



**Problem-Oriented Guides for Police
Problem-Specific Guides Series**

No. 44

Disorder at Day Laborer Sites

by
Rob T. Guerette



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This project was supported by cooperative agreement #2004CKWXX002 by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position of the U.S. Department of Justice. References to specific companies, products, or services do not constitute endorsements from the author(s) or the Justice Department. Rather, such references are used to supplement discussion of the issues.

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ISBN: 1-932582-72-X

October 2006



About the Problem-Specific Guides Series

The *Problem-Specific Guides* summarize knowledge about how police can reduce the harm caused by specific crime and disorder problems. They are guides to prevention and to improving the overall response to incidents, not to investigating offenses or handling specific incidents. Neither do they cover all of the technical details about how to implement specific responses. The guides are written for police—of whatever rank or assignment—who must address the specific problem the guides cover. The guides will be most useful to officers who:

- **Understand basic problem-oriented policing principles and methods.** The guides are not primers in problem-oriented policing. They deal only briefly with the initial decision to focus on a particular problem, methods to analyze the problem, and means to assess the results of a problem-oriented policing project. They are designed to help police decide how best to analyze and address a problem they have already identified. (A companion series of *Problem-Solving Tools* guides has been produced to aid in various aspects of problem analysis and assessment.)
 - **Can look at a problem in depth.** Depending on the complexity of the problem, you should be prepared to spend perhaps weeks, or even months, analyzing and responding to it. Carefully studying a problem before responding helps you design the right strategy, one that is most likely to work in your community. You should not blindly adopt the responses others have used; you must decide whether they are appropriate to your local situation. What is true in one place may not be true elsewhere; what works in one place may not work everywhere.
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- **Are willing to consider new ways of doing police business.** The guides describe responses that other police departments have used or that researchers have tested. While not all of these responses will be appropriate to your particular problem, they should help give a broader view of the kinds of things you could do. You may think you cannot implement some of these responses in your jurisdiction, but perhaps you can. In many places, when police have discovered a more effective response, they have succeeded in having laws and policies changed, improving the response to the problem. (A companion series of *Response Guides* has been produced to help you understand how commonly-used police responses work on a variety of problems.)
 - **Understand the value and the limits of research knowledge.** For some types of problems, a lot of useful research is available to the police; for other problems, little is available. Accordingly, some guides in this series summarize existing research whereas other guides illustrate the need for more research on that particular problem. Regardless, research has not provided definitive answers to all the questions you might have about the problem. The research may help get you started in designing your own responses, but it cannot tell you exactly what to do. This will depend greatly on the particular nature of your local problem. In the interest of keeping the guides readable, not every piece of relevant research has been cited, nor has every point been attributed to its sources. To have done so would have overwhelmed and distracted the reader. The references listed at the end of each guide are those drawn on most heavily; they are not a complete bibliography of research on the subject.
 - **Are willing to work with others to find effective solutions to the problem.** The police alone cannot implement many of the responses discussed in the guides. They must frequently implement them in partnership with
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other responsible private and public bodies including other government agencies, non-governmental organizations, private businesses, public utilities, community groups, and individual citizens. An effective problem-solver must know how to forge genuine partnerships with others and be prepared to invest considerable effort in making these partnerships work. Each guide identifies particular individuals or groups in the community with whom police might work to improve the overall response to that problem. Thorough analysis of problems often reveals that individuals and groups other than the police are in a stronger position to address problems and that police ought to shift some greater responsibility to them to do so. Response Guide No. 3, *Shifting and Sharing Responsibility for Public Safety Problems*, provides further discussion of this topic.

The COPS Office defines community policing as “a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships.” These guides emphasize problem-solving and police-community partnerships in the context of addressing specific public safety problems. For the most part, the organizational strategies that can facilitate *problem-solving* and *police-community partnerships* vary considerably and discussion of them is beyond the scope of these guides.

These guides have drawn on research findings and police practices in the United States, the United Kingdom, Canada, Australia, New Zealand, the Netherlands, and Scandinavia. Even though laws, customs and police practices vary from country to country, it is apparent that the police everywhere experience common problems. In a world that is becoming increasingly interconnected, it is important that police be aware of research and successful practices beyond the borders of their own countries.



Each guide is informed by a thorough review of the research literature and reported police practice and is anonymously peer-reviewed by line police officers, police executives and researchers prior to publication.

The COPS Office and the authors encourage you to provide feedback on this guide and to report on your own agency's experiences dealing with a similar problem. Your agency may have effectively addressed a problem using responses not considered in these guides and your experiences and knowledge could benefit others. This information will be used to update the guides. If you wish to provide feedback and share your experiences it should be sent via e-mail to cops_pubs@usdoj.gov.

For more information about problem-oriented policing, visit the Center for Problem-Oriented Policing online at www.popcenter.org. This website offers free online access to:

- the Problem-Specific Guides series
- the companion *Response Guides* and *Problem-Solving Tools series*
- instructional information about problem-oriented policing and related topics
- an interactive problem-oriented policing training exercise
- an interactive *Problem Analysis Module*
- a manual for crime analysts
- online access to important police research and practices
- information about problem-oriented policing conferences and award programs.



Acknowledgments

The *Problem-Oriented Guides for Police* are produced by the Center for Problem-Oriented Policing, whose officers are Michael S. Scott (Director), Ronald V. Clarke (Associate Director) and Graeme R. Newman (Associate Director). While each guide has a primary author, other project team members, COPS Office staff and anonymous peer reviewers contributed to each guide by proposing text, recommending research and offering suggestions on matters of format and style.

