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Why We Need Broken Windows Policing

It has saved countless New York lives—most of them minority—cut the jail population, and reknit the social fabric.



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Recent tragic incidents involving the New York City Police Department (NYPD)—including the summer 2014 death of Eric Garner, who was being arrested on Staten Island, and the autumn 2014 death of Akai Gurley, shot accidentally by a young police officer in a housing project in Brooklyn—have reinvigorated police critics, especially in the context of a broader national discussion about crime and race prompted by events in Ferguson, Missouri. The horrific murders of NYPD officers Wenjian Liu and Rafael Ramos in December, by a man claiming to avenge Garner’s death, have added a deeply tragic counterpoint to this maelstrom of anti-police sentiment. Even as the department mourns its loss, it remains under fire for its adherence to some of the most fundamental principles of American policing.

The NYPD’s critics object, in particular, to the department’s long-standing practice of maintaining order in public spaces. This practice, widely referred to as Broken Windows or quality-of-life or order-maintenance policing, asserts that, in communities contending with high levels of disruption, maintaining order not only improves the quality of life for residents; it also reduces opportunities for more serious crime. Indeed, the Broken Windows metaphor is one of deterioration: a building where a broken window goes unrepaired will soon be subject to far more extensive vandalism—because it sends a message that the building owners (and, by extension, the police) cannot or will not control minor crimes, and thus will be unable to deter more serious ones. A neighborhood where minor offenses go unchallenged soon becomes a breeding ground for more serious criminal activity and, ultimately, for violence.

We are strongly associated with the Broken Windows approach to policing. Together with the late political scientist James Q. Wilson, George Kelling wrote the seminal 1982 article on Broken Windows, published in the *Atlantic*, and has served widely as an advisor to police departments, transit authorities, and other urban entities. William Bratton—as chief of the New York City Transit Police, commissioner of the Boston Police, commissioner of the NYPD, chief of the LAPD, and now again commissioner in New York—has been a leading practitioner of the Broken Windows approach in the nation’s largest mass-transit system and its two largest cities.

Critics have posed a variety of arguments against Broken Windows. Some assert that it is synonymous with the controversial patrol tactic known as “stop, question, and frisk.” Others allege that Broken Windows is discriminatory, used as a tool to target minorities. Some academics claim that Broken Windows has no effect on serious crime and that demographic and economic causes better explain the reductions in crime in New York and across the United States. Still other critics suggest that order-maintenance policing leads to over-incarceration or tries to impose a white middle-class morality on urban populations. It is rare to have the opportunity and space to correct all the misconceptions and misrepresentations embedded in such charges. We will counter them here, one by one.

One confusion should be cleared up at the outset: the policing tactic known as stop, question, and frisk (SQF) is entirely distinct from Broken Windows. An SQF is based on reasonable suspicion that a crime has occurred, is occurring, or is about to occur. An officer observes someone, say, going from car to car looking into the windows. Exercising discretion, the officer decides whether to stop the person for questioning. If he suspects that the subject is armed and dangerous, he may frisk him by conducting a pat-down of his outer clothing. If the officer detects an object that may be a weapon, he may reach into the subject’s pocket.

This tactic has its roots in English common law and was shaped in the United States by the Supreme Court’s 1968 *Terry v. Ohio* decision, which established the “reasonable suspicion” threshold for stopping and questioning, carving out a public-safety and law-enforcement exception to the Fourth Amendment’s requirement for judicial warrants. It recognized that the police officer on the street, faced with possible criminal activity, would be unable to secure a warrant—and therefore be unable to act in time to stop a crime. *Terry* thus held that officers lacking a warrant may make short-term, forcible stops to intervene in what they reasonably suspect to be criminal activity. If these suspicions prove unfounded, the officers must immediately release the people they have stopped. A *Terry* stop is generally interpreted to require a well-founded suspicion, not just a hunch.

The stop, question, and frisk tactic has caused growing dissension in New York City over the past decade, as stops reached a peak of nearly 700,000 per year in 2011. A large percentage of those stopped were minorities, and critics and plaintiffs in federal court proceedings questioned whether all these stops could have been based on reasonable suspicion, especially when only 6 percent resulted in arrests. Largely because of the SQF controversy, both a federal monitor and an inspector general have been appointed for the NYPD, and the department is now subject to the greatest level of continuous outside scrutiny in its history.

