

Broken Windows Policing and Constructions of Public Order and Safety: Based on the New York Miracle

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ABSTRACT

Broken windows theory, as one of the most famous and influential theories, was developed by JQ Wilson and George Kelling in 1982. Their thesis was that, if human 'broken windows' are not fixed, disorder will turn into serious crime because 'serious street crime flourishes in areas in which disorderly behavior goes unchecked' (Wilson and Kelling 1982:34). It was soon applied in many aspects of the society and most of them achieved good results. Among these applications of broken window theory, it has to mentioned the 'New York Miracle', which greatly dropped down the crime rate in New York in 1990s. But, broken windows theory is not simply applied in the case of New York. Instead, a variant of broken windows theory called theory 'zero tolerance' played a major role in controlling crime rate. Although 'zero tolerance' is similar with broken window theory, the prior focus on more on the law enforcement. The wide application of zero tolerance also triggers many researchers' negative responses, who doubt the success of the realness of 'New York Miracle' and the validity of zero tolerance policing. Therefore, in this paper, we are going to analyze both the advantage and disadvantage of the zero-tolerance policing, and further discuss the effectiveness of the cooperation between the police and community and the situational crime prevention.

KEYWORDS

Broken Windows; Zero Tolerance; Police and Community; Situational Crime Prevention.

1. INTRODUCTION

After 1960s, violent crime is on the upswing in the U.S. Increased crimes had caused amounts of issues, greatly damaging both society and economy of the country. Under this situation, many theoretical policies were developed to control the rising crime rate. Broken windows theory, as one of the most famous and influential theories, was developed by JQ Wilson and George Kelling in 1982. Their thesis was that, if human 'broken windows' are not fixed, disorder will turn into serious crime because 'serious street crime flourishes in areas in which disorderly behavior goes unchecked' (Wilson and Kelling 1982:34). It was soon applied in many aspects of the society and most of them achieved good results.

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2. LITERATURE REVIEW

2.1. External Environment and Crimes

Generally speaking, the nature of the broken window theory is the correlation between the external environment and crimes. Indeed, not all the crimes are induced by the external environment, but there is a large number of evidences and experiences proving that the external environment and crimes are closely related. For example, it is more common to commit crimes such as smuggling and drug trafficking in border areas. As early as 1285, Edward I promoted the Statute of Winchester enforcing land owners to remove ditches, trees or other potential hiding places for criminals by the roadside (Crowe, 2000), which can show that ancient people have realized the relationship between the environment and crimes much earlier than we thought. Until mid-19th century, the correlation between the external environmental and crimes was systematically developed by Adolphe Quetelet and Andre Michel Guerry (Malin, 1995). According to Adolphe Quetelet's research, he studied the influence of both environment and population on crimes in France and discovered that poverty does not necessarily lead to crimes. Similarly, Guerry (1833) analyzed crimes in France by combining cartography and statistics and found out different geographical conditions may impact the types of crimes. Fletcher (1848) and Glyde (1856) pointed out that regional crime can be aggravated by nearby districts whose crime rate are high and discovered the relationship between population density and crime rate respectively. In general, before 20th century, most of the relevant literatures discussed the external environment and crimes from macro-perspectives, neglecting the micro-relationship between specific environment and certain types of crimes. Therefore, in the following parts, we summarized articles analyzed from micro-perspectives.