The project team that developed the guide series comprised Herman Goldstein (University of Wisconsin Law School), Ronald V. Clarke (Rutgers University), John E. Eck (University of Cincinnati), Michael S. Scott (University of Wisconsin Law School), Rana Sampson (Police Consultant), and Deborah Lamm Weisel (North Carolina State University.)

Members of the San Diego; National City, California; and Savannah, Georgia police departments provided feedback on the guides' format and style in the early stages of the project.

Cynthia E. Pappas oversaw the project for the COPS Office. Research for the guide was conducted at the Criminal Justice Library at Rutgers University under the direction of Phyllis Schultze. Suzanne Fregly edited this guide.



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The Problem of Disorder at Day Laborer Sites

What This Guide Does and Does Not Cover

This guide addresses the problem of disorder at day laborer sites. It begins by describing the problem and reviewing factors that increase the risks of it. It then identifies a series of questions to help you analyze your local problem. Finally, it reviews responses to the problem and what is known about them from evaluative research and practice.

Disorder at day laborer sites is but one aspect of the larger set of problems related to both public disorder and to illegal immigration. This guide is limited to addressing the particular harms created by disorder at day laborer sites. Related problems—each of which require separate analysis—not directly addressed in this guide include:

- exploitation of day laborers by contractors who fail to pay or pay less than the agreed-to wage
- victimization of day laborers by angry citizens
- illegal immigration and human smuggling rings
- associations with groups engaged in trafficking women for prostitution
- links with other forms of organized crime, such as drug smuggling.

General Description of the Problem

Views related to day laborers vary considerably. Some people view them as valuable resources providing cheap labor that others will not do. Others see them as illegal immigrants and transients who take jobs, commit crimes, and cause



§ Day laborers are sometimes referred to as *jornaleros* or *esquineros*, the former meaning “day worker” and the latter meaning “street-corner worker.”

§§ Researchers often distinguish between *informal* and *formal* day labor markets. Formal day laborers are those who work for temp agencies, contracted out on a daily or extended basis. This guide focuses on informal day laborers.

community disorder. How communities view day laborers largely depends on how intrusive day-laboring activities become on citizens’ daily lives. Most communities will be ambivalent to day laborers until their presence leads to problems, some criminal and some not.¹ Community attitudes against day laborers may be rooted in anti-immigration views more generally. How the community views day laborers and illegal immigrants, whether they are critical or sympathetic, will affect how any particular community addresses problems at day laborer sites. This guide does not adopt any particular judgment about illegal immigrants rather it is intended to objectively inform you about the effectiveness and consequences of various approaches to managing problematic behavior at day laboring locations.

Day laborers[§] are those who congregate in public places seeking manual-labor jobs such as construction, gardening, landscaping, and farming.^{§§} These laborers work daily for predetermined wages. The amount of money laborers earn varies from market to market and time of year. Day laborer sites tend to be concentrated where there is a proliferation of construction, manufacturing, farming, and other industries dependent on large numbers of relatively unskilled manual laborers.

Harms Caused by Disorder at Day Laborer Sites

Potential problems associated with day laborer sites center mostly on where laborers congregate while waiting for work, and not at the workplaces themselves. The following are among the many reasons police need to be concerned with day laborer activity.



Public Disorder

- The presence of large numbers of laborers and contractors often creates parking and traffic problems.
- The constant congregation of laborers in the same place for many hours creates loitering problems.
- Laborers often leave discarded bottles, food wrappers, and other litter at day laborer sites.
- Laborers may vandalize area property or deface property with graffiti.
- Laborers waiting all day for work may urinate in public.
- Injuries among laborers related to “swarming” may occur. Swarming often occurs when there are many more laborers than the contractor needs. Injuries sometimes occur when many laborers “swarm” around a contractor’s vehicle, hoping to be selected for a job.
- Laborers congregating on sidewalks may harass pedestrians.

Crime

- Simple and aggravated assaults may take place at day laborer sites.
- Laborers may be routinely robbed.²
- Laborers may drink and sell or use illicit drugs in public.

Economic Concerns

- Immigrant day laborers may make it more difficult for community residents to find work.
 - Increased contractors’ reliance on day laborers may undercut salary levels and employee benefits for full-time workers.
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Spillover Effects

- The presence of troublesome day laborer sites may incite citizens' frustration and disdain for immigrants.
- Disorderly day laborer sites could lead to increased fear of crime among community members.
- Uncontrolled day laborer sites in residential areas may affect property values.

Day Laborer and Smuggling Links

As most day laborers are illegal immigrants, most have been assisted by smugglers. Research indicates that smugglers help nine out of 10 immigrants entering the United States across the Mexican border.³ Many immigrants use smugglers to help them find places to live in the United States, and become obligated to them if they cannot afford to pay them up front. Thus, some immigrants must work to repay smugglers for arranging their transport and housing. It is common for many immigrants to live in one house or apartment that is managed by the smuggler or someone with ties to the smuggler. These residences may be near day labor sites.

Factors Contributing to Disorder at Day Laborer Sites

Understanding the factors that contribute to your problem will help you frame your own local analysis questions, identify valid effectiveness measures, determine important intervention points, and select an appropriate set of responses for your specific problem. The literature on day laborers provides a general picture of the market for them, the conditions of day-labor work, the laborers themselves, their employers, the places where they assemble, and the link between day laborers and human smuggling.



