

Reducing the Fear and Incidence of Sexual Assaults:

A Case Study in New Forms of Policing

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UW Law Professor Herman Goldstein has long been recognized as an authority on policing. Since the 1950s he has worked on the tough issues that arise in the policing of a society that expects much of its police, but greatly values individual freedom and therefore curtails the authority and methods available to law enforcement agencies.

In the constant effort to design a form of police service that better meets our needs within established restraints, Goldstein is convinced that much of our energy has been misdirected; that police have "too often become preoccupied with means rather than ends." He argues that the major emphasis in police reform has been on improving organizational efficiency and the application of modern technology; that these efforts might better be spent on analyzing the behavioral problems the police are expected to handle, and to work out more pragmatic solutions to them.

In 1981, to develop his thesis, Goldstein and an associate from the Department of Sociology conducted two case studies in conjunction with the Madison Police Department: one inquiry involved drunk driving, the results of which were partially reported on in an article which appeared in a past issue of the *GARGOYLE*; the second study, described in this article, examined the repeat sexual offender (RSO) problem in Madison.

The nature of the RSO problem, and the circumstances surrounding the release of the study's findings, prompted the Madison Police Department to make swift, far-reaching changes in its relationship to convicted sexual offenders under supervision as parolees and probationers. Ultimately, these changes have affected the MPD's relationship with all parolees and probationers.

The MPD's new program for relating to offenders under supervision in the community

has begun to fill a void in the workings of the criminal justice system. Police departments in other cities have expressed interest in the program. The results suggest that if the type of critical self-examination that led to the program is applied by more police departments to areas in which they seek to improve their effectiveness, similar benefits can be realized.

The article below describes the analysis of the repeat sexual offender problem in Madison, the suggestions for change in the police response and the impact of the proposed changes on the problem.

In Madison—an intermediate sized city of 170,000 people—many of the crime problems found in larger, less intimate surroundings were, until recently, generally thought to be uncommon, if not altogether absent. Violent crimes, especially homicide and sexual assault, were regarded as particularly rare. Although it is Wisconsin's capital city, Madison is a community with a small-town atmosphere.

In the late 70s and early 80s, however, Madisonians became concerned about a rather dramatic increase in the reported number of sexual assaults.

Part of this rise was due to feminist efforts to draw attention to the seriousness of the sexual assault problem. This was reflected in a major revision of Wisconsin's rape laws, which was broadened to include a wider range of conduct and to facilitate prosecutions, taking much of the burden off of the victim-complainant. In addition, the increase may have been influenced by steps taken by police to facilitate reporting and investigations. Victims were encouraged to report all forms of sexual assault to police. As a conse-



Professor Herman Goldstein

quence, it was difficult to determine whether the city was experiencing a "paper" increase in the incidents of sexual assaults or an actual increase.

Whatever the reason for the rise, community and police concern for the sexual assault problem was growing, and Madison's town-like atmosphere seemed threatened.

Goldstein and the "Problem Oriented Approach"

At this time, six blocks down State street—and still quite apart from the concern about sexual assault in Madison—Professor Herman Goldstein was involved nationally in efforts to improve policing through the development of a new, "problem oriented" approach. The concept, first publicly expressed in the April 1979 edition of *Crime and Delinquency*, called for the police, rather than focus their improvement efforts on modernizing organization and operating methods, to place more emphasis on the substantive outcome of their work.

Professor Goldstein was later joined by Charles Susmilch, a Research Associate with the University of Wisconsin Department of Sociology, forming a research team to work on the development of the concept. In the Spring of 1981, the team received a grant to finance the project from the National Institute of Justice.

The Madison Police Department was the logical and natural laboratory for the project. The MPD is a progressive police department with a commitment to trying new approaches to policing. It expressed a willingness to work with Goldstein and Susmilch. A collaborative effort was thus launched with the MPD for the purpose of "experimenting with methods for promoting thoughtful consideration within a police agency of community problems to which the police were expected to respond." It was an association founded on a common desire to improve police effectiveness.