2.2. Social Disorders and Crimes

People's sense of security is influenced by crime as well as what they perceive as troubling behaviors and disorderly environments that send "signals" to them about the risks and threats (Innes, 2014). After broken windows theory was promoted, many researchers continued to improve its theory system. The most common topic in this area is the discussion of disorder and crimes. Based on the broken window theory, there are four major elements including community's disorder, policing control, fear of losing control and crimes (Wagers, Sousa, & Kelling, "Broken Windows" in Richard Wortley and Lorraine Mazerolle, 2008). That is, community's disorder can weaken the ability to control by triggering people's fear to the crimes, and finally result in serious crimes. According to Skogan's (1990) explanation, disorders refers to aggressive and antisocial behaviors that may cause serious instability of the society. Wagers, Sousa and Kelling (Wagers, Sousa, & Kelling, 2008), based on skogan's explanation, added that disorders can be regarded from both physical and social dimensions. To be specific, on the one hand, physical things or materials such as abandon building, graffiti and rubbish on the street, can be seen as community's disorders. On the other hand, people's aggressive or uncivilized behaviors including screaming, quarrelling and getting drunk in public, can also trigger the social disorders. Physical disorders usually sustained for a longer period time while social disorders are composed of a number of discontinues behaviors and events. Besides, according to broken window theory, disorders are strongly suggestive to illegal behaviors and potential crimes. Community's disorders generally show the loosen control of crime in local area. Through analyzing more than 300 districts in Chicago, Sampson and Groves (1994) concluded that environmental disorders directly influence the collective efficacy which can be viewed as an important evidence to measure crime in neighborhoods.

2.3. Disorders as Potential Factors

Wilson (1997) pointed out that social disorders can greatly increase the number of people's anxious behaviors. It is normal and common to exist a few numbers of disorder events, which does not trigger

the happen of crimes easily. However, if the amount of the disorders become large without control, then the crime rate in the community can reach to a high point in a very short time. For example, only several alcoholics or beggars hanging out or some graffiti and abandon building existing on the street may not influence the security of the community. But the situation of the local community totally changes when these 'tiny' disorders which are neglected before gradually accumulated to a certain scale and degree. Another typical case is that subway system of New York was once the 'homeland' of beggars, thieves, drug dealers, etc. because of lack of maintenance and protection (Wilson & Kelling, 2003). The accumulated events of disorders finally result in a huge number of illegal behavior and serious crimes. Of course, different environment conditions can influence the relationship between disorders and crimes. Taylor (2001) considered that culture is also an important factor to whether weaken or strength the crime rate in a certain region.

2.4. Police Intervention

The core of broken window theory is to combine fragmented phenomenon in daily life with crime control, thus leading police to pay more attention to potential events that may trigger social disorders (Dixon D. , Broken Windows, Zero Tolerance, and the New York Miracle, 1998). All the resident's behaviors should strictly follow the regulations and laws. And Polices play a role to maintain the law enforcement and ensure the right order of the community. For example, drinking wine is allowed and protected by the law, but it does not mean that drinking wine while driving is legal. As Harcourt and Ludwig (2006) mentioned in their research, the police nowadays strive to eliminate any potential factors that may causing serious results such as preventing people from graffiti or beggars from living in the abandon buildings. It seems that the actions of the police are unnecessary, but the truth is that serious crimes may be prevented because of strict police enforcements. Strict laws and regulations definitively contradict to people's civil rights. Hence, the police should base on the real situation of local region or community to make a suitable prevention strategy (Harcourt, 1998; Gault & Silver, 2008). Moreover, from the perspective of the police and the public cooperation, Fagan and Davies (2001) pointed out that community should cooperate with the police to ensure the efficiency and validity of the application of broken window theory. It is a huge amount of work for the police to strictly enforce the laws and regulations. Without the assist of local community members, social disorders may not be effectively controlled to a safe point in a long-term period.

2.5. Broken Windows Theory and Zero Tolerance

The 'New York miracle' seems directly and effectively control the crime rate in the mid-1990s. But it also arises doubts about the correctness of 'zero tolerance' policing which were widely applied in city reform measures (Bratton, 1997; Weisburd, Hinkle, & Wooditch, 2015). To some extent, 'zero tolerance' policing is a variant of broken window theory. However, there is a huge difference between 'zero tolerance' policing and broken window theory. Zero tolerance prioritizes law enforcement while broken windows theory advocates a broader order maintenance strategy (Bayley, 1994). In most situations, some kinds of the police method to deal with the social disorder, especially targeting to behaviors that are not illegal, can be regarded as illegal and violent.