As one of the key means to detect and prevent crimes in progress, the *Terry* stop will remain an important tool in street policing, but its heavy use in recent years made it a flash point in police/community relations. *Terry* stops are no longer used as an ad hoc measure of productivity in the NYPD, and they are currently running at a dramatically reduced level—about 45,000 in 2014 (as of November 30)—while yielding a higher arrest rate (15 percent). It remains to be seen if the more than 90 percent reduction in the number of *Terry* stops in the city, combined with heightened oversight and tighter rules about when such stops can be made, will ease public concerns about this type of police intervention on the streets. The huge reduction in police interventions, some observers worry, may have a harmful effect on crime rates. But the NYPD believes that it will be possible, using more targeted stops and other policies, including Broken Windows, to keep the crime rate from rising and even push it lower. And in fact, through the first week of December 2014, crime is down in all but one of the seven major categories, including a 6.9 percent drop in murders and a 14.6 percent decline in robberies.

Unlike SQF, Broken Windows policing is not a tactical response based on reasonable suspicion of possible criminality. Rather, it is a more broadly based policy mandating that police will address disorderly illegal behavior, such as public drinking and drug use, fights, public urination, and other acts considered to be minor offenses, with responses ranging from warning and referral to summons and arrest. Most often in these cases, police have witnessed the crime in question and are acting on probable cause, the constitutional grounds for summons and arrest—a far greater level of police intervention than a *Terry* stop.

Our experience suggests that, whatever the critics might say, the majority of New Yorkers, including minorities, approve of such police order-maintenance activities. After all, most of these activities come in response to residents' demands, which are made to patrolling officers directly, to precinct operators by telephone, to precinct commanders at community meetings, and via the 311 and 911 call centers. Contrary to conventional wisdom, citizens almost invariably are more concerned about disorderly behavior than about major crimes, which they experience far less frequently. We have attended countless meetings with citizen groups in high-crime areas, and, almost without exception, disorderly behavior and conditions are the central concerns. As recently mapped by the NYPD, 311 and 911 complaints about quality-of-life conditions and lesser crimes correlated almost exactly with neighborhoods in northern Brooklyn and the central Bronx, where many Broken Windows arrests are made. Conversely, some large minority communities in southern Queens and the eastern Bronx make far fewer complaints—and the police make far fewer arrests for Broken Windows offenses in those areas.

In August 2014, in the wake of Eric Garner's death after an arrest for a quality-of-life offense on Staten Island, Quinnipiac University conducted a poll gauging the views of New York City residents toward the police and Broken Windows enforcement. The poll found that the overall approval rating of the NYPD had fallen by nine percentage points, to 50 percent, because of concerns about Garner's death and police use of force. A full 90 percent of African-American respondents and 71 percent of Hispanic respondents agreed that there was "no excuse" for how police had acted in the Garner incident. However, even in this highly charged context, support for Broken Windows remained high. African-Americans supported it by 56 to 37 percent, whites by 61 to 33 percent, and Hispanics by the largest margin of all—64 to 34 percent. The poll results reflect the underlying public support from all races for this kind of enforcement.

The advocates who say otherwise obviously have never been to a police/community meeting in a poorer, mostly minority neighborhood. Sadly, criminal behavior, disorderly behavior, and, most important, victimization are highly correlated with both poverty and race in modern America. African-Americans and Hispanics made up just 53 percent of the population in New York City in 2013 but 83 percent of its murder victims, 74 percent of its rape victims, 61 percent of its robbery victims, and 71 percent of its assault victims. New York is a vastly safer place than it was 20 years ago; but for some minority neighborhoods, the change has not been as decisive or complete. Those residents still live with danger as a daily reality. Complaints about

disorderly conditions also come disproportionately from neighborhoods that are predominantly African-American and Hispanic.

A small portion of the minority population drives the street crime and disorder in these neighborhoods, victimizing entire communities. In 2013, for example, 92 percent of murder suspects in New York were African-American or Hispanic, as were 97 percent of identified suspects in shooting incidents. One hundred years ago, the perpetrators might have been Irish, Italian, German, and Jewish, but the underlying social conditions and the patterns of crime and disorder would have been similar.

With modern, data-driven policing—exemplified by Compstat, which uses exhaustive crime data and mapping to identify crime trends and hold precinct commanders accountable for their areas—these patterns, not some determination to target minorities, determine law enforcement’s response. That is, when the NYPD analyzes and maps crime and disorder in the city, and then develops its crime-prevention plans and allocates resources to specific neighborhoods, the effort will necessarily target high-crime areas, and those tend to have a preponderance of African-Americans and Hispanics and are usually the poorest neighborhoods in the city. In neighborhoods without high levels of victimization, crime, and disorder, residents maintain order through informal mechanisms and support networks and don’t need to call 311 or 911 regularly for assistance; in these areas, police presence is far less intrusive.

