

Should Zero Tolerance/Broken Windows Policing Be Encouraged?

YES: George L. Kelling and William J. Bratton, from "Declining Crime Rates: Insiders' Views of the New York City Story," *The Journal of Criminal Law & Criminology* (Summer 1998)

NO: Judith A. Greene, from "Zero Tolerance: A Case Study of Police Policies and Practices in New York City," *Crime & Delinquency* (April 1999)

ISSUE SUMMARY

YES: George L. Kelling, a professor in the School of Criminal Justice at Rutgers University, and William J. Bratton, former New York City Police Department commissioner, strongly defend Kelling's formulation of zero tolerance/broken windows theory and Bratton's implementation of Kelling's ideas. They assert that crime, especially homicides, has rapidly declined in New York City as a result of this policing mode.

NO: Judith A. Greene, senior fellow of the Institute on Criminal Justice of the University of Minnesota Law School, examines many alternative explanations for New York's crime decline and concludes that zero tolerance is only partially responsible at best. She compares New York's policing model with San Diego's community policing model, and she argues that the latter is just as effective and less costly in terms of both community relations and needed personnel.

Many ironies, paradoxes, and contradictions permeate this issue in terms of both criminal justice and policing. First, the theory of crime control put forth in March 1982 by George L. Kelling and James Q. Wilson in their article "Broken Windows," *Atlantic Monthly*, is one of the few examples of specific ideas clearly formulated by scholars that have been directly drawn from to guide crime control practices in the real world. Part of the reason for its application is that Kelling was on hand as a consultant to encourage its development.

Second, it is rare to see immediate results from any criminal justice policy shift. Although critics contend that former police commissioner William J.

Bratton or current commissioner Howard Safir's zero-tolerance mode of policing did not cause New York's rapid crime drop, there is little doubt that a miracle somehow occurred in New York City.

Third, while any innovations or program changes in criminal justice (especially in agencies as close-knit as the police) will generate misunderstanding and strains, this is a calculated part of the costs. The trade-off for an improved technology or mode of police interaction is often hurt feelings, bruised egos for those whose old way of doing things are modified or discarded, and diffuse resentments fueled at times by overt envy. In addition, with virtually any new crime control practice mistakes will happen. These also should be factored into the costs for improvements. However, the incredible backlash from the New York City model of policing was unexpected. Moreover, unlike the vast majority of new police innovations, the backlash is not internal. Instead, the backlash has been primarily external. First, many scholars indignantly attacked zero tolerance as racist, retrograde, and a violation of the narrowly framed "depolicing" perception since the 1960s of what police work is supposed to be about (the less policing the better). Next came the predictable bitterness of political and community interest groups who sometimes feel threatened by any neighborhood success that they do not control or can claim for their own. The tragic mistakes that may or may not have been a result of zero tolerance—such as the killing of minority citizens mistakenly thought to be threatening criminals—more than provide proof for skeptics of zero tolerance that the experiment is racist, misguided, and contemptible. In some states, political candidates have leaped into office or been thrown out based on their positions on zero-tolerance policing.

A last irony is that while the definition of many criminal justice and criminological terms are ambiguous (including crime itself!), the meaning of *zero tolerance* is highly problematic. Many scholars and politicians have distanced themselves from the term, substituting phrases that sound more politically correct. As you read the following selections, consider the different components of zero tolerance/broken windows policing. What is the role of the cop on the beat? The administrators? Technologies? Compare and contrast community policing with Kelling and Bratton's approach. Notice that most consider zero tolerance a polar opposite of community policing. Yet defenders such as Kelling and Bratton seem to suggest that community policing can be subsumed under zero tolerance. How can that be?

In her selection, Judith A. Greene cites several criticisms of the New York approach, then compares and contrasts its crime reduction statistics with that of San Diego, California. That city has the allegedly opposite policing style, community policing, to New York's. As you read Greene's selection, consider the basis for her comparison and the importance and value of doing comparative analysis in criminology. Note also the many favorable aspects of Bratton's administration as commissioner that she identifies. How would you separate the alleged good from the alleged bad in zero tolerance? Should this style of policing be encouraged?

Declining Crime Rates

Introduction

Something dramatic happened in New York City in 1994: a lot of people stopped committing crimes, especially violent ones. The reduction in the number of persons committing murders, for example, while not unprecedented, was extraordinary. Since 1994, a debate has raged about why this happened. Putting our position up front, we believe the police played an important, even central, role in getting people to stop committing crime in New York City. Despite arguments to the contrary,¹ no evidence exists that the substantial drops in crime in New York City, especially the initial ones when one of the authors of this paper, William Bratton, was commissioner, were the result of economic change, changes in drug use patterns, or demographic changes. Arguably, New York City's economy, drug use patterns, and demography might be different now in 1998. Unemployment was at 10% the month Bratton took over the New York City Police Department (NYPD) (January 1994) and at 8.7% when he resigned (April 1996)—hardly a booming economy. And remember as well, the initial reductions in crime were so steep that by August of 1995—three years ago, but only twenty months after Bratton took office—*New York* magazine declared in a cover story, "The End of Crime As We Know It."

Readers should understand that this debate about the origins of crime reductions in the United States, especially in New York City, are not just academic in the sense that detached scholars are searching objectively for some "truth" lurking out there somewhere in the data. In fact, criminological and political ideologies have shaped a good portion of this debate and are barely beneath the surface of even the most "detached" presentations. We do not pretend to be free from strong points of view about what happened in New York City. We were there and our presence belies any "detached objectivity." Yet, we are not alone in having important vested interests in the outcome of the debate. Aside from the lack of any competing explanations, our confidence that the police played an important role in New York City has three origins:

1. We had a guiding "idea" about how to prevent crime; put another way, we had a theory of action;

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2. We applied this idea in New York City's subway and, without anticipating it, the subway experiences became the "pretest" for what was to happen later citywide;
3. Bratton, most importantly, but Kelling as well, had been struggling with issues of how to improve policing through police leadership, management, and administration for over two decades—principles developed in the context of organizational and policy literature and experience.

In the three sections that follow, we will be brief. We have written elsewhere about these issues and will not repeat our arguments here in detail.