Day Laborer Markets

Day laboring dates back to at least the medieval times, when laborers assembled in daily or weekly markets throughout Europe to be hired for farming and herding tasks. In the United States, day laboring dates back to the late 1700s, when common laborers (many of them immigrants) such as chimney sweepers, wood cutters, and cart men sought jobs daily. During the mid-1800s, “shape-up” sites in northeastern port cities had a system of hiring dockworkers for daily or half-day shifts.[§]

§ For more on the history of organized day labor, see Larrowe (1955), Mohl (1971), Mund (1948), and Valenzuela (2003).

Today’s market for day laborers exists wherever there is a need for construction and agricultural workers. The jobs include home construction and/or refurbishment, landscaping, roofing, painting, and harvesting and other farming activities. In some regions, day laborers work in factories on production lines.

For low-skilled or illiterate workers, day labor sites provide an easily accessible way to find employment. For employers, day labor sites provide easy access to a relatively large pool of workers whom they can hire when needed and release when not.

Employment Conditions

The specific conditions of day labor employment vary, but the arrangement is generally the same regardless of place or employer. Day laborers are usually paid in cash at the end of each workday. The wages paid to day laborers vary and depend on the time of year, the skill of the laborer, and the location of the day laborer site. By some estimates, the pay can reach \$80 to \$100 a day, exceeding federal and state minimum-wage ceilings.⁴ However, in markets where there are



many more laborers than jobs, wages may be bargained lower, resulting in pay that is below minimum wage. Employment generally lasts from one to three days, is unstable, and provides no benefits or worker protections.⁵ Employers may sometimes mistreat day laborers, may not pay them for their work, may make them work without regular breaks, and may require them to work under hazardous conditions.

www.judicialwatch.org



Laborers crowd around a vehicle soliciting work. This practice is also referred to as “swarming”.

Despite the chaotic appearance of day labor sites, the daily procedures are relatively structured. Laborers usually gather at the site at around 6 a.m., waiting for prospective employers to pass by in pickup trucks or vans. As prospective employers arrive, groups of laborers crowd around the vehicles pointing to themselves and indicating their availability for work. Employers select laborers for different reasons, some of which include the laborers’ skills and ability to speak English.



Often, employers will return to the site and look for men they have hired previously. Many laborers wait several hours before getting a job. Some laborers do not secure jobs at all and usually leave the site in the afternoon. It is common for some laborers not to secure work for several days, and periods of unemployment lasting several weeks have been reported.⁶ The rate at which the laborer will be paid is often negotiated during the selection process, but is sometimes agreed to on the way to the jobsite or at the jobsite itself, once the laborer has seen the nature of the work. The employer often provides lunch.

Day Laborers

The exact number of day laborers is uncertain; however, the U.S. Bureau of Labor Statistics has estimated that approximately 260,000 wait each day on street corners for employment.⁷ In Los Angeles, some 20,000 to 22,000 day laborers are estimated to seek work every day.⁸ Most day laborers are male, entered the country illegally, are young, are uneducated, and either cannot speak English or have poor command of the language.⁹ Because of their illegal status, they largely lack access to formal employment. Most day laborers are Hispanic, though this varies somewhat by region. For example, in Chicago one study reported that the majority of day laborers were African-American.¹⁰

Day labor appeals to workers for many reasons. First, day laborers are paid in cash at the end of each workday. Getting paid daily is beneficial because laborers can use the money immediately to pay for food and other needs. Receiving payment in cash also eliminates the need to establish a bank account. This appeals to illegal immigrants who are wary of formal institutions and/or lack the documentation needed to establish accounts. Second, payment in cash means that day



labor work is “under the table” and tax-free. This creates further incentives for immigrants who have worked for much less in their home countries. Finally, day laborers have the power to negotiate their wages for each job. They are free to accept or decline a job and to walk off the job site, should they choose. This negotiation power allows them to undercut the market rate, while at the same time make much more money than possible in their homeland.¹¹

Employers

Comparatively little is known about those who employ day laborers, but one study found that contractors hire the large majority of them. Private employers are the next largest group of hirers.¹² Employing day laborers is appealing because they are easily accessible, are hardworking, can be hired when needed, and are cheaper to employ since employers are not required to provide benefits packages. Employers often rehire the same workers once they have established a relationship and the laborers’ work skills are established.



Day Laborer Sites

Day laborer sites exist mostly in metropolitan areas. Sites are often located adjacent to paint stores, plant nurseries, truck rental stores, and home improvement or hardware stores. Laborers may congregate in the store parking lots, marketing themselves for specific types of employment. For instance, those in front of paint stores are looking for painting jobs, whereas those in front of home improvement stores are looking for general construction jobs. It is efficient for day laborer sites to be located near such establishments because it allows prospective employers to pick up supplies and workers all in one stop. However, the congregation of large numbers of laborers sometimes causes problems for merchants, who might take actions to keep the laborers off the premises, thereby displacing them to nearby street corners and sidewalks.

Glendale (California) Police Department



Day laborer sites may also exist in public parks, vacant lots, and residential neighborhoods that are easily accessible to laborers and/or employers.