The problems on which the team was to focus were chosen by members of the MPD. The MPD singled out two of immediate concern: that of drunk driving and "the problem presented by the repeat sexual offender (RSO)," the focus of this article.

The RSO Study

The MPD had selected the RSO problem simply because it was very aware of the public's growing concern about sexual assault; that fear of sexual assault had affected the lives of many residents. Contributing to police concern about the problem was a "vague sense" within the department that a substantial number of those assaults of greatest concern to the community were being committed by individuals with prior records of sexual assault and that many of these individuals were on probation or parole at the time of their most recent offense.

The research team began its investigation with a series of logically sequenced queries, all with the aim of checking out the MPD's suspicions regarding the role of prior sexual offenders, and then developing a more effective response to Madison's sexual assault problem.

Far too detailed and lengthy to fully recount here, the queries were designed to illustrate the value to the MPD and other police departments of developing "a more systematic process for examining and addressing the problems that the public expects them to handle;" to convince police agencies of the importance of their evaluating their current responses; and to determine, in "the broadest ranging search for solutions," what might constitute the most intelligent response to each problem.

Key Findings in Brief

In order to get a general impression of the sexual assault problem, the research team reviewed the police records of all of the assaults that occurred in a nine-month period in 1981. The result was a "mixed" picture: of the 133 cases reported, 81 were cleared (the offender was identified, but not necessarily charged). Fifteen of these 81 offenders had prior records of sexual assault. Six of these 15 were under supervision when accused of their most recent offense. That finding, by itself was not terribly disturbing.

But during a separate review of the five most publicized cases that had occurred in the longer period of two years—those which caused death or serious injury and which generated intense community-wide fear—an entirely different picture emerged.

It signified the beginning of an unprecedented formal relationship—unprecedented in Dane County, Wisconsin and the entire country—between police and corrections.

All of the assailants in these cases had prior records of assaultive behavior and all were under parole supervision at the time they committed their offenses. The death or injury caused the victims in these cases clearly distinguished them from all other sexual assaults. It is, of course, a matter of speculation as to how much the disclosure of the prior records of the assailants contributed to the special attention drawn to the cases. This common factor, however, was not widely recognized. As the report on the study stated, "[the cases were] obviously not representative of all sexual assaults reported to the department, but because they received so much attention, they have contributed disproportionately to the perception of the sexual assault problem held by the police and the community." The fact that the assailants in all of these cases—which contributed so much to the level of fear in the community—were under supervision at the time they committed their offenses was deemed sufficient cause to examine carefully the local population of prior sexual offenders, and the form of supervision they received.

The In-Migration Problem

On November 1, 1981 the Division of Corrections had 66 persons under supervision in Dane County who had been convicted of a sexual offense. Two especially significant findings surfaced concerning these

individuals: three-quarters of them were relatively unknown to the MPD because they had been convicted in another jurisdiction; and this small group of ex-offenders accounted for a disproportionate number of new offenses when compared to the general community." Madison and Dane County were experiencing a large "in-migration" of parolees and probationers who enjoyed, in particular, the anonymity the city could offer, and Madison's "tolerance for alternative lifestyles."

New Relationships; New Procedures

With the realization that three-fourths of the sexual offenders were hardly known to the MPD, it became clear to the research team that if the MPD genuinely desired to tackle the sexual assault problem, it would have to take a new interest in these parolees and probationers. It

could do so only with the aid of the Division of Corrections.

But the formal cooperation between police and corrections that was needed had little precedent on which to build. Traditionally, each agency had viewed the other with some suspicion, in Madison and elsewhere. Police have thought of parole agents as "mere" social workers, bent on protecting, even over-protecting their clients from the police; in a similar way, parole agents have seen the police department as an agency over-committed to the punitive aspects of its work. If improved relations were to be realized and the long-standing tensions between the two agencies relaxed, communication lines needed to be cleared and the point emphasized that the two agencies are in pursuit of common goals.