The "Idea"—Broken Windows

The "broken windows" metaphor had its origin in an *Atlantic Monthly* article by James Q. Wilson and Kelling. It argued that, just as a broken window left untended was a sign that nobody cares and leads to more and severe property damage, so disorderly conditions and behaviors left untended send a signal that nobody cares and results in citizen fear of crime, serious crime, and the "downward spiral of urban decay." The article also argued that whenever crime and communities verged on being out of control in the past, residents and authorities in neighborhoods moved to reassert controls over youth and over disorderly behavior.

The implications of this point of view are that minor offenses have serious consequences for the life of neighborhoods and communities. Citizens, city officials, and police ignore them at their peril. This point of view is at odds with the reigning crime control policy view that had been developing throughout the 1950s and 1960s and made explicit by President Johnson's Crime Control Commission. Police, in this view, are "law enforcement officers," the front end of the criminal justice system whose business is serious crime—arresting offenders. For a variety of reasons police got out of the business of minor offenses. These reasons went beyond the utilitarian view that scarce police resources should best be concentrated on "serious" crimes. They included an understanding of how police abused loitering and vagrancy ordinances in the past; a desire for less intrusive policing and a more judicious use of police authority in a democracy; and, a view that many of the offenses, like prostitution, are victimless.

Nonetheless, we argued that the links between disorder, fear, and crime went something like the following:

Disorder → Citizen Fear → Withdrawal (Physical & Social) → Increased Predatory Behavior → Increased Crime → Spiral of Decline

According to this model, waiting until serious crimes occur to intervene is too late: dealing with disorderly behavior early, like successful communities have in the past, prevented the cycle from accelerating and perpetuating itself.

Moreover, experiences in the subway taught us that many chronic, serious offenders also behave in a disorderly fashion and commit minor offenses like farebeating. Police order maintenance activities also give police the opportunity to make contact with and arrest serious offenders for minor offenses.

We never claimed that order maintenance alone is the sole means of preventing crime. Solving crimes, incarceration, social change, deterrence by other means, police presence and persuasion, citizen vigilance, reduction of opportunities, environmental design, and other factors play a role as well. In New York City's subway, however, we argue that order maintenance was an especially significant part of reclaiming the subway and reducing crime.

The Subway

In April of 1989, Robert Kiley, Chairman of New York State's Metropolitan Transportation Authority (MTA) asked Kelling to assist the MTA in solving a problem in the New York City Transit Authority's subway (NYCTA). Kiley believed that the subway was in deep trouble—passenger usage of the subway was in rapid decline. New York City's late 1980s economic slump partially explained this decline. But marketing surveys suggested a more complicated problem: "homelessness" was frightening passengers and causing them to abandon the subway in droves. This was after \$8 billion dollars had been poured into the subway to upgrade trains and tracks during the early and mid-1980s.

The NYCTA had already largely solved the problem of subway graffiti—a problem considered so intractable that its eradication was considered by some to be one of the most successful urban policy "wins" on record. Yet, despite this achievement, the frightening and intimidating behavior of a large group of miscreants overmatched whatever advantages accrued from graffiti elimination.

For those who have not experienced New York's subway during the late 1980s, its nightmarish circumstances are hard to describe. "In your face" panhandlers confronted riders throughout the system, from station entrances to trains. A quarter of a million passengers a day were "farebeaters," going over, under, and around turnstiles. Youths deliberately blocked turnstiles, held open emergency gates, and extorted fares from passengers. Platforms, trains, and passageways reeked from public urination and defecation. Young men stalked tollbooths planning to rob them if by any chance their doors were opened. These same tollbooths—literally under siege—had already been firmly secured, including being equipped with special automatic fire extinguishers that would be activated if youths poured gasoline into the money window and lit it to force toll-takers to open booth doors. Drug and alcohol abusers and the emotionally disturbed, often one and the same, sprawled throughout the entire system—at times taking over entire cars on a train. Robberies of passengers were increasing.

For the Transit Police Department (TPD), at this time an independent police department of some 4,000 officers, it was business as usual. They shared the common view held by everyone from homeless advocates, to the New York City Civil Liberties Union, to the *New York Times*. The problem was "homelessness" and homelessness was not the TPD's problem. Robberies consumed its attention. For example, the TPD was eager to restart an earlier discredited decoy

unit. When confronted by Kiley about the subway's "homelessness" problems, TPD's administration at first balked. Later, under pressure, it proposed massive cleaning crews armed with high-powered hoses supported by a special police unit that would eject the "homeless" as they "interfered" with or got in the way of cleaning.

The story of reclaiming the subway by the police has been told elsewhere and need not be repeated here. Summarizing, a large scale problem-solving exercise was conducted, the problem in the subway was properly understood as illegal disorderly behavior, policies were developed and officers trained to deal with disorder. The legal battles over police activities to rein in panhandling were fought and ultimately won; TPD leadership, however, was recalcitrant and the effort flagged. Bratton was recruited as Chief of the TPD in April of 1990; he provided leadership and implemented a large-scale effort to restore order. Following these actions, serious crime began an immediate and steep decline.

Disorder and crime are no longer serious problems in New York's subway—it is among the safest in the world. It feels, smells, and "tastes" different. Indeed, the culture was so different that by the mid-1990s the Transit Authority initiated a civility campaign, encouraging citizens to queue before boarding trains—a campaign that would have been a joke in the late 1980s. Returning ex-New Yorkers are stunned by the changes.

We highlight the subway experience because it has been lost in the bigger New York City disorder and crime story, especially since the TPD was absorbed by the New York City Police Department (NYPD) in 1995. Yet, it is an important story. It is probably one of the largest problem-solving exercises on record. The police tactics, organizational change, and administrative processes implemented in the TPD foreshadowed changes in the New York City Police Department. Still and all the reclamation of the subway stands as a major event in public policy—certainly on a par with graffiti eradication—that raised and managed complex policy, constitutional, legal, and moral issues.

From our point of view and within the context of this discussion, it is especially important because it is hard to attribute the changes in the subway to anything other than police action. To be sure, the NYCTA implemented major efforts to deal with the genuinely homeless who were attempting to use the subway as a surrogate shelter. Graffiti had been eliminated and trains and tracks upgraded. Attempts had been made to target-harden the tollbooths and token-boxes (youths had been able to "spring" their doors with large screwdrivers and steal hundreds of tokens at a time), and some areas had been blocked off to the public. Moreover, subway officials were implementing a "station manager" program that focused on restoring a sense of station "ownership" and concern for passengers. But the subway environment was spinning out of control despite subway improvements and attempts at target hardening. Moreover, post-hoc explanations used to explain the later citywide reductions in crime—changes in drug use patterns, improved economy, declines in the number of youths, etc.—simply do not apply. Drug selling was not a major issue in the subway; unemployment was increasing during the time in question; and there was no evidence of a decline in the youth population.