Day laborer sites also exist in public parks, vacant lots, and residential neighborhoods. These sites may exist for a variety of reasons; they are easily accessible to laborers and/or employers, have simply been there for many years, or have informally been allowed to exist by community members. Municipalities, church groups, and other community-based organizations have established a smaller number of day laborer sites to help deal with the large numbers of day laborers. These sites are usually regulated and pose the fewest problems for the community.



Understanding Your Local Problem

The information provided above is only a generalized description of day laborers and the circumstances of their existence. You must combine the basic facts with a more specific understanding of your local problem. Analyzing the local problem carefully will help you design a more effective response strategy.

Stakeholders

In addition to criminal justice agencies, the following groups have an interest in the disorder at day laborer sites problem and ought to be considered for the contribution they might make to gathering information about the problem and responding to it:

- area residents
 - area businesses
 - local government agencies (e.g., employment relations, public works, traffic engineering, city or county attorney, and community and economic development)
 - state government labor/employment relations agencies
 - religious and charitable organizations serving the day laborer population
 - immigrant and human rights groups
 - employers of day laborers such as contractors and landscaping companies
 - area building and landscaping supply companies
 - day laborers themselves.
-



Asking the Right Questions

The following are some critical questions you should ask in analyzing your particular day laborer-site problem, even if the answers are not always readily available. Your answers to these and other questions will help you choose the most appropriate set of responses later on.

Day Laborers

- What do you know about the day laborers (e.g., age, gender, ethnicity, immigration status, language ability, criminal history, residence)?
- How do employers treat day laborers?
- Are citizens victimizing day laborers?
- How committed are day laborers to using a particular day laborer site?
- How committed are day laborers to day laboring?

Employers

- What do you know about those who employ day laborers (e.g., type of work, contractor, private citizen, company)?
- How committed are employers to using day labor?
- How committed are employers to hiring day laborers at the current location?
- What problems have employers had in using day laborers?

Merchants and Community Members

- How concerned about day labor sites are merchants and community members?
 - What are their complaints about day laborers or about the sites?
 - What actions, if any, have they taken in response to problems at day labor sites?
-



Locations/Times

- Where are day labor sites located? What makes the sites attractive?
- Which day labor sites have routine problems? Which do not? Why?
- When do problems at day labor sites occur?
- Which area merchants do the day-labor sites harm?
- Which area merchants benefit from the day labor sites?
- How do the day labor sites appear (e.g., trash and/or graffiti present)?
- How long have the day labor sites been there?
- Are the day labor sites located in safe or in high-crime areas?
- What are the vehicle and pedestrian traffic conditions at the day labor sites?

Human Smuggling Links

- Are day labor sites located near residences where large numbers of laborers live?
- Do day laborers owe money to smugglers?

Current Responses

- What is the police department's current policy in dealing with problems associated with day laborer sites?
 - What is the police department's current policy in dealing with illegal immigrants?
 - What responses do police officers use regarding problems associated with day laborers, other than arrest and prosecution? Are any especially effective?
 - What are community and church groups doing in regard to day laborers and/or immigrants?
-



Measuring Your Effectiveness

Measurement allows you to determine to what degree your efforts have succeeded, and suggests how you might modify your responses if they are not producing the intended results. You should take measures of your problem *before* you implement responses, to determine how serious the problem is, and *after you* implement them, to determine whether they have been effective. You should take all measures in both the target area and the surrounding area. (For more-detailed guidance on measuring effectiveness, see the companion guide to this series, *Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*.)

The following are potentially useful measures of the effectiveness of responses to problems associated with day laborers:

- reduced number of citizen complaints about day laborers
 - reduced reports of violence
 - reduced reports of robberies
 - reduced traffic congestion around day laborer sites
 - less evidence of trash and litter
 - fewer injuries among day laborers
 - fewer observations of drug and alcohol use
 - improved perceptions of order among area merchants and residents.
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Responses to the Problems Associated With Day Laborer Sites

Your analysis of your local problem should give you a better understanding of the factors contributing to it. Once you have analyzed your local problem and established a baseline for measuring effectiveness, you should consider possible responses to address the problem. The following response strategies provide a foundation of ideas for addressing your particular problem. These strategies are drawn from a variety of studies and police reports. Several of these strategies may apply to your community's problem. It is critical that you tailor responses to local circumstances, and that you can justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering what police can do: give careful consideration to who else in your community shares responsibility for the problem and can help police better respond to it. The responsibility of responding, in some cases, may need to be shifted toward those who have the capacity to implement more effective responses. (For more detailed information on shifting and sharing responsibility, see Response Guide No. 3, *Shifting and Sharing Responsibility for Public Safety Problems*).

General Principles for an Effective Strategy

You should consider a few general principles when developing your response strategy. Which particular responses you adopt should depend on what you learn from a careful analysis of your local problem. This should include an understanding of your community's attitudes toward day laborers and illegal immigrants. In places where there are strong anti-illegal



immigrant sentiments, perceptions of police aiding day laborers could lead to citizen backlash against the agency. Conversely, arresting day laborers and other enforcement tactics may lead to resentment of police by citizens in communities that are sympathetic to illegal immigrants. In either case, community perceptions will have to be considered in formulating your response.

Strategies that focus exclusively on arresting day laborers or enforcing immigration laws are unlikely to be effective in the long term.¹³ Strategies that seek to reduce the harms caused by day laborer sites rather than those that seek to eliminate day laboring altogether are more likely to work. An effective strategy should not only deter problems associated with day laborer sites, but also must provide an appropriate location and manner in which to carry out day laboring. This will entail sanctioning prohibited behaviors and encouraging agreed-to procedures for soliciting day-labor work. This might include establishing a designated location and creating rules. It usually requires cooperation among police, other government agencies, community service groups, local merchants, employers, and day laborers themselves.

