

THE Atlantic

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The police and neighborhood safety

BROKEN WINDOWS

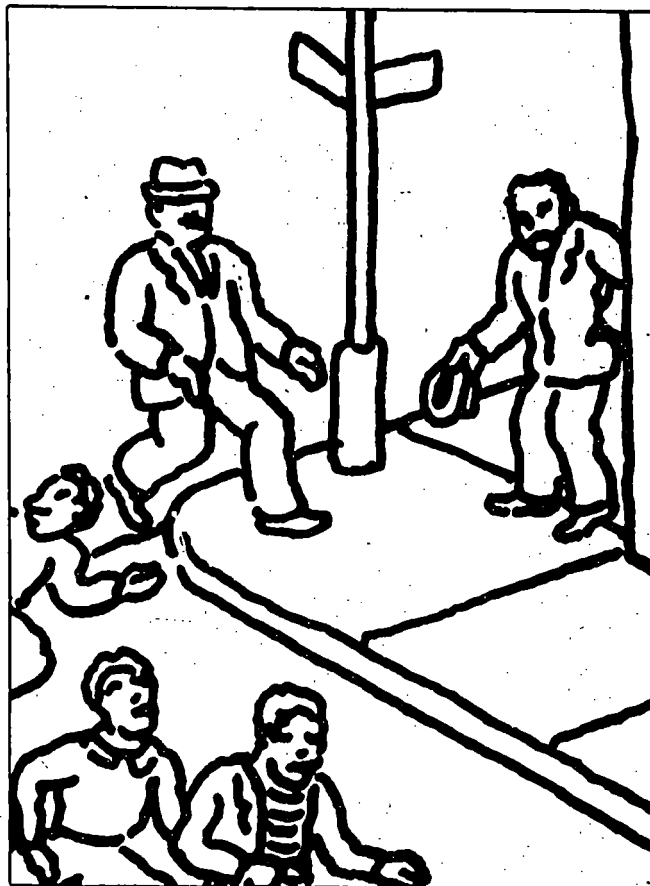
BY JAMES Q. WILSON AND GEORGE L. KELLING

IN THE MID-1970S, THE STATE OF NEW JERSEY ANNOUNCED a "Safe and Clean Neighborhoods Program," designed to improve the quality of community life in twenty-eight cities. As part of that program, the state provided money to help cities take police officers out of their patrol cars and assign them to walking beats. The governor and other state officials were enthusiastic about using foot patrol as a way of cutting crime, but many police chiefs were skeptical. Foot patrol, in their eyes, had been pretty much discredited. It reduced the mobility of the police, who thus had difficulty responding to citizen calls for service, and it weakened headquarters control over patrol officers.

Many police officers also disliked foot patrol, but for different reasons: it was hard work, it kept them outside on cold, rainy nights, and it reduced their chances for making a "good pinch." In some departments, assigning officers to foot patrol had been used as a form of punishment. And academic experts on policing doubted that foot patrol would have any impact on crime rates; it was, in the opinion of most, little more than a sop to public opinion. But since the state was paying for it, the local authorities were willing to go along.

Five years after the program started, the Police Foundation, in Washington, D.C., published an evaluation of the foot-patrol project. Based on its analysis of a carefully controlled experiment carried out chiefly in Newark, the foundation concluded, to the surprise of hardly anyone, that foot patrol had not reduced crime rates. But residents of the foot-patrolled neighborhoods seemed to feel more secure than persons in other areas, tended to believe that crime had been reduced, and seemed to take fewer steps to protect themselves from crime (staying at home with the doors locked, for example). Moreover, citizens in the foot-patrol areas had a more favorable opinion of the police than did those living elsewhere. And officers walking beats had higher morale, greater job satisfaction, and a more favorable attitude toward citizens in their neighborhoods than did officers assigned to patrol cars.

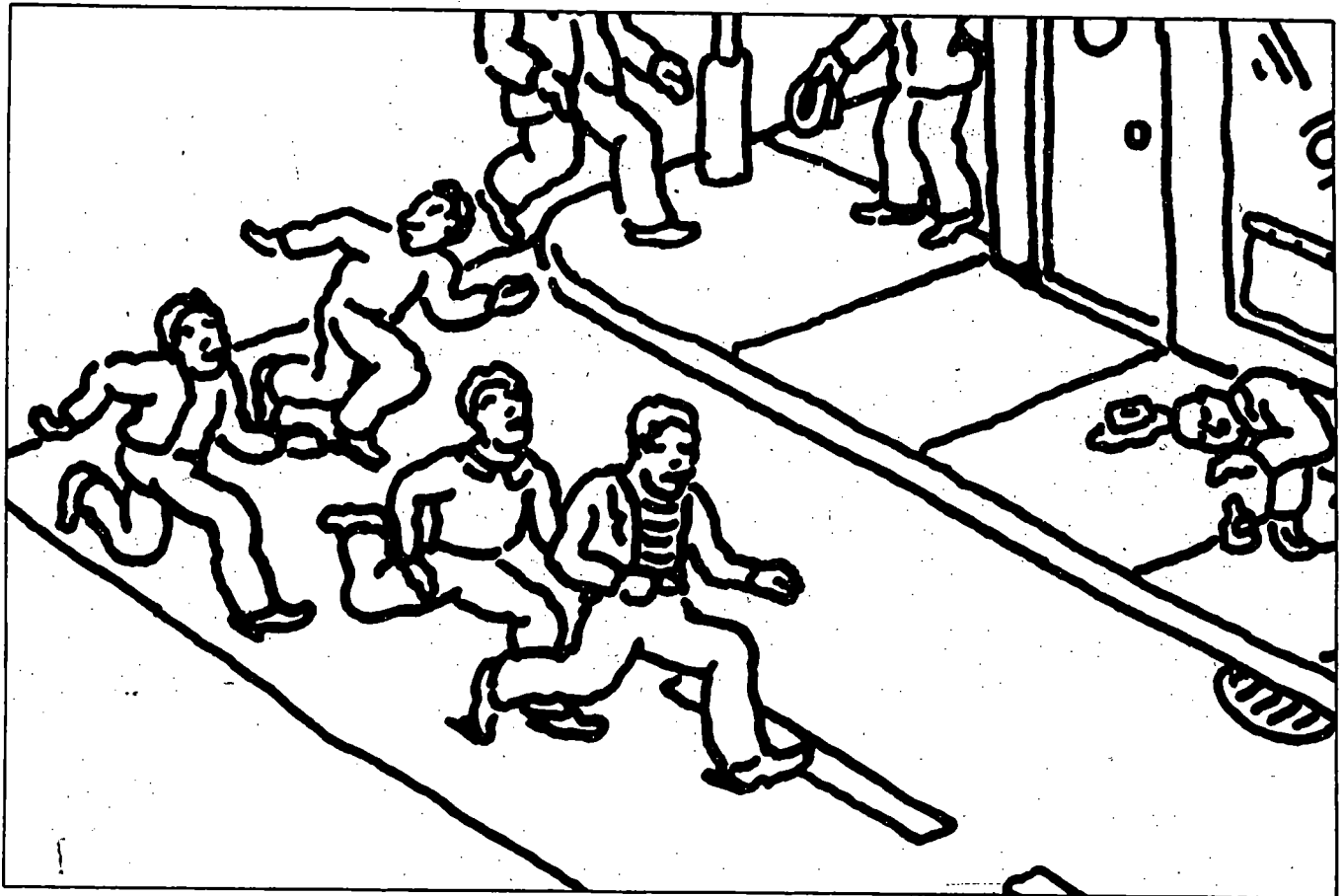
These findings may be taken as evidence that the skept-



tics were right—foot patrol has no effect on crime; it merely fools the citizens into thinking that they are safer. But in our view, and in the view of the authors of the Police Foundation study (of whom Kelling was one), the citizens of Newark were not fooled at all. They knew what the foot-patrol officers were doing, they knew it was different from what motorized officers do, and they knew that having officers walk beats did in fact make their neighborhoods safer.

But how can a neighborhood be "safer" when the crime rate has not gone down—in fact, may have gone up? Finding the answer requires first that we understand what most often frightens people in public places. Many citizens, of course, are primarily frightened by crime, especially crime involving a sudden, violent attack by a stranger. This risk is very real, in Newark as in many large cities. But we tend to overlook or forget another source of fear—

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the fear of being bothered by disorderly people. Not violent people, nor, necessarily, criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed.

What foot-patrol officers did was to elevate, to the extent they could, the level of public order in these neighborhoods. Though the neighborhoods were predominantly black and the foot patrolmen were mostly white, this "order-maintenance" function of the police was performed to the general satisfaction of both parties.

One of us (Kelling) spent many hours walking with Newark foot-patrol officers to see how they defined "order" and what they did to maintain it. One beat was typical: a busy but dilapidated area in the heart of Newark, with many abandoned buildings, marginal shops (several of which prominently displayed knives and straight-edged razors in their windows), one large department store, and, most important, a train station and several major bus stops. Though the area was run-down, its streets were filled with people, because it was a major transportation center. The good order of this area was important not only to those who lived and worked there but also to many others, who had to move through it on their way home, to supermarkets, or to factories.

The people on the street were primarily black; the officer who walked the street was white. The people were

made up of "regulars" and "strangers." Regulars included both "decent folk" and some drunks and derelicts who were always there but who "knew their place." Strangers were, well, strangers, and viewed suspiciously, sometimes apprehensively. The officer—call him Kelly—knew who the regulars were, and they knew him. As he saw his job, he was to keep an eye on strangers, and make certain that the disreputable regulars observed some informal but widely understood rules. Drunks and addicts could sit on the stoops, but could not lie down. People could drink on side streets, but not at the main intersection. Bottles had to be in paper bags. Talking to, bothering, or begging from people waiting at the bus stop was strictly forbidden. If a dispute erupted between a businessman and a customer, the businessman was assumed to be right, especially if the customer was a stranger. If a stranger loitered, Kelly would ask him if he had any means of support and what his business was; if he gave unsatisfactory answers, he was sent on his way. Persons who broke the informal rules, especially those who bothered people waiting at bus stops, were arrested for vagrancy. Noisy teenagers were told to keep quiet.

These rules were defined and enforced in collaboration with the "regulars" on the street. Another neighborhood might have different rules, but these, everybody understood, were the rules for *this* neighborhood. If someone violated them, the regulars not only turned to Kelly for

help but also ridiculed the violator. Sometimes what Kelly did could be described as "enforcing the law," but just as often it involved taking informal or extralegal steps to help protect what the neighborhood had decided was the appropriate level of public order. Some of the things he did probably would not withstand a legal challenge.

A determined skeptic might acknowledge that a skilled foot-patrol officer can maintain order but still insist that this sort of "order" has little to do with the real sources of community fear—that is, with violent crime. To a degree, that is true. But two things must be borne in mind. First, outside observers should not assume that they know how much of the anxiety now endemic in many big-city neighborhoods stems from a fear of "real" crime and how much from a sense that the street is disorderly, a source of distasteful, worrisome encounters. The people of Newark, to judge from their behavior and their remarks to interviewers, apparently assign a high value to public order, and feel relieved and reassured when the police help them maintain that order.

SECOND, AT THE COMMUNITY LEVEL, DISORDER AND crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in run-down ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. (It has always been fun.)

Philip Zimbardo, a Stanford psychologist, reported in 1969 on some experiments testing the broken-window theory. He arranged to have an automobile without license plates parked with its hood up on a street in the Bronx and a comparable automobile on a street in Palo Alto, California. The car in the Bronx was attacked by "vandals" within ten minutes of its "abandonment." The first to arrive were a family—father, mother, and young son—who removed the radiator and battery. Within twenty-four hours, virtually everything of value had been removed. Then random destruction began—windows were smashed, parts torn off, upholstery ripped. Children began to use the car as a playground. Most of the adult "vandals" were well-dressed, apparently clean-cut whites. The car in Palo Alto sat untouched for more than a week. Then Zimbardo smashed part of it with a sledgehammer. Soon, passersby were joining in. Within a few hours, the car had been turned upside down and utterly destroyed. Again, the "vandals" appeared to be primarily respectable whites.

Untended property becomes fair game for people out for fun or plunder, and even for people who ordinarily would not dream of doing such things and who probably consider

themselves law-abiding. Because of the nature of community life in the Bronx—its anonymity, the frequency with which cars are abandoned and things are stolen or broken, the past experience of "no one caring"—vandalism begins much more quickly than it does in staid Palo Alto, where people have come to believe that private possessions are cared for, and that mischievous behavior is costly. But vandalism can occur anywhere once communal barriers—the sense of mutual regard and the obligations of civility—are lowered by actions that seem to signal that "no one cares."

We suggest that "untended" behavior also leads to the breakdown of community controls. A stable neighborhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable



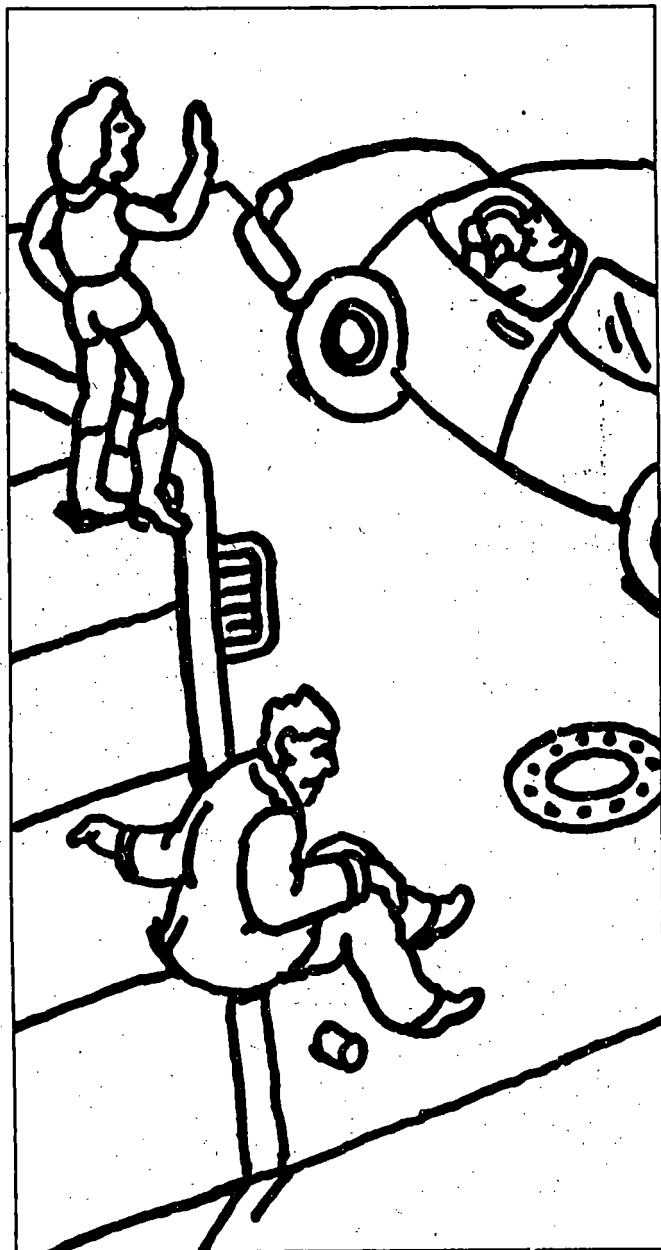


table and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers.

At this point it is not inevitable that serious crime will flourish or violent attacks on strangers will occur. But many residents will think that crime, especially violent crime, is on the rise, and they will modify their behavior accordingly. They will use the streets less often, and when on the streets will stay apart from their fellows, moving

with averted eyes, silent lips, and hurried steps. "Don't get involved." For some residents, this growing atomization will matter little, because the neighborhood is not their "home" but "the place where they live." Their interests are elsewhere; they are cosmopolitans. But it will matter greatly to other people, whose lives derive meaning and satisfaction from local attachments rather than worldly involvement: for them, the neighborhood will cease to exist except for a few reliable friends whom they arrange to meet.

Such an area is vulnerable to criminal invasion. Though it is not inevitable, it is more likely that here, rather than in places where people are confident they can regulate public behavior by informal controls, drugs will change hands, prostitutes will solicit, and cars will be stripped. That the drunks will be robbed by boys who do it as a lark, and the prostitutes' customers will be robbed by men who do it purposefully and perhaps violently. That muggings will occur.

Among those who often find it difficult to move away from this are the elderly. Surveys of citizens suggest that the elderly are much less likely to be the victims of crime than younger persons, and some have inferred from this that the well-known fear of crime voiced by the elderly is an exaggeration: perhaps we ought not to design special programs to protect older persons; perhaps we should even try to talk them out of their mistaken fears. This argument misses the point. The prospect of a confrontation with an obstreperous teenager or a drunken panhandler can be as fear-inducing for defenseless persons as the prospect of meeting an actual robber; indeed, to a defenseless person, the two kinds of confrontation are often indistinguishable. Moreover, the lower rate at which the elderly are victimized is a measure of the steps they have already taken—chiefly, staying behind locked doors—to minimize the risks they face. Young men are more frequently attacked than older women, not because they are easier or more lucrative targets but because they are on the streets more.

Nor is the connection between disorderliness and fear made only by the elderly. Susan Estrich, of the Harvard Law School, has recently gathered together a number of surveys on the sources of public fear. One, done in Portland, Oregon, indicated that three fourths of the adults interviewed cross to the other side of a street when they see a gang of teenagers; another survey, in Baltimore, discovered that nearly half would cross the street to avoid even a single strange youth. When an interviewer asked people in a housing project where the most dangerous spot was, they mentioned a place where young persons gathered to drink and play music, despite the fact that not a single crime had occurred there. In Boston public housing projects, the greatest fear was expressed by persons living in the buildings where disorderliness and incivility, not crime, were the greatest. Knowing this helps one understand the significance of such otherwise harmless displays

as subway graffiti. As Nathan Glazer has written, the proliferation of graffiti, even when not obscene, confronts the subway rider with the "inescapable knowledge that the environment he must endure for an hour or more a day is *uncontrolled and uncontrollable, and that anyone can invade it to do whatever damage and mischief the mind suggests.*"

In response to fear, people avoid one another, weakening controls. Sometimes they call the police. Patrol cars arrive, an occasional arrest occurs, but crime continues and disorder is not abated. Citizens complain to the police chief, but he explains that his department is low on personnel and that the courts do not punish petty or first-time offenders. To the residents, the police who arrive in squad cars are either ineffective or uncaring; to the police, the residents are animals who deserve each other. The citizens may soon stop calling the police, because "they can't do anything."

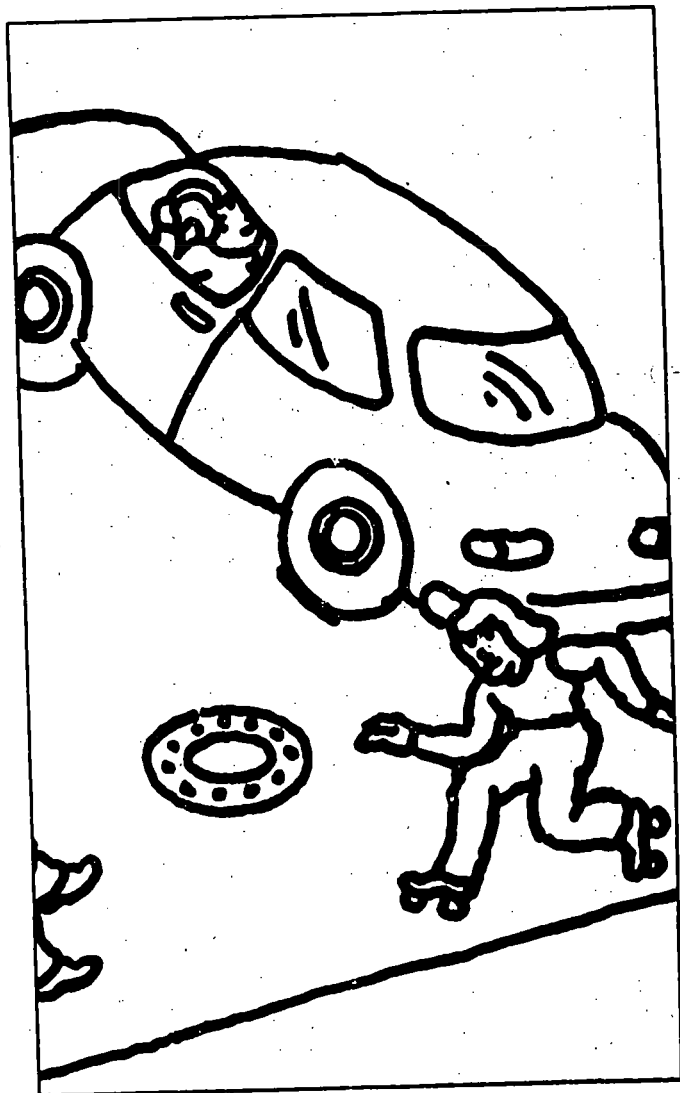
The process we call urban decay has occurred for centuries in every city. But what is happening today is different in at least two important respects. First, in the period before, say, World War II, city dwellers—because of money costs, transportation difficulties, familial and church connections—could rarely move away from neighborhood problems. When movement did occur, it tended to be along public-transit routes. Now mobility has become exceptionally easy for all but the poorest or those who are blocked by racial prejudice. Earlier crime waves had a kind of built-in self-correcting mechanism: the determination of a neighborhood or community to reassert control over its turf. Areas in Chicago, New York, and Boston would experience crime and gang wars, and then normalcy would return, as the families for whom no alternative residences were possible reclaimed their authority over the streets.

Second, the police in this earlier period assisted in that reassertion of authority by acting, sometimes violently, on behalf of the community. Young toughs were roughed up, people were arrested "on suspicion" or for vagrancy, and prostitutes and petty thieves were routed. "Rights" were something enjoyed by decent folk, and perhaps also by the serious professional criminal, who avoided violence and could afford a lawyer.

This pattern of policing was not an aberration or the result of occasional excess. From the earliest days of the nation, the police function was seen primarily as that of a night watchman: to maintain order against the chief threats to order—fire, wild animals, and disreputable behavior. Solving crimes was viewed not as a police responsibility but as a private one. In the March, 1969, *Atlantic*, one of us (Wilson) wrote a brief account of how the police role had slowly changed from maintaining order to fighting crimes. The change began with the creation of private detectives (often ex-criminals), who worked on a contingency-fee basis for individuals who had suffered losses. In time, the detectives were absorbed into municipal police

agencies and paid a regular salary; simultaneously, the responsibility for prosecuting thieves was shifted from the aggrieved private citizen to the professional prosecutor. This process was not complete in most places until the *twentieth century*.

