

Broken Windows and Zero Tolerance: Policing Urban Crimes

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Source: *Economic and Political Weekly*, May 13-19, 2006, Vol. 41, No. 19 (May 13-19, 2006), pp. 1841-1843

Published by: Economic and Political Weekly

Stable URL: <https://www.jstor.org/stable/4418196>

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tried to shift towards less water intensive and better remunerative crops like horticulture. But, in the absence of policy support in providing conducive environment like markets, stable prices, storage and processing facilities, these efforts are fizzling out. While the value addition to the agriculture produce has gone up substantially, the share of the farmer in the additional value is zero. Farmers are not encouraged or supported to get involved in the process of value addition. In the light of declining profit margins, share in the value addition is the only way that a farmer can increase his disposable income. At the same time, education and health policies have not only encouraged private sector but have also resulted in a wide quality gap between private and public. This, coupled with the neglect of rural areas, has escalated the household costs on education and health. On the other hand, policy support to new activities like shrimp farming is not only causing ecological problems but also adding to rural distress. It is estimated that shrimp farming in Andhra Pradesh alone is cutting about one million person days of employment per year, as farmers convert paddy lands into shrimp ponds. Therefore, policies are either not conducive or against the rural population.

The present agrarian crisis cannot be simply addressed through dealing with indebtedness or strengthening the rural institutional credit systems. There is no rationale in pumping money into an unviable enterprise. The crisis is more to do with the viability of agriculture sector itself, consequence of prolonged neglect and the absence of a breakthrough in production technology. Such crisis was avoided during 1960s with the advent of green revolution technology. The green revolution technology could be still effective, if only we could provide irrigation to the rain-fed regions. No such technology, especially for dry lands, is visible on the horizon presently. Though the crisis is less intensive in irrigated tracts, it is only time before they come under the grip of technology and ecological constraints. The signs are evident in regions like Punjab and Haryana – green revolution hot spots. One pertinent question could be why the incidence of suicides is higher in states like AP? The decline in the share of agriculture has been sharper in AP, consequent to undue importance given to non-agriculture sectors. The share of commercial crops (high risk and stakes) is higher and the rural urban divide is much sharper.

One way of dealing with the crisis is switching over to cost effective and

ecologically sustainable input compositions. These practices are currently adopted on a small scale and can be expanded only through policy support. Second, appropriate policy support is needed to reduce the gap between producer and consumer prices. Presently, the gap is anywhere between 5-10 times in the case of fruits and vegetables. Providing infrastructure facilities that would ease the information and marketing bottlenecks can narrow this gap down. The gap between producer and consumer prices is much wider in the case of processed foods, including cereals where processing costs are marginal. Therefore, farmers and rural communities ought to be made partners in the value addition of agricultural produce, processed or unprocessed. This could be possible with the cooperative marketing models such as NDDB (Amul), where the role of middlemen is marginal. [37]

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# Broken Windows and Zero Tolerance

## Policing Urban Crimes

*This article discusses some controversial aspects of the theory of broken windows and its application to the strategy of zero tolerance in the policing of urban crimes. The strategy was first adopted by the New York police department during the tenure of Republican mayor Rudy Giuliani and has been strongly recommended for the policing of crime in other cities in the world.*

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He who steals an egg steals an ox.

—A French saying

Just two days before the French riots of late October last year, triggered by the deaths of two African teenagers in the underprivileged north-eastern suburbs of Paris, the French interior minister Nicolas Sarkozy famously remarked: “Vous en avez assez de cette bande de racaille? Eh bien, on va vous en débarrasser.” (“You’ve had enough of the dregs of society? Well, we’re going to get rid of them for you.”) Sarkozy took a tough stand on fighting crime on the streets by saying that certain cities in

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France needed “nettoyer au Kärcher” (“power washing”). These comments proved inflammatory among the poor African youth, already facing racism, and the riots soon spread to nearly 300 cities of France, leading to widespread torching of cars and destruction of public property.

From the perspective of criminology Sarkozy’s semantics about fighting crime and enforcing order is certainly colourful and controversial, but conceptually not a novel idea. His police strategy towards urban crime is borrowed from the key concepts of broken windows and zero tolerance enunciated in criminology in the US. In fact, “over the past several years French politicians (as well

as their English, Italian, Spanish and German colleagues), of the Left as well as the Right", writes Loic Wacquant, "have travelled as one on a pilgrimage, to signify their newfound resolve to crush the scourge of street crime and, for this purpose, to initiate themselves into the concepts and measures adopted by the US authorities".<sup>1</sup> This new security 'doxa' found favour with liberals as it was perceived as a rational policy resting on effectiveness and seemingly devoid of any ideological bias.