Specific Responses to Reduce Disorder at Day Laborer Sites

Managing Day Laboring

1. Improving the organization at current day laborer sites. Problems stemming from day laboring may not require new day-laboring sites; rather, better management of the ones that exist may be the solution. Creating and posting rules and procedures for laborers and employers to follow, placing trash containers and portable or permanent restrooms at the site, and so on, will reduce some of the associated problems.



Enlisting managers to oversee the area will also reduce problems. These managers can be government employees, police officers, citizen volunteers, or community service groups.

2. Imposing time restrictions on day labor activities.

Some communities have implemented time restrictions on when day laborers are allowed to solicit work.¹⁴ Allotting certain times of the day enables police to manage the process without having to devote substantial manpower to additional hours. It also reduces problems associated with laborers who linger around the site throughout the day. Time restrictions can be permanent or temporary, until a new day labor center is constructed.

3. Establishing new day labor centers. Many communities have established new day labor centers.¹⁵ The advantage of this approach is that the center can be constructed from the beginning and designed to eliminate the problems found at the day labor site. A suitable location can be selected and the facility can be built to accommodate day labor activity efficiently. The disadvantages are that it will require more funding and time spent getting it approved and built. It will also require other measures to ensure that laborers and employers actually use the center. The site can be either managed or unmanaged. Managed sites will be more orderly and have fewer problems.¹⁶

3a. Using volunteers to manage day labor centers. Using volunteers to manage day labor centers can help to reduce costs. Volunteers can include area residents and merchants, and religious or other community groups. In some places, day laborers themselves volunteer to help run the centers.¹⁷ However, volunteers alone are insufficient to manage the site. The center will need ongoing police oversight and support.



3b. Soliciting help from area merchants. Area merchants can help in establishing day labor centers. They can provide material and financial assistance in building the centers. For instance, in Glendale, California, an affected Home Depot donated building supplies for a new center. Merchants can also prove instrumental in working with police to ensure compliance among employers and laborers with newly adopted ordinances and procedures. Lastly, merchants can be enlisted to help in the ongoing management and administration of day labor centers.

3c. Obtaining grants and other financial support. Some communities have received city and private funding to build day labor centers. Community Development Block Grants have also been awarded.¹⁸ Other communities have established city- and privately-funded nonprofit organizations.¹⁹ To do this, it will be necessary to estimate how much funding will be required, and to identify entities with an interest in establishing and maintaining an orderly day laborer center. Because illegal immigration is politically sensitive, obtaining public funds to manage them may be difficult. You may be more successful obtaining financial support from non-governmental entities.

3d. Creating and enforcing rules and procedures at day labor centers and sites. Part of managing day labor centers involves establishing rules of conduct and procedures for laborers and employers to follow. In some communities, this has been a collective process where laborers and employers help to create the rules and procedures. This democratic process should ensure acceptance by the participants and will facilitate successful self-policing among them. The rules and procedures should, at a minimum, include the following:

- prohibitions against drinking, drug use, and gambling
 - prohibitions against swarming
 - prohibitions against violence
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- prohibitions against public urination and littering
- proper procedures for soliciting employers and laborers[§]
- provisions that ensure employers treat laborers fairly (e.g., pay laborers at the agreed-to price and provide breaks).

In addition to setting rules and procedures, sanctions will also be required to deter violations. Conditions could be attached to the prohibitive behaviors, such that those who violate the rules are temporarily banned from the center or site, in addition to arrest if the behavior is criminal. Allowing day laborers and employers to help in determining sanctions will promote acceptance and self-policing.

[§] Examples of this include establishing specified zones where laborers and employers are allowed to solicit, creating a single-file roster system of laborers available for hire, and designating specific areas for various laborer skills (e.g., one area for construction workers and another for landscapers). See Calderon, Foster, and Rodriguez (n.d.); Ruiz (1998); and Toma and Esbenshade (2001).

3e. Forming an advisory committee. Forming an advisory committee to oversee the day labor center can help ensure that it runs efficiently, and can also increase the center's support base. People from many different groups and organizations should serve on the committee. Advisors might include employees from government social-service offices, police officers, area merchants, citizens, employers of day laborers, day laborers themselves, and members of nongovernmental community-service groups.

4. Establishing supplemental programs at day labor centers. Some communities have implemented service, education, and training programs at day labor centers.²⁰ These programs provide needed services for day laborers and give them added incentives to use the centers. Participation in the supplementary programs also gives laborers constructive ways to spend their time while they are waiting for work. Educational and training programs include English language instruction, computer skills classes, and job preparation programs. Service programs include those for food, clothing,



§ Establishing services to facilitate laborers use of banking services will be particularly relevant for problems involving persistent robbery of day laborers.

and shelter assistance; immigration services; legal services; banking services;[§] tool-sharing; and health care referrals. Establishing services and programs from outside groups—government or others—will also give outsiders incentives to manage and maintain the centers.