2.6. Suspicions of 'Zero Tolerance'

Once the government of New York claims that police have dramatically decrease the crime rate, both society and academia were skeptical of the announcement. One of the major reasons was that conventional policing strategies - random patrol and reactive investigation, which studied and developed by modern policing studies, were proved to have litter or no effect on crime control (Dixon & Coffin, 1999). For example, according to Bayley's (1994) experiment conducted in Kansas City, he found that traditional styles of policing have no obvious impact on crime control and on attitudes towards to the police. Besides, Bayley (1994) noticed that previous policing methods also have no

significant effect on many local residents. This does not, of course, mean that police are irrelevant to crime control. Instead, previous literatures strived to prove that within the levels of resources and powers nowadays the police have, it is no easy for the police to use traditional and conventional policing measures to reduce crimes. Both Homel (1994) and Kelling (1996) suggested that once the police adopted 'strategies which are in stark contrast to those dictated by the "professional law enforcement" model', those policing measures can actually affect the happen of certain crimes.

2.7. Cost of 'Zero Tolerance'

Zero tolerance policing, to some extent, can be a double-edge sword. On the one hand, it can bring people a more stable and safer environment. On the other hand, it may restrict residents' freedom. In both respects, it is necessary to take account of the potentially counterproductive effects of zero tolerance policing. Scarman (1981) argued that the failure of traditional intensive policing leads to the police find new solution, such as such as community and problem-oriented policing. Although today's police have much better equipment and more flexible tactics to react different cases, but still not doing well to large-scale social disorders (Sherman, 1993; Sviridoff, Sadd, Curtis, & Grine, 1992). Moreover, zero tolerance policing may worsen relations between the police and community (e.g. frequent 'Stop-and-Frisk') (Hinkle & Weisburd, 2008). Zero tolerance policing may threat to the cooperation between the police and community. In other word, the possibility of the police to enforce laws by violence toward 'non-community' residents may increase. Furthermore, one of the obvious disadvantages of implementing zero tolerance policing is the substantial expansion of the prison population (Harcourt, 1998; Homel, 1994; Howell, 2016). The police can arrest any potential criminals or people intending to commit social disorders, which absolutely rise the burden of local judicial system and prison systems.

3. DISCUSSION

3.1. Supportive Reasons of Broken Windows Policing

First of all, the supportive reasons for the broken windows policing effect lies in the information asymmetry between citizens and the government. Because people are often unable to accurately know the specific information of police law enforcement efficiency and order security, they will judge the risk of illegality according to some surface information which is easy to know but not necessarily accurate. (Guàrdia, 2014) For example, when a certain street in the city is neat and bright, no one is causing trouble and drunk, the police are on designated patrol, and the community life is orderly, they will potentially assume that the social control in this area is relatively perfect, and the law enforcement force is relatively strong. Everyone can abide by the law. For those potential criminals who also have the problem of information asymmetry, they will also infer that there is a greater risk of crime punishment, so as to curb their criminal motivation. However, if the daily order of a community is chaotic, broken windows and cars will indicate to the public that the community's law enforcement is weak, which will cause potential criminals to assume that the risk of crime is relatively low. As a result, it is possible to escalate from a relatively minor violation to a more serious crime.