In the 1960s, when urban riots were a major problem, social scientists began to explore carefully the order-maintenance function of the police, and to suggest ways of improving it—not to make streets safer (its original function) but to reduce the incidence of mass violence. Order-maintenance became, to a degree, coterminous with "community relations." But, as the crime wave that began in the early 1960s continued without abatement throughout the decade and into the 1970s, attention shifted to the role of the police as crime-fighters. Studies of police behavior ceased, by and large, to be accounts of the order-maintenance function and became, instead, efforts to propose and test ways whereby the police could solve more crimes, make more arrests, and gather better evidence. If these things could be done, social scientists assumed, citizens would be less fearful.



A GREAT DEAL WAS ACCOMPLISHED DURING THIS transition, as both police chiefs and outside experts emphasized the crime-fighting function in their plans, in the allocation of resources, and in deployment of personnel. The police may well have become better crime-fighters as a result. And doubtless they remained aware of their responsibility for order. But the link between order-maintenance and crime-prevention, so obvious to earlier generations, was forgotten.

That link is similar to the process whereby one broken window becomes many. The citizen who fears the ill-smelling drunk, the rowdy teenager, or the importuning beggar is not merely expressing his distaste for unseemly behavior; he is also giving voice to a bit of folk wisdom that happens to be a correct generalization—namely, that serious street crime flourishes in areas in which disorderly behavior goes unchecked. The unchecked panhandler is, in effect, the first broken window. Muggers and robbers, whether opportunistic or professional, believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.

Some police administrators concede that this process occurs, but argue that motorized-patrol officers can deal with it as effectively as foot-patrol officers. We are not so sure. In theory, an officer in a squad car can observe as much as an officer on foot; in theory, the former can talk to as many people as the latter. But the reality of police-citizen encounters is powerfully altered by the automobile. An officer on foot cannot separate himself from the street people; if he is approached, only his uniform and his personality can help him manage whatever is about to happen. And he can never be certain what that will be—a request for directions, a plea for help, an angry denunciation, a teasing remark, a confused babble, a threatening gesture.

In a car, an officer is more likely to deal with street people by rolling down the window and looking at them. The door and the window exclude the approaching citizen; they are a barrier. Some officers take advantage of this barrier, perhaps unconsciously, by acting differently if in the car than they would on foot. We have seen this countless times. The police car pulls up to a corner where teenagers are gathered. The window is rolled down. The officer stares at the youths. They stare back. The officer says to one, "C'mere." He saunters over, conveying to his friends by his elaborately casual style the idea that he is not intimidated by authority. "What's your name?" "Chuck." "Chuck who?" "Chuck Jones." "What'ya doing, Chuck?" "Nothin'." "Got a P.O. [parole officer]?" "Nah." "Sure?" "Yeah." "Stay out of trouble, Chuckie." Meanwhile, the other boys laugh and exchange comments among themselves, probably at the officer's expense. The officer stares

harder. He cannot be certain what is being said, nor can he join in and, by displaying his own skill at street banter, prove that he cannot be "put down." In the process, the officer has learned almost nothing, and the boys have decided the officer is an alien force who can safely be disregarded, even mocked.

Our experience is that most citizens like to talk to a police officer. Such exchanges give them a sense of importance, provide them with the basis for gossip, and allow them to explain to the authorities what is worrying them (whereby they gain a modest but significant sense of having "done something" about the problem). You approach a person on foot more easily, and talk to him more readily, than you do a person in a car. Moreover, you can more easily retain some anonymity if you draw an officer aside for a private chat. Suppose you want to pass on a tip about who is stealing handbags, or who offered to sell you a stolen TV. In the inner city, the culprit, in all likelihood, lives nearby. To walk up to a marked patrol car and lean in the window is to convey a visible signal that you are a "fink."

The essence of the police role in maintaining order is to reinforce the informal control mechanisms of the community itself. The police cannot, without committing extraordinary resources, provide a substitute for that informal control. On the other hand, to reinforce those natural forces the police must accommodate them. And therein lies the problem.

SHOULD POLICE ACTIVITY ON THE STREET BE SHAPED, in important ways, by the standards of the neighborhood rather than by the rules of the state? Over the past two decades, the shift of police from order-maintenance to law-enforcement has brought them increasingly under the influence of legal restrictions, provoked by media complaints and enforced by court decisions and departmental orders. As a consequence, the order-maintenance functions of the police are now governed by rules developed to control police relations with suspected criminals. This is, we think, an entirely new development. For centuries, the role of the police as watchmen was judged primarily not in terms of its compliance with appropriate procedures but rather in terms of its attaining a desired objective. The objective was order, an inherently ambiguous term but a condition that people in a given community recognized when they saw it. The means were the same as those the community itself would employ, if its members were sufficiently determined, courageous, and authoritative. Detecting and apprehending criminals, by contrast, was a means to an end, not an end in itself; a judicial determination of guilt or innocence was the hoped-for result of the law-enforcement mode. From the first, the police were expected to follow rules defining that process, though states differed in how stringent the rules should be. The criminal-apprehension process was always understood to involve individual rights, the violation of which was unac-

ceptable because it meant that the violating officer would be acting as a judge and jury—and that was not his job. Guilt or innocence was to be determined by universal standards under special procedures.

Ordinarily, no judge or jury ever sees the persons caught up in a dispute over the appropriate level of neighborhood order. That is true not only because most cases are handled informally on the street but also because no universal standards are available to settle arguments over disorder, and thus a judge may not be any wiser or more effective than a police officer. Until quite recently in many states, and even today in some places, the police make arrests on such charges as "suspicious person" or "vagrancy" or "public drunkenness"—charges with scarcely any legal meaning. These charges exist not because society wants judges to punish vagrants or drunks but because it wants an officer to have the legal tools to remove undesirable persons from a neighborhood when informal efforts to preserve order in the streets have failed.

Once we begin to think of all aspects of police work as involving the application of universal rules under special procedures, we inevitably ask what constitutes an "undesirable person" and why we should "criminalize" vagrancy or drunkenness. A strong and commendable desire to see that people are treated fairly makes us worry about allowing the police to rout persons who are undesirable by some vague or parochial standard. A growing and not-so-commendable utilitarianism leads us to doubt that any behavior that does not "hurt" another person should be made illegal. And thus many of us who watch over the police are reluctant to allow them to perform, in the only way they can, a function that every neighborhood desperately wants them to perform.

This wish to "decriminalize" disreputable behavior that "harms no one"—and thus remove the ultimate sanction the police can employ to maintain neighborhood order—is, we think, a mistake. Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community. A particular rule that seems to make sense in the individual case makes no sense when it is made a universal rule and applied to all cases. It makes no sense because it fails to take into account the connection between one broken window left untended and a thousand broken windows. Of course, agencies other than the police could attend to the problems posed by drunks or the mentally ill, but in most communities—especially where the "deinstitutionalization" movement has been strong—they do not.

The concern about equity is more serious. We might agree that certain behavior makes one person more undesirable than another, but how do we ensure that age or skin color or national origin or harmless mannerisms will not also become the basis for distinguishing the undesirable from the desirable? How do we ensure, in short, that

the police do not become the agents of neighborhood bigotry?

We can offer no wholly satisfactory answer to this important question. We are not confident that there is a satisfactory answer, except to hope that by their selection, training, and supervision, the police will be inculcated with a clear sense of the outer limit of their discretionary authority. That limit, roughly, is this—the police exist to help regulate behavior, not to maintain the racial or ethnic purity of a neighborhood.

Consider the case of the Robert Taylor Homes in Chicago, one of the largest public-housing projects in the country. It is home for nearly 20,000 people, all black, and extends over ninety-two acres along South State Street. It was named after a distinguished black who had been, during the 1940s, chairman of the Chicago Housing Authority. Not long after it opened, in 1962, relations between project residents and the police deteriorated badly. The citizens felt that the police were insensitive or brutal; the police, in turn, complained of unprovoked attacks on them. Some Chicago officers tell of times when they were afraid to enter the Homes. Crime rates soared.

Today, the atmosphere has changed. Police-citizen relations have improved—apparently, both sides learned something from the earlier experience. Recently, a boy stole a purse and ran off. Several young persons who saw the theft voluntarily passed along to the police information on the identity and residence of the thief, and they did this publicly, with friends and neighbors looking on. But problems persist, chief among them the presence of youth gangs that terrorize residents and recruit members in the project. The people expect the police to "do something" about this, and the police are determined to do just that.

But do what? Though the police can obviously make arrests whenever a gang member breaks the law, a gang can form, recruit, and congregate without breaking the law. And only a tiny fraction of gang-related crimes can be solved by an arrest; thus, if an arrest is the only recourse for the police, the residents' fears will go unassuaged. The police will soon feel helpless, and the residents will again believe that the police "do nothing." What the police in fact do is to chase known gang members out of the project. In the words of one officer, "We kick ass." Project residents both know and approve of this. The tacit police-citizen alliance in the project is reinforced by the police view that the cops and the gangs are the two rival sources of power in the area, and that the gangs are not going to win.

None of this is easily reconciled with any conception of due process or fair treatment. Since both residents and gang members are black, race is not a factor. But it could be. Suppose a white project confronted a black gang, or vice versa. We would be apprehensive about the police taking sides. But the substantive problem remains the same: how can the police strengthen the informal social-control mechanisms of natural communities in order to minimize fear in public places? Law enforcement, per se, is no an-

swer. A gang can weaken or destroy a community by standing about in a menacing fashion and speaking rudely to passersby without breaking the law.

WE HAVE DIFFICULTY THINKING ABOUT SUCH MATTERS, not simply because the ethical and legal issues are so complex but because we have become accustomed to thinking of the law in essentially individualistic terms. The law defines *my* rights, punishes *his* behavior, and is applied by *that* officer because of *this* harm. We assume, in thinking this way, that what is good for the individual will be good for the community, and what doesn't matter when it happens to one person won't matter if it happens to many. Ordinarily, those are plausible assumptions. But in cases where behavior that is tolerable to one person is intolerable to many others, the reactions of the others—fear, withdrawal, flight—may ultimately make matters worse for everyone, including the individual who first professed his indifference.

It may be their greater sensitivity to communal as opposed to individual needs that helps explain why the residents of small communities are more satisfied with their police than are the residents of similar neighborhoods in big cities. Elinor Ostrom and her co-workers at Indiana University compared the perception of police services in two poor, all-black Illinois towns—Phoenix and East Chicago Heights—with those of three comparable all-black neighborhoods in Chicago. The level of criminal victimization and the quality of police-community relations appeared to be about the same in the towns and the Chicago neighborhoods. But the citizens living in their own villages were much more likely than those living in the Chicago neighborhoods to say that they do not stay at home for fear of crime, to agree that the local police have “the right to take any action necessary” to deal with problems, and to agree that the police “look out for the needs of the average citizen.” It is possible that the residents and the police of the small towns saw themselves as engaged in a collaborative effort to maintain a certain standard of communal life, whereas those of the big city felt themselves to be simply requesting and supplying particular services on an individual basis.

If this is true, how should a wise police chief deploy his meager forces? The first answer is that nobody knows for certain, and the most prudent course of action would be to try further variations on the Newark experiment, to see more precisely what works in what kinds of neighborhoods. The second answer is also a hedge—many aspects of order-maintenance in neighborhoods can probably best be handled in ways that involve the police minimally, if at all. A busy, bustling shopping center and a quiet, well-tended suburb may need almost no visible police presence. In both cases, the ratio of respectable to disreputable people is ordinarily so high as to make informal social control effective.

Even in areas that are in jeopardy from disorderly elements, citizen action without substantial police involvement may be sufficient. Meetings between teenagers who like to hang out on a particular corner and adults who want to use that corner might well lead to an amicable agreement on a set of rules about how many people can be allowed to congregate, where, and when.

Where no understanding is possible—or if possible, not observed—citizen patrols may be a sufficient response. There are two traditions of communal involvement in maintaining order. One, that of the “community watchmen,” is as old as the first settlement of the New World. Until well into the nineteenth century, volunteer watchmen, not policemen, patrolled their communities to keep order. They did so, by and large, without taking the law into their own hands—without, that is, punishing persons or using force. Their presence deterred disorder or alerted the community to disorder that could not be deterred. There are hundreds of such efforts today in communities all across the nation. Perhaps the best known is that of the Guardian Angels, a group of unarmed young persons in distinctive berets and T-shirts, who first came to public attention when they began patrolling the New York City subways but who claim now to have chapters in more than thirty American cities. Unfortunately, we have little information about the effect of these groups on crime. It is possible, however, that whatever their effect on crime, citizens find their presence reassuring, and that they thus contribute to maintaining a sense of order and civility.

The second tradition is that of the “vigilante.” Rarely a feature of the settled communities of the East, it was primarily to be found in those frontier towns that grew up in advance of the reach of government. More than 350 vigilante groups are known to have existed; their distinctive feature was that their members did take the law into their own hands, by acting as judge, jury, and often executioner as well as policeman. Today, the vigilante movement is conspicuous by its rarity, despite the great fear expressed by citizens that the older cities are becoming “urban frontiers.” But some community-watchmen groups have skirted the line, and others may cross it in the future. An ambiguous case, reported in *The Wall Street Journal*, involved a citizens' patrol in the Silver Lake area of Belleville, New Jersey. A leader told the reporter, “We look for outsiders.” If a few teenagers from outside the neighborhood enter it, “we ask them their business,” he said. “If they say they're going down the street to see Mrs. Jones, fine, we let them pass. But then we follow them down the block to make sure they're really going to see Mrs. Jones.”

THOUGH CITIZENS CAN DO A GREAT DEAL, THE POLICE are plainly the key to order-maintenance. For one thing, many communities, such as the Robert Taylor Homes, cannot do the job by themselves. For another, no citizen in a neighborhood, even an organized one, is like-

ly to feel the sense of responsibility that wearing a badge confers. Psychologists have done many studies on why people fail to go to the aid of persons being attacked or seeking help, and they have learned that the cause is not "apathy" or "selfishness" but the absence of some plausible grounds for feeling that one must personally accept responsibility. Ironically, avoiding responsibility is easier when a lot of people are standing about. On streets and in public places, where order is so important, many people are likely to be "around," a fact that reduces the chance of any one person acting as the agent of the community. The police officer's uniform singles him out as a person who must accept responsibility if asked. In addition, officers, more easily than their fellow citizens, can be expected to distinguish between what is necessary to protect the safety of the street and what merely protects its ethnic purity.

But the police forces of America are losing, not gaining, members. Some cities have suffered substantial cuts in the number of officers available for duty. These cuts are not likely to be reversed in the near future. Therefore, each department must assign its existing officers with great care. Some neighborhoods are so demoralized and crime-ridden as to make foot patrol useless; the best the police can do with limited resources is respond to the enormous number of calls for service. Other neighborhoods are so stable and serene as to make foot patrol unnecessary. The key is to identify neighborhoods at the tipping point—where the public order is deteriorating but not unreclaimable, where the streets are used frequently but by apprehensive people, where a window is likely to be broken at any time, and must quickly be fixed if all are not to be shattered.

Most police departments do not have ways of systematically identifying such areas and assigning officers to them. Officers are assigned on the basis of crime rates (meaning that marginally threatened areas are often stripped so that police can investigate crimes in areas where the situation is hopeless) or on the basis of calls for service (despite the fact that most citizens do not call the police when they are merely frightened or annoyed). To allocate patrol wisely, the department must look at the neighborhoods and decide, from first-hand evidence, where an additional officer will make the greatest difference in promoting a sense of safety.

One way to stretch limited police resources is being tried in some public-housing projects. Tenant organizations hire off-duty police officers for patrol work in their buildings. The costs are not high (at least not per resident), the offi-

cer likes the additional income, and the residents feel safer. Such arrangements are probably more successful than hiring private watchmen, and the Newark experiment helps us understand why. A private security guard may deter crime or misconduct by his presence, and he may go to the aid of persons needing help, but he may well not intervene—that is, control or drive away—someone challenging community standards. Being a sworn officer—a "real cop"—seems to give one the confidence, the sense of duty, and the aura of authority necessary to perform this difficult task.

Patrol officers might be encouraged to go to and from duty stations on public transportation and, while on the bus or subway car, enforce rules about smoking, drinking, disorderly conduct, and the like. The enforcement need involve nothing more than ejecting the offender (the offense, after all, is not one with which a booking officer or a judge wishes to be bothered). Perhaps the random but relentless maintenance of standards on buses would lead to conditions on buses that approximate the level of civility we now take for granted on airplanes.

But the most important requirement is to think that to maintain order in precarious situations is a vital job. The police know this is one of their functions, and they also believe, correctly, that it cannot be done to the exclusion of criminal investigation and responding to calls. We may have encouraged them to suppose, however, on the basis of our oft-repeated concerns about serious, violent crime, that they will be judged exclusively on their capacity as crime-fighters. To the extent that this is the case, police administrators will continue to concentrate police personnel in the highest-crime areas (though not necessarily in the areas most vulnerable to criminal invasion), emphasize their training in the law and criminal apprehension (and not their training in managing street life), and join too quickly in campaigns to decriminalize "harmless" behavior (though public drunkenness, street prostitution, and pornographic displays can destroy a community more quickly than any team of professional burglars).

Above all, we must return to our long-abandoned view that the police ought to protect communities as well as individuals. Our crime statistics and victimization surveys measure individual losses, but they do not measure communal losses. Just as physicians now recognize the importance of fostering health rather than simply treating illness, so the police—and the rest of us—ought to recognize the importance of maintaining, intact, communities without broken windows. □



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Thinking About Crime

The debate over deterrence

by James Q. Wilson

THE average citizen hardly needs to be persuaded that crimes will be committed more frequently if, other things being equal, crime becomes more profitable than other ways of spending one's time. Accordingly, the average citizen thinks it obvious that one major reason why crime has increased is that people have discovered they can get away with it. By the same token, a good way to reduce crime is to make its consequences to the would-be offender more costly (by making penalties swifter, more certain, or more severe), or to make alternatives to crime more attractive (by increasing the availability and pay of legitimate jobs), or both.

These citizens may be surprised to learn that social scientists who study crime are deeply divided over the correctness of such views. While some scholars, especially economists, believe that the decision to become a criminal can be explained in much the same way as we explain the decision to become a carpenter or to buy a car, other scholars, especially sociologists, contend that the popular view is wrong--crime rates do not go up because would-be criminals have little fear of arrest, and will not come down just because society decides to get tough on criminals.

This debate over the way the costs and benefits of crime affect crime rates is usually called a debate over deterrence--a debate, that is, over the efficacy (and perhaps even the propriety) of trying to prevent crime by making would-be offenders fearful of punishment. But the theory of human nature that supports the idea of deterrence--the theory that people respond to the penalties associated with crime--also assumes that people will take jobs in preference to crime if the jobs are more attractive. In both cases, we are saying that would-be offenders are rational

and that they respond to their perception of the costs and benefits attached to alternative courses of action. When we use the word "deterrence," we are calling attention to only the cost side of the equation. No word in common scientific usage calls attention to the benefit side of the equation, though perhaps "inducement" might serve.

The reason scholars disagree about deterrence is that the consequences of committing a crime, unlike the consequences of shopping around for the best price on a given automobile, are complicated by delay, uncertainty, and ignorance. In addition, some scholars contend that many crimes are committed by persons who are so impulsive, irrational, or abnormal that even if delay, uncertainty, or ignorance were not attached to the consequences of criminality, we would still have a lot of crime.

Imagine a young man walking down the street at night with nothing on his mind but a desire for good times and high living. Suddenly he sees a little old lady standing alone on a dark corner, stuffing the proceeds of her recently cashed Social Security check into her purse. Nobody else is in view. If the young man steals the purse, he gets the money immediately. The costs of taking it are uncertain--the odds are at least ten to one that the police will not catch a robber, and even if he is caught, the odds are very good that he will not go to prison, unless he has a long record. On the average, no more than three felonies out of a hundred result in the imprisonment of the offender. In addition, whatever penalty may come his way will come only after a long delay--in some jurisdictions, a year or more might be needed to complete the court disposition of the offender, assuming he is caught in the first place. Moreover, this young man might, in his ignorance of how the world works, think the odds against being caught are even greater than they are, or that delays in the court proceedings might result in a reduction or avoidance of punishment.

Compounding the problem of delay and uncertainty is the fact that society cannot feasibly increase by more than a modest amount the likelihood of arrest, and though it can to some degree increase the probability and severity of prison sentences for those who are caught, it cannot do so drastically, by, for example, summarily executing all convicted robbers, or even by sentencing all robbers to twenty-year prison terms. Some scholars note a further complication: the young man may be incapable of assessing the risks of crime. How, they ask, is he to know

his chances of being caught and punished? And even if he does know, perhaps he is driven by uncontrollable impulses to snatch purses whatever the risks.

As if all this were not bad enough, the principal method by which scholars have attempted to measure the effect of deterrence on crime has involved using data about aggregates of people (entire cities, counties states, and even nations) rather than about individuals. In a typical study, the rate at which, say, robbery is committed in each state is "explained" by means of a statistical procedure in which the analyst takes into account both the socio-economic features of each state that might affect the supply of robbers (for example, the percentage of persons with low incomes, the unemployment rate, the population density of the big cities, the proportion of the population made up of young males) and the operation of the criminal-justice system of each state as it attempts to cope with robbery (for example, the probability of being caught and imprisoned for a given robbery, and the length of the average prison term for robbery).

Isaac Ehrlich, an economist, produced the best-known of such analyses, using data on crime in the United States in 1940, 1950, and 1960. He found, after controlling for such things as the income level and the age distribution of the population, that the higher the probability of imprisonment for those convicted of robbery, the lower the robbery rate. At the same time, he did not find that the severity of punishment (the average time served in prison for robbery) had, independent of its certainty, an effect on robbery rates in two of the three time periods (1940 and 1960).

But some grave problems are associated with using aggregate data of this sort in studies of the effect of sanctions on crime rates. One is that many of the most important factors are not known with any accuracy. For example, we are dependent on police reports for our measure of the robbery rate, and these undoubtedly vary in accuracy from place to place. If all police departments were inaccurate to the same degree, this would not be important; unfortunately, some departments are probably much less accurate than others, and this variable error can introduce a serious bias into the statistical estimates of the effect of the criminal-justice system.

Even if we manage to overcome this problem, a further difficulty lies in wait. States in which the probability of going to prison for robbery is low are also states that have high rates of robbery (other things being equal). This fact

can be interpreted in at least two ways. It can mean that the higher robbery rates are the results of the lower imprisonment rates (and would thus be evidence that deterrence works), but it might also mean that the lower imprisonment rates are caused by the higher robbery rates. To see how the latter might be true, imagine a state that is experiencing, for some reason, a rapidly rising robbery rate. It arrests, convicts, and imprisons more and more robbers as more and more robberies are committed, but it cannot quite keep up. The robberies are increasing so fast that they swamp the criminal-justice system; prosecutors and judges respond by letting more robbers off without a prison sentence, or perhaps even without a trial, in order to keep the system from becoming hopelessly clogged. As a result, the proportion of arrested robbers who go to prison goes down while the robbery rate goes up. In this case, we ought to conclude not that prison deters robbers but that high robbery rates "deter" prosecutors and judges.