5. Closing streets and alleys, diverting traffic, or regulating parking. Traffic flows and patterns at day laborer sites often pose problems. Altering traffic patterns will make it easy for employers to pick up laborers, and will reduce complaints associated with vehicle and pedestrian traffic obstructions. Establishing designated laborer-pickup zones will also reduce congestion and “swarming” problems. Once traffic procedures are established, it will be necessary to ensure that laborers do not interrupt the process by approaching employer vehicles outside of designated pickup areas. Care should also be taken to ensure that any traffic changes do not cause undue harm to area merchants.

Enforcing Laws

6. Enforcing laws prohibiting disorder (e.g., trespassing, loitering, public intoxication, littering, and vandalism).

Focused enforcement of disorder-related offenses will address some of the commonly found problems associated with day laborer sites. Enforcing these laws requires greater manpower and time spent monitoring the sites. Enforcement alone will not completely stop day laboring or the problems associated with it, but it does send a message to laborers that illegal behavior is unacceptable. Sanctions for lower-level offenses may also serve to remove those problematic laborers who might also commit more-serious crimes.



7. Enforcing laws prohibiting assault and robbery.

Enforcing laws against assault and robbery will further define the boundaries of unacceptable behavior for day laborers. Such offenses will tend to be reactive and will require witnesses for successful prosecution, unless an officer witnesses their occurrence. It will be difficult to develop a prosecutable case since other laborers will be reluctant to give police information out of fear regarding their immigration status. Language deficiencies will also create problems. To increase success in enforcing these (and other) laws, assigning specific multilingual officers to day labor sites will improve communication between police and laborers, which will prove valuable in gathering information.

8. Establishing a highly visible police presence. A highly visible police presence, typically with extra uniformed officers, is intended to discourage illegal conduct by day laborers. It may appease area merchants or community members, but could also lead people to believe that the area is unsafe. It is also costly and will likely have only a temporary effect if not followed up with more permanent strategies, such as establishing a police substation in the area.²¹ This could be augmented with private security forces.

9. Creating and enforcing ordinances prohibiting the solicitation of work in non-designated places. Some communities have created city ordinances that prohibit the solicitation of work in certain areas.²² These ordinances are intended to relocate day laboring to designated places. Unless the ordinances are enforced, day laboring will continue to occur in places that are convenient for laborers and employers, if not for others, even if an authorized day labor center is established. Ordinance enforcement must be comprehensive and continual.



10. Enhancing fines/penalties for soliciting work or hiring workers in non-specified zones. It may be necessary to enhance the penalties incurred for violating work solicitation in non-designated places. Small fines will likely be viewed as an added cost of doing business. Greater fines will compel day laborers and employers to use designated zones.

11. Initiating public-awareness campaigns. In conjunction with creating non-solicitation ordinances, some communities have used publicity campaigns to inform day laborers and employers of the new procedures, and to warn them about the sanctions if they violate the ordinances.²³ Alerting the participants serves to remove possible excuses for violating the ordinances.

Police and others can distribute fliers and post signs at current day-laborer sites. Community service groups as well as area merchants and residents can also disseminate information. The postings and handouts should be composed in the intended audience's native language. Proper notification of the new ordinances will reduce negative sentiment resulting from subsequent enforcement.

Responses With Limited Effectiveness

12. Conducting sweeps and enforcing immigration laws. Sweeps are large-scale arrest campaigns targeting suspected illegal immigrants at day labor sites, without the intent to prosecute. Sweeps have long been a police strategy to control visible crime problems (such as street prostitution and street drug markets) when they have been pressured to do something, but have few resources for dealing with the problem. There is little evidence that illegal-immigration sweeps are anything other than temporarily effective at solving the problem.



Police agencies should be aware that enforcing immigration laws could lead to distrust of the police by illegal immigrants in the community. This could deter such immigrants from calling for police help when they are legitimately victimized or otherwise in need.

13. Prohibiting day laboring outright. There is no evidence that prohibiting day laboring outright is effective in the long term. Day laboring serves a need in the informal labor market and has existed since early times. De facto prohibition of day laboring by creating ordinances against soliciting work on public street corners citywide may relocate day laboring to other places, but it will not eliminate it or associated problems.



Appendix: Summary of Responses to Disorder at Day Laborer Sites

The table below summarizes the responses to problems associated with day laborers, the mechanism by which they are intended to work, the conditions under which they ought to work best, and some factors you should consider before implementing a particular response. It is critical that you tailor responses to local circumstances, and that you can justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem.

Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
<i>Managing Day Laboring</i>					
1.	16	Improving the organization at current day laborer sites	Promotes orderly and lawful behavior and establishes site controls	...the organization is efficient and addresses laborers' and employers' needs	Assumes current sites are acceptable to area residents and merchants and land use is permitted
2.	17	Imposing time restrictions on day labor activities	Reduces the opportunities for problem behavior to occur	...time restrictions are enforced and the sites are managed during designated times	Can be temporary until a day laborer center is built, or it can be permanent; requires routine police presence