The question is raised, "But isn't the subway a simpler system and easier to reclaim than city streets and public spaces?" This is the point of the subway story. It is a simpler system. People pay to enter it. There are few private spaces—only trains, platforms, passageways, and entrances and exits. One would expect that if police action, in this case to restore order, were to have an impact in any setting, it would be in such a restricted environment. From our standpoint it was an ideal place to test the broken windows hypothesis: that is, one way to reduce fear of crime and prevent serious crime is to restore order. The subway is a system in which the potentially confounding variables cited by social scientists are controlled.

Certainly, we cannot aver with scientific certainty that the crime reductions in the subway are the result of the police intervention. We put forward the following, however:

1. In response to a growing problem, the TPD developed a specific set of interventions that included police tactics and changes in organizational structure and administrative processes;
2. The TPD "called its shots," predicting that order could be restored and that crime would be reduced;²
3. Immediately following the intervention, crime began a steep decline.

The "after, therefore because of" fallacy? Perhaps. We doubt it. No other explanation seems plausible. Did graffiti elimination play a role? Target hardening? Social services for the genuinely homeless? Other factors? Of course. But action by the TPD achieved a "tipping point." We will return to the idea of "tipping point."

A final point in this introduction: no explanation of what happened in New York City can ignore the subway experience. While originally not conceived of as such, it became the pretest to what happened in the city.

Leadership and Management

The New York City story is more complicated than the subway story. New York City is an intricate political, social, economic, and cultural entity in its own right. It has elaborate linkages to state, national, and international institutions and forces. Crime is more complicated in the city than in the subway. For example, the serious crime problem in the subway is largely robbery, with most of them being "grab and run"—crimes that, while not trivial, are less ominous than many of the confrontational robberies on city streets. Crime varies in other respects as well.

Moreover, more complex control systems operate in the city—from the "small change" of neighborhood life, to schools, churches, family, workplace, business improvement districts, community groups, and others. Potentially confounding influences are not naturally controlled.

The NYPD is more complicated than the TPD was, and, frankly, it was in deep trouble when Bratton assumed control in 1994. Its troubles with abuse and corruption during the early 1990s were well known, largely as a result of

newspaper revelations and the subsequent work of the Mollen Commission. But there was another story in the NYPD, as least as dark as the abuse and corruption accounts, but far less well known—the lack of quality policing. Since the 1970s Knapp Commission, the NYPD had been preoccupied with corruption. So much so that it was widely understood, but only partially true, that the “business” of the NYPD had become “staying out of trouble.” And, of course, the most certain way to stay out of trouble was “to do nothing.” Surely this is an overstatement, but nonetheless, it had considerable basis in fact. Most symptomatic of this “stay out of trouble by doing nothing” orientation was that line patrol officers were restrained by policy from making drug arrests, even if dealing was conducted right in front of their noses. In respects it was the worst of all possible scenarios: too much abuse and corruption, too much corruption control, and not enough quality policing. Bratton described the NYPD administrative world in *Turnaround*:

[T]he New York City Police department was dysfunctional.

First, it was divided into little fiefdoms, and some bureau chiefs didn't even talk to each other. OCCP didn't talk to patrol, patrol didn't get along with the Detective Bureau, and nobody talked to internal affairs. . . .

. . . Each bureau was like a silo: Information entered at the bottom and had to be delivered up the chain of command from one level to another until it reached the chief's office. . . .

....

When Maple [a key Bratton advisor who had been a lieutenant in the TPD and who was a deputy commissioner under Bratton] analyzed the bureaus, the news got worse. How was the NYPD deployed? The Narcotics Bureau, he discovered, worked largely nine to five or five to one, Monday through Friday. The warrant squad was off weekends. Auto-crimes squad, off weekends. Robbery squads? Off weekends. The community-policing officers—those six thousand baby-faced twenty-two-year-olds who were going to solve all the neighborhoods' problems—off weekends. Essentially, except for the detectives, patrol officers, and some other operations going round the clock, the whole place took Saturdays and Sundays off.

Leading and managing such troubled organizations had become Bratton's stock-in-trade. The NYPD had been the fifth police organization he had headed that was in organizational trouble. His conviction that leading, inspiring, and directing middle-management was the key to improving police organizations was evident in a paper he published with Kelling and was apparent in his work with the TPD. His closest organizational advisors, Robert Wasserman (a police leader and consultant for over 30 years) and Robert Johnson (President of First Security—a Boston-based private security firm) had struggled with management issues for decades. Wasserman, who had been an advisor to previous NYPD Commissioner Lee Brown, knew where the strengths of the NYPD were buried. Johnson had struggled to find leadership and management methods in the private sector to maintain core values and technologies in highly decentralized and geographically dispersed organizations. Other key advisors included John Linder, who had developed methods to do quick scans on organizational problems and opportunities, and Jack Maple, who is perhaps one of the savviest,

street wise, and creative cops around. The ideas for Compstat—an organizational method both for holding precinct commanders accountable and for developing anti-crime tactics—grew directly out of the private sector management experiences of Johnson and the street sense of Maples.

This, too has all been discussed previously. We summarize it here to make the following point: Bratton approached his commissionership in New York City with a clear plan. He had an idea about how to prevent crime; he had an organizational strategy he wanted to implement; and he had pre-tested both with great success in New York City's subways. Again as in the subway, he called his shots—both by demanding that mid-level managers be held accountable for crime reduction and by producing plans for dealing with specific problems such as guns, youth violence, domestic violence, quality of life, auto crimes, and others. One of the hallmarks in social science is that research should be guided by theory. Bratton's strategy was, in effect, management guided by theory. Innovations were implemented and crime dropped. A lot.

Conclusion

What happened in New York City? We, of course, will never know with scientific certainty. No credible alternatives, however, have been put forward to contradict our belief that police action played a pivotal role. In the final analysis, we believe that we have seen New York City do what cities and communities have traditionally done when confronted by disorder, crime, and mayhem: it has moved to reassert control over disorderly behavior, fear, and crime.