The best analysis of these problems in statistical studies of deterrence is to be found in a 1978 report of the Panel on Research on Deterrent and Incapacitative Effects, which was set up by the National Research Council (an arm of the National Academy of Sciences). That panel, chaired by Alfred Blumstein, of Carnegie-Mellon University, concluded that the available statistical evidence (as of 1978) did not warrant any strong conclusions about the extent to which differences among states or cities in the probability of punishment might alter deterrent effect. The panel (of which I was a member) noted that "the evidence certainly favors a proposition supporting deterrence more than it favors one asserting that deterrence is absent," but urged "scientific caution" in interpreting this evidence.

Other criticisms of deterrence research, generally along the same lines as those of the panel, have led some commentators to declare that "deterrence doesn't work," and that we may now get on with the task of investing in those programs, such as job-creation and income maintenance, that will have an effect on crime. Such a conclusion is, to put it mildly, premature.

ONE way to compensate for errors in official statistics relating to crime rates is to consider other measures of crime, in particular reports gathered by Bureau of the Census interviewers from citizens who have been victims of crime. While these victim surveys have problems of their own (such as the forgetfulness of citizens), they are

not the same problems as those that affect police reports of crime. Thus, if we obtain essentially the same findings about the effect of sanctions on crime from studies that use victim data as we do from studies that use police data, our confidence in these findings is strengthened. Studies of this sort have been done by Itzhak Goldberg, at Stanford, and by Barbara Boland and myself, and the results are quite consistent with those from research based on police reports. As sanctions become more likely, both sets of data suggest, crime becomes less common.

It is possible, as some critics of deterrence say, that rising crime rates swamp the criminal-justice system, so that a negative statistical association between, say, rates of theft and the chances of going to prison for theft may mean not that a decline in imprisonment is causing theft to increase but rather that a rise in theft is causing imprisonment to become less likely. This might occur particularly with respect to less serious crimes, such as shoplifting or petty larceny; indeed, the proportion of prisoners who are shoplifters or petty thieves has gone down over the past two decades. But it is hard to imagine that the criminal-justice system would respond to an increase in murder or armed robbery by letting some murderers or armed robbers off with no punishment. Convicted murderers are as likely to go to prison today as they were twenty years ago. Moreover, the deterrent effect of prison on serious crimes like murder and robbery was apparently as great in 1940 or 1950, when these crimes were much less common, as it is today, suggesting that swamping has not occurred.

Still more support for the proposition that variations in sanctions affect crime can be found in the very best studies of deterrence--those that manage to avoid the statistical errors described above. In 1977, Alfred Blumstein and Daniel Nagin published a study of the relationship between draft evasion and the penalties imposed for draft evasion in each of the states. After controlling for the socio-economic characteristics of the states, they found that the higher the probability of conviction for draft evasion, the lower the evasion rates. This is an especially strong finding, because the study is largely immune to the problems associated with other analyses of deterrence. Draft evasion is more accurately measured than street crimes, and draft-evasion cases could not have swamped the federal courts in which they were tried, in part because such cases made up only a small fraction (about 7 percent) of the workload of these courts, and in part because federal authorities had instructed the prosecutors to give high priority to these

cases. For all these reasons, Blumstein and Nagin felt they could safely conclude that draft evasion is deterrable.

White-collar crime can also be deterred. In the late 1970s, Michael Block, Fred Nold, and J. G. Sidak, then at Stanford, investigated the effect of enforcing the antitrust laws on the price of bread in the bakery business. When the government filed a price-fixing complaint against colluding bakery firms, and when those firms also faced the possibility of private suits claiming treble damages for this price-fixing, the collusion ended and the price of bread fell.

Another way of testing whether deterrence works is to look not at differences among states or firms at one point in time but at changes in the nation as a whole over a long period of time. Historical data on the criminal-justice system in America are so spotty that such research is difficult to do here, but it is not at all difficult in England, where the data are excellent. Kenneth I. Wolpin, of Yale, analyzed changes in crime rates and in various parts of the criminal-justice system (the chances of being arrested, convicted and punished) for the period 1894 to 1967, and concluded that changes in the probability of being punished seemed to cause changes in the crime rate. He offered reasons for believing that this causal connection could not be explained away by the argument that the criminal-justice system was being swamped.

Given what we are trying to measure--changes in the behavior of a small number of hard-to-observe persons who are responding to delayed and uncertain penalties--we will never be entirely sure that our statistical manipulations have proved that deterrence works. What is impressive is that so many (but not all) studies using such different methods come to similar conclusions. More such evidence can be found in studies of the death penalty. Though the evidence as to whether capital punishment deters crime is quite ambiguous, most of the studies find that the chances of being imprisoned for murder do seem to affect the murder rate. Even after wading through all this, the skeptical reader may remain unconvinced. Considering the difficulties of any aggregate statistical analysis, that is understandable. But, as we shall shortly see, the evidence from certain social experiments reinforces the statistical studies.

WHENEVER we try to discover a relationship between

hard-to-measure factors that operate deep inside a complex social structure, we are well advised not to rely on any single method of analysis, and we are particularly well advised not to rely on statistical studies using aggregate data. We should attack the problem from a number of angles, using different kinds of data and various methodologies. Above all, we should look at what happens to individuals (rather than to cities or states) and at what happens when a new program is tried.

Ideally, we would like to know how the probability or severity of a possible punishment will affect the behavior of persons who might commit a serious crime. Such persons probably constitute only a small fraction of the total population, but they are the important fraction. Most of us would not commit a serious crime because of the bite of conscience, reinforced by the fear of embarrassment should our misconduct be detected. A few of us may commit serious crimes with only small regard to the risks, unless those risks can be made great and immediate. What we would like to know is how changes in the prospective costs of crime, and in the prospective benefits of pursuing legitimate alternatives to crime, affect the behavior of those individuals who are "at risk"--that is, persons who lack strong, internalized inhibitions against misconduct, who value highly the excitement of breaking the law, who have a weak stake in conformity, who are willing to take greater chances than the rest of us, and who greatly value quick access to ready cash. Such persons tend, disproportionately, to be young males. As Philip J. Cook, at Duke University, has argued, would-be offenders don't have to be entirely rational or fully informed for the criminal-justice system (or the legitimate labor market) to have an effect on them. They need only attach some value to the consequences of their actions. We already know they value one consequence--the money or pleasure produced by crime. There is no reason to believe they are indifferent to all other consequences, including the risks of being caught.

Most of us are probably not very well informed about the true costs of crime: being law-abiding, we probably imagine that the chances of being caught are higher than in fact they are, and that the severity of the sentence (measured in years in prison) is greater than it really is. But most of us depend for our information on newspaper stories, on detective programs on television, and on our own deep fear of being exposed as a disreputable person. Persons at risk--young men hanging around on street corners, and thieves who associate with other thieves--tend

to depend for their information on the accounts of other young men or other thieves who have had a run-in with the police or the courts and who therefore can supply a crudely accurate estimate of the current risks of arrest, prosecution, and sentencing.

The behavior of these persons, thus informed, is what we wish to observe. Only a few careful efforts have been made to measure the deterrent effect of the sanctions of the criminal-justice system on individuals, as opposed to cities or states. One such effort was carried out in Cook County, Illinois, and aimed at the young offender. Charles A. Murray and Louis A. Cox, Jr., in their book, *Beyond Probation*, measured the number of arrests per month of 317 Chicago boys who had been incarcerated for the first time by the Illinois Department of Corrections. Though young (their average age was sixteen), they were scarcely novices at crime; they had been arrested an average of thirteen times each before receiving their first prison sentences. Nor were their offenses trivial: as a group, they had been charged with fourteen homicides, twenty-three rapes, more than 300 assaults and a like number of auto thefts, nearly 200 armed robberies, and more than 700 burglaries. The patience of the court exhausted, these youthful offenders were eventually sent off to a correctional institution, where they served an average sentence of ten months. Murray and Cox followed them for (on the average) seventeen months after their release. During this period, the frequency with which they were arrested (i.e., arrests per month per 100 boys) declined by about two thirds. To be exact, the members of this group of hard-core delinquents were arrested an average of 6.3 times each during the year before being sent away but only 2.9 times each during the seventeen months on the street after release.

The Murray and Cox study, one of the few of its kind, adds some support to the deterrence theory. But it, like others, focuses on persons who have already committed crimes; we remain uncertain about the effect of changes in the criminal-justice system on those who have not yet committed any crime. To study behavior that does not occur is all but impossible, though we may ask, as some scholars have, various persons--often students--whether they would commit or have committed a crime when they perceived the penalties to be of a given severity and a given probability. One such study was done among students at an eastern college, another among high school students in Arizona, and a third among adult Americans generally. The authors of all three studies found that the

persons who believed they were likely to be punished for a particular criminal act were less likely to report (anonymously) having committed the act than were persons who thought they probably wouldn't be punished. The studies were broadly consistent with the view that deterrence works, but all are difficult to interpret. No one can be confident that the number of offenses the persons reported bears any relationship to the number they actually committed. More important, the studies raise the possibility that what actually deters these persons (very few of whom commit any serious acts with any frequency) is not what they guess to be the chances of being caught but the moral opprobrium with which such acts are viewed. For most people in most circumstances, the moral quality of their actions, and the internalized inhibitions against misconduct arising out of that moral code, are probably the major deterrents to crime. Interviewing people may highlight that fact, but it cannot tell us what happens at the margin, when society alters the certainty or severity of punishment for a given offense. And for purposes of public policy, that is exactly what we want to know. The best way to find out is to conduct an experiment.

MOST experiments in deterrence have involved changes in police behavior rather than changes in the behavior of judges and prosecutors. The results of those changes seem to indicate that the more focused and aggressive the police effort, the greater the chance it will make a difference. Changes in the level of routine preventive patrol in marked cars seemed to make little difference in crime rates in Kansas City, but changes in the number of officers riding New York subway cars and changes in the aggressiveness with which San Diego policemen stopped and interrogated persons on the streets did seem to make a difference. Comparable results come from a study of drunk driving in Great Britain, where the police began to use a breathalyzer to catch inebriated motorists, in hopes of reducing traffic accidents, especially fatal ones. A careful study by H. Laurence Ross, a sociologist, clearly indicates that these hopes were borne out: "the Road Safety Act caused a reduction in casualties" by as much as two thirds during weekend evenings, when drunk driving is likely to be most common. Unhappily, the police did not like to enforce this law, which could lead to the mandatory revocation of the driving license of a motorist whose blood alcohol level exceeded .08 percent. In time, the chief constable of the county of Cheshire made a highly publicized effort to get the police to administer breathalyzer tests to every driver

stopped for a moving violation or because of a traffic accident, and once again accidents declined.

Perhaps the most dramatic evidence of the operation of deterrence- dramatic because it involved a true experiment on individuals engaging in what some believe is a wholly emotional crime--comes from an effort in Minneapolis to find out how the police can best handle incidents of spouse assault. The conventional wisdom had been that if one or both parties to such an assault were handled by the officer informally--by mediation or referral to a social-work agency--the parties would be better off than if the assaulter were arrested. And the police themselves often preferred not to make an arrest, because it took time and effort and often led to no prosecution when the victim refused to press charges. With the advice of the Police Foundation, a group of Minneapolis officers began handling their misdemeanor spouse-assault cases by randomly assigning the assaulter to one of three dispositions: arresting him, counseling him, or sending him out of the house to cool off. Over 200 cases were treated in this experimental fashion and followed up for six months. The assaulters who were arrested were less likely to be reported to the police for a subsequent assault than were those advised and much less likely than those sent out of the house. And this was true even though, in the vast majority of cases, the arrested person spent no more than a week in jail.

A tougher and, for policy purposes, more useful test of deterrence would be to alter the sentence a person gets without altering police conduct. We have surprisingly few careful studies of the results of doing that, even though it is regularly done. Many states have passed mandatory minimum sentences for certain offenses, and some have tried to eliminate plea bargaining, or at least to ensure that serious offenders cannot have the charges against them reduced simply in order to induce a guilty plea. Unfortunately, most of these changes were made under circumstances that rendered any serious evaluation of their effect difficult, if not impossible.

TWO well-known changes in sentencing practices are the so-called Rockefeller drug laws in New York and the Bartley-Fox gun law in Massachusetts. In 1973, New York State revised its criminal statutes relating to drug trafficking in an attempt to make more severe and more certain the penalties for the sale and possession of heroin (the law affecting other drugs was changed as well, but the

focus of the effort- and the most severe penalties--were reserved for heroin). The major pushers--those who sold an ounce or more of heroin--would be liable for a minimum prison term of fifteen years and the possibility of life imprisonment. But the law had some loopholes. Someone who had sold an ounce could plea bargain the charges against him down, but no lower than to a charge that would entail a mandatory one-year minimum prison sentence. Police informants could get probation instead of prison, and persons under the age of sixteen were exempt from the mandatory sentences. A provision that was made part of some amendments passed in 1975 exempted from the law persons aged sixteen to eighteen. A group was formed to evaluate the effect of this law. The authors of its report, issued in 1977, found no evidence that the law had reduced the availability of heroin on the streets of New York City or reduced the kinds of property crime often committed by drug users. Of course it is almost impossible to measure directly the amount of an illegal drug in circulation, or to observe the illicit transactions between dealers and users, but a good deal of circumstantial evidence, gathered by the study group, suggests that no large changes occurred. The number of deaths from narcotics overdoses did not change markedly, nor did admissions to drug treatment programs or the price and purity of heroin available for sale on the street (as inferred from buys of heroin made by undercover narcotics agents).

The explanation for this disappointing experience, in the opinion of the study group, was that difficulties in administering the law weakened its deterrent power, with the result that most offenders and would-be offenders did not experience any significantly higher risk of apprehension and punishment. There was no increase in the number of arrests, and a slight decline in the proportion of arrests leading to indictments as well as in the proportion of indictments resulting in conviction. Offsetting this was a higher probability that a person convicted would go to prison. The net effect was that the probability of imprisonment for arrested drug dealers did not change as a result of the law--it was about one imprisonment per nine arrests both before and after passage of the law. On the other hand, the sentences received by those who did go to prison were more severe. Before the law was passed, only 3 percent of persons imprisoned for selling an ounce or more of heroin received a sentence of three years or more. After the law went into effect, 22 percent received such sentences. Perhaps because sentences became more severe, more accused persons demanded trials instead of pleading guilty; as a

result the time needed to dispose of the average drug case nearly doubled.

Does the experience under the Rockefeller law disprove the claim that deterrence works? The answer is no, but that is chiefly because deterrence theory wasn't satisfactorily tested. If "deterrence" means changing behavior by increasing either the certainty or the swiftness of punishment, then the Rockefeller law, as it was administered, could not have deterred behavior because it made no change in the certainty of punishment and actually reduced its swiftness. If on the other hand, "deterrence" means changing behavior by increasing the severity of punishment, then deterrence did not work in this case. What we mainly want to know, however is whether heroin trafficking could have been reduced if the penalties associated with it had been imposed more quickly and in a higher proportion of cases.

Severity may prove to be the enemy of certainty and speed. As penalties get tougher, defendants and their lawyers have a greater incentive to slow down the process, and those judges who, for private reasons, resist heavy sentences for drug dealing may use their discretionary powers to decline indictment, accept plea bargains, grant continuances, and modify penalties in ways that reduce the certainty and the celerity of punishment. The group that evaluated the Rockefeller law suggested that reducing severity in favor of certainty might create the only real possibility for testing the deterrent effect of changes in sentences.

The Bartley-Fox gun law in Massachusetts was administered and evaluated in ways that avoided some of the problems of the Rockefeller drug laws. In 1974, the Massachusetts legislature amended the law that had long required a license for a person carrying a handgun, by stipulating that a violation of this law would entail a mandatory penalty of one year in prison, which sentence could not be reduced by probation or parole or by judicial finagling. When the law went into effect, in April of 1975, various efforts were made to evaluate both the compliance of the criminal-justice system with it and the law's impact on crimes involving handguns. James A. Beha, II, then at the Harvard Law School, traced the application of the law for eighteen months, and concluded that, despite widespread predictions to the contrary, the police, prosecutors, and judges were not evading the law. As in New York, more persons asked for trials, and delays in disposition apparently increased, but in Massachusetts, by contrast with the experience in New York, the probability

of punishment increased for those arrested. Beha estimated in 1977 (at a time when not all the early arrests had yet worked their way through the system) that prison sentences were being imposed five times more frequently on persons arrested for illegally carrying firearms than had been true before the law was passed. Owing to some combination of the heavy publicity given to the Bartley-Fox law and the real increase in the risk of imprisonment facing persons arrested while carrying a firearm without a license, the casual carrying of firearms seems to have decreased. This was the view expressed to interviewers by participants in the system, including persons being held in jail, and it was buttressed by a sharp drop in the proportion of drug dealers arrested by the Boston police who, at the time of their arrest, were found to be carrying firearms.

Three studies were made of the impact of the Bartley-Fox law on serious crime. The authors of those studies used slightly different methods, but came in general to the same conclusion--namely, that a measurable decline had occurred in some crimes that involve the casual use of firearms. Moreover, the proportion of crimes in which guns were used did not go down in other large cities during this time. In sum, the Bartley-Fox law seems, at least during the years in which its effect was studied, to have increased the risk associated with carrying a gun, to have reduced the frequency with which guns were casually carried, and thereby to have reduced the rate at which certain gun-related crimes were committed.

An effort to achieve the same results in Michigan did not work out as well, in large measure because the judges there--and in particular the judges in Wayne County, which includes Detroit--did not apply the law as expected. The Michigan Felony Firearm Statute, which went into effect in 1977, required the imposition of a two-year prison sentence for possessing a firearm while committing a felony, and the two-year firearm sentence was to be added on to whatever sentence was imposed for the other felony. But no real change occurred in either the certainty or the severity of sentences issued to gun-carrying felons. Many judges would reduce the sentence given for the original felony (say, assault or robbery) in order to compensate for the add-on. In other cases, the judge would dismiss the gun count. Given this evasion, it is not surprising that the law had little effect on the rate at which gun-related crimes were committed.

Several states have recently altered the legal minimum drinking age; because of the effect of teenage drinking on

highway fatalities, these changes have been closely studied. Between 1970 and 1973, twenty-four states lowered their legal drinking ages. Shortly thereafter, Allan F. Williams and his associates at the Insurance Institute for Highway Safety examined the effect of these reductions on highway accidents, and concluded that the changes in the laws had contributed to an increase in fatal motor-vehicle accidents. Reacting to the implications of such findings at least fourteen states, beginning in 1976, raised their minimum drinking ages from eighteen or nineteen to twenty or twenty-one. Williams and his colleagues studied these changes in nine states and concluded that when young persons could not legally buy alcoholic beverages, fewer fatal auto accidents occurred at night (when most drink related accidents take place). Alexander C. Wagenaar, at the University of Michigan, looked closely at the Michigan experience, and came to the same conclusion. When the legal drinking age there was lowered to eighteen, the number of persons aged eighteen to twenty who were involved in accidents and reportedly had been drinking began to rise; when the drinking age was raised to twenty-one, the number of such persons in crashes began to fall. Comparable conclusions were reached in a study of the consequences of altering the legal drinking age in Maine.

In sum, the evidence from these experiences is that changes in the probability of being punished can lead to changes in behavior, though this may not happen when the new laws exist on paper and not in practice, or when the benefits to be had from violating the law are so great as to make would-be perpetrators indifferent to the slight alteration in the risks facing them. For example, when the prospective gains from heroin trafficking or obtaining (and supplying) illegal abortions are very large, these gains can nullify the effect of modest changes in the costs of these actions, especially when (as with the New York drug law and the Michigan firearms law) the criminal-justice system does not in practice impose greater risks. When the system in fact makes the behavior much more costly, as it did with the 317 juveniles in Chicago, we observe a reduction in crime. And when the prospective benefits from violating the law are small (as with teenage drinking, or perhaps with carrying an unlicensed gun), even small changes in the risks can have significant effects on behavior.

All this means that it is difficult but not impossible to achieve increased deterrent effects through changes in the law. To obtain these effects, society must walk a narrow line--the penalties must be sufficiently great to offset, at

the margin, the benefits of the illegal act, but not so great as to generate in the criminal-justice system resistance to their prompt imposition. If social experiments show that under some circumstances crime rates go down when penalties go up, can other experiments show that crime rates go down when jobs are easier to find?

DETERRENCE and job-creation are not different anti-crime strategies; they are two sides of the same strategy. The former increases the costs of crime; the latter enhances the benefits of alternatives to criminal behavior. The usefulness of each depends on the assumption that we are dealing with a reasonably rational potential offender.

Let us return to our original example. The young man is still yearning for the money necessary to enjoy some high living. Let us assume that he considers finding a job. He knows he will have to look for one; this will take time. Assuming he gets one, he will have to wait even longer to obtain his first paycheck. But he knows that young men have difficulty finding their first jobs, especially in inner-city neighborhoods such as his. Moreover, he cannot be certain that the job he might get would provide benefits that exceed the costs. Working forty hours a week as a messenger, a dishwasher, or a busboy might not seem worth the sacrifice in time, effort, and reputation on the street corner that it entails. The young man may be wrong about all this, but if he is ignorant of the true risks of crime, he is probably just as ignorant of the true benefits of alternatives to crime.

Compounding the problems of delay, uncertainty, and ignorance is the fact that society cannot feasibly make more than modest changes in the employment prospects of young men. Job-creation takes a long time, when it can be done at all, and many of the jobs created will go to the "wrong" (i.e., not criminally inclined) persons; thus, unemployment rates among the young will not vary greatly among states and will change only slowly over time. And if we wish to see differences in unemployment rates (or income levels) affect crime, we must estimate those effects by exactly the same statistical techniques we use to estimate the effect of criminal-justice sanctions.

The problem of measurement error arises because we do not know with much accuracy the unemployment rate among youths by city or state. Much depends on who is looking for work and how hard, how we count students

who are looking only for part-time jobs, and whether we can distinguish between people out of work for a long period and those who happen to be between jobs at the moment. Again, since inaccuracies in these data vary from place to place, we will obtain biased results.

The problem of omitted factors is also real, as is evident in a frequently cited study done in 1976 by Harvey Brenner, of Johns Hopkins University. He suggested that between 1940 and 1973, increases in the unemployment rate led to increases in the homicide rate. But he omitted from his analysis any measure of changes in the certainty or the severity of sentences for murder, factors that other scholars have found to have a strong effect on homicide.