Secondly, the broken window effect also reflects a common socio-psychological characteristic: imitation caused by ignorance. Information asymmetry causes not only information pressure, but also normative pressure. In this case, how others behave becomes a powerful and useful source of knowledge. (Aronson, 2013) In legal theory, we generally believe that people abide by norms out of social consensus or personal interests, but the asymmetry of information will make it difficult for people to identify consensus and interests, so in the face of confusing social situations, out of the social pressure to make decisions, they will blindly follow others and do illegal and immoral behaviors that are unreasonable in hindsight. In the blind imitation of collective action, any established rationality and moral correctness may be subverted. Whether people cooperate or not

mainly depends on whether they believe in the expectations and beliefs of others to take the same action, not in fear of punishment caused by violations. (Kramer, 2010) Whether people abide by the law or not also follow a similar logic of collective action. The behavior of others is an important indicator of their own behavioral risks and benefits. Under the demonstration of other people's behavior, they may unconsciously become law-abiding, but they may also become blind and crazy, and the broken window effect shows this. The appearance of civilized and polite everyone, orderly life and orderly streets in society will make people assume that others will abide by the law. This expectation and belief that others will consciously abide by the law also contributes to their own law-abiding, and then extends this inference to more serious and covert criminal acts, so as to further curb their own criminal motives, thus reducing crime.

3.2. Positive Influence on Controlling crime

The core of the Broken Window Theory emphasizes that the timely stop of minor violations can effectively prevent serious crimes making social disorder. Particularly, its policy of "zero tolerance" policing has been very effective in reducing the crime rate in New York. The "zero tolerance" policy is not a legislative or judicial policy, but a policy implemented in specific law enforcement activities. The main proponents of the "zero tolerance" policy are former New York Police Commissioner Liam J. Bratton and his assistant Jack Mabo. They believe that "cracking down on minor crimes with the strategy of active attack will have a positive impact on reducing the crime rate." From 1993 to 1999, the incidence of murder, robbery and burglary in New York City decreased by 40%, 30% and 25% respectively, according to the US Department of Justice (Coles, 1996). Crimes are more frequent in communities with poor economic (Bronx etc.), such as the car destruction experiment conducted by Philip Zimbardo (1969), the car was completely destroyed in a short time when it was left unattended. Therefore, the "zero tolerance" policy to strengthen the fight against illegal activities in such a disorderly community can have a good deterrent effect, and residents of the community generally connive at or even implement illegal acts, so they will not unduly infringe upon the freedom and rights of citizens.

In addition to the direct achievement of reducing the crime rate, the value of the broken windows policing is that it may judge which external factors can stimulate the occurrence of criminal behavior through the study of policing practice. Thus cutting off the indirect role of these social factors, and even blocking the potential inducing illegal factors in an orderly safe community. Combined with the current experience of police activities in the U.S., they not only regard the "zero tolerance" policy as the golden rule, but also the long-term stability of the restoration of order after cracking down on crime. This is an effective improvement for the use of limited police resources. In addition to stepping up patrols and exchange of information in neighborhoods with higher crime rates, they also found that rectangular communities were more likely to commit crimes than square communities—square communities were more likely to spy on each other; persons with certain identities, such as prostitutes, drug addicts, problem adolescents, were more likely to induce crime (Wilson J. a., 1982).

3.3. Limitation of 'Zero Tolerance'

Kellying once pointed out that one of the lessons of this theory is the failure to deal with the relationship between the rule of law and law enforcement. The "zero tolerance" policy states that the police must strengthen the monitoring of the community, the investigation of the identity of suspects and the correction of minor violations, which requires the discretion in the process. But wide discretion tends to worsen the relationship between the police and the community because the threat affects civil liberties. The New York Times once reported that, that black families, regardless of their income, were worried that one day they would be mistaken for criminals by the police and be shot. Another survey released in 1999 showed that 55% of Latinos and 63% of blacks believe that police brutality has now increased, while 67% of Latinos believe that the police are now partial to whites and use force against ethnic minorities (Reporter, 1999). Therefore, it is easy for police to vent their

emotions improperly, such as racial discrimination if there did not have a strict bottom line for discretion.