The move to reassert control has been discernible in New York City since the late 1970s. Communities organized, business improvement districts organized, graffiti was eliminated from the subway, additional police were recruited and hired, prosecutors turned to communities for guidance (especially in Brooklyn), order was restored in the subway, and Mayor Rudolph Giuliani was given a political mandate to restore order and help bring crime under control. But, there were limits to what could be accomplished without an active police presence. Things had been allowed to deteriorate for so long, aggressive youths had been so emboldened—indeed in the absence of an active police presence, they virtually dominated public spaces in many communities—that traditional control measures were simply not robust enough to restrain their predatory behavior. And, in the midst of the "crack" epidemic, their violence spun out of control. Thus, the pattern described in Fagan et al.'s "Tale of Two Trends" comes as no surprise to us. They compare non-gun homicides with gun homicides. That non-gun homicides should be declining over an extended period of time is consistent with our view of how New Yorkers have been reclaiming their city over the long haul. Fagan et al.'s assertion that "The rate of lethal violence broke important new ground only after 1995 or 1996" is consistent with our interpretation as well. This was the *exact* period during which police were reinvigorated and their impact started to be felt. Likewise, we have no quarrel with Curtis' basic thesis,³ that poor people are capable of helping themselves. We have never asserted otherwise: it has been basic to Bratton's practice and it is explicit in both the original "Broken Windows" and "Fixing Broken Windows."

Our basic premise is this: the restoration of assertive policing in 1994 and 1995 interacted with community forces to achieve an unprecedented "tipping point" in violent and other forms of crime. Community forces, although formidable, could not do it alone. History and research gives us evidence that police cannot do it alone. To assert that both the community and police played significant roles demeans neither. Can we ever be more specific in attributing causality? We doubt it.

The interesting question is, however, why things got so out of control. What happened that communities throughout the country either lacked the will or capacity to maintain order and keep its miscreants under control during the past three decades? Certainly macroeconomic and demographic forces were at play. More specifically the forces that have been aligned against neighborhoods and communities over the last three decades have been staggering. As Kelling wrote elsewhere:

Aside from the seemingly inevitable growth of the suburbs, consider what was done to our cities during the 1950s, 1960s, and 1970s. In the name of urban renewal, entire inner-city neighborhoods were torn apart. No provisions were made for displaced residents, so naturally they moved into adjacent neighborhoods. Because many of those displaced were African Americans, real estate blockbusters followed them, undercutting property values and scaring other residents into moving. In the renewal areas, concrete blocks of multistory public housing was built, often, as in Chicago with external unsecured elevators. This was the housing of the last resort for the most troubled and troublesome families. Expanded tenant "rights," however, made it virtually impossible to evict troublemakers regardless of their behavior or capacity for mayhem. Expressway construction followed and cut wide swaths through communities, displacing entire neighborhoods and dividing others. Neighborhood schools were abandoned and students were bussed throughout the city. Mental hospitals emptied patients onto city streets and drunkenness was decriminalized. The mentally ill and alcohol and drug abusers drifted into urban centers. In the name of their "liberty interests" and to forestall family and governmental abuse, parental and governmental authority over youths was reduced. To ensure that . . . children would not be stigmatized, we abandoned the idea of early identification of predelinquents.⁴

Intermingling with these urban policies, were equally disastrous police and criminal justice policies that grew out of the 1960's Presidential Commission on Law Enforcement and the Administration of Justice. Its position was explicit: poverty, racism, and economic injustices caused crime. To prevent crime one had to eliminate these "root causes." The business of the police and other criminal justice agencies became arresting and processing offenders. This view became so pervasive that many early defenders of community policing asserted that because police could not deal with poverty, racism, etc., they could do little about crime. Thus the crime problem was "de-policed" for many police leaders—a view that most line officers found absolutely unacceptable, complicating the implementation of community policing. Police tactics grew out of these assumptions and police became "law enforcement officers" responding to serious crimes and calls for service—their isolation in cars virtually

"de-policing" city streets. The political far right came in with their variation: crime was caused by breakdown of family values associated with welfare. Consequently, crime prevention was held hostage by both the ideologies of the far left and right: economic redistribution or elimination of welfare. Aside from community policing, criminal justice innovations were limited to more certain and longer incarceration.

Happily, police, criminal justice practitioners, and urban officials are breaking new ground. Most criminal justice professionals have no quarrel with the idea that disorder and crime are somehow linked to poverty, racism, and breakdown of values. But, they also understand that these linkages interact in an extraordinarily complex way. Meantime, they have rediscovered policing, as opposed to law enforcement, and prevention, as opposed to case processing. The changes that are taking place in the basic modalities of many public housing agencies, schools, zoning agencies, city attorneys' offices, and other agencies are equally as impressive. The interesting thing, as both of us travel around the country, is that different cities are doing it in different ways. The starting points are different. Powerful collaborations are forming among citizen groups, business, city agencies, prosecutors, correctional officials, and others. They take different configurations in different cities and deal with different problems in different ways. But this, of course, is the lesson. Each city is singular. Within cities, communities are unique. They are asserting control over themselves in unique ways as well.

In sum, neither of us would back away from a concluding statement in Bratton's *Turnaround*:

In terms of importance and potential and commitment, police in America are probably the most misunderstood entity in public life today. Old images exist, and, in truth, old-guard departments exist as well. But, as we approach the millenium, there is a new breed of police leader and a new breed of police officer. We need more of them.

I was privileged during my last half-dozen years in policing to work on the national and international stage, and I feel there is still more the police can do. The turnaround of the NYPD was the catalyst for the turnaround of New York City itself and offers a potential blueprint for the turnaround of the crime situation in the entire country. We clearly showed that when properly led, properly managed, and in effective partnership with the neighborhoods and the political leaders, police can effect great change. We have clearly shown that police can take back streets that were given up as lost for decades. The continuing challenge for American police leaders is to take them back in a lawful and respectful manner so that the behavior of the police reflects the civil behavior society expects of its citizens.

Notes

1. See generally, Alfred Blumstein & Richard Rosenfeld, *Explaining Recent Trends in U.S. Homicide Rates*, 88 J. CRIM. L. & CRIMINOLOGY 1175 (1998).
2. The TPD's slogan under Bratton was "Disorder, farebeating, and robbery are one problem—deal with one and you deal with all."