Ample evidence makes clear that Broken Windows policing leads to less crime. The academics who attribute crime drops to economic or demographic factors often work with macro data sets and draw unsubstantiated, far-fetched conclusions about street-level police work, which most have scarcely witnessed. These ivory-tower studies, frequently treated with reverence by the media, don’t prove what they purport to prove, and they fail to grasp how crime is managed in dense, urban settings.

New York City’s experience has suggestively demonstrated the success of Broken Windows over the last 20 years. In 1993, the city’s murder rate was 26.5 per 100,000 people. Starting in 1994, with the election of Rudy Giuliani as mayor and the appointment of Bratton as police commissioner, Broken Windows policing was put into practice citywide (it had been implemented in the subway in 1990)—and crime fell further, faster, and for longer than anywhere else in the country. Today, by far the largest and densest city in the United States has a lower murder rate, at four per 100,000, than the nation as a whole, at 4.5 per 100,000. In 1993, New York accounted for about 7.9 percent of the nation’s homicides; last year, the city’s share was just 2.4 percent. While the national murder rate per 100,000 people has been cut in half since 1994, the rate in New York has declined by more than six times. And those striking figures are emblematic of a broader accomplishment in a city that has seen huge, historic declines in every one of the seven major crime categories.

Broken Windows–style policing was pivotal in achieving these results. Left unchecked, street corners can degenerate into criminogenic environments. The bullies take over. They drink alcohol and take drugs openly, make excessive noise, intimidate and shake down honest citizens, engage in scams and criminal enterprises—and, worst of all, fight with one another, often with firearms. Conditions like these drove up shootings in New York City to 5,269 per year in 1993. To counter the violence, the NYPD undertook a concerted effort, beginning in 1994, to regain control of street corners and commercial strips, using quality-of-life policing as an essential tool. By cracking down on low-level offenders, the police not only made neighborhoods more orderly; they discovered that many misdemeanor offenders were also wanted for serious crimes, from illegal gun possession to murder. In the next four years, annual shootings fell by nearly 3,300 incidents—or about two fewer shootings per day. This helped reduce the numbers of murders, too, with New York experiencing the four largest drops in homicide in the city’s history, including spectacular declines of 369 incidents in 1994 and 401 incidents in 1995, cutting murders by more than one a day in each of those years.

Current crime levels don’t stay down by themselves because of some vaguely defined demographic or economic factor. Crime is actively managed in New York City every day. The Compstat process and the NYPD command-accountability system focus precinct commanders and investigators on crime spikes and direct attention and resources to suppressing shootings, robberies, burglaries, larcenies, and auto thefts as soon as the patterns appear. Just as important, NYPD patrol officers manage street conditions daily, with police presence and quality-of-life enforcement, to keep crime-fostering conditions from taking hold. The police department continually seeks to reduce the opportunities for crime. The shooting doesn’t happen, the robbery doesn’t happen, the burglary doesn’t happen because the police have prevented them.

Until recently, Broken Windows critics could dismiss New York's success in fighting crime as anecdotal, suggesting correlation without causation. But in recent years, at least three randomized experiments, published in refereed journals, attest to Broken Windows' impact on crime. Rutgers criminologist Anthony Braga and his colleagues conducted two field experiments: the first in Jersey City, New Jersey; and the second in Lowell, Massachusetts. In each case, multiple high-crime areas of the city were identified and randomly assigned to experimental and control conditions. Police in the control areas continued routine policing. In the experimental areas, police took a problem-solving approach that, in both cities, involved aggressive order maintenance. Crime declined in the experimental areas at greater rates than in the control areas and was not displaced to adjacent neighborhoods.

In the Netherlands, experimenters took a different approach. Their findings support the central social insight of the Broken Windows theory: that disorder breeds crime. University of Groningen social scientist Kees Keizer and his colleagues conducted six field experiments in which they artificially created opportunities for crime in both orderly and disorderly environments. In one case, they placed an envelope containing visible cash so that it was hanging out of a postbox. The baseline condition was a clean postbox; the experimental condition was a postbox covered with graffiti and surrounded by litter. In the baseline condition, 13 percent of those who passed the postbox stole the money. In the experimental condition, 27 percent stole the money. The other five experiments had similar outcomes.

Another charge against Broken Windows is that it results in over-incarceration, especially of the poor and minorities. But the opposite has proved true. Because of the crime turnaround in New York, felony arrests in the city are down by about 60,000 per year from 1990 levels. Imprisonment in New York State penitentiaries has declined by 25 percent since 2000, driven by a 69 percent decline in the number of New York City court commitments. Likewise, the Gotham jail population has declined 45 percent since 1992. These trends all stand in distinct contrast to the growth of prison populations in many other areas of the country.