Finally, the relationship between crime and unemployment (or poverty) is probably complex, not simple. For example, in a statistical study that manages to overcome the problems already mentioned, we might discover that as unemployment rates go up, crime rates go up. One's natural instinct would be to interpret this as meaning that rising unemployment causes rising crime. But rising crime might as easily cause rising unemployment. If young men examining the world about them conclude that crime pays more than work--that, for instance, stealing cars is more profitable than washing them--they may then leave their jobs in favor of crime. Some young men find dealing in drugs more attractive than nine-to five jobs, but, technically, they are "unemployed."

Perhaps both crime and unemployment are the results of some common underlying cause. In 1964, the unemployment rate for black men aged twenty to twenty-four was 12.6 percent; by 1978, it was 20 percent. During the same period, crime rates, in particular those involving young black men, went up. Among the several possible explanations are the changes that have occurred where so many young blacks live, in the inner parts of large cities. One such change is the movement out of the inner cities of both jobs and the social infrastructure that is manned by adult members of the middle class. The departure of jobs led to increased unemployment; the departure of the middle class led to lessened social control and hence to more crime. If we knew more than we now know, we would probably discover that all three relationships are working simultaneously: for some persons, unemployment leads to crime; for others, crime leads to unemployment; and for still others, social disintegration or personal inadequacy leads to both crime and unemployment.

That several of these relationships are in fact at work is suggested by Brenner's study, which noted that the murder rate went up with increases in per capita income and inflation as well as with a rise in joblessness. But if the stress of joblessness leads to more murders, what is it about increases in average income (or in inflation) that also leads to more murders? And if society attempts to reduce the murder rate by reducing unemployment, how can it do this without at the same time increasing the murder rate, because, as a result of increased employment, it has managed to increase per capita incomes or stimulate inflation?

I do not say this to explain away the studies purporting to show that unemployment or poverty causes crime, for in fact--contrary to what many people assert--very little research shows a relationship between economic factors and crime. Robert W. Gillespie, of the University of Illinois, reviewed studies available as of 1975 and found that out of ten looking for evidence of the existence of a significant relationship between unemployment and crime, only three were successful. In 1981, Thomas Orsagh and Ann Dryden Witte, both of the University of North Carolina, reviewed the studies that had appeared since 1975 and found very little statistically strong or consistent evidence to support the existence of such a connection. The evidence linking income (or poverty) and crime is similarly inconclusive, and probably for the same reasons: grave methodological problems confront anyone trying to find the relationship, and the relationship, to the extent that it exists is probably quite complex (some people may turn to crime because they are poor, some people may be poor because they have turned to crime but are not very good at it, and still others may have been made both poor and criminal because of some common underlying factor). To quote Orsagh and Witte: "Research using aggregate data provides only weak support for the simple proposition that unemployment causes crime....[and] does not provide convincing tests of the relationship between low income and crime."

THE hope, widespread in the 1960's that job-creation and job-training programs would solve many social problems, including crime, led to countless efforts both to prevent crime by supplying jobs to crime-prone youths and to reduce crime among convicted offenders by supplying them with better job opportunities after their release from

prison. One preventive program was the Neighborhood Youth Corps, which gave to poor young persons jobs during the afternoons and evenings and all day during the summer. An evaluation of the results of such programs among poor blacks in Cincinnati and Detroit found no evidence that participation in the Youth Corps had any effect on the proportion of enrollees who came into contact with the police. Essentially the same gloomy conclusion was reached by the authors of a survey of a large number of delinquency prevention programs, though they reported a few glimmers of hope that certain programs might provide some benefits to some persons. For example, persons who had gone through a Job Corps program that featured intensive remedial education and job training in a residential camp were apparently less likely to be arrested six months after finishing their training than a control group.

Though preventing crime and delinquency through job programs of the sort developed by the Great Society seemed a lost hope, somewhat more success was reported from efforts to reduce crime among ex-offenders. Philip Cook followed 325 men who had been released from Massachusetts prisons in 1959 and found that parolees who were able to find "satisfactory" jobs (not just any job) were less likely than other parolees to have their parole revoked because they committed a new crime during an eighteen-month follow-up period. This was true even after controlling for the personal attributes of the parolees, such as race, intelligence, marital status, education, prior occupation, and military service.

Findings such as Cook's may have reinforced the belief of policy-makers that if only we would re-integrate the ex-offender into the labor market, we could cut crime and at the same time save money through reduced prison populations. By the early 1970s, forty-two states had adopted some variety of "work-release" program for prisoners, in which convicts nearing the end of their prison terms were released into the community in order to work at various jobs during the day, returning to prison at night or on weekends. Gordon P. Waldo and Theodore G. Chiricos, of Florida State University, evaluated the results of work-release in Florida, and did so on the basis of a particularly sophisticated research design. Eligible inmates were randomly assigned to either a work-release or a non-release group. And many different measures of recidivism were calculated--not just whether the offender was later arrested but also the rate of arrests per month. Waldo and Chiricos found no differences whatsoever in

the re arrest rate (or in any measure of recidivism) between persons in and out of work-release. An equally unpromising result was found by Ann Dryden Witte in North Carolina, though there work-release may have led offenders to commit somewhat less serious crimes.

If work-release seems not to reduce crime rates, perhaps it is because it focuses on work rather than on wealth. Perhaps if ex-offenders had more money, especially during the crucial few months after their release, they would not need to steal in order to support themselves. Some preliminary evidence gave credence to this view. In Baltimore, about 400 ex-convicts were randomly assigned to one of four groups--those receiving nothing, those receiving employment assistance, those receiving financial aid, and those receiving both job-placement services and financial aid. After two years, it was clear that getting employment counseling did not affect the chances of being re-arrested, but getting financial aid (\$60 a week for thirteen weeks) did make a small difference (about 8 percent). This finding, however, brought with it a host of problems. For one thing, recidivism was defined as re-arrest, not the rate of re-arrest (thus possibly obscuring changes in the frequency with which persons committed crimes). Moreover, the study excluded first offenders, alcoholics, heroin users, and persons who had not committed property offenses.

A fuller test of the combined effects of employment and wealth on criminal behavior was made in Georgia and Texas. Called TARP (Transitional Aid Research Project), it involved randomly assigning about 9,000 ex-convicts in each state to groups that, on release from prison, received financial aid, job-placement services, or nothing. This experiment was not only much larger than the one in Baltimore but also included all available categories of offenders, and it used the number of arrests of an individual (and not simply the fact of arrest) as the measure of the outcome. It also arranged that the financial aid that ex-convicts received would be reduced by any income they received from jobs--a more realistic arrangement than that used in Baltimore, where the ex-convicts could keep their financial aid whether or not they worked.

The ex-convicts who received financial aid and/or employment counseling had about the same arrest rate after release as the group that received no aid or counseling. Moreover, individuals who received TARP financial aid worked less than those who did not, so the money could be

said to have discouraged, rather than encouraged, employment. The authors of the evaluation, however, were not discouraged by these findings. A complex statistical analysis led them to suggest that if the financial assistance could have been administered so as not to cause unemployment, then the payments might have prevented some crime. That speculation has been challenged by critics. What is not in dispute is that, as administered, the TARP payments did not reduce crime.

THE best and most recent effort to identify the link between employment and crime was the "supported-work" program of the Manpower Demonstration Research Corporation (MDRC). In ten locations around the country, MDRC randomly assigned four kinds of people with employment problems to special workshops or to control groups. The four categories were long-term welfare (Aid to Families with Dependent Children) recipients, school dropouts, former drug addicts, and ex-convicts. The workshops provided employment in unskilled jobs supplemented by training in job-related personal skills. The unique feature of the program was that all the participants in a given work setting were people with problems; thus the difficulties experienced by persons with chronic unemployment problems when they find themselves competing with persons who are successful job-seekers and job-holders were minimized. Moreover, the workshops were led by sympathetic supervisors (often themselves ex-addicts or ex-convicts), who gradually increased the level of expected performance until, after a year or so, the trainees were able to go out into the regular job market on their own. This government subsidized work in a supportive environment, coupled with training in personal skills, was the most ambitious effort of all we have examined to get persons with chronic problems into the labor force. Unlike vocational training in prison, supported work provided real jobs in the civilian world, and training directly related to what one was paid to do. Unlike work release programs, supported work did not immediately place the ex convict in the civilian job market to sink or swim on his own.

Welfare recipients and ex-addicts benefited from supported work, but ex convicts and youthful school dropouts did not. Over a twenty-seven-month observation period, the school dropouts in the project were arrested as frequently as the school dropouts in the control group, and the ex offenders in the project were arrested more frequently

(seventeen more arrests per 100 persons) than ex-offenders in the control group.

The clear implication, I think, of the supported-work project--and of all the studies to which I have referred--is that unemployment and other economic factors may well be connected with criminality, but the connection is not a simple one. If, as some people assume, "unemployment causes crime," then simply providing jobs to would-be criminals or to convicted criminals would reduce their propensity to commit crimes. We have very little evidence that this is true, at least for the kinds of persons helped by MDRC. Whether crime rates would go down if dropouts and ex-convicts held on to their jobs we cannot say, because, as the supported-work project clearly showed, within a year and a half after entering the program, the dropouts and ex-convicts were no more likely to be employed than those who had never entered the program at all--despite the great and compassionate efforts made on their behalf. Help, training, and jobs may make a difference for some persons--the young and criminally inexperienced dropout; the older, "burned-out" ex-addict; the more mature (over age thirty-five) ex-convict. But ex-addicts, middle aged ex-cons, and inexperienced youths do not commit most of the crimes that worry us. These are committed by the young chronic offender.

Marvin E. Wolfgang and his colleagues at the University of Pennsylvania, following the criminal careers of about 10,000 boys born in 1945 who lived in Philadelphia from their tenth to their eighteenth birthdays, found that about one third of the boys were arrested. For about half of these, their criminal "careers" stopped there. However, once a juvenile had been arrested three times, the chances that he would be arrested again were greater than 70 percent. These findings are consistent with the view that for novice offenders (to say nothing of non-offenders), some combination of informal social control, the deterrent effect of punishment, and the desire for normal entry into the world of work serves to restrain the growth of criminality. This is the group to whom we should look for evidence of the effects of changes in the probability and severity of punishment and of changes in job availability. At the other end of the scale, 6 percent of the Philadelphia boys committed five or more crimes before they were eighteen, accounting for more than half of all the recorded delinquencies of the 10,000 boys and most of the violent crimes committed by the entire cohort. The evidence from MDRC is consistent with the view that job programs are not likely to be effective with these offenders. Since we

have only a few studies of the effect of deterrence on individuals (as opposed to large aggregates of people), we cannot be confident that increasing the certainty or severity of punishment would affect this group of hard-core, high-rate offenders, but evidence in the Murray and Cox study suggests that it might.

I BELIEVE that the weight of the evidence--aggregate statistical analyses, evaluations of experiments and quasi-experiments, and studies of individual behavior--supports the view that the rate of crime is influenced by its costs. This influence is greater--or easier to observe- for some crimes and persons than for others. The crime rate can be lowered by increasing the certainty of sanctions, but inducing the criminal-justice system to make those changes is difficult, especially if apprehending and punishing the offender is not intrinsically rewarding to members of the criminal-justice system, or if the crime itself lacks the strong moral condemnation of society. In theory, the rate of crime should also be sensitive to the benefits of non-crime--for example, the value and availability of jobs--but thus far efforts to show that relationship have led to inconclusive results. Moreover, the nature of the connection between crime and legitimate opportunities is complex: unemployment (and prosperity!) can cause crime, crime can cause unemployment (but probably not prosperity), and both crime and unemployment may be caused by still other factors. Economic factors probably have the greatest influence on the behavior of infrequent, novice offenders and the least on frequent, experienced ones. Despite the uncertainty that attaches to the connection between the economy and crime, I believe that the wisest course of action for society is to try to increase the benefits of non criminal behavior and the costs of crime simultaneously, all the while bearing in mind that no feasible change in either part of the equation is likely to produce big changes in crime rates.

Some may agree with me but still feel that we should spend more heavily on one side or the other of the cost-benefit equation. At countless scholarly gatherings, I have heard learned persons examine closely any evidence purporting to show the deterrent effect of sanctions, but accept with scarcely a blink the theory that crime is caused by a "lack of opportunities." Perhaps they feel that since the evidence on both propositions is equivocal, it does less harm to believe in--and invest in- the "benign" (i.e., job-creation) program. That is surely wrong. If we try to

make the penalties for crime swifter and more certain, and it should turn out that deterrence does not work, then we have merely increased the risks facing persons who are guilty of crimes in any event. If we fail to increase the certainty and swiftness of penalties, and it should turn out that deterrence does work, then we have needlessly increased the risk of being victimized for many innocent persons.

We can alter the crime rate in ways other than by manipulating the incentives confronting a would-be offender. Even if no criminal paid any heed to the risks he ran--an unlikely state of affairs--we could still reduce the crime rate by separating offenders (in prisons or on desert islands) from the rest of us. We call this "incapacitation." Almost no one doubts that incapacitation works: a man in prison cannot harm persons outside of prison, though scholars do disagree as to how large a reduction in crime we will obtain for a given cost (in money for prisons and in the freedom lost by the inmates).

Many people doubt that manipulating incentives works. Settling that issue is important, because, in theory, changing the penalties and opportunities operating in society would be a more powerful crime-control technique than simply incapacitating known criminals. To the extent that behavior is affected by rewards, would-be criminals can be induced not to become criminals at all and existing criminals can be persuaded to reduce the rate at which they offend. Were sanctions sufficiently swift and certain (and were alternatives to crime sufficiently attractive), the long prison terms required by the incapacitation strategy might not be necessary.

BUT we cannot achieve large reductions in crime rates by making sanctions very swift or very certain or by making jobs very abundant, because things other than the fear of punishment or the desire for jobs affect the minds of offenders, and because while we say we want a speedy, fair, and efficient criminal-justice system, we want other things more.

The behavior of most of us is affected by even small (and possibly illusory) changes in the costs attached to it. We are easily deterred by a crackdown on drunk driving, especially if it is highly publicized, and our willingness to take chances when filling out our tax returns is influenced by how likely we think an audit may be. Why, then, should

we not see big changes in the crime rates when we make our laws tougher?

The answer is not that, unlike the rest of us, burglars, muggers, and assaulters are irrational. I am struck by the account given in Sally Engle Merry's book, *Urban Danger* of her extended interviews with youthful offenders in a big-city neighborhood she observed for a year and a half. She found that these young men had a sophisticated, pragmatic view of their criminal enterprises, even though they were neither "white-collar" criminals nor highly professional burglars. They distinguished carefully between affluent and less-affluent targets, spoke knowledgeably about the chances of being caught in one part of the district as opposed to another, understood that some citizens were less likely to call the police than others, knew which offenses were most and which were least likely to lead to arrest and prosecution, and had formed a judgment about what kinds of stories the judges would or would not believe. Though many committed crimes opportunistically, or in retaliation for what they took to be the hostile attitudes of certain neighbors, they were neither so impulsive nor so emotional as to be unaware of, or indifferent to, the consequences of their actions.

The chronic offenders who cause us all so much misery are probably especially aware of the risks they run. When Jan and Marcia Chaiken, of the Rand Corporation, analyzed the data gathered from more than 2,000 inmates of jails and prisons in California, Michigan, and Texas, they found that the chances of going to prison for a crime were higher in Texas than in California, and that the inmates sensed it. The California inmates were twice as likely as the ones in Texas to say that they thought they could commit the same crime again without getting caught. The Chaikens found, in short, what appeared to be some connection among what criminals think will happen, what in fact does happen, and how criminals behave.

Why, then, do crime rates seem so hard to change? The answer is not that criminals are irrational. It is rather that they evaluate their risks and opportunities by standards somewhat different from those of the rest of us, and society cannot easily change those risks and opportunities in ways that will have a noticeable effect on criminal behavior.

Chronic offenders may attach little or no importance to the loss of reputation that comes from being arrested; in certain circles, they may feel that an arrest has enhanced their reputation. They may attach a low value to the alleged

benefits of a legitimate job, because it requires punctuality, deferential behavior, and a forty-hour week, all in exchange for no more money than they can earn in three or four burglaries carried out at their leisure. These values are not acquired merely by trying crime and comparing its benefits with those of non-criminal behavior; if that were all that was involved, far more of us would be criminals. These preferences are shaped by personal temperament, early familial experiences, and contacts with street-corner peers--by character forming processes that occur in intimate settings, produce lasting effects, and are hard to change.

Whereas the drinking driver, the casual tax cheat, or the would-be draft evader, having conventional preferences, responds quickly to small changes in socially determined risks, the chronic offender seems to respond only to changes in risks that are sufficiently great to offset the large benefits he associates with crime and the low value he assigns to having a decent reputation. Changing risks to that degree is not impossible, but changing those risks permanently and for large numbers of persons is neither easy nor inexpensive, especially since (as we saw in Wayne County, with the felony firearm statute, and in New York, with the Rockefeller drug law) some members of the criminal-justice system resist programs of this kind.

One third of all robberies committed in the United States are committed in the six largest cities, even though they contain only 8 percent of the nation's population. The conditions of the criminal-justice system in those cities range from poor to disastrous. The New York Times recently described one day in New York City's criminal courts. Nearly 4,000 cases came up on that day; each received, on the average, a three-minute hearing from one of seventy overworked judges. Fewer than one case in two hundred resulted in a trial. Three quarters of the summonses issued in the city are ignored; 3.7 million unanswered summonses now fill the courts' files. It is possible that some measure of rough justice results from all this--that the most serious offenders are dealt with adequately, and that the trivial or nonexistent penalties (other than inconvenience) imposed upon minor offenders do not contribute to the production of more chronic offenders. In short, these chaotic courts may not, as the Times described them, constitute a "system in collapse." But could such a system reduce the production of chronic offenders by increasing the swiftness, certainty, or severity of penalties for minor offenders? Could it take more seriously spouse assaults where the victim is reluctant to

testify? Or monitor more closely the behavior of persons placed on probation on the condition that they perform community service or make restitution to their victims? Or weigh more carefully the sentences given to serious offenders, so as to maximize the crime-reduction potential of those sentences? It seems most unlikely. And yet, doing some or all of these things is exactly what is required by any plan to reduce crime by improving deterrence. For reasons best known to state legislators who talk tough about crime but appropriate too little money for a big-city court system to cope properly with lawbreakers, the struggle against street crime that has supposedly been going on for the last decade or so is in large measure a symbolic crusade.

I HAVE written at length elsewhere about the obstacles that prevent more than small, planned changes in the criminal-justice system. Given the modest effect that changes will have on the observable behavior of chronic offenders, we may want to supplement improvements in the criminal-justice system with programs that would reduce the causes of crime. When I published the first edition of *Thinking About Crime*, in 1975, I argued that a free society lacked the capacity to alter the root causes of crime, since they were almost surely to be found in the character-forming processes that go on in the family. The principal rejoinder to that argument was that these root causes could be found instead in the objective economic conditions confronting the offender. Labor-market or community conditions may indeed have some effect on the crime rate, but since I first wrote, the evidence has mounted that this effect is modest and hard to measure and that devising programs--even such extraordinary programs as supported work--that will have much impact on repeat offenders or school dropouts is exceptionally difficult.

By contrast, a steadily growing body of evidence suggests that the family affects criminality and that its effect, at least for serious offenders, is lasting. Beginning with the research of Sheldon and Eleanor Glueck in Boston during the 1930s and 1940s, and continuing with the work of Lee Robins, William and Joan McCord, and Travis Hirschi in this country, Donald West and David Farrington in England, Lea Pulkinnen in Finland, Dan Olweus in Norway, and many others, we now have available an impressive number of studies that, taken together, support the following view: Some combination of constitutional traits and early family experiences accounts for more of the

variation among young persons in their serious criminality than any other factors, and serious misconduct that appears relatively early in life tends to persist into adulthood. What happens on the street corner, in the school, or in the job market can still make a difference, but it will not be as influential as what has gone before.

If criminals are rational persons with values different from those of the rest of us, then it stands to reason that temperament and family experiences, which most shape values, will have the greatest effect on crime, and that perceived costs and benefits will have a lesser impact. For example, in a society where people cannot be under continuous official surveillance, the pleasure I take in hitting people is likely to have a greater effect on my behavior than the occasional intervention of some person in a blue uniform who objects to my hitting others and sets in motion a lengthy and uncertain process that may or may not result in my being punished for doing the hitting.

In a sense, the radical critics of America are correct. If you wish to make a big difference in crime rates, you must make a fundamental change in society. But what they propose to put in place of existing institutions, to the extent that they propose anything at all except angry rhetoric, would leave us yearning for the good old days when our crime rate may have been higher but our freedom was intact.

There are, of course, ways of re-organizing a society other than along the authoritarian lines of radical Marxism. One can imagine living in a society in which the shared values of the people, reinforced by the operation of religious, educational, and communal organizations concerned with character formation, would produce a citizenry less criminal than ours is now without diminishing to any significant degree the political liberties we cherish. Indeed, we can do more than imagine it; we can recall it. During the latter half of the nineteenth century, we managed in this country to keep our crime rate lower than it might have been in the face of extensive urbanization, rapid industrialization, large-scale immigration, and the widening of class differences. We did this, as I have argued elsewhere ("Crime and American Culture," *The Public Interest*, Winter, 1982), by investing heavily in various systems of impulse control through revival movements, temperance societies, uplift organizations, and moral education--investments that were based on and gave effect to a widespread view that self-restraint was a fundamental element of character.

These efforts were designed to protect (and, where necessary, to replace) the family, by institutionalizing familial virtues in society at large. The efforts weakened as the moral consensus on which they were based decayed: self-expression began to rival self-control as a core human value, at first among young, well-educated persons, and eventually among persons of every station. Child-rearing methods, school curricula, social fashions, and intellectual tendencies began to exalt rights over duties, spontaneity over loyalty, tolerance over conformity, and authenticity over convention.

The criminal-justice system of the nineteenth century was probably no swifter or more certain in its operations than the system of today, at least in the large cities, and the economy was even more subject to booms and busts than anything we have known since the 1930s. The police were primitively organized and slow to respond, plea bargaining was then, as now, rife in the criminal courts, prisons were overcrowded and nontherapeutic, and protection against the vicissitudes of the labor market was haphazard or nonexistent. Yet these larger social processes may have had a greater effect on crime rates than they do today, because then, unlike now, they were working in concert with social sentiments: society condemned those whom the police arrested, the judge convicted, or the labor market ignored. Shame magnified the effect of punishment, and perhaps was its most important part.

Today, we are forced to act as if the degree of crime control that was once obtained by the joint effect of intimate social processes and larger social institutions can be achieved by the latter alone. It is as if we hope to find in some combination of swift and certain penalties and abundant economic opportunities a substitute for discordant homes, secularized churches, intimidated schools, and an ethos of individual self-expression. We are not likely to succeed.