3. Richard Curtis, *The Improbable Transformation of Inner-City Neighborhoods: Crime, Violence, Drugs and Youth in the 1990s*, 88 J. CRIM. L. & CRIMINOLOGY 1233, 1263 (1998).
4. George L. Kelling, National Institute of Justice, *Crime Control, The Police, and Culture Wars: Broken Windows and Cultural Pluralism*, in 11 PERSPECTIVES ON CRIME & JUSTICE: 1997-1998 LECTURE SERIES 1, 13-14 (1998).

Zero Tolerance

The police reforms introduced in New York City by William Bratton are now hailed by Mayor Rudy Giuliani as the epitome of "zero-tolerance" policing, and he credits them for winning dramatic reductions in the city's crime rate. But the number of citizen complaints filed before the Civilian Complaint Review Board has jumped skyward, as has the number of lawsuits alleging police misconduct and abuse of force. Comparison of crime rates, arrest statistics, and citizen complaints in New York with those in San Diego—where a more problem-oriented community policing strategy has been implemented—gives strong evidence that effective crime control can be achieved while producing fewer negative impacts on urban neighborhoods.

The 1998 New York City Mayor's Management Report lists many concrete improvements in the quality of life in New York City, which Mayor Rudy Giuliani believes have been won directly through the New York Police Department's targeted approach to crime control—now held up by many observers as the epitome of "zero-tolerance" policing....

The Mayor's office reports that from 1993 to 1997 the number of felony complaints in New York City dropped by 44.3 percent: a 60.2 percent drop in murders and nonnegligent homicides, a 12.4 percent drop in forcible rape, a 48.4 percent drop in robbery, and a 45.7 drop in burglary. Mayor Giuliani points out that New York City is responsible for a large share of the overall crime reduction for the country as a whole. Comparing data from cities of more than 100,000 population for the first half of 1997 with data from these cities in the first half of 1993, the mayor's management report asserts that New York City accounted for 32 percent of the overall drop in FBI Index Crimes, 29 percent of the drop in murders, and 44 percent of the drop in larceny/thefts.

The Mayor's office credits the New York Police Department's (NYPD's) "Compstat" system for much of the progress made in reducing crime. Compstat was introduced by Police Commissioner William Bratton, who had served as commissioner for the first 27 months (from January 1994 to April 1996) of Giuliani's first term as mayor. The Compstat system puts up-to-date crime data into the hands of NYPD managers at all levels and bolsters a department-wide

process for precinct-level accountability in meeting the department's crime-reduction goals.

As described in Bratton's recent book, *Turnaround: How America's Top Cop Reversed the Crime Epidemic*, the Compstat system is built on four concepts: (1) accurate and timely intelligence, (2) rapid deployment of personnel and resources, (3) effective tactics, and (4) relentless follow-up and assessment. Compstat is the engine that drives "zero-tolerance" policing in New York City, and it is at the heart of the strategic organizational changes that Bratton introduced when he took command of the NYPD in 1994.

Bratton moved vigorously to transform the police department from top to bottom and to transfuse the department with a new mindset about what the police could and should do to attack the problem of crime and reduce its impact on the residents of the city. He directly confronted the common wisdom of many experts—and, perhaps, most New Yorkers—that the NYPD was too large, too rigid, too bureaucratic, and too parochial to be able to embrace the kinds of radical changes in policies and practices that would be required in a serious effort to win measurable reductions of the city's high crime rates. And he proved that they were wrong.

Zero-tolerance policing puts major emphasis on the kinds of "quality-of-life" issues that set the drumbeat rhythm for Giuliani's 1993 mayoral campaign. The "Squeegee Men" (beggars who accosted drivers in their cars to scrub their windshields and panhandle for cash), the petty drug dealers, the graffiti scribblers, and the prostitutes who ruled the sidewalks in certain high-crime neighborhoods all were targeted in candidate Giuliani's campaign promise to reclaim the streets of New York for law-abiding citizens.

Prior to his election, Giuliani's professional career had been spent in law enforcement. It is no coincidence that these types of disorderly persons and small-time criminals exactly fit the flesh-and-blood profile of the "broken windows" theory of policing.... The broken windows theory holds that if not firmly suppressed, disorderly behavior in public will frighten citizens and attract predatory criminals, thus leading to more serious crime problems.

Although "reclaiming the open spaces of New York" was but one of six specific crime strategies that Bratton designed and introduced to reshape the goals of the NYPD, it was moved quickly to the front of the line when city officials began to make the claim that the Giuliani administration's police reforms were *causing* the decreases in crime. Cracking down hard on the most visible symbols of urban disorder proved to be a powerful political tool for bolstering Giuliani's image as a highly effective mayor. The speed with which the city's crime statistics have fallen has been taken by many to prove that Wilson and Kelling are correct and that serious crime problems can be quelled by mounting a large-scale attack on petty crime and disorderly behavior through a broken windows, zero-tolerance strategy.

To at least some extent, rhetorical emphasis on the broken windows theory has served to obscure the truly phenomenal record that William Bratton set in managing organizational change within the NYPD. As chief executive officer of one of the world's largest police agencies, he introduced new management

tools, techniques, and technology at lightning speed and moved quickly to decentralize authority....

But Bratton's concept and style of police management has driven the NYPD a distinct and substantial distance apart from the community policing concepts that have been used to reshape and redirect police services in many other American cities. Moreover, some of these cities are closely rivaling the crime-reduction record set in New York City.

Ironically, Bratton has broad knowledge of and deep experience with community policing. He was a leading innovator in the development of the neighborhood policing concept while serving as a young officer in the Boston Police Department. He has often publicly expressed solid confidence in the basic tenets of the community policing movement—forging close working partnerships with the community, problem solving to address the causes of crime, and a fundamental commitment to crime prevention....

An ambitious gun interdiction program was initiated during the [David] Dinkins administration [which preceded Giuliani] by Assistant Police Commissioner Jeremy Travis, who now heads the National Institute of Justice. This effort was spurred forward in 1993 by the Bureau of Alcohol, Tobacco, and Firearms—then under the leadership of Ronald Noble at the Department of Justice. The well-publicized 1993 interdiction campaign predated the Bratton/Giuliani gun strategy and involved capture of several large stores of weapons before they reached the hands of teenagers on New York City streets.

The early foundation for community policing in New York had been laid in the mid 1980s—during the [Ed] Koch administration—through a joint NYPD/Vera Institute of Justice pilot effort. Once the Safe Streets program was in place, Commissioner [Lee] Brown was able to design and build a citywide community policing program. Yet, in his book, *Turnaround*, Bratton abruptly dismissed this community-policing effort (already in place when he was named Police Commissioner) in three brief paragraphs.