Young men may be receiving summonses and desk-appearance tickets for quality-of-life misdemeanors, but early and swift intervention has likely kept some of them from more serious criminal behavior that would result in lengthy incarceration. In any case, far fewer go to jail and prison. In their 2012 Vera Institute study, "How New York City Reduced Mass Incarceration," James Austin and Michael Jacobson acknowledge that "reducing mass incarceration in New York might be worth more misdemeanor arrests."

Apart from the deterrent effect that minor arrests may have on individual offenders, the management of public spaces to reduce disorderly behavior also lessens daily opportunities for crime. Just as disorder encourages crime, order breeds more order. As bullies and shooters get driven off street corners and the risks of being killed or terrorized diminish, the law-abiding community reemerges and starts to exert the kind of informal social control common to more prosperous neighborhoods. In these transformed public spaces, people—especially young people—are subject to more restraint and are less likely to wind up in jail. It's important to note, too, that quality-of-life arrests represent only a portion of the overall total of misdemeanor arrests in the city. About 35 percent of misdemeanor arrests in New York City are for assault and larceny—crimes that most people would not consider minor. Traffic offenses account for 16 percent. Another 12 percent are for theft of service in the subway (fare jumping) and frauds involving MetroCards. Steady increases in these categories have been primary factors behind rising misdemeanor arrests in recent years. Taken together, traffic-related offenses, fare jumping, and crimes against persons, including domestic violence and theft of smartphones and other electronic equipment, account for 63 percent of all misdemeanor arrests in New York City. Broken Windows critics tend to overlook the fact that fewer than 10 percent of misdemeanor arrestees, of any type, are actually sentenced to jail time in New York City, and few of those for Broken Windows offenses.

The numbers also dispute the commonplace assertion that Broken Windows arrests lead to abusive use of police force, heightening the risk that minor offenders (like Eric Garner) might be killed. Force is rarely used during New York City arrests. In the 141,836 misdemeanor arrests made in the first half of 2014, police used force 2,481 times, or 1.7 percent of the total. In misdemeanor arrests for violations of minor local laws, force was used just 21 times, or 0.6 percent of the total. In the 321 misdemeanor arrests for untaxed cigarettes in the first half of 2014, force was used zero times. Force was also reported in only 0.3 percent of narcotics and marijuana arrests. These figures highlight how anomalous the use of force was in the Garner case.

Some misdemeanor arrests are unnecessary and of limited utility. The NYPD recently drew that conclusion about a specific category of marijuana arrests—for possession of small amounts of the drug in plain view. The

NYPD—working in collaboration with Mayor de Blasio’s office, the courts, and the city’s five district attorneys—determined that the order-maintenance value of these arrests was low, while the cost in police time and resources and community concern was high. As a result, going forward, police will be summoning offenders for this violation rather than arresting them. Because of earlier policy changes, marijuana arrests were already down 34 percent from 2012 levels; the new policy should drive them down further.

Other categories may exist where a summons could prove just as effective a deterrent as an arrest, and in police work, cases always exist where a warning may be just as effective as either. The NYPD continues to explore alternatives to arrest and to search for ways to achieve order-maintenance goals by the least intrusive and punitive means possible. These include Mayor de Blasio’s initiative to explore the possibility of mail-in fines for certain summonses, comparable with a traffic ticket. Overall, misdemeanor arrests have already fallen more than 9.2 percent from their peak in 2010. We expect the drop to continue as more alternatives to arrest are developed and put into place.

Critics use the term “zero tolerance” in a pejorative sense to suggest that Broken Windows policing is a form of zealotry—the imposition of rigid, moralistic standards of behavior on diverse populations. It is not. Broken Windows is a highly discretionary police activity that requires careful training, guidelines, and supervision, as well as an ongoing dialogue with neighborhoods and communities to ensure that it is properly conducted. Broken Windows has never sought to impose inflexible standards; this is, after all, New York City.

But the notion that different racial groups have different standards about what constitutes unacceptable disorder is a gross distortion. Our experience working with community groups corresponds with the research of Northwestern University’s Wesley Skogan, as reported in his book *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*. In a survey of 13,000 residents of 40 neighborhoods in six large cities, Skogan found not only a direct link between disorder and serious crime but also a broad consensus in communities—regardless of race, ethnicity, or class—about what constituted disorderly conditions and behavior. Topping the list were drunken and loitering youth, street harassment and panhandling, street prostitution, abandoned houses, graffiti, and other behaviors and conditions (which can include drug dealing, excessive noise, and reckless driving). Far from being a divisive issue, concern about disorder brings people with different backgrounds together. They know what disorderly behavior and conditions are, and they want something done about them.