Nor are we likely to reproduce, by plan, an older ethos or its accompanying array of voluntary associations and social movements. And, since we should not abandon essential political liberties, our crime-control efforts for the most part will have to proceed on the assumption--shaky as it is--that the things we can change, at least marginally, will make a significant difference. We must act as if swifter and more certain sanctions and better opportunities will improve matters. Up to a point, I think, they will, but in reaching for that point we must be prepared for modest

gains uncertainly measured and expensively priced.

Brighter prospects may lie ahead. By 1990, about half a million fewer eighteen-year-old males will be living in this country than were living here in 1979. As everyone knows, young males commit proportionately more crimes than older ones. Since it is the case in general that about 6 percent of young males become chronic offenders, we will in 1990 have 30,000 fewer eighteen-year-old chronic offenders; if each chronic offender commits ten offenses (a conservative estimate) per year, we will have a third of a million fewer crimes from this age group alone. But other things may happen as well as the change in numbers. A lasting drop in the birthrate will mean that the number of children per family will remain low, easing the parental problem of supervision. A less youthful society may be less likely to celebrate a "youth culture," with its attendant emphasis on unfettered self-expression. A society less attuned to youth may find it can more easily re-assert traditional values and may be more influenced by the otherwise marginal effects of improvements in the efficiency of the criminal-justice system and the operation of the labor market. Natural and powerful demographic forces, rather than the deliberate re-establishment of an older culture, may increase the values of those few policy tools with which a free society can protect itself. In the meantime, justice requires that we use those tools, because penalizing wrong conduct and rewarding good conduct are right policies in themselves, whatever effect they may have.

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February 1989

Making Neighborhoods Safe

Sometimes "fixing broken windows" does more to reduce crime than conventional "incident-oriented" policing

by James Q. Wilson and George L. Kelling

NEW Briarfield Apartments is an old, run-down collection of wooden buildings constructed in 1942 as temporary housing for shipyard workers in Newport News, Virginia. By the mid-1980s it was widely regarded as the worst housing project in the city. Many of its vacant units provided hiding places for drug users. It had the highest burglary rate in Newport News; nearly a quarter of its apartments were broken into at least once a year.

For decades the police had wearily answered calls for assistance and had investigated crimes in New Briarfield. Not much came of this police attentiveness--the buildings went on deteriorating, the burglaries went on occurring, the residents went on living in terror. Then, in 1984, Detective Tony Duke, assigned to a newly created police task force, decided to interview the residents of New Briarfield about their problems. Not surprisingly, he found that they were worried about the burglaries- but they were just as concerned about the physical deterioration of the project. Rather than investigating only the burglaries, Duke spent some of his time investigating the buildings. Soon he learned that many city agencies--the fire department, the public-works department, the housing department--regarded New Briarfield as a major headache. He also discovered that its owners were in default on a federal loan and that foreclosure was imminent.

The report he wrote to Darrel Stephens, then the police chief, led Stephens to recommend to the city manager that New Briarfield be demolished and its tenants relocated. The city manager agreed. Meanwhile, Barry Haddix, the

patrol officer assigned to the area, began working with members of other city agencies to fix up the project, pending its eventual replacement. Trash was carted away, abandoned cars were removed, potholes were filled in, the streets were swept. According to a study recently done by John E. Eck and William Spelman, of the Police Executive Research Forum (PERF), the burglary rate dropped by 35 percent after Duke and Haddix began their work.

Stephens, now the executive director of PERF tells the story of the New Briarfield project as an example of "problem-oriented policing," a concept developed by Professor Herman Goldstein, of the University of Wisconsin Law School, and sometimes also called community-oriented policing. The conventional police strategy is "incident-oriented"--a citizen calls to report an incident, such as a burglary, and the police respond by recording information relevant to the crime and then trying to solve it. Obviously, when a crime occurs, the victim is entitled to a rapid, effective police response. But if responding to incidents is all that the police do, the community problems that cause or explain many of these incidents will never be addressed, and so the incidents will continue and their number will perhaps increase.

This will happen for two reasons. One is that a lot of serious crime is adventitious, not the result of inexorable social forces or personal failings. A rash of burglaries may occur because drug users have found a back alley or an abandoned building in which to hang out. In their spare time, and in order to get money to buy drugs, they steal from their neighbors. If the back alleys are cleaned up and the abandoned buildings torn down, the drug users will go away. They may even use fewer drugs, because they will have difficulty finding convenient dealers and soft burglary targets. By the same token, a neglected neighborhood may become the turf of a youth gang, whose members commit more crimes together in a group than they would if they were acting alone. If the gang is broken up, former members will still commit some crimes but probably not as many as before.

Most crime in most neighborhoods is local: the offenders live near their victims. Because of this, one should not assume that changing the environmental conditions conducive to crime in one area will displace the crime to other areas. For example, when the New York City police commissioner, Ben Ward, ordered Operation Pressure Point, a crackdown on drug dealing on the Lower East Side, dealing and the criminality associated with it were

reduced in that neighborhood and apparently did not immediately reappear in other, contiguous neighborhoods. Suburban customers of the local drug dealers were frightened away by the sight of dozens of police officers on the streets where these customers had once shopped openly for drugs. They could not--at least not right away--find another neighborhood in which to buy drugs as easily as they once had on the Lower East Side. At the same time, the local population included some people who were willing to aid and abet the drug dealers. When the police presence made drug dealing unattractive, the dealers could not--again, at least not for the time being--find another neighborhood that provided an equivalent social infrastructure.

The second reason that incident-oriented police work fails to discourage neighborhood crime is that law-abiding citizens who are afraid to go out onto streets filled with graffiti, winos, and loitering youths yield control of these streets to people who are not frightened by these signs of urban decay. Those not frightened turn out to be the same people who created the problem in the first place. Law-abiding citizens, already fearful, see things occurring that make them even more fearful. A vicious cycle begins of fear-induced behavior increasing the sources of that fear.

A Los Angeles police sergeant put it this way: "When people in this district see that a gang has spray-painted its initials on all the stop signs, they decide that the gang, not the people or the police, controls the streets. When they discover that the Department of Transportation needs three months to replace the stop signs, they decide that the city isn't as powerful as the gang. These people want us to help them take back the streets." Painting gang symbols on a stop sign or a storefront is not, by itself, a serious crime. As an incident, it is trivial. But as the symptom of a problem, it is very serious.

IN an earlier article in *The Atlantic* (March, 1982) we called this the problem of "broken windows": If the first broken window in a building is not repaired, then people who like breaking windows will assume that no one cares about the building and more windows will be broken. Soon the building will have no windows. Likewise, when disorderly behavior--say, rude remarks by loitering youths--is left unchallenged, the signal given is that no one cares. The disorder escalates, possibly to serious crime.

The sort of police work practiced in Newport News is an effort to fix the broken windows. Similar projects are under way in cities all over America. This pattern constitutes the beginnings of the most significant redefinition of police work in the past half century. For example:

- When a gunfight occurred at Garden Village, a low-income housing project near Baltimore, the Baltimore County police responded by investigating both the shooting and the housing project. Chief Cornelius Behan directed the officers in his Community Oriented Police Enforcement (COPE) unit to find out what could be done to alleviate the fears of the project residents and the gang tensions that led to the shooting. COPE officers worked with members of other agencies to upgrade street lighting in the area, trim shrubbery, install door locks, repair the roads and alleys, and get money to build a playground. With police guidance, the tenants organized. At the same time, high-visibility patrols were started and gang members were questioned. When both a suspect in the shooting and a particularly troublesome parole violator were arrested, gang tensions eased. Crime rates dropped. In bringing about this change, the police dealt with eleven different public agencies.
- When local merchants in a New York City neighborhood complained to the police about homeless persons who created a mess on the streets and whose presence frightened away customers, the officer who responded did not roust the vagrants but instead suggested that the merchants hire them to clean the streets in front of their stores every morning. The merchants agreed, and now the streets are clean all day and the customers find the stores more attractive.
- When people in a Los Angeles neighborhood complained to the police about graffiti on walls and gang symbols on stop signs, officers assigned to the Community Mobilization Project in the Wilshire station did more than just try to catch the gang youths who were wielding the spray cans; they also organized citizens' groups and Boy Scouts to paint over the graffiti as fast as they were put up.
- When residents of a Houston neighborhood became fearful about crime in their area, the police not only redoubled their efforts to solve the burglaries and thefts but also assigned some officers to talk with the citizens in their homes. During a nine-month period the officers visited

more than a third of all the dwelling units in the area, introduced themselves, asked about any neighborhood problems, and left their business cards. When Antony Pate and Mary Ann Wycoff, researchers at the Police Foundation, evaluated the project, they found that the people in this area, unlike others living in a similar area where no citizen-contact project occurred, felt that social disorder had decreased and that the neighborhood had become a better place to live. Moreover, and quite unexpectedly, the amount of property crime was noticeably reduced.

These are all examples of community-oriented policing, whose current popularity among police chiefs is as great as the ambiguity of the idea. In a sense, the police have always been community-oriented. Every police officer knows that most crimes don't get solved if victims and witnesses do not cooperate. One way to encourage that cooperation is to cultivate the good will of both victims and witnesses. Similarly, police-citizen tensions, over racial incidents or allegations of brutality or hostility, can often be allayed, and sometimes prevented, if police officers stay in close touch with community groups. Accordingly, most departments have at least one community-relations officer, who arranges meetings between officers and citizens' groups in church basements and other neutral locales.

But these commonplace features of police work are add-ons, and rarely alter the traditional work of most patrol officers and detectives: responding to radio calls about specific incidents. The focus on incidents works against a focus on problems. If Detective Tony Duke had focused only on incidents in New Briarfield, he would still be investigating burglaries in that housing project; meanwhile, the community-relations officer would be telling outraged residents that the police were doing all they could and urging people to call in any useful leads. If a tenant at one of those meetings had complained about stopped-up drains, rotting floorboards, and abandoned refrigerators, the community-relations officer would have patiently explained that these were not "police matters."

And of course, they are not. They are the responsibility of the landlord, the tenants themselves, and city agencies other than the police. But landlords are sometimes indifferent, tenants rarely have the resources to make needed repairs, and other city agencies do not have a twenty-four-hour emergency service. Like it or not, the police are about the only city agency that makes house

calls around the clock. And like it or not, the public defines broadly what it thinks of as public order, and holds the police responsible for maintaining order.

Community-oriented policing means changing the daily work of the police to include investigating problems as well as incidents. It means defining as a problem whatever a significant body of public opinion regards as a threat to community order. It means working with the good guys, and not just against the bad guys.

The link between incidents and problems can sometimes be measured. The police know from experience what research by Glenn Pierce, in Boston, and Lawrence Sherman, in Minneapolis, has established: fewer than 10 percent of the addresses from which the police receive calls account for more than 60 percent of those calls. Many of the calls involve domestic disputes. If each call is treated as a separate incident with neither a history nor a future, then each dispute will be handled by police officers anxious to pacify the complainants and get back on patrol as quickly as possible. All too often, however, the disputants move beyond shouting insults or throwing crockery at each other. A knife or a gun may be produced, and somebody may die.

A very large proportion of all killings occur in these domestic settings. A study of domestic homicides in Kansas City showed that in eight out of ten cases the police had been called to the incident address at least once before; in half the cases they had been called five times or more. The police are familiar with this pattern, and they have learned how best to respond to it. An experiment in Minneapolis, conducted by the Police Foundation, showed that men who were arrested after assaulting their spouses were much less likely to commit new assaults than those who were merely pacified or asked to leave the house for a few hours. Research is now under way in other cities to test this finding. Arrest may prove always to be the best disposition, or we may learn that some kind of intervention by a social agency also helps. What is indisputable is that a domestic fight--like many other events to which the police respond--is less an "incident" than a problem likely to have serious, long-term consequences.

Another such problem, familiar to New Yorkers, is graffiti on subway cars. What to some aesthetes is folk art is to most people a sign that an important public place is no longer under public control. If graffiti painters can attack cars with impunity then muggers may feel they can attack

the people in those cars with equal impunity. When we first wrote in these pages about the problem of broken windows, we dwelt on the graffiti problem as an example of a minor crime creating a major crisis.

The police seemed powerless to do much about it. They could arrest youths with cans of spray paint, but for every one arrested ten more went undetected, and of those arrested, few were punished. The New York Transit Authority, led by its chairman, Robert Kiley, and its president, David Gunn, decided that graffiti-free cars were a major management goal. New, easier-to-clean cars were bought. More important, key people in the Authority were held accountable for cleaning the cars and keeping them clean. Whereas in the early 1980s two out of every three cars were covered with graffiti, today fewer than one in six is. The Transit Police have played their part by arresting those who paint the cars, but they have been more successful at keeping cars from being defaced in the first place than they were at chasing people who were spraying already defaced ones.

WHILE the phrase "community-oriented policing" comes easily to the lips of police administrators, redefining the police mission is more difficult. To help the police become accustomed to fixing broken windows as well as arresting window-breakers requires doing things that are very hard for many administrators to do.

Authority over at least some patrol officers must be decentralized, so that they have a good deal of freedom to manage their time (including their paid overtime). This implies freeing them at least partly from the tyranny of the radio call. It means giving them a broad range of responsibilities: to find and understand the problems that create disorder and crime, and to deal with other public and private agencies that can help cope with these problems. It means assigning them to a neighborhood and leaving them there for an extended period of time. It means backing them up with department support and resources.

The reason these are not easy things for police chiefs to do is not simply that chiefs are slaves to tradition, though some impatient advocates of community-oriented policing like to say so. Consider for a moment how all these changes might sound to an experienced and intelligent police executive who must defend his department against media criticisms of officer misconduct, political pressure

to cut budgets, and interest-group demands for more police protection everywhere. With decentralized authority no one will know precisely how patrol officers spend their time. Moreover, decentralized authority means that patrol officers will spend time on things like schmoozing with citizens, instead of on quantifiable tasks like issuing tickets, making arrests, and clearing cases.

Making the community-oriented officers generalists means letting them deal with other city agencies, a responsibility for which few officers are well trained and which cuts across sensitive questions of turf and public expectations.

If officers are left in a neighborhood, some of them may start taking money from the dope dealers and after-hours joints. To prevent that, officers are frequently moved around. Moreover, the best people are usually kept in the detective squad that handles the really big cases. Few police executives want their best people settling into a neighborhood, walking around the bus stops and shopping malls.

The enthusiasts for community-oriented policing have answers for all these concerns, but sometimes in their zeal they forget that they are contending with more than mere bureaucratic foot-dragging--that the problems are real and require thoughtful solutions. Many police executives get in trouble not because the crime rate goes up but because cops are accused of graft, brutality, laziness, incivility, or indifference.

In short, police management is driven more by the constraints on the job than by the goals of the job. You cannot cope with those constraints without understanding them. This may be why some of the biggest changes toward community-oriented policing have occurred in cities where a new chief has come in from the outside with a mandate to shake up a moribund department. Lee Brown brought a community orientation to the Houston Police Department under precisely those circumstances--the reputation of the department was so bad that almost any change would have been regarded as an improvement.

What can we say to the worried police chief who is already running a pretty good department? Start with corruption: For decades police executives and reformers have believed that in order to prevent corruption, you have to centralize control over personnel and discourage intimacy between police officers and citizens. Maybe. But the price one pays for this is very high. For example, many neighborhoods are

being destroyed by drug dealers, who hang out on every street corner. The best way to sweep them off the streets is to have patrol officers arrest them for selling drugs and intimidate their customers by parking police cars right next to suspected drug outlets. But some police chiefs forbid their patrol officers to work drug cases, for fear they will be corrupted. When the citizens in these cities see police cars drive past scenes of open drug dealing, they assume the police have been paid off. Efforts to prevent corruption have produced the appearance of corruption.

Police Commissioner Ben Ward, in New York, decided that the price of this kind of anti-corruption strategy was too high. His Operation Pressure Point put scores of police officers on the streets to break up the drug dealing bazaar. Police corruption is no laughing matter, especially in New York, but some chiefs now believe that it will have to be fought in ways that do not require police officers to avoid contact with people.

Consider the problem of getting police resources and managing political pressures: resources can be justified with statistics, but statistics often become ends in themselves. One police captain we interviewed said that his department was preoccupied with "stacking widgets and counting beans." He asked his superior for permission to take officers out of radio cars and have them work on community problems. The superior agreed but warned that he would be watching to see what happened to "the stats." In the short run the stats--for example, calls answered, average response time--were likely to get worse, but if community problems were solved, they would get better as citizens had fewer incidents to report. The captain worried, however, that he would not be given enough time to achieve this and that the bean counters would cut off his program.

A better way to justify getting resources from the city is to stimulate popular demand for resources devoted to problem-solving. Properly handled, community-oriented policing does generate support for the department. When Newark police officers, under orders from Hubert Williams, then the police director, began stopping city buses and boarding them to enforce city ordinances against smoking, drinking, gambling, and playing loud music, the bus patrons often applauded. When Los Angeles police officers supervised the hauling away of abandoned cars, onlookers applauded. Later, when some of the officers had their time available for problem-solving work cut back, several hundred citizens attended a meeting to complain.

In Flint, Michigan, patrol officers were taken out of their cars and assigned to foot beats. Robert Trojanowicz, a professor at Michigan State University, analyzed the results and found big increases in citizen satisfaction and officer morale, and even a significant drop in crime (an earlier foot-patrol project in Newark had produced equivalent reductions in fear but no reductions in crime). Citizen support was not confined to statements made to pollsters, however. Voters in referenda twice approved tax increases to maintain the foot-patrol system, the second time by a two-to-one margin. New Briarfield tenants unquestionably found satisfaction in the role the police played in getting temporary improvements made on their housing project and getting a commitment for its ultimate replacement. Indeed, when a department experiments with a community-oriented project in one precinct, people in other precincts usually want one too.

POLITICIANS, like police chiefs, hear these views and respond. But they hear other views as well. One widespread political mandate is to keep the tax rate down. Many police departments are already stretched thin by sharp reductions in spending that occurred in the lean years of the 1970s. Putting one additional patrol car on the streets around the clock can cost a quarter of a million dollars or more a year.

Change may seem easier when resources are abundant. Ben Ward could start Operation Pressure Point because he had at his disposal a large number of new officers who could be thrown into a crackdown on street level drug dealing. Things look a bit different in Los Angeles, where no big increases in personnel are on the horizon. As a result, only eight officers are assigned to the problem-solving Community Mobilization Project in the Wilshire district--an economically and ethnically diverse area of nearly 300,000 residents.

But change does not necessarily require more resources, and the availability of new resources is no guarantee that change will be attempted. One temptation is to try to sell the public on the need for more policemen and decide later how to use them. Usually when that script is followed, either the public turns down the spending increase or the extra personnel are dumped into what one LAPD captain calls the "black hole" of existing commitments, leaving no trace and producing no effects.

What may have an effect is how the police are deployed and managed. An experiment jointly conducted by the Washington, D.C., Police Department and the Police Foundation showed that if a few experienced officers concentrate on known repeat offenders, the number of serious offenders taken off the streets grows substantially. The Flint and Newark experiences suggest that foot patrols in certain kinds of communities (but not all) can reduce fear. In Houston problem-oriented tactics seem clearly to have heightened a sense of citizen security.

The problem of interagency cooperation may, in the long run, be the most difficult of all. The police can bring problems to the attention of other city agencies, but the system is not always organized to respond. In his book *Neighborhood Services*, John Mudd calls it the "rat problem": "If a rat is found in an apartment, it is a housing inspection responsibility; if it runs into a restaurant, the health department has jurisdiction; if it goes outside and dies in an alley, public works takes over." A police officer who takes public complaints about rats seriously will go crazy trying to figure out what agency in the city has responsibility for rat control and then inducing it to kill the rats.

Matters are almost as bad if the public is complaining about abandoned houses or school-age children who are not in school. The housing department may prefer to concentrate on enforcing the housing code rather than go through the costly and time-consuming process of getting an abandoned house torn down. The school department may have expelled the truant children for making life miserable for the teachers and the other students; the last thing it wants is for the police to tell the school to take the kids back.

All city and county agencies have their own priorities and face their own pressures. Forcing them to cooperate by knocking heads together at the top rarely works; what department heads promise the mayor they will do may bear little relationship to what their rank-and-file employees actually do. From his experiences in New York City government Mudd discovered that if you want agencies to cooperate in solving neighborhood problems, you have to get the neighborhood-level supervisors from each agency together in a "district cabinet" that meets regularly and addresses common concerns. This is not an easy task (for one thing, police district lines often do not match the district boundaries of the school, housing, traffic, and

public works departments), but where it has been tried it has made solving the "rat problem" a lot easier. For example, Mudd reports, such interagency issues as park safety and refuse-laden vacant lots got handled more effectively when the field supervisors met to talk about them than when memos went up the chain of command of one agency and then down the chain of command of another.

COMMUNITY organizations along the lines of Neighborhood Watch programs may help reduce crime, but we cannot be certain. In particular, we do not know what kinds of communities are most likely to benefit from such programs. A Police Foundation study in Minneapolis found that getting effective community organizations started in the most troubled neighborhoods was very difficult. The costs and benefits of having patrol officers and sergeants influence the delivery of services from other city agencies has never been fully assessed. No way of wresting control of a neighborhood from a street gang has yet been proved effective.

And even if these questions are answered, a police department may still have difficulty accommodating two very different working cultures: the patrol officers and detectives who handle major crimes (murders, rapes, and robberies) and the cops who work on community problems and the seemingly minor incidents they generate. In every department we visited, some of the incident-oriented officers spoke disparagingly of the problem-oriented officers as "social workers," and some of the latter responded by calling the former "ghetto blasters." If a community-service officer seems to get too close to the community, he or she may be accused of "going native." The tension between the two cultures is heightened by the fact that in many departments becoming a detective is regarded as a major promotion, and detectives are often selected from among those officers who have the best record in making major arrests--in other words, from the ranks of the incident-oriented. But this pattern need not be permanent. Promotion tracks can be changed so that a patrol officer, especially one working on community problems, is no longer regarded as somebody who "hasn't made detective." Moreover, some police executives now believe that splitting the patrol force into two units--one oriented to incidents, the other to problems--is unwise. They are searching for ways to give all patrol officers the time and resources for problem-solving activities.

Because of the gaps in our knowledge about both the results and the difficulties of community-oriented policing, no chief should be urged to accept, uncritically, the community-oriented model. But the traditional model of police professionalism--devoting resources to quick radio-car response to calls about specific crime incidents--makes little sense at a time when the principal threats to public order and safety come from collective, not individual, sources, and from problems, not incidents: from well-organized gangs and drug traffickers, from uncared-for legions of the homeless, from boisterous teenagers taking advantage of their newfound freedom and affluence in congested urban settings.

Even if community-oriented policing does not produce the dramatic gains that some of its more ardent advocates expect, it has indisputably produced one that the officers who have been involved in it immediately acknowledge: it has changed their perceptions of the community. Officer Robin Kirk, of the Houston Police Department, had to be talked into becoming part of a neighborhood fear-reduction project. Once in it, he was converted. In his words, "Traditionally, police officers after about three years get to thinking that everybody's a loser. That's the only people you're dealing with. In community policing you're dealing with the good citizens, helping them solve problems."