## Essence of Broken Windows

James Q Wilson and George L Kelling developed the concept of broken windows in an article entitled 'Broken Windows – The Police and Neighbour Safety', which appeared in the March 1982 edition of the *Atlantic Monthly*. The authors posited their theory in the following words:

Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighbourhoods as in run-down ones. Window breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. (It has always been fun.)<sup>2</sup>

"The essence of Broken Windows", explains Charles Pollard, "is that minor incivilities (such as drunkenness, begging, vandalism, disorderly behaviour, graffiti, litter, etc), if unchecked and uncontrolled, produce an atmosphere in a community or on a street in which more serious crime will flourish".<sup>3</sup> In other words crimes flourish because of lax enforcement. The prescription of broken windows is to shift policing from major crimes to traditional public order maintenance. As Wilson and Kelling note:

A great deal was accomplished during this transition, as both police chiefs and outside experts emphasised the crime-fighting function in their plans, in the allocation of resources, and in deployment of personnel. The police may well have become better crime-fighters as a result. And doubtless they remained aware of their responsibility for order. But the link between order-maintenance and crime-prevention, so obvious to earlier generations, was forgotten.<sup>4</sup>

Nearly a decade after publication of the article, the theory of broken windows was put to practice by the Republican mayor Rudy Giuliani across New York City (NYC). He appointed William Bratton as the commissioner of New York police department (NYPD) in 1994. The Giuliani-Bratton team honed to perfection a police strategy called zero tolerance, which some scholars point out, was derived from the broken windows theory to tackle the high incidence of crimes in NYC. Bratton explains the theory in his paper entitled 'Crime is Down in New York City: Blame the Police'.<sup>5</sup> This paper lucidly expounds the specific strategy used in fighting street disorder and crimes, which plagued the streets of New York. A close reading gives one the impression that there was heavy emphasis on concentrated aggression and ruthless prosecution of petty crimes. Bratton chose to focus police action on subway fare evaders and homeless people who lived in the subways of New York. Soon the subways were declared crime free and reclaimed for the benefit of the citizens. Other offenders targeted were jaywalkers, the squeegee men (individuals who cleaned the windshields of cars trapped in traffic snarls and coerced the motorists to pay for their services), panhandlers, drunks, noisy teenagers and streetwalkers. The aggressive policing included searches, sweeps and arrests of individuals found loitering in streets even though they had not committed any crime under the law. There was reorganisation of the police force by flattening hierarchies and empowering the captains of precincts. Police officers were judged by statistical figures of arrests they made and promotions given. The police forces were expanded significantly from 27,000 (1993) to 41,000 (2001). Information technology was deployed and officers had greater access to computers. There was compilation of crime statistics, sharing of data, which made police deployments to crime-affected areas more effective.<sup>6</sup> Under Bratton the NYPD became a formidable machine with an offensive outlook on crime and disorder.

There is general agreement among academicians of criminal jurisprudence that crime in New York did drop. Murder decreased by 72 per cent and total violent crimes by 51 per cent. The remarkable turnaround in crime rates was largely seen as attributable to the practice of the theory of broken windows or its semantic variety quality of life policing adopted by the NYPD. Conservative

policy-makers lauded the efforts of Giuliani and Bratton in cleaning the streets of New York and assertively claimed that other states would do well to follow the Bratton miracle. The influential Manhattan Institute together with the Giuliani group has been propagating the policing philosophy to Latin America for curbing urban crimes. In the year 1998 alone, police officials from around 150 countries visited the NYPD to learn about the innovative techniques of crime control.

## In the Eye of a Storm

In recent years the broken windows theory and the order maintenance strategy has been in the eye of a perfect storm. A note of dissent was struck by Bernard E Harcourt, a visiting professor of law at Harvard University, who said:

The difficulty is that there is no good evidence for the theory that disorder causes crime. To the contrary, the most reliable social scientific evidence suggests that the theory is wrong. The popularity of the broken windows theory, it turns out, is inversely related to the quality of the supporting evidence.<sup>7</sup>

Harcourt backs his conclusion by relying on a comprehensive study conducted by Robert Sampson and Stephen Raudenbush on disorder in urban neighbourhoods. This study was based on careful data collection using trained observers. On a random basis, 15,141 streets of Chicago were selected for analysis. Sampson and Raudenbush found that disorder and predatory crime are moderately correlated, but that, when antecedent neighbourhood characteristics (such as neighbourhood trust and poverty) are taken into account, the connection between disorder and crime "vanished in 4 out of 5 tests – including homicide, arguably our best measure of violence". Sampson and Raudenbush conclude: "Attacking public order through tough police tactics may thus be a politically popular but perhaps analytically weak strategy to reduce crime".<sup>8</sup>