The potential, it was felt, was there, for times and attitudes had changed. The Madison Police had developed much more of a service orientation, illustrated by the sensitive role they play in new programs relating to public inebriates, runaways and the mentally ill. And personnel in Wisconsin corrections had recognized that constructive supervision requires more intensive monitoring of some ex-offenders in their period of reintegration into the community.

It was proposed that police might effectively curb subsequent assaults simply by taking a greater interest in that small number of individuals who, it was determined, committed a disproportionate

number of new offenses; that they lend assistance to probation and parole agents who were otherwise solely responsible for the group's supervision. But this required the development of new procedures and understandings that would assure that offenders are not harassed, but are supported in their efforts to reestablish themselves in the community.

To aid in meeting these needs, it was proposed that a new position be created—the Police-Corrections Liaison Officer (PCLO), to be filled by a member of the MPD. He or she would “serve as the principle contact with the Division of Corrections” and would take steps to develop the new relationship.

The PCLO: Key to the Program

The PCLO was expected to establish strong, personal contacts with corrections in a short period of time and to become familiar with the inner workings of corrections. He or she was to be clearly identified to probation and parole agents as the member of the MPD to contact when they were uncertain about who to contact directly with information about specific needs or problems. Similarly, officers within the MPD “could turn to their designated colleague when they need[ed] to contact probation and parole.” The PCLO would also be responsible for establishing initial police contact with selected offenders and for training officers, with the aid of corrections, to handle contacts with offenders under supervision. In addition, the PCLO was expected to develop specific programs that would arrange for:

—Immediate and continuous notification of police by corrections of those individuals placed on probation and parole in the community, and police notification of corrections regarding any contact with a DC client. The supervisory role of the police thereby would be enhanced, and that of corrections markedly reinforced.

—Registration of all probationers and parolees which, though standard policy of corrections before 1982, had been carried out in very uneven fashion, with substantial discretion having been left to individual agents. Many supervisees were never registered. The PCLO was to assess each person newly placed on probation or parole in Madison to determine the level of interest that the police would take in the individual.

—Facilitation of apprehension requests, which are orders issued by corrections when an agent decides to recall a client. Both agencies were exceedingly uncomfortable with past practices, agents feeling that police did not take corrections' needs seriously; police feeling that they were being asked to do corrections' dirty work. The understanding between the agencies

was that police would help to locate a supervisee and then accompany the agent issuing the request to bring the supervisee into custody.

—Training and cross-training programs to help familiarize police officers and corrections agents with the character and nature of one another's work, with the aim of making clear the authority and limitations of the respective agencies.

The Police Response to the Study

By late February 1982, the collaborative study was completed and arrangements were made to engage police and corrections personnel in a discussion of it on March 10.

But by a bitterly ironic twist of fate, the study was no sooner in the hands of department heads when some of its most important conclusions were decisively and sadly affirmed by a sexual assault that occurred in Madison. The victim, a ten-year-old girl, was abducted, sexually assaulted and strangled by an individual who was among the 81 persons whose records had been reviewed as part of the RSO study.

The circumstances surrounding the case, like those in the five highly publicized cases noted in the study, generated acute community-wide fear, anger and frustration and focused intense pressure on the police, the prosecutor, the courts and the Division of Corrections. The gap in the criminal justice system identified in the study was now succinctly illustrated.

Whether the study or the case alone would have brought about a marked change in the MPD's response to the sexual assault problem is, of course, not known. But the coincidence of the two produced almost immediate results.

By mid-March, the upper echelons of the police department, corrections and the Dane County Sheriff's Department (an agency not directly involved up until this time) voiced a clear commitment to the proposed program. Contact and cooperation between the agencies improved markedly, and at a joint press conference it was announced that they had a “tentative plan for tighter collaboration” in supervising repeat sexual offenders. The details were to be worked out in full later, but the press conference was, in itself, a landmark. It presented three agencies within the criminal justice system cooperating to deal more effectively with a problem of community-wide concern. It signified the beginning of an unprecedented formal relationship—unprecedented in Dane County, Wisconsin and the entire country—between police and corrections.

