

Don't Blame My 'Broken Windows' Theory For Poor Policing

The co-author of an influential approach to police tactics argues it's been misunderstood.

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A lot of sins have been committed in the name of “broken windows.” That is the name the late criminologist James Q. Wilson and I gave to a new theory of policing more than 30 years ago—it was the title of an essay we published in in the *Atlantic* in 1982—in which we argued that small things matter in a community and, if nothing is done about them, they can lead to worse things. We expressed this in a metaphor: Just as a broken window left untended in a building is a sign that nobody cares, leading typically to more broken windows—more damage—so disorderly conditions and behaviors left untended in a community are signs that nobody cares and lead to fear of crime, more serious crime, and urban decay.

Today, with the highly publicized deaths of a number of African-Americans at the hands of white police officers over the past year, so-called broken-windows policing has come under attack by activists and academics alike. Such police acts as stopping Michael Brown for jaywalking in Ferguson, Mo., and confronting Eric Garner for selling loose cigarettes in New York, are said to be examples of broken-windows policing run amok. Some have argued that this approach to policing might have been appropriate in the days of high crime during the 1970s and 1980s, but is no longer relevant since crime rates have declined. Others claim that broken windows is responsible for the high rate of incarceration. Others yet say that broken windows does not prevent crime.

Despite these and other criticisms, the demand for order remains high in minority and poor communities. And I would argue that our theory has been largely misunderstood. First of all, *broken windows was never intended to be a high-arrest program*. Although it has been practiced as such in many cities, neither Wilson nor I ever conceived of it in those terms. Broken-windows policing is a highly discretionary set of activities that seeks the least intrusive means of solving a problem—whether that problem is street prostitution, drug dealing in a park, graffiti, abandoned buildings, or actions such as public drunkenness. Moreover, depending on the problem, good broken windows policing seeks partners to address it: social workers, city code enforcers, business improvement district staff, teachers, medical personnel, clergy, and others. The goal is to reduce the level of disorder in public spaces so that citizens feel safe, are able to use them, and businesses thrive. Arrest of an offender is supposed to be a last resort—not the first.

Some background, perhaps, will help clarify these issues. When Wilson and I agreed in late 1981 to co-author an article in the *Atlantic*, we knew then that it would stir up controversy. Wilson, a conservative political scientist, had already aroused hostility from the largely liberal criminological establishment with his 1975 book, *Thinking About Crime*, which challenged the criminological truism that crime could only be prevented by dealing with its “root causes.” I had attracted negative responses as well from the police establishment in 1974 when colleagues and I published the *Kansas City Preventive Patrol Experiment*, which largely invalidated the accepted and entrenched police tactic of random patrol of city streets by police in cars. More than this, each of us was familiar with the dismal history of police and African Americans in the United States—of police complicity in the maintenance of slavery, the Black Codes, Jim Crow in the South, and *de facto* segregation in the North. Given the subject of our article, the Black Codes—vague loitering and vagrancy laws passed in the South immediately after the Civil War—

were of special concern for us. Under these laws police arrested African Americans for minor offenses and, when they could not pay the fines, courts committed them to involuntary labor on farms—in a sense, extending slavery for many into the 20th century.

Against this backdrop, Wilson and I were arguing for something else: simply doing a better job of maintaining order. In some respects what we wrote was nothing new: maintaining order is an ancient police function. Yet by this time American police had backed away from order maintenance in the name of concentrating on “serious” crimes. Wilson and I urged police to reconsider.

I cannot speak for Jim, who died in 2012 at the age of 80, but my own views about the importance of maintaining order grew out of my research on police foot patrol and meeting with African American citizens in tough areas of cities like Newark, Boston, NYC, Chicago, and others. Starting in the early 1970s, in churches, social centers, living rooms, and walking the streets, I listened to citizens talk about their problems and demand action. If you asked them to list their five greatest concerns, at least three, but more likely four, would be “minor problems:” graffiti, youths drinking in parks, “homeless” peeing on their stoops, prostitutes attempting to hustle fathers in front of their children, “johns” hustling their teen age daughters, abandoned homes, unkempt properties, and so on. These complaints came not from white suburban or middle class areas, but from poor residents, usually minorities, in the heart of inner cities.

Why then has broken windows policing re-emerged as the target not only of academics but activists during the second decade of the 21st century? In part, police themselves have not always applied a broken-windows approach in a manner in which it is most effective as a crime prevention and control technique, while compatible with and responsive to community goals and desires. Both are crucial to good broken-windows policing—which by its nature depends upon the exercise of seasoned discretion and wise judgment by trained police officers familiar with and sensitive to the local community. At the same time, many critics of order maintenance by police fail to understand either the fundamental theory behind its use, or actual positive outcomes that have been documented in its application in numerous cities across the country—outcomes that make it a police tactic worth pursuing.