The belief that disorder produces merely “victimless” crimes is also largely illusory. While no specific victim may exist in many cases, most quality-of-life crimes hurt communities and neighborhoods as a whole, taking a serious toll on neighborhood life and changing the way people feel about their homes, their safety, and their general well-being. Disorder doesn’t take people’s money, but it does rob their peace of mind. As Robert Peel argued more than 150 years ago, it is the job of police to help communities establish and maintain order so that people can live free from intimidation.

Even fare evasion, frequently cited as the prototypical “victimless crime,” is anything but. The New York City subway system is a hugely subsidized enterprise, and it needs every penny in fare revenues that it can raise. In aggregate, the minor crimes of stealing \$2.50 at the turnstile add up to a colossal theft. Further, the NYPD does not arrest the casual fare evader who jumps the turnstile once. Three of every four fare evaders are issued summonses. Only recidivists, including chronic fare evaders, wind up arrested.

People younger than 30 and those who have come to New York in the last 15 years have no memories of the “bad old days” here. We suspect that some of the activists, reporters, and academics opposing Broken Windows fit these descriptions. We’re reminded of Daniel Patrick Moynihan’s classic 1993 *American Scholar* article, “Defining Deviancy Down.” In the early 1990s, New Yorkers had a much different idea of normal social conditions from what they have today. “Normal” was removing your car radio and posting a sign in the window reading “No Radio” to discourage a break-in. Normal was subway patrons clustering together to protect themselves against predators. Normal was getting your windshield spat on and wiped with a dirty rag, or being “helped” by having your bags grabbed at Penn Station and then being forced to “tip.” Normal was Bryant Park closed and fenced off. And normal was 2,000 murders, 100,000 robberies, and 130,000 auto thefts, and the ever-present sense of danger.

New York City is a much different place today. Crime has been plummeting for two decades. The rate of crime decline has slowed in the past five years—as it would have to, after years of huge reductions—with some small upticks, but the general trend continues downward. Tourism is booming. Public spaces are safe. Property

values have escalated. It's a good place to live and work. Lawlessness no longer characterizes the subway system. These conditions didn't just happen. They resulted from thousands of police interventions on the street, which restored order and civility across the five boroughs.

It has become clear over the past 20 years, however, that many of the challenges to public order confronting cities and communities cannot be solved by simple police action. We as a society cannot police or arrest our way out of these problems; police need partners to help solve or manage complex social issues. A vision of collaborative community policing is emerging, in which police work closely with local communities, social-services providers, business-improvement districts, district attorneys' offices, and other government entities to control crime and disorder.

A current example is the NYPD's work—together with the Metropolitan Transportation Authority, the New York City Department of Homeless Services, and the Bowery Residence Committee—to help homeless substance abusers and the emotionally disturbed who sleep in public spaces, especially the subway. Teams of police officers in the NYPD Homeless Outreach Unit patrol together with social workers from the Bowery Residence Committee. They offer services including safe-haven beds, mental health counseling, and medical care. Homeless arrests are already down 16 percent in the subway and 22 percent citywide. All this takes place in the broader context of Mayor de Blasio's push to change the way the criminal-justice system deals with people with mental health and substance-abuse problems. The mayor is allocating \$130 million to diversion, pretrial, and treatment programs over the next four years, with the goal of reducing the incarceration of people better served by various treatment and out-of-jail management options.

Going forward, the police must strengthen their relationships with citizens, civic organizations, and communities. This cannot be just a matter of testimonials or slogans from NYPD leaders. The approach must be embedded in every contact that officers have with the public. The department is placing particular emphasis on field training for recent police academy graduates. Working with veteran officers and with representatives from local neighborhoods, young officers will learn how to engage fully and respectfully with community members. Crime prevention and order maintenance must be balanced by an equally important function: protecting and observing the rights of citizens.

In counterpoint to the responsibilities of police are the civic responsibilities of citizens, on whom democracy places heavy demands. Democratic citizens are expected to govern themselves, and they share with police the responsibility to prevent crime and maintain order. They can do this by working through institutions such as schools and places of worship, by cultivating neighborhood awareness, and by reporting crimes. When citizens encounter police officers, they are obliged to respond civilly and with respect, even in situations in which arrest may follow.

All this requires trustworthy and respectful police, of course, but the starting point for police/citizen interactions is *mutual* civility. Working together, we can keep the peace respectfully and lawfully.

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