In *Turnaround*, Bratton maintained that the program—although focused on the beat cop—had no real focus on crime, and he complained that the young officers assigned to community-policing beats were unprepared and ill equipped to handle the complex issues that underlie the crime problem in New York City. Moreover, he charged, even those few capable of winning significant results were never given the necessary authority to follow through under the NYPD's system of centralized decision making.

In a 1996 lecture sponsored by the Heritage Foundation, Bratton discussed the flaws that he perceives in the community policing initiatives of the early 1990s. He argued that community policing in New York was hampered by a lack of attention to those quality-of-life issues that cause widespread fear of crime among the public and by an unwieldy and highly centralized, over-specialized police bureaucracy....

Once recruited by Mayor-elect Giuliani to serve as commissioner of the NYPD, Bratton used his prior experience combating subway crime as a springboard into a citywide campaign to aggressively apprehend the perpetrators of quality-of-life crimes on the streets. Bratton's managerial reforms were brilliantly innovative, using up-to-the-minute technology. But at the neighborhood

level, his crime-fighting strategies were grounded in traditional law enforcement methods and in relentless crackdown campaigns to arrest and jail low-level drug offenders and other petty perpetrators....

Bratton's crime-prevention concepts are more often cloaked in military campaign metaphors—"in New York City, we now know where the enemy is"—than in the public-health/epidemiological images now more common in community-focused prevention efforts elsewhere. And his quality-of-life law-enforcement style was hyperaggressive. In *Turnaround*, Bratton describes how his school truancy program grabbed so many school-age kids off the streets that "we had to set up 'catchment' areas in school auditoriums and gymnasiums." He retooled New York City's drug enforcement effort to target more muscle toward low- and middle-level dealers, and he lifted a longstanding police policy that discouraged drug enforcement arrests by patrol officers—freeing them to seek warrants, make narcotics arrests, and go after those they suspected of drug dealing for quality-of-life violations to sweep them off the streets and into the jails (Bratton 1998, p. 227).

Bratton attacked the legal restrictions that had impeded aggressive enforcement against those deemed disorderly. He "took the handcuffs off" the police department and unleashed patrol officers to stop and search citizens who were violating the most minor laws on the books (e.g., drinking a beer or urinating in public), to run warrant checks on them, or just to pull them in for questioning about criminal activity in their neighborhood. If, in the course of such an incident, a weapon was found and confiscated, Bratton asserts that it was lawful prevention of crime "before it happened."

If, as its keystone crime-prevention strategy, New York City has turned away from community policing and chosen instead a zero-tolerance campaign that is heavily reliant on traditional methods of law enforcement to eradicate quality-of-life problems, what negative consequences have resulted from this choice? And which New Yorkers have borne the brunt of these negative consequences?

Joel Berger—a prominent New York City civil rights attorney who represents alleged victims of police misconduct and abuse in New York City—reports that legal filings of new civil rights claims against the police for abusive conduct have increased by 75 percent in the city over the last four years. Berger says that the largest increase in new claims of this type occurred during the most recent fiscal year, indicating that the problem of police brutality is getting worse, not better.

Amnesty International has reported that police brutality and unjustifiable use of force is a widespread problem in New York City. There is a wealth of documentation to support the charge that police misconduct and abuse have increased under the Giuliani administration's zero-tolerance regime. The total number of citizen complaints filed annually with the Civilian Complaint Review Board (CCRB) increased more than 60 percent between 1992 and 1996, and Mark Green—the elected New York City public advocate—has charged that the police torture of Abner Louima in a precinct station house in the Borough of Brooklyn in the summer of 1997 was part of a larger "pattern of police abuse,

brutality, and misconduct" in New York City that the Giuliani administration has failed to address....

Complaints by citizens in New York City about police misconduct and abuse, and the response to these complaints by the New York City CCRB and the NYPD, have been the subject of hot debate between some resistant city officials and those who advocate for a more effective process to increase police accountability for abuse of citizens. From the start, Mayor Giuliani resisted the effort to establish an independent CCRB. By the time it was set up, its budget had been slashed by 17 percent (about a million dollars) as compared with the police department-based civilian complaint unit it had replaced.

According to New York City Public Advocate Mark Green, recent CCRB complaint data suggest that the problem of police misconduct is disproportionately concentrated in New York City's high-crime minority neighborhoods. Nine out of 76 precincts account for more than 50 percent of the increase in CCRB complaints since 1992; 21 precincts account for more than 80 percent. Mark Green charges that those precincts with the highest incidence of misconduct "appear to have disproportionately higher percentages of African American and Latino residents." Norman Siegel—director of the New York Civil Liberties Union (NYCLU) and a harsh critic of the mayor on these issues—has presented data showing that three quarters of all CCRB complaints are filed by African Americans and Latinos. He reports that African Americans (who make up 29 percent of the city's population) filed 53 percent of all complaints in 1996.

Moreover, the vast majority of complaints filed with the CCRB are never substantiated, and the small portion that are substantiated usually do not result in proper disciplinary actions. In the first eight months of last year, only 8 percent of the 3,991 cases filed with the CCRB were substantiated. Furthermore, Public Advocate Mark Green has complained that so few substantiated cases ever result in charges brought or disciplinary actions taken by the police department that the civilian complaint process is a sham.

This brief review of the downside costs that many New Yorkers argue have been incurred through the city's reliance on a highly aggressive, traditional law-enforcement style of policing begs the *benefits* question: Is there hard evidence that this strategy has been truly effective in reducing crime? How valid are the claims made by Mayor Giuliani that his police policies are responsible for the city's remarkable crime reduction record?...

Serious violent crime rates have been falling for the nation as a whole. The National Crime Victimization Survey crime-trends data (1973–1996) published by the Bureau of Justice Statistics indicate that rapes declined 60 percent from 1991 to 1996, whereas robberies began to decline more recently; Robberies were down 17 percent from 1994 to 1996. Aggravated assaults declined by 27 percent from 1993 to 1996. The victimization data show that total violent crime was down 19 percent from 1994 to 1996. Data from the National Center for Health Statistics indicate that the nation's homicide rate fell by 10 percent from 1991 to 1995. Property crimes are also on the decline for the nation as a whole, according to the National Crime Victimization Survey. The rates reported for total property crime show a 25 percent decline from 1991 to 1996.

