, a more likely outcome of such interventions was a diffusion of crime control benefits, in which areas

\textsuperscript{40} See id. at 642–43.
\textsuperscript{41} Id. at 645.
\textsuperscript{42} Id. at 647.
\textsuperscript{43} See, e.g., ANTHONY BRAGA ET AL., HOT SPOTS POLICING EFFECTS ON CRIME 6 (David B. Wilson & Charlotte Gill eds., Campbell Systematic Reviews 8th ed. 2012).
\textsuperscript{44} See id.
\textsuperscript{46} BRAGA ET AL., supra note 43, at 26.
\textsuperscript{47} Id. at 93–94 (citing Jerry H. Ratcliffe et al., THE PHILADELPHIA FOOT PATROL EXPERIMENT: A RANDOMIZED CONTROLLED TRIAL OF POLICE PATROL EFFECTIVENESS IN VIOLENT CRIME HOTSPOTS, 49 CRIMINOLOGY 795 (2011)).
\textsuperscript{48} See id. at 21–22; see also Weisburd et al., supra note 28, at 554.
surrounding the target hot spots also showed a crime and disorder reduction. These significant findings for diffusion of crime control benefits to nearby areas further reinforce the idea that hot spots policing is effective in reducing crime in the city.

II. DOES HOT SPOTS POLICING INEVITABLY LEAD TO RACIAL OR ETHNIC BIAS?

Hot spots policing is key to the narrative of an effective new proactive policing that has developed over the last decade. But as I noted at the outset, there is a growing argument that there is a "dark" side to hot spots policing strategies. They are seen as inevitably leading to biased policing. For many commenters and the media, as I noted in the introduction, the focus on crime hot spots is assumed to lead to policing that is heavily focused on minority and poor communities. Of course, policing in the United States has historically been heavily focused on disadvantaged and minority communities. Whether that is due to differential involvement of minorities and the poor in crime, or differential selection of minorities and the poor for police attention is a matter of debate. Whatever the cause, the key question is whether hot spots policing leads to greater focus and more bias than traditional policing approaches.

A key reason for the heightened presence of police in many minority and disadvantaged communities is that they are often places with higher levels of reported crime. Most American police agencies conform to a rapid response philosophy that leads them to put more cars in geographic areas where there is more crime. If you want to have police available to respond rapidly to emergency crime calls from citizens, you need to have cars patrolling in those areas routinely. Inevitably this leads to more police in poor and disadvantaged


51 See Alex R. Piquero, Disproportionate Minority Contact, 18 JUV. JUST. 59 (2008).


communities. In conversations with progressive police executives, I have been struck by their recognition as well that policing is a service and that communities with more serious crime problems need that service more than other communities. They also recognize that disadvantaged communities may have fewer resources—for example, less access to private policing—than do more affluent communities. In this sense, for progressive police executives the fact that there is more policing in minority and disadvantaged communities reflects their efforts to more fairly and equitably distribute police resources.

This perspective of course ignores the fact that increased levels of policing can lead to unintended negative consequences. Police service can lead to the reduction of liberties of citizens through such law enforcement actions as police stops or arrests. While the purpose of these activities may be to aid the community in its efforts to reduce crime, for individuals who live in communities where there are more police, this can mean an increased likelihood of being the focus of such actions. Of course, the extent of the intrusions on citizens will depend on the type of policing employed in a particular agency. However, it is common for the police to fall back upon their law enforcement powers in dealing with crime problems. Accordingly, irrespective of the motivation for allocating more police resources to disadvantaged and minority neighborhoods, this can lead to a greater probability of people in such communities having law enforcement contacts with the police.

Ideally, hot spots policing does not reinforce the community-focused idea of police services. Indeed, it pushes the police to think of bad places rather than bad communities. In this context, police resources are not focused on large geographic areas but on the specific places in communities where crime is concentrated. Figure 2 shows chronic crime hot spots in the city of Seattle, Washington. The figure depicts the one percent of streets that produced approximately twenty-five percent of crime each year in the city over a sixteen-year period. Disadvantaged minority areas are generally identified as being in the lower right hand side of the map. These are the so-called bad neighborhoods. Nonetheless, while these areas have hot spots of crime, hot spots are clearly distributed throughout the city. An important locus for hot spots is in the central business district. And hot spots can also be found in the wealthier Northern areas of the city, though in smaller numbers. Examination of other larger cities studied in this way

generally leads to a similar portrait of the spread of hot spots across a city.\textsuperscript{55}