Besides, it was not based on rigorous empirical research when Wilson and Kelly put forward the Broken Window Theory. In fact, it embeds strong color of empiricism, lack of improved applicable category and system. It is inevitable to arouse controversy only by logical analysis (Lee, 2010). Unclear applicability will lead to a waste of police resources. However, the broken windows policing is still favored by many countries because the New York police used the theory effectively control the crime rate in the 1980s. Australia is one of the supporters of Broken Window Theory, but it has not achieved the same effect as it did in New York. Firstly, the crime patterns of the two countries were very different. New York was a crime period of crime in the 1990s, and the police were often faced with highly armed professional criminals (because guns were widely used in the US). People in Australia do not carry guns as often as in New York, and according to the Australian Federal Police investigation, most of their violent cases take place among people they know (Dixon D. , Broken Windows, Zero Tolerance, and the Ne, 1998).

Secondly, Australia does not strike a good balance between enforcement and legal authorization. Although the NYPD got affection in reducing crime between 1980s and 1990s, the "zero tolerance" policy gave the police too much power to search and arrest, resulting in many cases of police abuse and violence. Surprisingly, only a very small number of policemen were dismissed or placed on file for investigation. Under the political environment of emphasizing the fight against crime, it seems to be the acquiescence to realize this goal sacrificing the rights of citizens. However, the Government of New South Wales did not pay attention to this distinction and provided a wide range of legal powers for the police (Dixon D. , 1997). Then, according to research, police in New South Wales rarely obey the law so that the "necessary limit" set by the law becomes a random area. Coupled with the lack of effective supervision, citizens are often worried that the police will suddenly come forward and ask to search their pockets. Such unlimited power had always been opposed and it is believed that Australia did not need to devolve such extensive powers of search and arrest. What is effectively controlled were minor violations instead of serious crimes.

Taylor (2001) has studied the relationship between community crime and social uncivilized behavior (including street peddling, public drinking, littering, graffiti, etc.) in 66 communities in Baltimore. He concluded that uncivilized behavior in some neighborhoods had something to do with crime, while others had nothing to do with it. We cannot regard all illegal acts as the credit of Broken Window Theory. New changes have taken place in the demographic structure of New York in the 1980s and 1990s with the promulgation of the new immigration law. The decrease in the proportion of African Americans and Hispanics in the population, especially the decline in the proportion of blacks (the black crime rate is generally much higher than the population of other races) has a positive impact on the decline in crime rate. In the economic aspect, especially the transformation of the American economic structure since the 1970s, the rapid development of the tertiary industry has led to economic recovery, reduced the unemployment rate, and the government has raised the level of social security, which effectively reduced the crime rate.

4. IMPLICATION

4.1. Cooperation between the Police and Community

Broken Window Theory advocates to prevent social instability by eliminating small chaos and disorder, and most of this unhealthy atmosphere is corrupted by unattended property and illegal behaviors. However, it cannot be implemented only by limited police resources because police patrol and door-to-door investigation is hard to used in all communities at the same time. In addition, James and George (2000) also pointed out that the fear of residents comes not only from serious crimes, but also from the fear of disorderly laissez-faire. It is conceivable that the workload of the community

police will far exceed that of traditional police, and the development of community policing is one of the effective measures to prevent crime.

Community policing exists as a philosophy rather than a program and its core connotation is that the police and community members cooperate with each other, jointly assess the problems in the community, then solve them so as to improve the quality of life of the community. There are three main types of community policing: Strategic Oriented Policing, Neighborhood Oriented Policing and Problem Oriented Policing (Oliver, 2001). Strategic Oriented Policing stressed that the police force should be concentrated on issues targeting, to implement directed patrols and aggressive patrols in a short period of time. The goal of Neighborhood Oriented Policing is to strengthen the links between the police and the community through various ways, so as to make community residents realize that the fight against crime prevention is not just a matter for the police, but a common responsibility of both. Cooperation measures include the establishment of neighborhood committees, the establishment of community policing service rooms, and the popularization of crime prevention knowledge among residents. However, it is mainly the work of the police to stop violations, residents more play a role in providing information and self-obedience, so the huge workload is limited to the realization of Community Policing.