It has been argued by many that widespread innovations in police practices have made a major contribution to reducing crime—from the zero-tolerance campaign in New York City to community-policing strategies involving problem solving and police/community partnerships elsewhere. Yet, crime has fallen substantially in some locales where these reforms have not been embraced.

The huge increase in the incarceration rate resulting from mandatory minimum drug laws, "three strikes, you're out" laws, and other policy shifts producing longer prison terms are claimed by almost all proponents of these "get tough" approaches to be the force driving crime rates downward. But increased incarceration doesn't seem to explain many of the differences found when states are compared. New York City has experienced one of the sharpest declines in violent crime, but its jail population is down, and the New York state prison population growth rate slowed to less than one percent in 1997. The state's prison population growth rate has been relatively modest during the 1990s compared to states such as Texas and California. Crime rates were already beginning to fall before the state of Washington became the first to pass three-strikes legislation in 1993. Most states are enjoying declining crime rates regardless of whether they have such laws. . . .

If there is an ascendant theory among American criminologists, it may be simply stated: No single factor, cause, policy, or strategy has reduced the drop in crime rates.

A variety of structural changes in high-crime urban neighborhoods are cited by many experts as plausibly combining to produce declining crime rates. Many academic experts have long held that demographic factors are the most significant contributors to crime rates. Overall crime rates (as distinct from violent street crime) have been drifting downward for many years, as has alcohol consumption—a factor strongly associated with a broad range of criminal activity. America's healthy economy has produced low unemployment rates, another factor generally associated with lower crime rates.

Overall shifts in public attitudes regarding the problem of crime and increased public intolerance for various types of disorderly conduct that are believed to be criminogenic have stimulated moves toward the policing reforms and the "get tough" measures cited above, but they have also led to a raft of community organizing activities that may be paying off in reduced levels of crime. . . .

The binge of drug and/or gang-related violence in the 1980s left many dead, disabled, or in prison. Some argue that these causalities are now shaping marked shifts in values and attitudes among urban youth. Demand for crack cocaine has waned and—stimulated by tougher police enforcement against handguns—minor confrontations are said to be less likely to erupt into deadly shootouts. . . .

Recently, much social science research attention has turned to the declining homicide rates in many cities across the country. A team of researchers led by Pamela Lattimore (Lattimore, Trudeau, Riley, Leiter, and Edwards 1997) at the National Institute of Justice has discovered a strong correlation between cocaine use levels within the urban criminal population and changes in homicide

rates. Alfred Blumstein has studied handgun murders involving urban street youth. He has pointed out that the surge in this type of gun violence in the late 1980s has drawn attention away from the more long-term and steady trend of declining homicides for adults age 25 and older since 1980. The surprising decline in homicides since 1991 is driven largely by the falling incidence of gun homicides among the younger group.

The decline in homicides among *older* Americans cited by Blumstein includes a steady decline in national rates of intimate-partner homicide over the past two decades. Laura Dugan has traced the effects of three significant social developments on this type of homicide: changes in patterns of domesticity (exposure reduction), in the status of women, and in increased provision of domestic violence resources. Her research highlights the importance of legal advocacy efforts to expand the effective use and enforcement of restraining orders, although these measures are shown to favorably affect homicide rates solely from married male victims. Susan Wilt (1998; Wilt, Illman, and Brody-Field 1997) has been tracking homicides in New York City using data from the public health system. She has found that homicides of female victims have fallen far more slowly since 1990 than the decline for male victims (a 20 percent decline for females compared to a 51 percent decline for males). Wilt was able to obtain data to classify homicides by type, and she found that over this period, intimate partner homicides of women have not declined in New York City.

Jeffrey Fagan is conducting an important study of homicides in New York City geared specifically to documenting the effects of criminal justice policies on this problem. Fagan, along with Franklin Zimring and June Kim, has just completed a report that examines homicide patterns in the city back to the 1950s and compares the recent decline with homicide patterns in other American cities. By tracking homicide trends by type since 1985, they have determined that patterns in New York City for gun and non-gun killings differ sharply. The trend data for non-gun homicides show a fairly steady decline through the whole period, whereas gun homicides doubled between 1985 and 1991, returning to the 1985 level by 1995.

Examining trends in drug use and demographics, Fagan et al. believed them to be important factors but could not say to what extent they have influenced the decline. . . . They posited that the NYPD gun strategy may be the most salient factor. At the same time, they cautioned that it is not possible to unequivocally establish the strength of these policing strategies relative to the other factors that are interacting with the shifts in police practices. Moreover, they warned that simple regression (i.e., the tendency of crime problems to shift continuously, up and down, drawing cyclical patterns over time) cannot yet be ruled out as the cause of the recent decline in gun homicides.

. . . Malcolm Gladwell, a writer for *The New Yorker* magazine, has carefully considered the phenomenon of dropping crime rates in New York City. He offers an interesting theory—drawn from the annals of public health—that provides some clues about how distinctly divergent factors in disparate locales might result in similar patterns of falling crime.

In his 1996 *The New Yorker* article, "The Tipping-Point," Gladwell defines this public health expression as "the point at which an ordinary and stable phenomenon—a low-level flu outbreak—can turn into a public health crisis." Applied to the phenomenon of crime, this epidemiological argument means that once crime reaches a certain level or critical point, it spreads in a "non-linear" fashion—that is, at some point in time a small incremental increase in criminal activity can fuel a dramatic upturn in crime rates. One example that Gladwell gives involves drive-by shootings in Los Angeles, which, after seven years of fluctuating up and down between 22 and 51, rose steadily from 57 in 1987 to 211 in 1992.

Happily, the tipping-point phenomenon may also apply in reverse. When the level of crime in a community reaches a tipping point, any strategy that can effect even a small decrease may be able to trigger dramatic drops in crime rates. But the tipping-point theory also implies layers of subtle complexity that must be carefully assessed in the development of crime control policies because when the level of crime is not at or near the tipping point, large investments in crime-fighting activities may yield very small effects if any.

... Expert opinion notwithstanding, suppose it is true that a new policing strategy can turn the tide of crime and produce a dramatic ebb in its volume? Is a New York City zero-tolerance campaign the only possible approach? Is it the best approach? What other options should be considered? Are there other theories about effective crime control that can help us answer these questions?