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
<i>Managing Day Laboring</i>					
3.	17	Establishing new day labor centers	Organizes and controls the location and process of day laboring	...the design is efficient and other measures are taken to ensure it is used	Expensive; time-consuming; requires ongoing oversight and management
3a.	17	Using volunteers to manage day labor centers	Ensures day labor centers run and are maintained properly, and provides capable guardianship	...volunteers are sampled from a variety of groups to increase the "ownership" of the centers	Reduces cost; will need continued governance by someone or some entity
3b.	18	Soliciting help from area merchants	Increases ownership of the problem	...merchants have a vested interest in addressing the problem	Amount of help will vary across merchants
3c.	18	Obtaining grants and other financial support	Eliminates the need for tax dollars	...a detailed and compelling case is provided for the needed funds	Use examples of successful day labor sites; takes time and effort to prepare proposals
3d.	18	Creating and enforcing rules and procedures at day labor centers and sites	Formalizes the day-laboring process, increases efficiency, and sets boundaries	...rules are clearly defined and posted, and laborers and employers participate in formulating them	Requires day laborer and employer input; will require establishing sanctions for violations
3e.	19	Forming an advisory committee	Ensures center is maintained and increases ownership	...advisors have an interest in and can contribute to the center's success	Select advisors from various groups or organizations; consider incentives for participation



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
4.	19	Establishing supplemental programs at day labor centers	Encourages law-abiding behavior and provides access to legitimate services	...the provided services meet the laborers' needs	Increased costs; requires additional space at the centers
5.	20	Closing streets and alleys, diverting traffic, or regulating parking	Decreases traffic congestion and increases employers' ability to find and negotiate with laborers	...the affected community supports the changes	Potentially costly; can harm legitimate commercial traffic; may lock the problem in rather than forcing it out
<i>Enforcing Laws</i>					
6.	20	Enforcing laws prohibiting disorder (e.g. trespassing, loitering, public intoxication, littering, and vandalism)	Temporarily establishes order at day labor sites	...enforcement is combined with other effective responses	Has only a short-term impact; may displace day labor practice to other areas
7.	21	Enforcing laws prohibiting assault and robbery	Temporarily establishes order at day labor sites, and establishes police control of the area(s)	...a prosecution will result in meaningful sanctions	Will be difficult to obtain witnesses for a prosecutable case
8.	21	Establishing a highly visible police presence	Discourages unruly or unlawful behavior among day laborers	...it is supplemented with environmental changes or site relocation	Labor-intensive; may create the perception that the area is unsafe
9.	21	Creating and enforcing ordinances prohibiting the solicitation of work in non-designated places	Displaces day labor activities to designated sites	...enforcement is consistent, and the designated sites are useful and efficient for laborers and employers	Requires adoption by the city council; takes time and may not pass due to legal concerns



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
10.	22	Enhancing fines/penalties for soliciting work or hiring workers in non-specified zones	Increases the incentive to use designated day labor sites	...the fines are high enough and collection is certain	New informal day labor sites may emerge in other places convenient for laborers and employers
11.	22	Initiating public-awareness campaigns	Informs the community of new rules for day-laboring activities and encourages compliance	...police follow through with enforcing the rules and changes are made at designated day labor sites	Proper dissemination will reduce contempt for police when they enforce the law; widespread community awareness may encourage anti-immigrant views
<i>Responses With Limited Effectiveness</i>					
12.	22	Conducting sweeps and enforcing immigration laws	Temporarily removes illegal-immigrant laborers from the area		Produces distrust of the police by illegal immigrants throughout the community
13.	23	Prohibiting day laboring outright	Seeks to eliminate day labor sites and activities citywide		Ineffective as a long-term solution; could displace day laboring



Endnotes

- ¹ Cooper (1999); Bradley (2005); Gorman (2005).
 - ² Stamford (Connecticut) Police Department (2000).
 - ³ Reyes, Johnson, and Swearingen (2002).
 - ⁴ Cooper (1999); Cleeland (1999); Valenzuela (2000b).
 - ⁵ Valenzuela (1999).
 - ⁶ Peck and Theodore (2001); Kerr and Dole (2001); Valenzuela (2003, 2001).
 - ⁷ U.S. Bureau of Labor Statistics (2001).
 - ⁸ Valenzuela (2003).
 - ⁹ Cosgrove and Grant (1997); Valenzuela and Melendez (2003); Valenzuela (2003, 2000b).
 - ¹⁰ Theodore (2000).
 - ¹¹ Valenzuela (2000b).
 - ¹² Valenzuela and Melendez (2003).
 - ¹³ Toma and Esbenshade (2001).
 - ¹⁴ Montgomery County (Maryland) Police Department (1995)
 - ¹⁵ Calderon (2003); Calderon, Foster, and Rodriguez (n.d.); Montgomery County (Maryland) Police Department (1995); Ruiz (1998); Toma and Esbenshade (2001); Kansas City (Missouri) Police Department (2004).
 - ¹⁶ Toma and Esbenshade (2001); Valenzuela (2000a).
 - ¹⁷ Glendale (California) Police Department (1997); Ruiz (1998).
 - ¹⁸ Glendale (California) Police Department (1997); Ruiz (1998).
 - ¹⁹ Calderon (2003).
 - ²⁰ Calderon (2003); Glendale (California) Police Department (1997); Gorman (2005); Ruiz (1998); Toma and Esbenshade (2001).
 - ²¹ Montgomery County (Maryland) Police Department (1995).
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Rob T. Guerette is an assistant professor in the School of Criminal Justice at Florida International University in Miami. Together with Ronald Clarke, he recently worked on a project with the U.S. Border Patrol that used a situational crime-prevention framework to formulate ways to prevent deaths among smuggled migrants along the Mexican border. In addition, he has worked on projects in collaboration with the National Academy of Sciences, the British Home Office Research Directorate, and the New Jersey Department of Probation and Parole. His research has appeared in the *Journal of Criminal Justice*, *Security Journal*, *Crime Prevention Studies*, and the *European Journal on Criminal Policy and Research*. He is co-editor of the book *Migration, Culture Conflict, Crime, and Terrorism* (Ashgate Publishing 2006). He currently coordinates the annual Herman Goldstein Awards for Excellence in Problem-Oriented Policing. Guerette holds a doctorate in criminal justice from Rutgers University at Newark, and was a fellow at the Eagleton Institute of Politics, Rutgers University at New Brunswick.