Another milestone in the development of the cooperative attitude was a meeting in April 1982 of a task force composed of members of the MPD, the DC and the

DCSD. Within a few short hours, misunderstandings began to pale as stereotypes were dismantled and common problems and community pressures acknowledged. Members of the agencies exchanged names and telephone numbers, established a basis for personal contacts, and recognized the potential to be realized from closer cooperation.

By June of 1982, the several departments' commitment to the program was firm and unequivocal. The department heads' signal to the troops was clear: “We want this program to work!” As an indication of this determination, the MPD chose detective Ted Mell, a fourteen-year veteran and highly regarded senior detective as the first PCLO. Following suit, the DCSD chose a highly respected officer to serve as its first liaison.

The Program at Work

Not all of the proposals made in the study were instituted by police and corrections administrators. Similarly, some provisions have received more emphasis than others. In general, however, the program closely follows the proposed model.

As current PCLO, Madison Detective Burr Fraser visits the two local offices of the DC twice a week, at which time he usually meets with each of the agents. During this time, he learns of agents' contacts with probationers and parolees and makes notes of their impressions of the progress of these supervisees; learns about parolees about to be released; learns about parolees who are regarded as particularly volatile; picks up apprehension requests; and discusses any problems that arise between the agencies.

At the MPD, Fraser reviews the records of individuals who are shortly to be released from prison under corrections' supervision; makes certain that corrections is notified when one of its clients comes into police contact, and passes along to other Dane County communities information on supervisees that he and his colleagues at the DC deem important. Thursday is set aside for new parolees and probationers to register with the police.

Operations at the Division of Corrections have been most significantly altered through a greater depth of awareness of the behavior of their clients. If a client comes into police contact, corrections is notified within 24 hours. The agent assigned to the client then reviews the circumstances of the contact and, following appropriate DC regulations, decides how the case should be handled.

Corrections is responsible for maintaining a computer file containing the names of all of its clients, to which the police have access. The police are required to check this file whenever an

arrest is made and to notify corrections, thereby eliminating the need for agents to scour all arrest reports in search of familiar names.

Agency Evaluation

All three agencies involved in the liaison program feel strongly that it has benefited them and that it has been, and continues to be, a "good thing for the community."

Ted Mell believes the crossflow of information has reduced the anonymity that the probationer and parolee may previously have experienced. The feeling is strong in all quarters that probationers and parolees now know that they are being more closely monitored by both the police and corrections, and that agencies communicate regularly with each other. At the same time, it is made clear to the ex-offender that the police are not "out to get them." No concrete evidence is available, but both police and corrections personnel are of the view that this awareness deters criminal conduct.

Judy Witt, who staffs the City-County Committee on Sexual Assault (COSA), the committee that oversees the community's response to sexual assault and maintains data on the cases reported and prosecuted, believes "just the idea that the sex offenders [who reside in Dane County] know that they've been mugged and fingerprinted in registration and that the police department keeps tabs on them," causes supervisees to think twice before becoming reinolved in crime.

Along the same lines, Kay Kendall, Field Supervisor and twenty-year veteran with the BCC, feels that "the biggest function of the liaison program is just being notified immediately when one of our clients is picked up or arrested, and being able to decide right at that point whether or not that person stays in custody." Police contact with a client of the DC (even if it does not involve an arrest) may imply that an individual is straying back to a life of crime. Kendall claims a night or two in jail, and an earnest chat with an agent can be effective as preventative medicine.

Simple, day-to-day interactions among the agencies have ceased to be points of contention. On apprehension requests, for example, the tensions have been greatly reduced through the virtual elimination of any paper work required by the assisting police officer, who now escorts an agent to assure his or her safety. Corrections now feels that the police take apprehension requests more seriously.