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To: Rahm Emmanuel
 From : Mark Kleiman
 Re: Targeted Zero Tolerance and Crime Control
 Date: November 6, 1997

Central point:

Using only existing knowledge and resources, the country could have a much smaller crime problem three years from now than it has now.

The important new idea is "targeted zero tolerance," also known as "getting deterrence right." It can work at the neighborhood level, focused on the petty crimes that create the atmosphere for major crimes (e.g., some of Bill Bratton's initiatives in New York), or at the level of the individual offender or offender group (e.g., the Boston Youth Gun Project and coerced abstinence for drug-involved offenders).

Either way, the three keys are focus, communication, and follow-through.

Focus means picking specific behaviors for zero tolerance and, where possible, identifying the individuals or groups most likely to engage in them. Communication means telling those people precisely what won't be tolerated and precisely what will happen to them if the lines are crossed. Follow-through means delivering the promised sanction every time. This requires using the resources and powers of all the elements of the criminal-justice system: not just police, but probation, parole, prosecutors, courts, juvenile authorities as well; not just the locals or the feds, but everyone together.

Key organizing ideas:

Disorder makes neighborhoods vulnerable to serious crime. Controlling disorder prevents serious crime.

Most serious offenses are committed by a small number of people. Controlling their behavior is therefore essential. It is also feasible, precisely because they are so active and thus so vulnerable to enforcement focus. Multi-offending and

probation/parole status make high-rate serious offenders manageable, if the system works in a coordinated fashion to use those handles. That rarely happens now.

Deterrent threats need to be communicated to the people they are intended to deter, on an individual, "This Means You" basis where possible. The threat needs to be specific about what behavior will trigger a response and what the response will be. Arrests and sentences are very poor communications channels. Don't strike the rock, talk to the rock.

Most offenders are reckless and impulsive. Low-probability deferred threats of serious punishment sometime in the future bounce off them (otherwise they wouldn't be offenders). We need high-probability threats of immediate punishment; if we can deliver on those, behavior will change even if the punishments aren't severe.

The resources of the police and the rest of the criminal justice system can't deliver sanctions for every violation of every law by every person. But they can deliver effective zero tolerance for specified violations by specified people.

Controlling group offending (as represented by youth gangs) requires group-level accountability. Tell the whole group that if any member commits a specified act (such as shooting someone) the whole group will become a zero-tolerance target with respect to any offense, no matter how petty. Then let the groups control their own members.

A convincing threat can deter much more behavior than could actually be punished. How does the mythical Texas Ranger face down an angry mob when he has only one bullet left in his gun? By letting everyone know that the first one who steps forward will get shot. No one wants to go first.

Neighborhood version:

Crime is going down for many reasons: more cops on the street, more high-rate serious offenders in prison, good people in high-crime neighborhoods getting together to stop the carnage.

We're also getting smarter about controlling crime. Community-based, problem-oriented policing has penetrated more and more deeply into the daily life of police departments around the country, thanks in part to the community policing requirement attached to the COPS grants but in greater part to the growing understanding among police officers and the leadership of police departments that community policing is the best way to do the job of crime control.

One of the key ideas behind community policing is "fixing broken windows." By refusing to tolerate low-level acts of disorder (vandalism, graffiti, public drunkenness, retail drug dealing) and by cleaning up physical signs of decay, we can send a signal to all potential violators that this block, this corner, this neighborhood are not places where "anything goes." That turns out to have a powerful effect on serious crime.

But simply announcing a blanket zero-tolerance policy is an empty gesture, and all the offenders know it even if the pundits don't. There's no way any police department could make an arrest every time some local ordinance is violated, and if they tried the result would be to gridlock the courts. What Bill Bratton's troops did in New York was to focus on a few specific kinds of disorderly activity: some city-wide, like "squeegeeing," but most on a precinct-by-precinct basis. The choice of behaviors for local zero tolerance was made by precinct management, in consultation with neighborhood residents and business owners. In every case, the target behaviors were well-publicized in advance. The goal was not to maximize the number of arrests (that's the idea behind "sweeps") but to get the level of the targeted activity as close as possible to zero as quickly as possible, using the minimum number of arrests necessary.

This variety of targeted zero tolerance makes neighborhoods more crime-resistant. Learning how to make it happen is a central element of doing community policing well.

Offender/group version:

Most serious crime is done by a relatively small number of offenders. Most of them are active in a wide array of crimes, large and small, and many of them are on probation or parole when not in prison. Multi-offending and conditional release give the criminal justice system potential handles that can be used to suppress the serious stuff, but traditionally those handles haven't been used very well; the fact that the police think that a particular probationer is behind a string of robberies tends not to influence how his probation officer handles him. Just recently, practitioners have learned how to use them in a different version of targeted zero tolerance, and the results have been spectacular.

The Boston Youth Gun Project identified about 1300 juveniles and young adults in 60-70 gangs as being responsible for virtually all of the youth gun homicides in Boston. The gangs were called in, one-by one, as groups, for meetings involving the gang unit, the drug unit, the Department of Youth Services, probation, the District Attorney, the State Attorney General, the U.S. Attorney, and the DEA and BATF.

Each gang was given the following message:

1. We know who you are.
2. We know what you're doing, and most of it is illegal. You're playing hooky, you're violating your probation curfews, you're stealing, you're selling marijuana, you're drinking out of open containers, you're driving unregistered cars, whatever.
3. We can't stop all of you all the time.
4. We can stop any of you anytime we want. If all of us work together to enforce all of the laws and probation conditions you guys violate, you won't be able to function for a day. This doesn't mean we're going to violate your rights or harass you; it just means that every time one of you does something illegal he's going to pay for it. You won't have any fun or make any money.
5. Here are the rules: Nobody gets shot. Nobody gets stabbed.
6. If you violate the rules, we'll know. We know who is feuding with whom, and if someone from the Elm Street gang show up with a hole in him we'll know it was one of you Beech Street guys.
7. At that point, we're all over you like a cheap suit, and we won't let up until you say "uncle" and turn in all your guns.
8. There's no deal here: just a threat. As long as you keep doing illegal stuff, you're vulnerable to arrest or other sanctions, and we're not giving you a pass. But if you break the rules, we promise you'll pay for it.

After this series of meetings, there were two shootings (neither fatal). In each case the gang involved was identified and targeted. In each case, they eventually gave in and handed in their guns. The task force then went to all the adjacent gangs, explained that Gang X had broken the rules, been spanked, and had now knuckled under, and explained further that any act of aggression against Gang X would subject the gang responsible to the same treatment. ~~XX~~ This was perhaps the key move: making it safe to disarm.

One especially violent outfit that made it clear they didn't intend to comply was taken out by a DEA undercover operation that will have all its key players doing long federal sentences, except for the ones who wind up doing even longer state murder sentences based on one another's testimony.

There hasn't been a youth gun homicide; over that period, the expected number would have been more than thirty. Everyone is breathing easier; not only juveniles, but adults, are less prone to carry guns now that the gangs are no longer shooting up the town.

A similar program in Minneapolis, started this summer, has had similar results. At the individual-offender level, Lowell, Mass., targeted the sixty people most active in committing aggravated assaults, and the rate of that crime fell by two-thirds. An earlier, less formal project brought homicides in

the Chicago's Cabrini-Green housing project down from more than 100 per year to fewer than five. This isn't just a cute idea anymore; it works, and we know how to do it.

This approach is not an alternative to community policing. It assumes that the police have detailed knowledge of who is doing what to whom, a focus on problem-solving rather than arrest-maximizing, and a broad definition of their mission and their potential allies. All of these are characteristic of community-policing departments.

Coerced Abstinence for Drug-Involved Offenders

Reducing drug use and crime by drug-involved offenders on probation and parole by requiring abstinence from illicit drug use, frequent drug tests, and immediate sanctions for violations relies on the same logic as other targeted deterrence programs: specifying behavior to suppress, singling out a group to be forced to comply, and using certainty and swiftness rather than severity to control their behavior.

Administration role:

These programs don't usually need much outside money or manpower; the idea is to focus the resources already present. They do need, or at least benefit from, cooperation by the U.S. Attorneys and federal enforcement agencies, but that has been forthcoming. (Boston started out as a Treasury Enforcement initiative.) DC would be a good testbed, but not until it has a functioning police department.

It would be useful to have some funding for conferences, training, and, most of all, technical assistance. Small dollars, big impact.

But the real opportunity is to put the concept in the public eye, with everybody leading the cheers: the President, the AG, the VP, Louis Frech (maybe), Ray Kelly. "Getting deterrence right" puts some meat on the bones of being smart rather than just tough. Or rather, it shows how to be tough intelligently and compassionately, and elides the distinction between "enforcement" and "crime prevention" by using enforcement to prevent crime.

Lots of outside people would happily sing in the choir: Bratton himself, who would love some opportunities to get back into the national media, Paul Evans, the Boston Police Commissioner, other police chiefs and prosecutors, mayors like Rendell in Philadelphia and Goldsmith in Indianapolis, academics such as Blumstein, Wilson, and DiIulio. This stuff, especially the Boston story, makes great press and could generate lots of columns, talk shows, etc., if the Administration helps give it a high profile. Jeremy Travis at NIJ would gladly help on the research.

and research-promotion end. (I've got a panel on the topic at the American Society for Criminology meetings in San Diego two weeks from now, and can help lay the groundwork.)

A very ambitious version of this could involve a White House Conference on Crime Control where the new gospel would be preached. The point would be to say that crime control is no longer something that would be nice if we could get it; it's now available if we just do what we know how to do. One result would be to leave the pure lock-'em-up types on the Hill looking shrill and irrelevant.

Given that crime control is possible, it gets to be the centerpiece of any serious assault on urban poverty. Of all public services, protection from serious crime is the most unequally distributed by race and class, and the level of crime risk in urban poverty areas is one major reason why jobs there have been disappearing for a generation. As long as there wasn't anything sensible to do about it, there was no point explaining how nice crime control would be if we knew how to do it. But now we know.

Declining crime numbers make a good context for this, but we shouldn't bank too heavily on them. What goes down may come back up, and the demographics over the next decade are strongly against us. The best use of the good news is to make some political space for really intelligent crime control policy.

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A THIRD WAY IN DRUG ABUSE CONTROL

Mark A.R. Kleiman

Much of the damage now done by drug abuse, drug dealing, and drug control efforts in the United States is avoidable. Using only existing knowledge and resources, the nation could have a much smaller drug problem five years from now than it now has. That conviction stands behind a new effort mounted by the Federation of American Scientists and endorsed by some forty experts in drug research, drug policy analysis, and law enforcement. Its first effort was the publication of a set of fourteen "Principles for Practical Control Policies." [See box for excerpts and a list of signers.]

Along with Robert MacCoun of the Graduate School of Public Policy at Berkley and Charles R. Schuster of the Wayne State University Medical School, I helped organize the group and draft its first statement. We plan to organize a number of working groups to prepare detailed policy statements on a number of specific topics, including sentencing, retail law enforcement, treatment, and alcohol regulation.

This essay reflects some of the thinking behind that project. However, while the Principles statement was so thoroughly collaborative an effort that it is no longer possible to assign individual authorship to its sections (the penultimate draft bore the heading "Draft S" and a date almost nine months later than the date of "Draft A"), what follows is very much an individual statement and is the responsibility of its author alone.

"Hawks," "Doves," and the Struggle over Drug Policy

The major barrier to more effective drug control policies is that effectiveness - measured in terms of damage control - is not at the center of policy-making in this arena. Discussion has instead been dominated by a strongly ideological polarization about how to deal with the subset of abusable, addictive, and/or intoxicating substances that also are illegal (or restricted to medical uses alone). At one pole are the advocates of stricter controls, increased enforcement, harsher punishment, and school-based and mass-media efforts to "denormalize" non-medical consumption of those substances: advocates, in the unavoidable jargon phrase, of a "war on drugs." At the other pole are those who are more afraid of anti-drug efforts than of drugs, who therefore favor relaxed controls. In the logical extreme, this tendency

points toward repeal of the controlled substances laws themselves, that is, "legalization."

The stylized combat between "warriors" and "legalizers" is convenient, both for journalists and office-seekers and for the partisans at the two polar extremes. For journalists, it provides an easy set of categories and a source of battling quotations or dueling experts. For office-seekers, it sets up a no-lose situation. Since support for legalization, even of cannabis, remains safely below the 25% mark, if the only options are "drug war" or "legalization" the choice isn't a hard one. For the partisans, the actual horrors of the current situation serve as a firm rhetorical basis from which to attack the other side: as testimony to how much evil would be averted by repeal or, from the other viewpoint, as a both reminder that half-measures are inadequate (there is no substitute for victory) and a faint indication of the extent of the damage illicit drugs would inflict if made even more widely available by legalization.

Against these conveniences of the warrior/legalizer analysis of drug policy must be set some disadvantages. By focusing on the currently illicit substances, it removes from the debate over "drug policy" the question of what to do about alcohol, which entraps several times as many addicts and accounts for considerably more crime, disease, fetal damage, and death than all the illicit drugs combined, and about nicotine in cigarette form, which while not intoxicating is astonishingly addictive and roughly doubles the mortality rate of its addicted users at any given age. Excluding them from the debate makes it possible to be strongly against "drugs" without supporting higher taxes on beer or cigarettes. But thinking about drugs while excluding alcohol and nicotine is a little like thinking about oceans while ignoring the Atlantic and the Pacific. For each of these licit substances, control measures (not the same ones) well short of those now applied to the "controlled substances," and not requiring even a fraction as much enforcement effort, could prevent enormous suffering among users and non-users alike.

The warrior/legalizer polarization also conceals the reality that neither an unreflective tightening nor an unreflective loosening in current measures aimed at the illicit drugs is likely to improve matters. The shape of the function relating total social damage to the overall tightness of drug controls remains not merely an unexplored question but an unasked one. In particular, how it slopes near the current level is quite unknown. In the abstract, there is no reason to think either that doing more of the same will produce a radically better result or that, where a fairly heroic dose has failed to cure, a homeopathic dose will succeed. But there is every reason to think that a variety of changes, some in the direction of tightening and others in the direction of loosening, would markedly improve the overall situation.

The metaphor of "drug war" has, perhaps inevitably, generated "hawks" and "doves" as an alternative set of labels for the two poles. These labels have stuck in part because this version of the struggle over drug policy is conducted along substantially the cultural and ideological fault lines that characterized the anti-war movement. The pro-war/short-hair/jock world view and sensibility are as recognizable at meetings of drug-war "hawks" as the anti-war/long-hair/hippie world view and sensibility are at gatherings of those who call themselves "drug policy reformers." (Even back then, someone suggested that at least the on-campus aspect of the Vietnam issue had less to do with "hawks" and "doves" than with "jocks" and "freaks.")

In this instance, however, the hawks have had very much the better of the political confrontation. While discontent with the performance of the anti-drug effort is quite widespread, the legalization option has consistently failed to catch the public imagination other than as a bogey-man. Legalization advocates draw some comfort from the widespread support they enjoy among some elites, noticeably academic economists and law professors, and the unmeasured but substantial "underground" legalization constituency among judges, prosecutors, and police; they can also reflect that support for the Eighteenth Amendment remained strong until almost the end, and hope for a comparable turnaround as a result of a major scandal or the sudden accession of a few very prominent leaders to their cause. In the meantime, however, the public doesn't seem to be at all receptive. The political sociology and psychology of why this should be so is a fascinating question, but the situation stands, with no current hint of any substantial change.

Moreover, the drug-war doves have consistently failed to come up with any coherent description of post-prohibition control regimes or any plausible predictions of the extent of drug abuse and drug-related damage under alternative policy scenarios. They tend to assume new regimes with the magical property of exerting all the consumption-reducing powers of the drug war with none of its costs. Their speeches and publications tend to be long on horror stories about the present and future if prohibitions are maintained, but short on the details of the "taxes," "regulations," "educational campaigns," and programs to abolish poverty and racism that are to replace those prohibitions. To unsympathetic ears, they sound like nothing so much as Marxists asked what practical arrangements are to replace capitalism or libertarians asked how, precisely, the minimal state is to handle air pollution and the maintenance of city streets or keep the improvident and unfortunate from starving. In particular, the drug policy reformers, like their drug-warrior opponents, have been virtually silent about how to control the carnage and other suffering associated with the currently legal drugs.

Thomas Szasz continues to say what he has always said - that an unregulated market in psychoactive drugs would lead to a substantial increase in the number of people who severely damage themselves with such drugs, and that such an increase is a price worth paying for freedom - but he remains cheerfully marginal, with few drug-war doves capable of matching his clear-mindedness or willing to copy his apparent hard-heartedness.

Harm reduction as slogan and policy

With the legalization campaign largely bankrupt both politically and intellectually, the anti-prohibition forces have fallen back on a strategy of piecemeal attacks on current policies, under the general rubric of "harm reduction." As a result, this innocent-sounding label has become highly ideologically charged.

To understand how it is that someone could be against "harm reduction" requires a little simple algebra.

Let us imagine that the total damage done by drugs and drug control efforts under a given set of policies and surrounding social conditions could be measured as a single quantity. Call that quantity D , for (total) "Damage"; it might be measured in lives, or dollars. Imagine also a single number measuring the extent of drug use; it might be the total number of dosage units consumed, or the total number of users, or some more complicated measure. Call that quantity U , for "Use." Dividing D by U , we have the ratio of damage to use, which we can think of as a measure of the tendency of drugs, under those policies and social conditions, to create damage; call that H , for "Harmfulness."

Concretely, imagine society X in which the use of alcohol is widespread, and society Y in which it is rare; if the total damage D associated with alcohol in the two societies were equal, we would say that alcohol is more harmful in Y than in X , because the ratio of aggregate damage to use is higher. Prohibition of alcohol, for example, would be expected to reduce use but increase the rate of harmfulness in a variety of ways, from creating illicit markets to weakening informal social controls of moderation in drinking. To a lesser extent, so would heavy taxation, which would shrink consumption by increasing price but at the same time make any given level of drinking that much more difficult economically for low-income heavy drinkers. Conversely, lower taxes, or the repeal of prohibitions, would be expected to increase use but reduce harmfulness. In each case, much would depend on the details of policy and of user behavior; more than abstract theorizing is required to determine whether a particular policy would push aggregate damage up or down.

To favor drug control policies that minimize total damage is merely to apply to the drug problem the general rule of policy analysis dictating that policies be judged by their (likely) results. Holding use constant, anything that reduces harmfulness ought to be welcome, since if U is fixed and H falls, $D = U \times H$ must fall in proportion.

But that is precisely the fly in the "harm reduction" ointment. There is no reason to think that drug use, however measured, is a fixed quantity in the face of policy changes. In general, if those who use drugs are at all rational, one would expect that any reduction in the harmfulness of drug-taking to them would lead, all else equal, to an increase in the level of use. So it will not in general be true that reducing harmfulness will reduce aggregate damage; that will be true only if a given reduction in H does not lead to a more-than-proportionate increase in U .

Of course, any given program to reduce harmfulness (what MacCoun has called "micro harm reduction") may in practice contribute to reducing aggregate damage ("macro harm reduction"), even if it were to increase use somewhat. I can think of several good candidates, including the familiar "designated driver" campaign (which aims to reduce not drinking, or drunkenness, but only the probability that a given drinking incident will lead to a car crash) or changes in law and police practice designed to reduce the extent of needle-sharing among injection drug users. Many "doves" believe, sincerely and not unreasonably, that current policies tend to over-emphasize reductions in drug use at the expense of opportunities to reduce harmfulness. But those who interpret "harm reduction" in terms of micro harm reduction alone reject out of hand any policy that would reduce aggregate harm by reducing use, and it is hard to believe that no such opportunities exist. This has fueled suspicion among drug war "hawks" that the "doves" are merely trying to seize a fine-sounding slogan, especially in light of the indiscreet statement by the head of a prominent "drug reform" group that "Harm reduction is what we're calling legalization now." Those who favor macro harm reduction - minimization of aggregate damage - are left with an unpleasant choice between abandoning a useful term to the harmfulness-minimizing extremists or using it and risking being confused with them.

But the fury with which the drug warriors have attacked "harm reduction" as an idea is not entirely attributable to this suspicion, or to the perhaps justified concern that measures intended to reduce harm without increasing use will go awry. Just as many of the micro-oriented "harm reduction" advocates oppose attempts to reduce aggregate damage by reducing use, many "use reduction" advocates oppose attempts to reduce aggregate damage by reducing harmfulness. Psychologically, there is no great distance between thinking that drug use is a dangerous practice and ought to be discouraged in order to avert harm and feeling

that drug use is an evil practice whose practitioners deserve all the harm that can be made to come to them. The generational and cultural baggage which the drug issue carries merely adds to the tendency for disapproval of drug use to shade over into hatred of drug users and dealers.

The political controversy over needle exchange programs illustrates this phenomenon. Several careful studies have found that exchange programs not only reduce HIV transmission but increase the rate at which participants enter treatment, and there is no evidence whatever that needle exchange does anything to increase the rate of needle initiation or the consumption rate among those who do inject. Yet the Congressional ban on funding such programs remains, and the relevant officials remain unwilling to provide the certification of benignity that would clear the way for such funding.

It is possible to be unenthusiastic about publicly-supported needle exchange efforts on pragmatic grounds. There are several reasons to think that small-scale, voluntary efforts might outperform large-scale publicly funded ones. Other means of outreach to injection drug users might be equally effective in changing behavior while creating much smaller political problems. Changes in police practice independent of needle exchange - especially the cessation of arrests for possession of injection equipment - might have comparable potential for changing sharing behavior. Even the scientific evidence, while unanimous, is not quite conclusive.

But it is not on these grounds that the Helms Amendment rests. The Archangel Gabriel could appear on the Senate floor with a scroll written in letters of fire attesting to the fact that needle exchange reduces drug abuse as well as disease transmission without noticeably changing the politics of the situation. It is the sense that needle exchange represents a compromise with heroin addiction, rather than any actual undesirable side-effects it might have, that keeps it controversial. It would be unkind, but not unfair, to say that the continuing opposition to needle exchange programs expresses a preference that injection drug users who cannot or will not quit should die, as painfully as possible.

Only by liberating ourselves from the illusions of "harm reduction" in its harmfulness-fixated "micro" sense and "use reduction" as preached by those who still pretend to believe that America could become "drug free" can we develop practical policies to shrink the total damage drug abuse, drug dealing, and drug control measures do to individuals and institutions.