Figure 3, which shows the crime trajectories over time of individual streets in the Southern part of Seattle, Washington, reinforces this idea further. In this figure, we see the street-by-street variability in crime within the more disadvantaged neighborhoods of Seattle. What is apparent is that most of the streets in a so-called bad neighborhood have little or no crime (represented by the thinner lighter tinted streets). There are chronic crime hot spots (represented by the wider dark tinted streets), but they represent a small proportion of the streets in the neighborhood. Accordingly, a hot spots focus should also concentrate and focus police activities on specific streets within communities. This should lead to less arbitrary allocations of police services, and ultimately should restrict the downside of police presence. Such careful targeting of the allocation of policing can in this sense reduce the dark side of police services, since law enforcement would be focused on specific blocks and not on whole neighborhoods.

\section*{III. Does the Focus on Hot Spots Inevitably Lead to Abusive Police Practices and Declining Police Legitimacy?}

Even if hot spots policing focuses police activities more carefully, and therefore frees much of the community from the unintended negative consequences of policing, people who live on streets that are the focus of hot spots policing may be more likely to be stopped, questioned, or arrested. While there is a strong body of evidence that hot spots policing can reduce crime and disorder at crime hot spots, recent critiques of hot spots policing tactics have focused on potential increases in citizen fear of crime, or declines in collective efficacy and police legitimacy. These critiques argue that focusing intense police presence on small crime hot spots may have unintended negative consequences for the community or the police themselves.\textsuperscript{56}

Rosenbaum argues, for example, that hot spots policing will lead to adverse impacts on police-community relations, and thus the legitimacy of the police in the community.\textsuperscript{57} Legitimacy refers to the \textquoteleft judgments

\textsuperscript{55} See, e.g., Weisbure & Amram, supra note 37, at 107; David Weisbure et al., \textit{Could Innovations in Policing Have Contributed to the New York City Crime Drop Even in a Period of Declining Police Strength?: The Case of Stop, Question and Frisk as a Hot Spots Policing Strategy}, 31 \textit{JUST. Q.} 129 (2014).


\textsuperscript{57} Rosenbaum, \textit{supra} note 20, at 253–54.
that ordinary citizens make about the rightfulness of police conduct.\textsuperscript{58} Research suggests that when citizens perceive police actions as legitimate, they are not only more likely to view the police more positively, but are also more likely to comply with the law in the future.\textsuperscript{59} While residents may initially be pleased to have the police addressing problems on their street, Rosenbaum suggests that over time there is a risk that residents may begin to feel like targets of the police rather than partners in crime prevention.\textsuperscript{60} Tammy Rinehart Kochel argues in turn, that the “police must recognize that in hot spots, they are working with populations who are more skeptical and less trusting of the police. Therefore, aggressive or intrusive policing tactics, while effective as short-term crime fighting strategies, may have long-term implications for police legitimacy.”\textsuperscript{61}

Despite arguments that intensive interventions, such as hot spots policing, will have negative impacts on citizen perceptions, there is very little evidence to support this position. A study by Joshua Hinkle and I did find that police crackdowns on crime and disorder hot spots led people living in the targeted areas to become more fearful of crime.\textsuperscript{62} However, that study was based on a correlational design, in which the affected hot spot areas had levels of overall crime higher than the comparison areas used in the study. Moreover, a number of studies to date provide evidence of neutral or even positive impacts on citizen perceptions.

There is evidence from a number studies that residents in crime hot spots who are subject to focused police attention welcome the concentration of police efforts in problem places.\textsuperscript{63} For example, a study linked to the Kansas City Gun Experiment\textsuperscript{64} found that the community at and near hot spots strongly supported the intensive patrols and perceived an improvement in the quality of life in the treatment neighborhood.\textsuperscript{65}