Based on above, problem-oriented policing of community policing is an inevitable trend to improve its feasibility. Although POP is a theory independently put forward by Herman in the 1970s, but POP is the goal form of maximizing the benefit and efficiency of community policing to some extent. The POP mode consists of four steps: Scanning, Analysis, Response and assessment, known as SARA (Oliver, 2001). Firstly, the police need to conduct investigations in the community and confirm the existence of problems, and then combine the data to analyze the types of problems, its advantages and disadvantages, as well as solutions and implementation. Finally, assessing problem whether has been solved, whether there are defects and other details. Because of P.O.P. relies on officer expertise and most relies on law enforcement, the police must undergo strict training before implementation.

It's undeniable no matter what oriented policing for broken windows theory, there always needs a wide range of patrol in order to prevent the crime, which gives rise to the problem of police abuse of power. According to New York Civil Liberties Union report, there were around 100 thousands "stop-and-frisk" made by New York police officers and 82% resulted in no fines or conviction. There are also problems of racial discrimination against ethnic minorities. In order to make Broken Theory move forward, better, it is necessary to increase the transparency of law enforcement departments, constantly update the data of implementation, and select representative and organized communities to cooperate with the police and the public because the stable matching relationship between the police and the people is one of the most important factors of work together. According to the legislation of the discretion owned by the police, it is not only necessary to recognize its legitimacy, but also to ensure that the discretion is implemented within the scope of the law. In this way, community policing can be better applied to broken windows theory.

4.2. Situational Crime Prevention

The proposal of broken windows theory has guiding significance for the prevention and control of crime, and it is also an important supplement to the situational crime prevention (SCP). To be specific, high-incidence crimes can be reduced through change the relevant environment, thus making the potential criminal realize that his or her following behaviors are extremely dangerous and can be arrested. The direct results of this pattern are obvious that both crime rate and potential gain of crime reduced while arrest rate raised (Fattah, 1999). SCP encourages the police changing their perspective from the offender to the crime scenes to analyze the cause of crime. Besides, it also strength the formal and informal social control to the criminal behaviors rather than simply crime prevention. Hence, SCP has outstanding maneuverability and greatly reduce the cost of crime prevention, providing new ideas for crime prevention.

SCP requires the combination of subjectivity and objectivity. In terms of subjectivity, criminologists put forward the viewpoint of "rational choice theory". In the 1960s, American economist Becker and others established the theory of criminal economics. They used the theories and methods of economics to analyze the problem of crime, pointing out that criminal behavior is a kind of rational choice, and some people become criminals because they know more about crime and the monetary reward for legal work. Considering the probability of being discovered and seriousness of punishment once convicted, it can, to some extent, to reduce the crime rate (Witt, 1999). On the basis of criminal economics, (Clarke&Cornish ,1986) put forward the theory of rational choice. They believed that criminals have to think about whether pay is higher than potential earning, thus hesitating or even giving up the idea of committing a crime. In this model, the difficulty and danger of committing criminal behaviors are increased, thus reducing the number of crimes.

SCP is based on the consideration of how the criminal assesses the risk of crime, how to weigh specific gains and losses, and what are the factors that affect their choices. From the objective perspective, it can enable social order to prevent the chances of crime. For example, the following events including the installation of surveillance cameras in public places, the state control of guns and ammunition and some knives, the crackdown on drugs and other measures, improve the difficulty and the cost of crime and achieve the purpose of crime prevention.

In addition, SCP can be supportive to judicial and social prevention, and become an easy-controlled and low-cost means of control crime. To illustrate, judicial prevention and social prevention have their own limitation. Judicial prevention itself cannot work alone to prevent crime. However, the implementation of social prevention project depends on a large of financial support. Besides, social prevention does not include and solve all the potential problems, which will cause may unpredictable side effects. SCP, instead, pays attention to the factors that lead to crime, which is a method to control crime rate without changing the existing social structure and system. Hence, it can be more effective in specific prevention practice.

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