Recommended Readings

- ***A Police Guide to Surveying Citizens and Their Environments***, Bureau of Justice Assistance, 1993. This guide offers a practical introduction for police practitioners to two types of surveys that police find useful: surveying public opinion and surveying the physical environment. It provides guidance on whether and how to conduct cost-effective surveys.
- ***Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers***, by John E. Eck (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). This guide is a companion to the *Problem-Oriented Guides for Police* series. It provides basic guidance to measuring and assessing problem-oriented policing efforts.
- ***Conducting Community Surveys***, by Deborah Weisel (Bureau of Justice Statistics and Office of Community Oriented Policing Services, 1999). This guide, along with accompanying computer software, provides practical, basic pointers for police in conducting community surveys. The document is also available at www.ojp.usdoj.gov/bjs.
- ***Crime Prevention Studies***, edited by Ronald V. Clarke (Criminal Justice Press, 1993, et seq.). This is a series of volumes of applied and theoretical research on reducing opportunities for crime. Many chapters are evaluations of initiatives to reduce specific crime and disorder problems.



- ***Excellence in Problem-Oriented Policing: The 1999 Herman Goldstein Award Winners.*** This document produced by the National Institute of Justice in collaboration with the Office of Community Oriented Policing Services and the Police Executive Research Forum provides detailed reports of the best submissions to the annual award program that recognizes exemplary problem-oriented responses to various community problems. A similar publication is available for the award winners from subsequent years. The documents are also available at www.ojp.usdoj.gov/nij.
 - ***Not Rocket Science? Problem-Solving and Crime Reduction,*** by Tim Read and Nick Tilley (Home Office Crime Reduction Research Series, 2000). Identifies and describes the factors that make problem-solving effective or ineffective as it is being practiced in police forces in England and Wales.
 - ***Opportunity Makes the Thief: Practical Theory for Crime Prevention,*** by Marcus Felson and Ronald V. Clarke (Home Office Police Research Series, Paper No. 98, 1998). Explains how crime theories such as routine activity theory, rational choice theory and crime pattern theory have practical implications for the police in their efforts to prevent crime.
 - ***Problem Analysis in Policing,*** by Rachel Boba (Police Foundation, 2003). Introduces and defines problem analysis and provides guidance on how problem analysis can be integrated and institutionalized into modern policing practices.
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- ***Problem-Oriented Policing***, by Herman Goldstein (McGraw-Hill, 1990, and Temple University Press, 1990). Explains the principles and methods of problem-oriented policing, provides examples of it in practice, and discusses how a police agency can implement the concept.
 - ***Problem-Oriented Policing and Crime Prevention***, by Anthony A. Braga (Criminal Justice Press, 2003). Provides a thorough review of significant policing research about problem places, high-activity offenders, and repeat victims, with a focus on the applicability of those findings to problem-oriented policing. Explains how police departments can facilitate problem-oriented policing by improving crime analysis, measuring performance, and securing productive partnerships.
 - ***Problem-Oriented Policing: Reflections on the First 20 Years***, by Michael S. Scott (U.S. Department of Justice, Office of Community Oriented Policing Services, 2000). Describes how the most critical elements of Herman Goldstein's problem-oriented policing model have developed in practice over its 20-year history, and proposes future directions for problem-oriented policing. The report is also available at www.cops.usdoj.gov.
 - ***Problem-Solving: Problem-Oriented Policing in Newport News***, by John E. Eck and William Spelman (Police Executive Research Forum, 1987). Explains the rationale behind problem-oriented policing and the problem-solving process, and provides examples of effective problem-solving in one agency.
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- ***Problem-Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships*** by Karin Schmerler, Matt Perkins, Scott Phillips, Tammy Rinehart and Meg Townsend. (U.S. Department of Justice, Office of Community Oriented Policing Services, 1998) (also available at www.cops.usdoj.gov). Provides a brief introduction to problem-solving, basic information on the SARA model and detailed suggestions about the problem-solving process.
 - ***Situational Crime Prevention: Successful Case Studies***, Second Edition, edited by Ronald V. Clarke (Harrow and Heston, 1997). Explains the principles and methods of situational crime prevention, and presents over 20 case studies of effective crime prevention initiatives.
 - ***Tackling Crime and Other Public-Safety Problems: Case Studies in Problem-Solving***, by Rana Sampson and Michael S. Scott (U.S. Department of Justice, Office of Community Oriented Policing Services, 2000) (also available at www.cops.usdoj.gov). Presents case studies of effective police problem-solving on 18 types of crime and disorder problems.
 - ***Using Analysis for Problem-Solving: A Guidebook for Law Enforcement***, by Timothy S. Bynum (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). Provides an introduction for police to analyzing problems within the context of problem-oriented policing.
 - ***Using Research: A Primer for Law Enforcement Managers***, Second Edition, by John E. Eck and Nancy G. LaVigne (Police Executive Research Forum, 1994). Explains many of the basics of research as it applies to police management and problem-solving.
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January 2007