\textsuperscript{58} WESLEY SKOGAN & KATHLEEN FRYDL, Police Fairness: Legitimacy as the Consent of the Public, in FAIRNESS AND EFFECTIVENESS IN POLICING: THE EVIDENCE 291, 291 (Nat'1 Academies Press, 2004).
\textsuperscript{59} See id. at 291–92.
\textsuperscript{60} Rosenbaum, supra note 20, at 253.
\textsuperscript{61} Kochel, supra note 20, at 366.
\textsuperscript{62} See Hinkle & Weisburd, supra note 56, at 508.
One recent study by Anthony Braga and Brenda Bond examined community reaction to the problem-oriented policing initiative in Lowell, Massachusetts. Data from interviews showed that the community perceived improvements in social and physical disorder and had an increased number of contacts with the police. However, no statistically significant differences were found in fear of crime or perceptions of police tactics or demeanor. Recent experimental research from three cities in San Bernardino County, California, also found that a broken windows style intervention (in which the police focused on reducing incivilities) at hot spots had no impact on resident perceptions of fear of crime or police legitimacy. A randomized experiment in Illinois found that though there were initial declines in legitimacy from intensive police patrols and problem solving at hot spots, those effects withered quickly. Importantly, the study found no evidence of increases in perceived abuse by police in the hot spots that received the experimental interventions.

Of course, hot spots policing practices in the field may include abusive policing practices in specific cases. For example, my colleagues and I found that stop, question, and frisk (SQF) tactics were carried out in New York City as a hot spots policing approach. While it was often assumed that SQFs were applied widely and randomly across neighborhoods in New York City, we found a strong correlation between crime hot spots and SQFs. A very large proportion of SQFs were found at a small number of places in the city. More than fifty percent of SQFs at street segments were found at one percent of the segments, and fifty percent of SQFs at intersections were found at five percent of the intersections. In turn, we found that SQFs in New York City were associated with significant crime deterrence at a micro-geographic level.

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67 Braga & Bond, Community Perceptions, supra note 66, at 110.
70 See id. at 10–11.
71 See Weisburd et al., supra note 55, at 139–46.
72 See id. at 141.
But there is little question that the application of SQFs in New York City led to unintended negative consequences and abusive policing. In 2011, almost 700,000 people were stopped in New York City according to data provided by the police, and most were young, poor, and minorities. The growing dissatisfaction with the police in minority communities and especially among minority youth was a key factor in fueling the legal challenges to the NYPD's SQF policies. As a result, in *Floyd v. City of New York*, the U.S. District Court for the Southern District of New York ruled that SQFs as carried out in New York were unconstitutional, and appointed a special monitor to institute substantive reforms.

While hot spots policing does not necessarily lead to abusive police strategies, clearly unfair and abusive strategies can be used in hot spots policing programs. Hot spots policing is about the efficient focus of police resources at places where crime is concentrated. When police use policing models like increased police patrol or problem-oriented policing at crime hot spots, there is little evidence that people who live at those places are affected negatively either in terms of fear of crime, perceptions of the police, or police legitimacy. In turn, the one experimental study that examined the potential for abusive policing at hot spots found that citizens who lived in hot spots that were targeted with intensive police patrols or problem-oriented policing were not more likely to see the police as more abusive than those in the control condition.

Police can of course use abusive tactics at crime hot spots, such as SQFs carried out on a major scale. And we would expect that if they did, it would lead to negative evaluations of the police and decreased police legitimacy, though we have no data as yet on these questions. But such tactics can also be applied more broadly and unrelated to hot spots policing. The larger question is whether hot spots policing can be carried out in ways that not only reduce potential negative outcomes, but also actually improve legitimacy evaluations of the police.

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74 See id. at 48.
78 See KOCHEL ET AL., supra note 69.
IV. CAN WE MAXIMIZE EFFECTIVENESS, FAIRNESS, AND LEGITIMACY ALL AT THE SAME TIME IN THE NEW PROACTIVE POLICING?

In contrast to the strong scientific evidence on the crime prevention effectiveness of hot spots policing, there is far less rigorous evidence on the prospects of procedural fairness, consensus building, and transparency in improving community perceptions of the legitimacy of police actions. Practical experience and the available research evidence are strong enough, however, to observe that inappropriate police actions, such as excessive force, disrespectful treatment, and indiscriminate enforcement, have undesirable impacts on police-community relations. In short, there are more and less desirable ways to address crime and disorder problems in hot spot areas. Normative assessments of planned actions can be helpful in avoiding community backlash when concentrating police resources in small places.

My colleague Anthony Braga and I argue in our book, *Policing Problem Places*, that hot spots policing represents an approach to crime prevention that not only has the potential to generate strong crime prevention gains, but also, if implemented properly, increase police legitimacy in the eyes of community members. The police need active public cooperation, not simply political support and approval, to control crime and maintain order. Cooperation increases not only when the police are viewed as effective in preventing crime and maintaining order, but also when citizens see the police as legitimate authorities who are entitled to be obeyed. Legitimacy judgments are shaped by public views about the fairness of the processes the police use when dealing with members of the public.