It is clear from the opinions emanating from corrections that Ted Mell, the former PCLO, had "created an atmosphere of trust, cooperation and mutual respect which has improved the MPD's ability to relate more directly to probationers and parolees in the Madison area." Tangential

agencies, such as the Rape Crisis Center, a victim support agency, and COSA have remarked on the improved relationship.

All of the evidence suggests that Burr Fraser, Mell's successor, has built stronger relationships based on Mell's primary work.

A more concrete by-product of the crossflow of information was the training and cross-training programs that the agencies carried out jointly. The intent has been, according to Kay Kendall, to allow police to "get a realistic idea of what probation and parole is all about as opposed to what they think it is," to shatter misconceptions and promote understanding between the agencies.

Striving for Full Potential

Some problems remain to be solved before the program can reach its full potential. For example, persistent delays have remained in getting the information on new parolee-sexual offenders entered into the computer files, on which police in the field depend. The computer delays have been cut from six weeks to five days and are likely to be cut further with continuous improvements in electronic transmission of information.

But in the interim, the failure to wholly rectify this shortcoming may have resulted in a weakness in the police ability to closely monitor some recently released ex-offenders.

In May of 1984, a "man who previously assaulted a woman 11 days after being released from prison was charged with committing another attack eight days after his latest release." In another case, in May of 1985, a man "just hours out of prison where he had served a term for sexual assault was arrested for an attempted repeat offense." Police and corrections' feeling that the "potential for reinvolvement in criminal activity is highest in the period immediately following release" makes it essential that the computer delay problem be corrected. Such improvements can greatly strengthen the police response to ex-offenders just released from prison.

Sum of the Impact

In a little over three years, the liaison program has produced some basic, pragmatic and realistic solutions to an acute community problem.

With all of the essential apparatus in place, it now covers all probationers and parolees—not just those connected with sexual assaults. And from the evidence provided by the agencies, the extended program is working well.

Continued success and improvement will be determined by the dedication with which each agency pursues its part of the

cooperative arrangement. At present, there seems to be little complacency: As Kay Kendall notes, any tendency to sit back and say "Hey, this is a really good program; it's really running smoothly; we don't have to do a thing to actually keep it going," would be a critical mistake.

She adds that "each agency is far from being a static one and there are areas of new direction that we need to take into account and that can deeply affect how the program works." Such periodic self-examination is to be commended.

Though many individuals associated with the project view the changes that have occurred in the interrelationships among the agencies in Madison as major, Professor Goldstein views the accomplishments in more modest terms. In the larger picture, he sees the project as but one small example of what can be achieved if police agencies direct more attention to examining the end product of their efforts; if they develop a tradition of systematically analyzing the impact of their work on the behavioral problems which the public calls on them to handle.

Such inquiries, he argues, will lead to a wide range of different alternatives that the police can then use for dealing more effectively with these problems—alternatives that depend less on the criminal justice system, which is overburdened and often least effective, and more on new resources, new forms of authority, new training and, as is the case with the liaison project, new types of interrelationships between and among agencies. To further explore this potential, Professor Goldstein is currently working with a number of other progressive police agencies—in Baltimore County, Md., Newport News, Va., and with Scotland Yard in London—on varying forms of the same type of experiment that was conducted in Madison.

Out of these efforts, Goldstein sees the potential for eventually developing a radically different form of policing, in which police agencies will have a much wider range of responses available for dealing with community problems—responses that emphasize prevention and, when the use of authority is required, much more discrete use of it, thereby minimizing some of the negative side effects that currently result from the overuse of criminal law. By getting police officers to relate more directly to all citizens (not just victims and offenders), he sees a day when citizen cooperation with the police will constitute the strongest strategy that the police have for coping with serious crime. And by encouraging police officers to contribute to the thought processes to make all of this possible, he sees the opportunity to reward and educate individuals being attracted to police service with a form of job satisfaction that they are currently denied.