Tracey Meares (1998), a law professor at the University of Chicago, has been studying the role of community social organization in reducing crime. She points out that certain critical mediating factors can produce differential crime rates in communities with similar socioeconomic conditions. If stronger elements of social organization—cohesive friendship networks, shared cultural values, supervision of teens, participation in church groups, parent-teacher associations, community policing organizations, and so forth—are present in a given neighborhood, crime will be less common than in neighborhoods where these elements have eroded.

Meares has applied this framework to critique the efficacy of various law enforcement strategies—especially drug enforcement efforts—to enhance or hinder crime control in communities. She argues that whereas "get tough" measures that lead to lengthy incarceration of a large number of young drug offenders may offer a measure of short-term relief for law-abiding residents of a drug-ravaged community, in the long run, the negative consequences may wash out the short-term positives. This is because the deterrent effects of such a strategy are weak at best, whereas its damaging effects—disruption of family ties, stigmatizing barriers to labor market participation, increased levels of alienation and distrust—may prove criminogenic in themselves.

This may be especially true in African American communities, where the asymmetry of current drug-enforcement policies has exacerbated longstanding attitudes of distrust between residents and police that are grounded in both negative stereotypes and historical events....

San Diego and New York City have enjoyed virtually equal reductions in rates of serious crime over the first half of the 1990s. From 1990 to 1995, a period

when the NYPD gained a 39.5 percent increase in the number of sworn officers, New York City's reduction in crime was 37.4 percent, whereas San Diego's was 36.8 percent, but during this same period the increase in sworn officers on the San Diego police force was *only* 6.2 percent. According to San Diego police officials, this is a far more favorable "yield" in terms of crimes reduced per each additional officer.

San Diego's police executives began to experiment with a form of community policing—the Neighborhood Policing Philosophy as they term it—in the late 1980s. In 1993, they laid the groundwork for a department-wide restructuring process coupled with an effort to retrain the entire force in problem-oriented (as opposed to incident-based) policing methods. Two key concepts of neighborhood policing in San Diego—as described by San Diego Police Department (SDPD) officials—are that police and citizens share responsibility for identifying and solving crime problems and that law enforcement is one important tool for addressing crime, but it is not an end in itself.

The emphasis of the San Diego neighborhood-policing approach is on creating problem-solving partnerships and fostering connections between police and community for sharing information, working with citizens to address crime and disorder problems, and tapping other public and private agencies for resources to help solve them. The types of activities fostered by the neighborhood policing strategy in San Diego resemble many that are common elements of community policing elsewhere, such as the following:

- support for "neighborhood watch" and citizen patrol groups that look for suspicious activity, identify community problems, and work on crime prevention projects;
- use of civil remedies and strict building code enforcement to abate nuisance properties and close down "drug houses"; and
- collaboration with community organizations and local business groups to clean up, close down, or redesign specific locations and properties that repeatedly attract prostitution, drug, and gang problems.

The role of organized neighborhood volunteers in efforts to impact local crime problems—and thus national crime patterns—is too often overlooked or misunderstood. There are important differences between community *policing* and community *participation*, yet San Diego seems to be striving to integrate these distinct, semiautonomous crime prevention tools. The SDPD has recruited and trained a pool of more than 1,000 citizen volunteers who perform a broad array of crime prevention and victim assistance services.

The restructuring of police services in San Diego has involved a geographic consolidation of 68 existing patrol sectors and a reconfiguration of their boundaries to correspond to 99 distinct neighborhoods defined by community residents. Laptop computers equipped with mapping software are now being introduced to automate field reporting and to put up-to-date crime and calls-for-service data into the hands of patrol officers....

Table 1**Adult Arrests in New York City**

	1993	1994	1995	1996
Total arrests	255,087	307,802	316,690	314,292
Total felony arrests	125,684	138,043	135,141	132,601
Felony drug arrests	39,298	44,442	43,698	45,312
Total misdemeanor arrests	129,403	169,759	181,549	181,691
Misdemeanor drug arrests	27,446	42,546	52,891	54,133
Misdemeanor DWI arrests	5,621	5,628	5,763	4,624
Other misdemeanor arrests	96,335	121,585	122,895	122,934

Note: DWI = driving while intoxicated.

Table 2**Adult Arrests in San Diego**

	1993	1994	1995	1996
Total arrests	56,631	55,887	55,909	48,264
Total felony arrests	17,007	17,135	16,854	13,825
Felony drug arrests	5,808	6,432	6,685	5,034
Total misdemeanor arrests	39,624	38,752	39,055	34,439
Misdemeanor drug arrests	7,099	8,313	7,965	6,352
Misdemeanor DWI arrests	3,782	3,649	3,749	3,545
Other misdemeanor arrests	28,743	26,790	27,341	24,542

Note: DWI = driving while intoxicated.

Data from the New York State Department of Criminal Justice Services from 1993 through 1996 show that arrests in New York City rose by 23 percent across the board. Reflecting the broken windows, zero-tolerance policing strategy introduced by Bratton, misdemeanor arrests rose by 40 percent—led by drug arrests, which were increased by 97 percent over this period.

Arrest statistics provided by the SDPD for this same period show a marked contrast, reflecting the contrasting philosophy of neighborhood policing adopted in that city.

Across the board, arrests have fallen in San Diego by 15 percent, whereas reductions for key indicators of crime (homicides and FBI Index Crimes) closely rival the crime reductions in New York City. Total complaints filed during this

period with the SDPD regarding police misconduct fell from 522 in 1993 to 508 in 1996.

San Diego police executives are understandably pleased with the recent dramatic drop in crime in their city. However, they have been less inclined than their counterparts in New York City to estimate the extent to which these trends may be directly attributed to the department's neighborhood policing and community-involvement efforts.

...Zero-tolerance policing in New York City uses the Compstat system to direct hyperaggressive crime-control tactics toward high-crime "hot spots," and city officials have been quick to claim credit for a dramatic drop in crime. Yet, the sharp contrast in arrest patterns and citizen complaints between New York City and San Diego offers compelling evidence that cooperative police-community problem solving can provide effective crime control through more efficient and humane methods. Moreover, the San Diego strategy seems better designed to support and sustain vital elements of community social organization that can inhibit criminality and build safer neighborhoods over the long run.

Note

1. Whereas community policing engages neighborhood residents in identification of crime problems and in planning crime-control strategies, community participation entails residents becoming directly involved in crime prevention activities and in effecting structural solutions to the neighborhood problems that give rise to crime.

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