Hot spots policing programs should be developed and implemented by police managers with the ideas of legitimacy and fairness in mind. Minority residents tend to view the police with distrust and suspicion. At certain times and in certain places in U.S. history, the police have subjected African American communities to high levels of arrest, abusive and corrupt behavior, and physical brutality. More recently,

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79 This section relies heavily on work Anthony Braga and I published. See ANTHONY BRAGA & DAVID WEISBURD, POLICING PROBLEM PLACES: CRIME HOT SPOTS AND EFFECTIVE PREVENTION (2010).
80 BRAGA & WEISBURD, supra note 54.
ongoing poor relations between minorities and the police have been highlighted in the debate over racial profiling. As Lawrence Sherman observes, “counteracting this legacy may require more public accountability for the processes by which police select crime-prevention strategies and risk-factor targets.”

A police focus on crime hot spots can be correlated with race, but the correlation is a coincidence rather than a cause. Public concern over racial profiling is often the result of poorly delineated offender profiles rather than more precisely drawn offense profiles, such as risk analyses that identify particular high-activity crime places in need of attention.

The concentration of crime in space and time provides an important opportunity for consensus building and transparency in target selection that can go far in bringing the police closer to the communities they seek to serve. Within a community-policing framework, hot spots policing initiatives can be framed as collaborative exercises where the police and community jointly review crime maps and select particular places for focused attention. In these settings, police and community members can also discuss the range of strategies that might be adopted to address targeted crime hot spots.

Consensus and transparency, coupled with a tight focus on high-crime locations, can enhance the legitimacy of police intrusions that are necessary to intercept criminals for violating “risk laws,” such as those against carrying guns or driving while intoxicated. Increasing police presence and police-citizen contacts in high-activity places can be important strategies to reduce gun violence and drunk driving fatalities. To maintain the legitimacy of these important enforcement activities in crime hot spot areas, police need to pay attention to what Tom Tyler and others call “procedural justice,” in their interactions with citizens. Traffic and pedestrian stops need to be viewed as procedurally fair by citizens subjected to the police intrusion.

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86 See id. at 397–98.

87 See Sherman & Rogan, supra note 64 (finding intensive police patrol of gun hot spots reduced gun-related violence).


89 See generally TYLER, supra note 82, at 6–7, 115–61; Tyler et al., supra note 82; Tyler & Fagan, supra note 81, at 264–65 (finding procedural justice is a key factor in shaping police legitimacy).
Fair policing requires police officers to treat citizens with respect and dignity throughout the interaction between a police officer and a citizen, to explain that their intrusion on the citizen's activities was based on neutral and objective criteria, and to allow citizens the opportunity to explain their behavior. The particular strategies selected to address crime hot spots can obviously either enhance or undermine police legitimacy. Overly aggressive and indiscriminate arrest-based strategies are more likely to generate community concern and poor relations. Unfortunately, zero-tolerance approaches that advocate full enforcement of all laws, no matter how minor, to reduce serious crimes have been engaged in by police departments from Australia to Arizona. Zero-tolerance approaches are a perversion of the tight focus of broken windows policing on controlling disorderly behavior to prevent more serious crimes. Zero-tolerance strategies seem to generate more harm in disadvantaged communities already suffering from serious crime and disorder problems, as evidenced by studies suggesting elevated complaints against the police, and increased arrests and subsequent incarceration of young minority men.

Police agencies need to move away from one-dimensional intensive enforcement efforts to control crime hot spots. Aggressive law enforcement strategies certainly have their place, but they can lead to negative outcomes as well. Although deterrence is an important component of crime prevention efforts of the police, negative interactions with the police run the risk of alienating not just offenders, but the wider community. Research suggests that the large-scale cycle of arrest, removal, and return of individuals damages the stability of familial and community relationships, disrupts neighborhood life, and erodes the capacity of neighborhoods for self-regulation. Police strategies at hot spots must balance the need for deterrence, with the

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90 See SKOGAN & FRYDL, supra note 45.
91 See Sherman, supra note 85, at 394.
importance of gaining trust on the streets where police work. Moreover, they have to place approaches that increase trust and cooperation of the community at the forefront of their efforts. This means that police in the field should integrate hot spots policing strategies with strategies that are meant to increase public trust in the police. While we have yet to develop clear evidence on this question, it is my proposition that we can maximize crime control and police legitimacy in the context of hot spots policing.