Prevalence Measurement as a Policy Trap

The dominance of the "use reduction" viewpoint is both illustrated and reinforced by the extent to which measures of prevalence, especially the prevalence of self-reported illicit drug use among adolescents, as measured by the annual Monitoring the Future surveys, dominate public discussions of the effectiveness of drug control policies. That dominance is unfortunate for at least three separate reasons, even putting aside concerns about the accuracy of self-reports not verified by any chemical test:

- Prevalence in the use of any drug is a poor proxy measure for aggregate damage. Most users of most drugs (cigarettes and heroin are the prominent exceptions) are occasional users, suffering little damage, doing little damage to others, and contributing little - even in the aggregate - to the illicit markets. The highly skewed distribution of drug consumption means that a relatively small number of individuals on the right tail of the distribution account for most of the activity and most of the damage. If the shape of the distribution were fixed, reducing the total number of users would reduce the size of the right tail proportionately, but there is neither theory nor evidence to suggest such a fixed relationship. Thus, for example, the dramatic decrease in the prevalence of cocaine use since 1986 has not been accompanied by any detectable shrinkage in volume consumed or aggregate damage; rather, volume and damage continued to rise until about 1989, even as prevalence fell, and at best have fallen slightly since despite sharp continuing declines in prevalence. **
- Illicit-drug prevalence numbers, especially among adolescents, are dominated by those who use marijuana only, and relatively modest amounts of that. While the damage associated with heavy, chronic marijuana use is far from negligible, aggregate marijuana-related damage represents a small proportion of the total illicit-drug problem. Again, if there were a fixed proportion between cannabis use and the use of more dangerous drugs, as postulated by the strong form of the "gateway hypothesis," or even if there were some weaker tendency for marijuana use to increase vulnerability to the use of harder drugs, shrinking the number of adolescent cannabis users would be a powerful way to reduce total drug-related damage; but again, there is no convincing theory nor evidence to suggest that the observed correlation between marijuana use and the use of other drugs has any causal significance.
- Like other fashions among adolescents, the use of various psychoactive substances varies wildly over time, for reasons very imperfectly understood and in patterns not easily manipulated. Even as apparently substantial an intervention as the decriminalization of marijuana by several states in the 1970s seems to have left very little measurable trace on rates of adolescent marijuana

use in those states. The relationships between current policies, especially at the national level, and prevalence rates are probably even weaker, and in any case entirely obscure. Thus using the Monitoring the Future numbers as scorecards for the performance of the current national Administration is utterly inappropriate.

The Means of Drug Abuse Control

Conceptually, the elements of explicit drug abuse control policies can be listed under five headings:

Legal restrictions on supply and consumption (regulation, taxation, prohibition);

Law enforcement to give effect to those restrictions;

School-based, community-based, and mass-media efforts to persuade potential drug users not to start (called, conventionally but not quite accurately, "prevention"); and

Efforts to persuade, help, and coerce current users to cut down or quit (conventionally but again inaccurately, "treatment").

To this catalogue must be added an often-omitted fifth category: policies not aimed directly at explicitly at drug abuse control, but whose operation serves to reduce drug-taking or its unwanted consequences. (One way to reduce drunk-driving fatalities is to build safer cars and highways; better job opportunities, or stronger conventional values – if we knew how to provide either one – might reduce drug dealing among poor adolescent males.)

Understanding the roles and limits of these elements in reducing drug damage is the meat of drug policy analysis as a practical enterprise. That understanding is made difficult by a combination of genuine complexity, ideological preoccupation, and organization and professional self-seeking.

While the oversimplified categories of "licit" and "illicit" break down under close examination – sufficiently high taxes or tight regulations are not practically distinguishable from prohibitions – ~~laws restricting availability and increasing price are nonetheless of great importance.~~ Relatively modest changes in price levels brought about by taxation have measurable impacts on consumption of alcohol and nicotine, and especially on initiation rates among the young. Prohibition, even in the absence of aggressive enforcement, tends to suppress consumption not merely

by increasing prices but by decreasing the ease of access, especially for new users. These effects - what Peter Reuter has called "the structural consequences of product illegality" - are illustrated both by American alcohol prohibition and by Dutch cannabis policy, where despite the *de facto* legalization of the retail trade the price of a gram of cannabis is not markedly lower than in the United States.

Once a drug is prohibited, and that prohibition is enforced sufficiently to prevent flagrant retail distribution, the potential contribution of additional enforcement to reducing its consumption may not be very large. That potential is greatest for drugs which have not yet achieved mass-market status and in "border" zones between areas where more or less open illicit distribution flourishes and areas where such distribution is absent. In general, however, the phenomenon of market replacement - new dealers entering the trade or current dealers expanding their business to fill the market niches left by dealers deterred by enforcement or incapacitated by imprisonment - puts strict limits on the value of enforcement as a means of drug abuse prevention.

~~X~~ What well-designed and competently-executed enforcement can do, however, is greatly reduce the neighborhood impacts of illicit markets, by creating pressure on dealing organizations to deal discreetly and to avoid the employment of adolescents and the use of violence. Careful economic and operational analysis can identify specific tactics to put identified open markets out of business. Enforcement aimed at maximizing the number of arrests or the number of felony convictions, and sentences based largely on drug quantities and such irrelevancies as being within some given distance a school, sacrifice these opportunities. For example, there is a federal statute creating an enhanced sentence for a dealer who employs a minor, but the quantity-based mandatory sentences are so harsh that the enhancement is very rarely pursued, leaving dealers with no effective incentive to avoid minors as employees.

The anti-drug persuasion effort (usually referred to as "prevention," as if the laws and their enforcement did not serve to prevent drug abuse) is virtually everyone's conceptual favorite. The problem is learning how to do it, actually implementing programs that successfully replicate proven prototypes, and finding out whether the effort worked. The first two would be enormously difficult in any event, but that difficulty is multiplied by the enormous complexity of the last. Since severe substance abuse disorder (especially involving illicit drugs) is a rare outcome, and one that typically develops several years later than the ages at which school-based programs typically work, outcome evaluation represents a huge challenge.

The easily-measured outcomes, since they involve common and early occurrences, are the rates and ages of initiation for alcohol, nicotine, and marijuana,

but there is no strong reason to believe that all, or only, programs that succeed on these measures will succeed in reducing the incidence of serious drug problems. For example, the popular and widely-implemented DARE program, which brings police officers into fifth-grade classrooms for thirteen hours of instruction focused largely on the social skill of refusal, has consistently failed to show benefits in delaying the onset of drug use, but one recent study shows that DARE students are less likely than matched controls to take up the use of cocaine or inhalants several years later.

Even if more were known about how to deliver anti-drug messages in classrooms, actually getting it done with actual school personnel would represent an daunting challenge. (Recall that the "New Math," as delivered by highly skilled and highly motivated pilot-program staff, was a well-documented and successful program.) As to mass-media efforts, their proven efficacy in reinforcing anti-drug sentiments among adults who do not themselves use illicit drugs has not been matched by any demonstration that they influence the behavior of current or potential drug users.

Some anti-drug persuasion efforts almost certainly produce measurable benefits, and benefits well in excess of their costs. But the hope that any feasible persuasion effort can produce age cohorts with markedly less propensity to get into trouble with drugs than current cohorts seems unjustified. There may be a good case for aiming more effort at earlier ages and addressing the broader problem of impulse control and health-risk avoidance rather than drug abuse specifically.

The transition away from frequent, high dose use of psychoactive drugs is often a difficult one; that's what the term "addiction" means. External assistance, in the form of help, advice, exhortation, medication, and pressure, can increase both the number of attempts to quit and their success rate. For many of those who have had severe drug abuse problems, the recovery process will involve more than learning how not to abuse drugs; they also need to reintegrate themselves into the entire fabric of family, living space, neighborhood, and workplace relationships that they have been neglecting, and in some cases to catch up on pieces of education and maturation that were omitted in an alcoholic or otherwise drug-induced haze. It is conventional, but far too simple, to speak in terms of "drug treatment;" while it is true that formal treatment can help in the recovery process, it is also true that most people who have, for some substantial period, smoked cigarettes or used intoxicants on a more-than-daily basis, no longer do so, and that only a minority of those ex-abusers have had any formal drug treatment.

While long-term cessation is a highly desirable goal, and for most ex-drug abusers probably represents the only stable healthy state, imperfectly successful quit

attempts also have benefits, in the form of reduced drug consumption and drug-related harm during the attempt and for some time following it. The conventional evaluation of treatment efforts in terms of the percentage of their graduates who remain entirely abstinent a year later misses this important class of benefits. Worse, it gives program managers a strong incentive to seek out and serve low-cost, high-recovery-probability clients rather than concentrating on those whose problems are causing the most damage. Far better to evaluate programs in terms of their ability to reduce the absolute level of drug-related damage to those they treat and to surrounding individuals and institutions.

XX (Evaluated as a crime-control measure alone, providing drug treatment for criminally-active addicts is strikingly cost-effective. Yet publicly-funded drug treatment remains scarce, and is frequently of poor quality. The lack of effective political pressure to remedy the situation has many causes, including some internal to the treatment programs themselves and the public agencies which manage them, but reluctance to do anything for the hated class of drug abusers surely accounts for a substantial part of the problem. The focus on prevalence as the single measure of drug control success also plays a role; because they concentrate on the minority of problem users, treatment and related activities have little impact on the total number of drug users even when they dramatically reduce total damage.

XX (Expanding drug treatment and making sure that it is available to the right people is one way to shrink drug-related harm on the right tail of the distribution. Another is to use the coercive pressure of the criminal justice system to induce reductions in drug use and drug-related crime among probationers and parolees. With heavy users accounting for about 80% of cocaine and heroin volumes, and last year's arrestees including about 75% of heavy heroin and cocaine users, it seems probable that as much as 60% of the cocaine and heroin sold in this country goes to people who are nominally under criminal-justice supervision. Drug courts and drug-diversion programs are useful efforts in this direction, but limited in scope and scale. It is possible that making frequent drug testing - with immediate and predictable, even if mild, sanctions for each missed or "dirty" test - part of routine supervision for drug-involved probationers and parolees could make a major dent in the illicit markets and in drug-related crime. Here again, the problem is to take an attractive concept that seems to work well in pilot programs and operate it at a scale big enough to matter.

Current Drug Control Efforts

(Drug law enforcement, including prison cells to hold convicted drug offenders, accounts for something like three-quarters of the estimated \$35 billion in annual public-sector drug abuse control expenditures. At any given moment,

approximately 400,000 Americans are behind bars for drug law violations, and in the poverty areas of many big cities noticeable fractions of all the young men are, or have recently been, so confined. If one could, by some heroic feat of measurement, weigh the total suffering caused by illicit drug abuse against the total suffering caused by incarceration for drug-law violations, it is not at all clear which side would be heavier. While most of those imprisoned for drug offenses also commit non-drug offenses, it appears that on average they do so at only about half the rate of those locked up for "predatory" crimes. Consequently, the expansion of drug-related imprisonment has probably had the tendency to increase crime by reducing the incapacitative effectiveness of the average prison cell.

There is a shocking lack of evidence that this very substantial expenditure of resources and infliction of pain is matched by any proportionate impact on drug abuse or drug-related harm. The price of cocaine is substantially lower now than it was fifteen years ago, even though the number of cocaine dealers imprisoned has increased by an order of magnitude over that period. Even more shocking is the lack of curiosity about the effectiveness of enforcement: it is as if the punitive process needed no external justification.

In a pale reflection of the hawk-and-dove battle over legalization, there is a long-standing quarrel over the appropriate shares of the drug abuse control budget. Here the "dovish" camp - by no means restricted to those who favor wholesale revision of the drug laws - favors expanding the share of treatment at the expense of enforcement. (Everybody talks about prevention, but nobody does much of anything about it in budgetary terms.)

There is a good case to be made for expanding drug treatment, and another good case to be made for shrinking (and, more importantly in my view, redirecting) drug law enforcement. But the conclusion often drawn - that drug law enforcement dollars ought to be redirected to treatment - does not follow from these premises and is probably incorrect.

The "drug budget" is an artifact of measurement. No one actually has a fund of \$35 billion to allocate to among drug law enforcement, drug prevention, and drug treatment. Rather, spending for drug abuse control comes out of appropriations to law enforcement agencies, schools, and a variety of health-care and social-service agencies, including the state departments of alcohol and drug dependency which in turn buy services from private, largely non-profit, treatment providers.

The total national health-care effort totals about \$1 trillion. Between public programs such as Medicare and Medicaid and the tax subsidy to employer-paid health insurance, about half of those dollars come from the public fisc. If drug

* treatment is under-funded, that is because it gets a tiny share of a colossal "health budget." By contrast, the national law enforcement and criminal justice effort totals about \$125 billion. If drug law enforcement is over-funded, that is because it gets a generous share of a much smaller "law enforcement budget." On this analysis, the case for moving money from drug enforcement to drug treatment seems quite weak. If more resources are needed for drug treatment - as I believe they are - why should they not come out of the health care sector? If resources can be saved by reducing drug law enforcement, why should they not be redirected to, say, reducing the proportion of homicides which go unsolved from the current 35% to the less than 10% which was the national average a generation ago?

* Thus cutting drug law enforcement is neither a necessary nor a sufficient condition for increasing drug treatment; even if one wanted to redirect drug law enforcement spending into drug treatment, the budgetary mechanisms are simply not there to make the transaction work. Getting health care providers and their financing mechanisms to pay appropriate attention to substance abuse - including the large proportion of substance abuse that occurs in relatively mild forms among those who are not socially disposed, and that can be substantially reduced if primary-care physicians are trained and induced to make appropriate early and brief interventions - will require a mammoth effort. That effort must embrace changes in medical education and certification, the management of health insurance programs and health maintenance organizations, policies of public providers of health services or health insurance, and the health-coverage purchasing behavior of employers and their labor unions. The sooner we stop playing budgetary games instead, the sooner we can get to work.

The Licit Drugs

The political transformation of the tobacco issue over the past generation, but more strikingly in the past five years, has created conditions under which it may be possible to make a serious run at reducing the level of tobacco-related disease. But how far we are from treating even the least popular of the licit addictive substances as if it were a "drug" is illustrated by the proviso in the proposed "global tobacco settlement" that conditions the FDA's authority to regulate nicotine content on a certification that any such regulation would not create any "substantial market in contraband."

In any case, it seems likely that significantly higher cigarette prices are on their way, perhaps along with subsidies for smoking-cessation programs. (Amazingly, most health insurers will not pay for the nicotine patch; the turnover in their subscriber pools, and their reluctance to offer benefits that might attract smokers onto their rolls, makes it financially imprudent for them to do so, despite

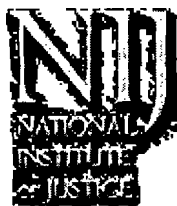
evidence that the patch roughly doubles the success rate of unassisted efforts to quit smoking.) Whether anything else will be done for the large population of strongly addicted smokers, especially the elderly poor remains to be seen. Some sort of exemption from higher cigarette taxes for smokers over a certain age and under a certain income level would be easy to justify, but the most likely outcome, as reflected in the proposed settlement, is that they will be allowed to add impoverishment to the other harms they inflict on themselves by continuing to smoke. Even a licit-drug addict, it seems, gets little sympathy or help.

Part of the reason anti-smoking sentiment may be expressed in legislation is that most smokers are addicted and hate both the fact that they smoke and the companies that supply them. (In this, smokers resemble heroin addicts.) Efforts of the tobacco companies to create a "smokers' rights" movement have proven signally unsuccessful. By contrast, most people who drink alcohol (like most people who smoke cannabis) are controlled users and satisfied customers, much easier to mobilize against any increase in price or decrease in availability for their favorite mind-altering chemical. That makes the prospects for higher taxes on alcohol much dimmer. Bolder measures, such as public service advertisements directed against drunkenness (as opposed to drunken driving or underage drinking) or an effective ban on the sale of alcohol to those convicted of drunken driving or drunken assault seem even more remote. On the other hand, the widely violated ban on sales to, or use by, minors, and the definition of the age of majority for that purpose as 21, remain sacred cows.

Conclusion

Anyone who expresses real optimism about the prospects for significant drug policy improvements in the short run might reasonably be asked what he has been smoking (or drinking). The forces that support the current unsatisfactory set of policies and outcomes cannot be wished out of existence.

Yet the gap between actual performance and optimal performance - between what we now do and what we know how to do - is too wide to tolerate. Elite and mass dissatisfaction with the situation, albeit unfocused, may be too widespread to ignore. Many officials, given adequate cover against the dreaded charge of being "soft on drugs," might be willing to try something new. Under these conditions, pointing out a "third way" between the warriors and the legalizers seems worth a try. Even where optimism seems unjustified, hope remains a virtue.



Policing in Transition

Jeremy Travis
Director, National Institute of Justice
June 21, 1998

Plenary Address at the Fourth Biennial Conference:
International Perspectives on Crime,
Justice and Public Order
Budapest, Hungary

NOTE: This speech was prepared for delivery at this conference, sponsored by the John Jay College of Criminal Justice, but NIJ Director Travis had to make a last-minute cancellation. The speech will be included in the published conference proceedings.

I am deeply honored that you invited me to address this impressive gathering of international experts and scholars here in the beautiful city of Budapest. As Director of the National Institute of Justice (NIJ), the research arm of the U.S. Department of Justice, I am particularly excited about the potential for a continuing dialogue between my colleagues and the practitioners and researchers who are gathered at this conference.

My topic this morning is "Policing in Transition." I intend both meanings of that title: we should recognize that the police themselves are in transition; we should also think carefully about the changing role of the police in a world that is experiencing profound transitions.

At a conference such as this, it is commonplace to remark upon the profound changes that are underway in our global community. The fundamental truths of our age could only be imagined a decade or two ago. We communicate instantly through Internet technology. We speak around the globe through satellite transmissions. The economies of our nations are now so interdependent that a tremor in the Tokyo market is felt instantaneously in the financial markets around the world. Boundaries that have kept nations apart for centuries have lost much of their meaning. And around the world, from the countries of the former Soviet Union to the post-apartheid world of South Africa, the forces of totalitarianism have lost their hold -- sometimes precipitously -- and the forces of democracy are struggling to take root.

The question facing this conference is how these forces influence -- and are influenced by -- the changing nature of crime and our changing responses to crime. So, for a moment, we should comment upon the currents of

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change that we can observe in the world of crime. With the diminution of national borders, criminal activity that might formerly have been confined to national limits now spills from one country to another. Organized crime can now reach from Russia to New York City, from Thailand to California. Women in Ukraine lured by offers of a better future find themselves captives to a life of prostitution in Israel. Electronic financial transactions move the proceeds of drug transactions from one country to another in a split second. The same technology that makes our Internet communications possible also provides the vehicle for a new phenomenon known as cybercrime.

We should quickly acknowledge that the changes in crime are not only changes in the transnational nature of crime. At the National Institute of Justice, we have a saying that "all crime is local." While somewhat simplistic, this saying still reflects a fundamental truth that crime trends also reflect local conditions and affect local communities. In the United States, we experienced the sharp increases in violent crime associated with changes in our illegal drug markets, and the deadly confluence of kids, guns and drug dealing. In countries in transition to democracy, disturbing criminal activities emerge as the repressive powers of the state are lifted. New criminal enterprises are created faster than the ability of our nations to respond. And in many countries, corruption in the conduct of official governmental activities has become endemic, threatening the very foundations of democracy itself.

At the center of this nexus of powerful historical forces and rapid changes in crime patterns stand the police.

Why are the police so important in the development of democratic societies? The police are different from any other governmental entity. Of all governmental functions, the policing function is arguably the most visible, the most immediate, the most intimately involved with the well-being of individuals and the health of communities. Perhaps one could make similar observations about the relationship between the educational system, the public health system, or the social welfare system and the well-being of a community. But the police are different in important ways. The police have the critical responsibility of enforcing the laws enacted by democratic governments. They have the power to deprive individuals of liberty by invoking the authority of the state. They are authorized to use force -- even deadly force -- in limited circumstances.

So, put bluntly, if the police carry out these responsibilities in a way that reflects democratic values, the cause of democracy is advanced because citizens will observe that the police serve the public, not the regime in power. Conversely, if they do not, the cause of democracy will be impeded.

Given the importance of policing to the advancement of democracy, it is incumbent upon all of us -- practitioners, researchers, policy makers, police professionals -- to promote a robust international debate about the principles of democratic policing and the relationship between the

development of democratic policing and the movement toward greater democracy.

In my remarks this morning, I would like to share some observations about those principles, to discuss ways in which research can help us ascertain the true nature of policing, and to reflect on the challenges posed to democratic policing by emerging crime trends.

I. The Principles of Democratic Policing.

The first question, then, is What does democratic policing look like? To shed light on that question, I wish to commend to you a document that was developed two years ago in the crucible of the conflict in Bosnia and Herzegovina.¹ In the context of the Youngstown accord, the warring factions came together to articulate a set of principles to guide the development of a new police force in their country. I believe that the seven principles set forth in this historic document -- and the operational standards that were defined as necessary to their implementation -- have widespread application, to stable democracies and emerging democracies alike. Allow me to summarize them.

First, the police must operate in accord with the principles of democracy. This means, in operational context, that the police should be trained in the law, should understand international standards of human rights, and should act in accordance with the criminal code. Police operations themselves should be governed by written policies that are available to the public. In other words, the management, execution and articulation of all police activity should reflect commitment to the rule of law.

Second, the police, as recipients of public trust, should be considered as professionals whose conduct must be governed by a code of professional conduct. More than a mere collection of rules, this code should reflect the highest ethical values and should provide the basis upon which allegations of misconduct can be judged and disciplinary action taken.

Third, the police must have as their highest priority the protection of life. This principle has particular applications for the police use of force -- namely, that the use of deadly force is appropriate only to save a life. The signatories also agreed that instances of the use of force should be investigated to determine whether they met these standards.

Fourth, the police must serve the community and consider themselves accountable to the community. To implement this principle, the signatories agreed to provide transparency to their operations -- to publicly disseminate reports on crime and police operations, to establish mechanisms for the public to request police service, to create forums for open discussion of crime problems, and to establish external review of allegations of police misconduct.

Fifth, the police must recognize that protection of life and property is the

primary function of police operations. The agreement also states that, notwithstanding the importance of criminal investigations, the primary concern of police operations must be the prevention of crime.

Sixth, the police must conduct their activities with respect for human dignity and basic human rights. Specifically, the agreement stated that torture or other cruel or degrading treatment could not be practiced nor countenanced and that officers should be expected to report all instances of alleged human rights violations.

Finally, the police are expected to discharge their duties in a nondiscriminatory manner. The agreement specifically states that, "discrimination on the basis of race, sex, religion or ethnicity in the delivery of police services is incompatible with policing in a democratic state."

I submit that these seven principles provide a solid foundation for a sustained discussion on the attributes of democratic policing. They apply equally forcefully to policing in the United States and policing in Bosnia-Herzegovina. They articulate accountability to the rule of law, transparency in the conduct of police activities, fidelity to principles of equality, commitment to the value of human life and human dignity, and recognition that effective policing requires partnership with the communities being served.