Three specific reasons underlie current attacks on the approach and help explain the fervor of critics. First, the large number of unarmed African-American men killed in interactions with police as well as the high rate of imprisonment of African-American men in American society generally are, sadly, all too evident. They point to problems within criminal justice agencies that clearly merit serious attention and the need for change. Understandably, individual incidents such as the Garner case in New York City (Garner was selling individual cigarettes brought illegally into New York State to avoid state taxes, and died as the result of what appeared to be a choke-hold while resisting arrest) seem to invite critics who point to what they see as the overreach of a broken-windows approach.

But attributing high arrest and incarceration rates of African-Americans and other minorities to the application of broken windows policing ignores two fundamental elements of the approach as it was conceived originally. Not only was broken windows not meant to result in high arrests, such tactics in practice have not actually resulted in mass incarceration. First, nobody goes to prison for the minor offenses about which broken windows is concerned (though, like Garner, they may occasionally suffer from tragic mistakes). Second, few people go to jail for broken-windows offenses. Depending on the offense, they may be fined or, if more serious, spend a couple of nights in jail, but even then incarceration for minor offenses is rare. A powerful study of incarceration by the Vera Institute of New York available on the internet, “How New York City Reduced Mass Incarceration: A Model for Change” (2013), notes “leading criminologists James Austin and Michael Jacobson ... conclude that

New York City's 'broken windows' policy did something unexpected: It reduced the entire correctional population of the state."

A second reason for the intense focus upon broken-windows policing is that many confuse it with the use of stop, question, and frisk policies, especially in New York City. Stop, question, and frisk is a traditional police response used when police observe what they consider to be suspicious behavior: e.g., someone going from car to car looking into windows. Broken windows policing, on the other hand, focuses on illegal behavior, for example public drinking. Police across the country have utilized stop, question and frisk practices as part of violence prevention and reduction programs. Arguably, they have proven successful in reducing gun violence. The public concern in New York City has been about the overuse and aggressiveness of this tactic, especially in minority neighborhoods.

Moreover, many opponents of broken-windows policing have adopted the unfounded views of a number of academics who continue to argue that there is no evidence that it has an impact on crime. In fact those academics are guilty of either ignorance of the literature or willful deceit. While the literature has been mixed, the preponderance of studies has found that broken windows policing has a significant impact on street crime. The two most rigorous tests of broken-windows policing on crime have been the formal randomized experiments conducted by Anthony Braga and his colleagues in Jersey City, NJ and Lowell, MA. In each case, crime declined in the experimental areas when compared to control neighborhoods. Likewise, Braga and his colleagues Brandon Welsh and Cory Schnell concluded in their recent paper (2015) "Can Policing Disorder Reduce Crime? A Systematic Review and Meta-analysis" that "The results... suggest that disorder policing strategies generate noteworthy crime control gains." (A meta-analysis is a statistical method of combining studies to determine what patterns exist in their findings. The paper can be found in the July 2015 special edition of Journal of Research in Crime and Delinquency)

Third and finally, if the benefits of stop, question, frisk and broken-windows policing activities are to be reaped for the benefit of a community in lowered crime and safer streets, police must have the strong support of that community. Yet too many police departments across the country have adopted order-maintenance policies and tactics that are not firmly grounded within a community-policing strategy.

Police are in neighborhoods to assist citizens in maintaining order, not impose it. Police must be alert continuously to the sensitive nature of broken-windows policing, keeping in mind the Black Codes and the historic and contemporary abuse, especially of African Americans, that long infected policing. The parents of many youthful African Americans remember Jim Crow, and the grandparents and great-grandparents remember the Black Codes or stories about them. Police will only become legitimate in their eyes through their own respectful and non-biased behavior.

However, an aspect often ignored in the police community relationship is the responsibility of citizens themselves in the police-community relationship: Citizens must accept their own crucial role in addressing public safety issues within their neighborhoods, educate their children, work with police, and demand accountable political and police leadership. It is axiomatic that in a democracy citizens must govern themselves; if they govern themselves, they must also police themselves.

The mistakes made in the implementation of broken windows are no excuse for abandoning the theory, nor dismissing the crime-reduction outcomes evident in many cities where it has been applied well. It is a powerful tool that, like other powerful tools, can be misused. And if taken out of community policing it risks morphing into oppression.