V. IS A NEW GENERATION OF HOT SPOTS POLICING PROGRAMS POSSIBLE?

Arguing that hot spots programs should be developed to maximize crime control and police legitimacy simultaneously leads to the question of what such programs would look like in practice. My colleagues and I are developing two such programs at this juncture, which should yield important guidance for hot spots policing programs in the future.

A. Brooklyn Park: Assets Coming Together to Take Action

Charlotte Gill and I are working with the city of Brooklyn Park, Minnesota, to test whether hot spots policing can increase collective efficacy and enhance informal social controls at the same time that it improves evaluations of police legitimacy.96 “Collective efficacy” refers to the ability of communities to use informal social controls to solve community problems.97 The program in Brooklyn Park focuses police patrol on crime hot spots, but also focuses the police on increasing community trust and cooperation for collective action at the targeted places. We are conducting a randomized experimental evaluation of the program including forty-two crime hot spots. The evaluation will include both assessments of changes in crime and collective efficacy, and in citizen perceptions of the police and police legitimacy.

Brooklyn Park is well situated as the study site for this effort. With a population of about 78,000 people over twenty-six square miles,98 it is

the second-largest suburb in the Minneapolis–St. Paul metropolitan area, and the sixth-largest city in the state of Minnesota.\textsuperscript{99} Traditionally a bedroom community for nearby Minneapolis, Brooklyn Park is 85-percent developed and has a high population density—almost 3000 residents per square mile.\textsuperscript{100} There is no true downtown area, but both residential and commercial properties exist in the city. The population of Brooklyn Park is highly diverse. About twenty percent of residents are foreign-born and almost fifty percent are non-White.\textsuperscript{101} Importantly, Brooklyn Park's crime rate is the highest amongst Minneapolis–St. Paul suburbs, with 50,000 residents or more. Much of this crime is concentrated at hot spots characterized by low-income public housing and low-rent apartments, as well as residential areas that have been affected by economic hardship and foreclosures. The mixed land use, high population density and heterogeneity, and population turnover associated with these locations suggest a connection between low collective efficacy and crime.

At full strength, the Brooklyn Park Police Department (BPPD) has 108 sworn officers, with 48 officers, 9 sergeants, and 2 lieutenants assigned to patrol. The department has a long history of collaborating with community service providers, community coalitions, and schools. Former Chief Michael Davis was instrumental in developing a culture of community collaboration, and this has continued with the current leadership; however, BPPD sought a more systematic approach to community outreach and problem solving.

The program is organized around three essential preconditions of collective efficacy: (i) the establishment of proximal relationships with and between residents, (ii) the development of working trust between relevant parties, and (iii) the shared expectations that result from that trust and compel residents to act against social problems.\textsuperscript{102} The entire BPPD patrol force, including fifty patrol officers, participated in a one-day training in understanding the causal relationship between collective efficacy and crime, and how to apply this knowledge to community-building and problem-solving strategies. The content of the training day was specifically designed to operationalize collective efficacy at the street level.

The training was designed and delivered by the entire project team including senior officers and project coordinators from BPPD, the


\textsuperscript{100} U.S. Census Bureau, supra note 98.

\textsuperscript{101} Id.

\textsuperscript{102} Cf. Sampson et al., supra note 97, at 919 ("[I]t is the linkage of mutual trust and the willingness to intervene for the common good that defines the neighborhood context of collective efficacy.").
research team, and subject matter experts in collective efficacy and policing. Importantly, for buy-in, a small team of officers was selected to pilot test the first stage of the intervention in a selected location and report back at the training, so officers could connect the theory with practical application by their peers.

The intervention itself consists of a three-stage process termed, "Brooklyn Park: Assets Coming Together to Take Action" (BP-ACT).

1. Assets (asset identification).

Officers identify both the specific problems at hot spots and the key stakeholders and resources ("assets") that should be involved in solving them. The problem solving process places primary emphasis on identification of key assets, such as residents, business owners, and community groups within the micro-community of the hot spot. Assets may also be anchor points (social service agencies, schools, places of worship, etc.) that may be outside the precise boundaries of the hot spot but are meaningful to residents. Officers identify these assets through conversations with local actors during their discretionary time, and by utilizing the local knowledge they obtain through regular police work. A procedural justice dialogue script guides these conversations, at least initially, to help build trust and social capital with and among residents. Importantly, this stage also involves assessing the liabilities at a location. We have seen that some individuals or organizations in a hot spot may be closely tied to the crime problems at that place and may not be best placed to help solve them. In this case, police also focus on stabilizing the location (in some cases, through more traditional law enforcement methods, albeit with a view to protecting community trust that has already been developed).