II. The Role of Research in Assessing Democratic Policing.

If we assume a broad consensus around these seven principles of democratic policing, we should then ask, How do we know whether those principles are being observed? First and foremost, this responsibility lies with police management and the public officials responsible for providing civilian oversight of the police. They are accountable for ensuring that training of police personnel reflects these principles, that appropriate policies and guidelines are developed, that public transparency is assured, that the laws are fairly and consistently enforced.

I would like to suggest this morning that independent research can also serve as a valuable resource for assessing the progress toward democratic policing. Allow me to draw on some recent experience in the United States, research that is made possible by President Clinton's program that is supporting the development of community policing, as well as some groundbreaking research being conducted in other countries as well.

Take, for example, the principle of equal treatment. In the United States, the National Institute of Justice is funding a very ambitious study of police services in two cities -- Indianapolis, Indiana² and St. Petersburg, Florida.³ In this study, dozens of researchers are spending several weeks accompanying police officers as they patrol the neighborhoods of those two cities. They are employing a methodology called systematic social observation, coding every interaction between the police and the citizens.

The officers are guaranteed confidentiality so that the observations will closely mirror actual police work. From this study, we are now beginning to understand -- empirically -- the ways that the police conduct themselves, whether they treat different classes or races of citizens differently, how they decide to use force or make an arrest, how the citizens respond to police actions. The effort here is not intended as a critique of the police -- indeed, the study has the support of the police and union leadership -- rather, we see this study as enriching our understanding of real police work so that changes can be made in police operations.

A second example, involving the principle that force be used judiciously, respecting human dignity and human rights. The National Institute of Justice is funding a study of the use of force by the police in five cities.⁴ The researchers are conducting confidential interviews with police officers making arrests in a random sample of cases in each city -- and with the individuals whom they arrest. Our purpose is to gain empirical insights into the ways in which police carry out their arrest powers -- how is that authority exercised, in what contexts, how and when is force applied, and how is that force perceived by both the officer and the individual being arrested. These insights will provide the basis for training and ongoing assessment of this critical aspect of police work to ensure that, when an arrest is carried out, force is applied in a non-discriminatory manner and only when necessary.

A third example, involving the fundamental principle that the police are servants of the public. As articulated in the Bosnia Herzegovina statement, the police are expected to engage the public in defining the crime problems in the various communities and designing strategies to address those problems. These concepts form the basis of what is now called "community policing". Beyond abstract assertion, there is the empirical question of how these police-community interactions actually transpire. What does it mean for the police to engage the community? We are supporting an ambitious evaluation of the implementation of community policing in Chicago, conducted by Professor Wesley Skogan and his colleagues.⁵ As part of this study, researchers observed hundreds of community meetings, trying to develop models of effective police-community interactions. What are the problems of crime and disorder, from a community perspective? Who speaks for the community? How do the police respond? How does this process of raw democracy, bringing together public servants and the public, change the day to day operations of a police department. This study, and others like it, will add immeasurably to our understanding of the potential for true democratic engagement in the policing process.

A fourth and final example, involving the very important topic of police ethics and integrity. At NIJ, we have focused substantial resources to understanding the nature of police corruption and police misconduct.⁶ We are seeking to understand these issues situationally -- by interviewing police officers confidentially about the ethical dilemmas they face and how they handle them. We are very pleased to be engaged with a group of international researchers who are looking at the same questions, using

similar methodologies, in other countries. Professor Carl Klockars and Professor Maria Haberfeld and their colleagues are now interviewing officers in three American cities in a major study of police integrity.⁷ The same survey instrument has already been used in a similar study in Croatia and is planned for use in several other countries. This study will result in important insights into the relationship between formal and informal rules, particularly the phenomenon of police officers remaining silent about the misconduct of fellow officers. The study poses five research questions. First, what is the level of knowledge among the police of the organizational rules governing corruption? Second, how strongly does the culture of the organization support those rules? Third, to what extent does a code of silence protect officers who violate those rules? Fourth, to what extent do the ethics of individual officers depart from the norms of the code of silence? And finally, what is the relationship between the perceived severity of punishment of corruption and the strength of the code of silence?

We are watching with interest another study soon to be undertaken in Germany by Professor Christian Pfeiffer and his colleagues at the Criminological Research Institute of Lower Saxony. They plan to interview over 2,000 police officers to ascertain how often the rules about police misconduct are broken and to understand the situational context in which this occurs. Very importantly, the German research design will focus on the life course of a police career, to determine whether the standards of conduct change from the time in the recruit academy to a time when the forces of the operational culture have exercised greater influence over the actions of officers.

These four examples demonstrate an important proposition: that independent, empirical research on issues at the core of everyday policing, if constructed properly and carried out with confidentiality, can shed light on the extent to which the policing that the citizens experience is consistent with the principles of democratic policing. We hope that these studies -- and others like them -- will set a new foundation for our discussions of the future of policing. And I encourage you to contact us at NIJ with information about similar efforts so that we can learn from each other's experiences.

III. Policing in an Era of Changing Crime Patterns.

Finally, I would like to share some reflections about the challenges that the police face in an era of rapidly changing crime patterns. When the crime situation in a country is worsening, the public and the elected officials who represent them often turn to the police to do something to bring the situation under control. This certainly happened in the United States as we experienced a rapid rise in juvenile handgun violence in the second half of the 1980's. This is certainly happening in other countries that are witnessing troubling increases in crime following the movement toward from repressive regimes to more democratic societies. And the new pressures of transnational crime pose acute challenges to democratic nations that have

little experience in collaborating on criminal investigations that transcend national borders.

These times pose very real risks to democratic policing. The imperative to "do something" can easily be translated into an imperative to "do whatever it takes, without concern for the consequences." It is relatively easy, in established as well as emerging democracies, for police activity to remain hidden from public scrutiny -- and for abuses to occur in the name of effective crime control. It is hard, in the face of growing crime rates, to retain allegiance to the principles of transparency, to remain vigilant regarding human rights, to adhere scrupulously to the code of ethics, to enforce the law equitably. Yet it is times such as these that these principles take on added importance.

These difficult times call for even greater commitment to learning across our borders. We need to share lessons about effective responses to crime -- particularly to official corruption, organized crime, youth violence, drug abuse and family violence. We need to learn from each other about effective community involvement in designing crime prevention programs. We need to come together at a large, global table to develop a knowledge base about effective crime control and prevention that is consistent with, and supportive of, democratic values.

This conference represents an important forum for the exchange of these ideas -- at a time of transition in policing and in the development of democratic societies. I am honored to have been invited to be with you this morning and commit my institution as full partner in this critical exchange of knowledge.

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Public-Order Policing Can Pass Constitutional Muster

By DAN M. KAHAN
And TRACEY L. MEARES

Last Thursday the Supreme Court, by a vote of 6-3, struck down Chicago's loitering law, which aimed to curtail the activities of street gangs. The law was part of a nationwide revolution in policing: From Boston to Dallas, from Miami to Los Angeles, cities are heeding the demand of minority residents for policing strategies aimed at restoring order to inner-city streets. The question isn't whether this revolution will continue, but only what form it must take to satisfy the Constitution.

Chicago's gang-loitering law authorized police to disperse groups of gang members when they gathered on city streets with "no apparent purpose." Objecting to the discretion that the law appeared to confer upon the police, the court struck the law down as unconstitutional.

To be sure, antiloitering laws, curfews and similar public-order provisions have a checkered history. Before the civil-rights reforms of the 1960s, police forces in both the North and South selectively

enforced such laws against minorities. But the new public-order provisions, of which the Chicago law was only one example, have a very different political pedigree. They have been enacted at the behest of minority inner-city dwellers, who see them as tolerably moderate alternatives to severe prison sentences for nonviolent offenders.

Neil Bosanko, one of the supporters of the Chicago law, is typical. Mr. Bosanko heads the South Chicago Chamber of Commerce, an organization that includes some 275 civic, church and business groups on Chicago's impoverished and largely African-American South Side. Not surprisingly, Mr. Bosanko resents intimidating displays of gang authority, which impair the South Side's economic vitality.

Mr. Bosanko also has a more personal reason to support preventive policing strategies: His own son is serving a life prison term for his involvement in a gang-style murder. Mr. Bosanko and other supporters of the Chicago gang-loitering law saw it as a way to secure order without de-

stroying the lives of the community youth who find themselves enmeshed in the social and economic forces that fuel gang criminality.

The same complex of motivations has fueled minority political support for curfews in Dallas and Miami, antigang nuisance laws in Los Angeles and innovative community-centered policing in Boston and other cities. The inner-city residents who support the new public-order laws are not entrenched insiders bent on harassing despised outsiders. Rather, they are the mothers and fathers, sisters and brothers, neighbors and friends of the very people whom these laws most directly affect. They realize that it's much better to give the police the authority to order kids off the streets tonight than to leave the police no choice but to haul these same kids off to jail tomorrow.

These citizens are also far from indifferent to police brutality. For that reason, they frequently insist that community policing initiatives be accompanied by administrative checks to ensure that the po-

lice exercise discretion in an accountable and responsible fashion.

The support of minorities for public-order provisions doesn't by itself imply that such policing techniques are constitutional, of course. But it does suggest that it would be a mistake for courts to view such laws with the same suspicion they appropriately afforded to an earlier generation of public-order laws, the obvious purpose of which was to visit special burdens on minorities.

Nothing in the Supreme Court's recent decision on the Chicago gang-loitering law is to the contrary. For technical reasons, the court had to confine its attention to the text of the Chicago gang-loitering law; it couldn't take into account the city's administrative safeguards designed to ensure that police would enforce the law only to prevent intimidating displays of gang authority. Had those guidelines been written into the text of the law, the court would have upheld it. In a concurring opinion, Justice Sandra Day O'Connor (joined by Justice Stephen Breyer) made clear that a law expressly aimed at preventing gangs from "establish[ing] control over identifiable areas" would pass constitutional muster. Presumably the three dissenters would agree.

Accordingly, the court's decision should be viewed not as a barrier but as a guide to preserving public order. The task now is for cities to enact laws that satisfy the reasonably straightforward dictates the justices have set forth for reconciling the community-policing revolution with the dictates of the Constitution.

Mr. Kahan and Ms. Meares, who represented a coalition of community groups supporting the city in the Chicago gang-loitering case, are professors at the University of Chicago Law School and authors of a forthcoming book from Beacon Press on the politics of community policing.

Yugoslav Army Pulls Out From Kosovo With Bravado

Celebratory Return Home Masks Bitterness, Posing Big Threat to Milosevic

By ROBERT BLOCK

Staff Reporter of THE WALL STREET JOURNAL
NIS, Yugoslavia—The withdrawal of Yugoslav forces from Kosovo looks more like a victory parade here in Serbia than the retreat of a defeated army. Hundreds of military buses, vans, trucks, trailers, and armored personnel carriers trundle into Serbia across the Kosovo border with smiling drivers and troops. They fire celebratory shots into the air or flash a three-finger Serb salute at people watching them arrive home.

But as the soldiers slip into the cafes and bars in the southern city of Nis, their bravado gives way to bitterness with each glass of plum brandy knocked back in anger. "You want to know why we are leaving Kosovo," spits out one well-watered 30-year-old corporal from Gracanica, a Serb village near the Kosovar capital of Pristina. "Ask [President Slobodan] Milosevic. He knows the reasons why. Go ask him," the soldier says in disgust.

President Milosevic has presented his peace deal with the North Atlantic Treaty Organization as a moral victory for Serbs.

But the more than 40,000 soldiers and reservists returning from the front know better. And their homecoming to a shattered country, destroyed factories and a moribund economy could present Mr. Milosevic with the biggest threat to his 12 years in power. Even opposition politicians are worried.

"I'm afraid of post-war warrior syndrome," says Milan Milosavljevic, a member of the Nis town council and leading figure in the opposition Democratic Party, which runs the city in a coalition with other opposition parties. "Right now, most soldiers are relieved to be alive, but those feelings will be short-lived. Soon they will ask questions like: Was it all necessary? What did we fight for? And they will have weapons, and they will understand they are losers. And then—who can tell," Mr. Milosavljevic shrugs.

Many of the soldiers sent down to Kosovo come from around Nis, home to Yugoslavia's Third Army, which held Kosovo until forced to withdraw last week. After two months hiding from NATO attack jets, the troops are pouring back into the town, which many can hardly recognize. The Third Army's pink and beige headquarters has been bombed. NATO has leveled many of the barracks around the city. More than 24 factories, including the cigarette plant, Nis's biggest employer, have been destroyed. Many soldiers have been given a few days leave. Men in uniform dominate

the city streets, meeting loved ones or looking for female company in the restaurants and coffeehouses here.

Some were willing to speak frankly but would do so only anonymously, saying that under martial law they could be jailed for talking to journalists. Watching a convoy of Serb civilians fleeing Kosovo drive through Nis towing trailers filled with bicycles and beds, one 42-year-old sergeant from Prokuplje, a village some 15 miles from Nis, concludes: "This peace is a disaster." But the war wasn't much better, either. The soldier compared the Serbs' war against NATO to a toddler fighting an adult. "It was stupid," he says, and blames the Belgrade leadership for the whole fiasco. "Let's put it this way: During the next elections, I am not going to vote for these peacemakers," he says, avoiding direct mention of Mr. Milosevic.

Constant purges of the top brass have left the Yugoslav army short of experience and subject to Mr. Milosevic's will, but there are signs of dissent at the top, too. There were reports last week that General Nebojsa Pavkovic, the Third Army's commander, fiercely objected last week to the deal with NATO in its entirety, opposed withdrawal, and said, "we will return to Kosovo" if the peace accord breaks down. There are already unconfirmed reports that Gen. Pavkovic and his deputy will be either promoted to desk jobs or retired.

Even more important to Mr. Milosevic than the army are Serbia's police, which he turned into his Praetorian Guard after coming to power in 1987. Police units, especially those in Kosovo, received the best pay and the most modern military gear. While the army shelled ethnic Albanian villages, special police units were mainly responsible for driving Albanian civilians from their homes. It was the kind of task they were created for, to "protect" the province's minority Serb population. Now, with Albanian refugees set to return home and thousands of Kosovar Serbs fleeing Kosovo with the army, Serbian police are perhaps the most bitter of Mr. Milosevic's foot soldiers.

On Sunday afternoon, a 27-year-old policeman from around Pristina arrived in Nis with his 25-year-old wife and eight-month-old daughter. "I don't want to stay in Kosovo without weapons and without a chance to fight," he said. He was only stopping in Nis and didn't know where he would go from here; he said he hoped the government would find him a new job and a new house and new life. He then broke down in tears. "The state is guilty," he cried. "The state is guilty for all this."

Nis, more than any other town in Serbia, is plastered with death notices of men between the ages of 18 and 60. Hundreds of them cover bus stops, shop windows and public-notice boards. They include a

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picture and a date of birth and death, the latter almost always during the past two months. No cause of death is given, but most people say they were killed in Kosovo. Mr. Milosevic last week announced that 462 Yugoslav army soldiers and 114 police were killed in the conflict, but no soldier believes that.

"The number is at least 2,000," says a 40-year-old reserve lieutenant who left Kosovo last week. "For now, I am trying not to think about them. My main concern is how my family will survive. The factory where I worked was destroyed by NATO."

In the Image cafe in downtown Nis, Nenad Popovic, a social scientist from the local university, watches soldiers drink beer

Community policing passes the 'Fort Apache' test

New York's dramatic, citywide drop in crime has been matched by a rise in citizen complaints about cops, but in 2 tough Bronx precincts, it's a different story

By Richard Willing
USA TODAY

NEW YORK — In a part of the Bronx so rough it used to be called "Fort Apache," violent crime has been declining most of the decade.

But that's not the surprising part.

In a city where aggressive "stop-and-frisk" policing has come under fire, where police have been involved in recent incidents of terrible brutality and alleged murder, the surprise is this: In the South Bronx's fabled 44th and 42nd precincts, citizen complaints of rude and brutal police are way down, too.

"The thought always was that if you make a lot of arrests you're gonna get complaints, so don't sweat the complaints," says Capt. Tom King, 47, commander of the 42nd Precinct. "But we're out to deliver the whole package — safer streets and people who respect us because we respect them. Why accept less?"

For New York City these days, that's both a question and a challenge.

Even critics credit "community policing," begun by Mayor Rudy Giuliani in 1994, with the quantum improvement in the city's crime numbers. But the heart of community policing New York-style is a proactive approach to crime that has become controversial.

Precinct commanders get weekly computer printouts of crime hot spots. On the street, officers use aggressive tactics such as stopping and frisking citizens, not because they are crime suspects but because their behavior or appearance

arouses suspicion. The "stop-and-frisk" policy is credited with cutting the murder rate dramatically by getting concealed handguns off the street.

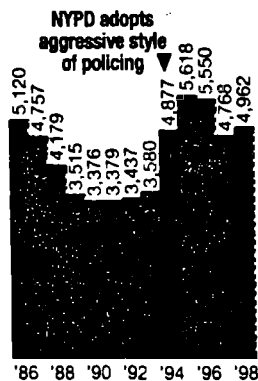
But it also is blamed for increasing confrontations between police and members of minority groups, who say the policy targets them unfairly. "It's the closest thing to a public policy of racial profiling that I ever heard of," says Rev. Al Sharpton, police critic and African-American activist.

Crime down, complaints up

In New York, as in other big cities that employ community policing, crime rates — particularly murders — have declined dramatically. But at the same time, civilian complaints about disrespectful and sometimes brutal policing skyrocketed. In 1994, the year New York began community policing, citywide complaints rose 36% to nearly 4,900. Five years later, that number remains about the same.

But in a handful of the city's 76 police precincts, including the 44th and the adjoining 42nd here in the South Bronx, the trend is just the opposite.

Complaints about cops



By Gary Vagstad, USA TODAY

largest police force. The events have energized foes of the city's police policies, and bolstered their arguments that community policing unfairly targets racial and ethnic minorities. Currently, the federal Commission on Civil Rights and four state agencies are investigating New York City policing. Sharpton, his career as a community activist resurrected by the controversy, has called for a federal monitor to oversee the department.

But scholars and activists say the experiences of the two Bronx precincts rank among the most important new findings in the field of community policing.

"It had been sort of an unspoken assumption that you traded off maybe some of your rights, or at least convenience, for safer streets," says Robert Davis, co-author of the Vera Institute study. "But here's two guys in high-crime neighborhoods who say you can have both, if (police leaders) make it a priority."

Tough turf

By many measures, the 44th Precinct and the neighboring 42nd are rough country.

In 1995, about 165,000 people lived in the 3 square miles that constitute the two precincts. About 100,000 of them were receiving welfare, supplemental Social Security or Medicaid. Unemployment runs 14% in the 44th and 17% in the 42nd, compared with a city-wide rate of 9%. More than 70% of public schoolchildren read below grade level.

Policing the area was complicated by race. More than 95% of the citizens of the two precincts are black or Hispanic. Nearly 70% of the force is white.

And crime was high. In 1990, the 44th Precinct reported 89 homicides — nearly one every four days. In the smaller 42nd Precinct, the number was 45.

Then, as aggressive community policing was implemented citywide, the numbers began to fall. By 1998, the two precincts had a combined total of 24 homicides.

Civilian complaints were a different story.

In 1996, the two precincts totaled 132 complaints, a 10-year high. About half alleged that police used excessive force in making searches or arrests. The rest

charged offensives such as discourtesy and abusive language.

Enter Captain King, at the 42nd Precinct, and Deputy Inspector Richard Romaine, commander of the 44th.

Romaine and King, both of whom took command in 1997, differ markedly in style. Romaine, 52, is a graying veteran who could play a television police commander without stopping by makeup or wardrobe. King, fresh-faced at 47, still exudes some of the enthusiasm of the inner-city Catholic school teacher he was before joining the New York Police Department at age 29.

But the men had a common goal: reduce the number of civilian complaints without letting up on crimefighting.

They used different methods. King jumped into patrol cars, unannounced, to ride along with uniformed officers and spread the word that good relations make for

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better policing. Officers who received complaints were called in for "heart-to-heart" conversations with their commander, rare in a 200-officer precinct.

Romaine, working from monthly computer printouts that list civilian complaints against his 300 officers, dropped cops who got complaints from consideration for special assignments and weekends off.

Through his sergeants, the 30-year-veteran "passed the word" that repeated complaints could stall careers. He told the troops about Charlie Gergley, an old Bronx beat cop whose community relations were so



Romaine: Made cops accountable

effective that "perps (perpetrators of crime) called him before crimes were even committed."

"It goes to your view of your role as a cop," Romaine explains. "Are you an ass-kicker, some-

one who wants to change people's behavior? Or are you Charlie Gergley, who treated everyone with respect, never talked down to a perp and never took it personal? And he made arrests without hardly walking out of the precinct."

Both commanders have become adept at swatting down officers' excuses, such as the fact that only about 4% of complaints are substantiated by New York City's civilian review board, and, of those, only half result in discipline.

"Some of them are baloney," Romaine says. "But where there's smoke, there's fire."

The results have been impressive. Complaints in the two precincts dropped to 65 in 1997 and 44 last year, a 67% decline from 1996. The number of recidivists — officers receiving three complaints in a year

or six in a career — has been sliced in half.

So far this year, complaints are running slightly ahead of last year's pace, a citywide trend that Police Commissioner Howard Safr ascribes to an increased interest in police behavior caused by the police shooting of African immigrant Amadou Diallo in February.

On the South Bronx's streets, the reviews largely are favorable. Bishop Alvin Porter, who has led the Calvary Gospel Assembly on East 169th Street since 1979, says local patrol officers speak in "respectful, God-fearing" tones. The 63-year-old cleric also is grateful that worshippers' car batteries are no longer regularly stolen when they park along East 169th Street for services.

On East 167th Street, security guard Benny Bulloch knows he can enjoy a beer while seated on his stoop — provided the can is covered by a paper bag and that "it don't get out of hand."

"The cops let you know what's OK and what isn't," the 36-year-old lifelong New Yorker says. "It was different when I was a kid. They treat you

like a man (now)."

But there are critics. Jimmy Rosario, a 16-year-old shopping at the Borinquen market on Morris Avenue, says cops still unfairly target minorities, "only mostly at night now."

Ruben Diaz, Jr., 26, a state assemblyman who represents part of the 42nd Precinct, says civilian complaints are down because "people have learned it's just window-dressing." Some officers say complaints are down because police are avoid-

ing potentially contentious situations for fear of provoking citizens.

Still, New York City's police leadership is looking to export the South Bronx's successes to other precincts. Since last year, Police Commissioner Safr says, 45 precincts show downturns in both crime and complaints, though few so dramatic as the South Bronx's examples.

"You can have big numbers in crime reduction, but if the community has a different perception it doesn't mean much," Safr says.

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