Other research scholars who expressed grave reservations about advocating the New York style of policing voiced similar doubts. On the basis of a cross-city comparison of policing strategies and homicide rates Ann Joanes observed:

However, all of this attention has not been positive, as many NYC residents and observers have blamed this policy for the rise in police brutality and racial

tensions and the loss of trust and respect for the police. New York has not achieved a greater crime reduction than that of all other US cities. In fact, the three cyclical measures reveal that New York City's decline was either equal to or below that of several other large cities, including San Francisco, San Jose, Cleveland, San Diego, Washington, St Louis and Houston. These other cities employ a variety of policing strategies. The fact that cities like San Diego and San Francisco employed different policing strategies, but have experienced similar declines in their crime rates calls into question the claim that the NYPD's tactics have produced an unrivalled decrease in crime.<sup>9</sup>

According to Wacquant, it is not the police who make crime go away. A trenchant critic of the Giuliani-Bratton police strategy, Wacquant puts forth the view that six factors independent of police work have significantly reduced crime rates in America. Firstly, the boom in the economy provided jobs for youth and diverted them from street crimes. Even though the official poverty rate of NYC remained unchanged at 20 per cent during the entire decade of the 1990s, Latinos benefited by the deskilled labour market. The blacks, buoyed by the hope of the flourishing economy, went back to school and avoided illegal trade. Thus, even though underemployment and low paid work persisted there was decline of aggregate unemployment rates, which explains 30 per cent of the decrease in national crime rates. Secondly, there was a twofold transformation in drug trade. The retail trade in crack in poor neighbourhoods attained stability. The turf wars subsided and violent competition among rival gangs decreased. The narcotic sector had become an oligopoly. This resulted in a sharp drop in drug-related street murders. In 1998 it dropped below the 100 mark from 670 murders in 1991. The change in consumption of drugs from crack to other drugs such as marijuana, heroin and met amphetamines, a trade, which is less violent, as it is based on networks of mutual acquaintances rather than anonymous exchange places. Thirdly, the number of young people (in the age group between 18 and 24 years) declined. It must be noted that the young people in this age group is mainly found responsible for crimes. The AIDS epidemic among drug users, drug overdose deaths, gang related homicides and young criminals imprisoned eliminated this group by 43,000. This decline of young people

resulted in the drop of street crimes by one-tenth. Fourthly, the impact of the learning effect that the deaths of earlier generation of young people had on the later generation, especially those born after 1975-1980, avoided drugs and stayed away from risky lifestyles. Fifthly, the role-played by churches, schools, clubs and other organisations in awareness and prevention campaigns exercised informal social control and helped to control crimes. Sixthly, the statistical law of regression states that when there is an abnormally high incidence of crime it is likely to decline and settle towards the mean.<sup>10</sup> Wacquant concludes that the dynamic interplay of the six factors were largely responsible for the drop in crime rates in America and the claim that policing alone was responsible for the drop in crimes at best rests on shaky empirical data.

### Fostering a Sterile Aesthetic

The concept of broken windows rests on slippery theoretical slope. More problematic is the underlying notion that focusing "police activity on those social categories presumed to be crime vectors" could prevent crimes. The danger inherent in such a notion is that the police functionaries would be in a position to extra-legally harass the homeless, the destitute and the minorities. This has been well documented by law enforcement officials, academics and human rights groups. In a study conducted in 1999 by the New York attorney general Eliot Spitzer with the help of Columbia University's Centre for Violence Research and Prevention, he concluded that "in aggregate across all crime categories and precincts citywide, blacks were 'stopped' 23 per cent more often (in comparison to the crime rate) than whites. Hispanics were 'stopped' 39 per cent more often than whites". The racially discriminatory pattern is evident from the statistics available for the US as a whole and for NYC, which shows that adults arrested for misdemeanours, are disproportionately African-American in relation to their representation in the community.<sup>11</sup>

The experience in other parts of the world has not been an encouraging one. For instance, the New South Wales Council for Civil Liberties has recorded that the zero tolerance policing has been racially discriminatory to the Arabic-speaking people.<sup>12</sup> Similarly, in South Africa there have been doubts whether zero tolerance would be acceptable to the public, as the memories of the repressive

apartheid regime remains fresh in the minds of the people.<sup>13</sup>

In the final analysis, the implementation of order maintenance policing may destroy the diversity and vitality of democratic society. As Bernard Harcourt eloquently sums it up:

It is, in effect, a type of 'aesthetic policing' that fosters a sterile, Disneyland, consumerist, commercial aesthetic. It reflects a desire to transform NYC into Singapore, or worse, a shopping mall. The truth is, however, that when we lose the dirt, grit, and street life of major American cities, we may also threaten their vitality, creativity, and character.<sup>14</sup> [EW]

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### Notes

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