2. Coming together (coalescence).

This phase builds upon traditional community-oriented and problem-oriented approaches by emphasizing the creation of police-community problem-solving partnerships that build residents' willingness to take ownership of local crime issues. During this phase, officers gather intelligence from the community, work with stakeholders to implement crime prevention strategies, and—key to our approach—use their training in collective efficacy and community


building to focus residents on creating collective ownership over the hot spot. Officers match identified assets to identified problems within each hot spot through small group conversations or more formal meetings.

3. Taking action (follow-up).

In the taking action phase, patrol officers submit information on their activities to BPPD's project coordinator. Officers and the project coordinator then collaborate to assess and track the implementation and progress of agreed-upon community actions in a shared project database. We are now in the sixth month of project implementation, and there is strong evidence that the patrol force can move beyond its law enforcement role to an approach that seeks to emphasize community building at hot spots. While ordinary patrols and enforcement actions made up some 63.4% of the activities at the treatment locations in the first two months of the project, by the fifth and sixth months, identifying assets and interactions with community members made up 63.0% of activities. In turn, in most of the hot spots in the study, police have organized community meetings with the goal of developing action plans on the streets.

We will see over time whether these efforts and this reorientation of how hot spots are dealt with in a city will have positive outcomes. Prior research suggests that the focus on crime hot spots will yield crime prevention gains. We hope that the community engagement focus of the study will in turn allow such gains, while also increasing collective efficacy and evaluations of police legitimacy.

B. Procedural Justice Policing at Crime Hot Spots

Cody Telep, Anthony Braga, Tracey Meares, and I are developing a second innovative approach with the Police Foundation in Washington, D.C., that seeks to maximize crime control and evaluations of police legitimacy simultaneously. The Arnold Foundation has funded our project, and we have received commitments from four cities for a multi-city randomized trial. We seek to answer two key questions: (1) Can the development of a hot spots policing program with a strong procedural justice component enhance citizen perceptions of police legitimacy? (2) Can the program improve the effectiveness of hot spots policing, leading to greater long-term crime prevention gains?

Tom Tyler and Yuen Huo note that legitimacy can arise from giving citizens either favorable outcomes, or simply a sense that the outcomes are equitable (distributive justice). But they argue that the

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greatest legitimacy and legal compliance are produced when police attend to procedural justice,\textsuperscript{106} which is "an evaluation of the fairness of the manner in which [a person's] problem or dispute was handled."\textsuperscript{107} Police officers often face situations where it is difficult to produce a positive outcome for all parties. A traffic violator, for example, will not view a speeding ticket as a favorable outcome. Nevertheless, according to the procedural justice framework, if the officer treats the citizen fairly, the citizen is likely to accept the outcome, and this display of fairness will enhance or at least not decrease the legitimacy of the police.\textsuperscript{108} The President's Task Force has also identified procedural justice as a key concern for agency efforts to enhance citizen perceptions of police legitimacy. The Task Force concluded that "law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve."\textsuperscript{109} Our question is whether hot spots policing enhanced with procedural justice training will allow police to maximize crime prevention and police legitimacy simultaneously.

A few field studies have examined the impact of procedural justice approaches and increased legitimacy on the behavior of citizens. Stephen Mastrofski and colleagues found that factors related to legitimacy were key predictors of citizen compliance with police directives.\textsuperscript{110} In a re-analysis of data from the Milwaukee Domestic Violence Experiment, Raymond Paternoster and colleagues found that when officers arrested domestic violence suspects using principles of procedural justice, the suspects were significantly less likely to re-engage in domestic violence.\textsuperscript{111} This effect was consistent across suspects with different demographic characteristics. They concluded that perceived procedural justice nullified the criminogenic influence of being arrested for spousal offenses.\textsuperscript{112} John McCluskey found in his

\textsuperscript{106} Id.

\textsuperscript{107} SKOGAN & FRYDL, supra note 58, at 301. While we focus here on Tyler's process-based model of procedural justice, legitimacy, and compliance, we recognize that some scholars have argued that factors other than procedural justice also have strong impacts on citizen perceptions of legitimacy. See, e.g., Anthony Bottoms & Justice Tankebe, Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice, 102 J. OF CRIM. L. & CRIMINOLOGY 119 (2012).

\textsuperscript{108} See Tyler & Fagan, supra note 81.

\textsuperscript{109} OFFICE OF CMTY. ORIENTED POLICING SERVICES, FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING 9 (2015).


\textsuperscript{112} See id.; see also Lawrence W. Sherman, Defiance, Deterrence, and Irrelevance: A Theory of
analysis of police requests for citizen self-control (ending disorderly behavior, leaving the scene) that multiple procedural justice characteristics were significant. Respectful treatment from the police doubled the odds of compliance, while disrespectful behavior made noncompliance almost twice as likely. When the police cut off a citizen from telling his or her side of the story, resistance was two times more likely, and compliance was significantly more likely when the police showed they were interested in gathering information to make an informed decision.

In our study, we want to see whether hot spots policing enhanced with procedural justice training can have a direct impact on offending at the hot spots, and a longer term impact on compliance with the law more generally among people that have contact with the police. If both of these outcomes are found, combined with increased perceptions of police legitimacy, it would mean that we cannot only simultaneously prevent crime and increase police legitimacy, but that this approach also increases crime prevention benefits over standard hot spots policing approaches.

We will identify forty to fifty crime hot spots in each of the four agencies (160-200 total), which would be divided equally between a “standard hot spots policing” condition and an “enhancing procedural justice in hot spots” condition. Officers will be assigned to focus extra time and enforcement activity on street blocks in the “standard hot spots” condition using traditional law enforcement approaches. Half the hot spots will be in the “enhancing procedural justice in hot spots” condition and receive intensive police attention in addition to efforts to increase the use of procedural justice in police-citizen interactions. Officers would similarly focus extra time and enforcement activity on assigned street blocks, but would receive forty hours of training related to procedural justice and enhancing citizen perceptions of police legitimacy. The training will be developed as part of the project and emphasize the quality of interactions with the public. Topics will include giving citizens a sense of participation and ways to demonstrate neutrality and respect. Officers in this group will also use a checklist in the field to reinforce the training.

Data to assess the impact of the intervention on crime will come from official data (calls for service, arrests, and incident reports before,
during, and after the intervention). We will also examine resident perceptions of legitimacy with door-to-door interviews before and after the intervention, and conduct a survey of people who had police contact in hot spots under both conditions.

VI. CONCLUSION

Narratives are important in crime prevention. In the 1970s, a dominant narrative emerged that assumed that the police could not prevent crime. Over the last two decades, that narrative has been overturned by one that recognizes that proactive policing can be effective in reducing crime. The development of hot spots policing approaches has been key to the development of this new proactive policing. Today, there is little doubt that such strategies can be effective in reducing crime without displacement. But as I noted at the outset, a new narrative is developing that argues that hot spots policing, as well as other proactive deterrence based policing strategies, are likely to lead to biased and abusive police practices. I have argued that hot spots policing properly implemented is likely to lead to less biased policing than traditional strategies. Moreover, there is little evidence that hot spots policing per se leads to abusive policing practices. Rather, abusive policing approaches can be applied in hot spots policing just as they can be applied more generally in standard policing practices. Finally, I argued for a new generation of programs and practices in hot spots policing that attempts to maximize crime control and legitimacy simultaneously, and I described two ongoing examples of programs that are taking this approach.

Having worked to overcome the “nothing works” narrative in policing, it would be a pity if new policing strategies—such as hot spots policing—were abandoned based on assumptions of negative unintended outcomes. The task is to take the knowledge we have gained over the last few decades and to enhance hot spots policing by recognizing the importance of citizen evaluations of the police. I suspect that if we do this we will not only increase legitimacy evaluations of the police, but we will also increase crime prevention gains. But unlike the evidence on the crime control outcomes of hot spots policing, we still know little about whether enhancing hot spots policing, or other policing strategies for that matter, in conjunction with procedural justice approaches will improve policing. It is time to develop an evidence base for these questions.
Figure 1: Crime Concentration in Five Cities*

Figure 2: Chronic Hot Spot Street Segments in Seattle, Washington*

Figure 3: Street-by-Street Variability in Crime Trends in Southern Seattle, Washington*
