

## *Broken Windows, Zero Tolerance, and the New York Miracle*

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### **Introduction: Lessons from America**

'Zero tolerance' policing is attracting increasing interest in Australia. Unfortunately, this interest is largely ill-informed. This contemporary comment provides a brief introduction to its origins, uses, problems, and contexts.

According to the widely publicised account, the idea of zero tolerance policing came from an article in the March 1982 issue of the *Atlantic Monthly* in which JQ Wilson and George Kelling hypothesised (without empirical basis) that serious crime could be reduced by clamping down on minor incivilities and disorder.<sup>1</sup> The argument was based on the metaphor of 'broken windows'. Wilson and Kelling claimed that if a broken window in a building is not repaired, others will be broken. The rest of the building, then the street, then the neighbourhood, will deteriorate. The human equivalent of a broken window is 'the ill-smelling drunk, the rowdy teenager, or the importuning beggar... The unchecked panhandler is, in effect, the first broken window' (Wilson and Kelling 1982:34). Their thesis was that, if human 'broken windows' are not fixed, disorder will turn into serious crime because 'serious street crime flourishes in areas in which disorderly behaviour goes unchecked' (Wilson and Kelling 1982:34). The theory is based on a kernel of common sense or 'folk wisdom' (Wilson and Kelling 1982:34): little problems lead to big problems. It also relies on popular but inaccurate accounts of social decline resulting from moral and social indiscipline (the fall of the Roman Empire thesis). Indeed, zero tolerance and broken windows are fundamentally 'not about crime at all, but a vision of social order disintegrating under glassy-eyed liberal neglect' (Shapiro 1998:5).

Its supporters claim that the 'broken windows' thesis was proved to be correct in New York in the mid-1990s, when the potent combination of Mayor Rudolph Giuliani and Police Commissioner William Bratton claimed credit for 'the New York miracle' - spectacular falls in recorded crime rates. Felony crime rates halved, while murders plummeted from 2245 in 1990 to 767 in 1997. Not surprisingly, this has attracted great interest from police officers, politicians, and media from around the world. All too often, those dispatched on 'study tours' to New York return with a simplistic message courtesy of City Hall's and the NYPD's publicity machines: New York has discovered the philosopher's stone which enables police to reduce crime significantly. Bratton confidently asserts 'the good news ... "if you can make it in New York, you can make it anywhere"' (1997:42). Symptomatically, Shane Stone (Chief Minister of the Northern Territory) announced on his return from New York that 'whether you're talking about New York, Darwin, Melbourne, the lessons are the same' (ABC Lateline, 4 June 1998).

### **Doubting the Miracle**

A criminologist's initial reaction to claims that police have significantly reduced crime should be scepticism. This is because a foundation stone of modern policing studies and

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1 It should be noted that, while zero tolerance prioritises law enforcement, 'Broken windows' suggested a broader order maintenance strategy, not least because some of the targeted behaviour was not illegal and because some of the police methods advocated to deal with disorder were unlawful.

policy is the body of research on police activity in which conventional policing strategies - random patrol and reactive investigation - 'have been shown to have little or no effect on crime' (Bayley 1994:3; cf. Reiner 1992:147-9). The classic example here is the Kansas City Preventive Patrol Experiment (Kelling et al 1974), in which comparative deployment of various styles of policing was found to have no significant effect on crime, or on fear of crime, or on attitudes towards the police. Indeed, it appears that the variation was hardly noticed by many residents. Most criminal activity is unaffected by police either because it is not reported or is, to all intents and purposes, undetectable (Bayley 1994:ch 1). An illustrative example is provided by our recent study of the illicit drug market, which shows that the risks of arrest per street-level heroin transaction in Australia are relatively low. Using data from the Australian Bureau of Criminal Intelligence on the total number of heroin arrests in Australia for 1996-7, we calculated the risk of arrest per transaction as being between one in 2600 and one in 10,900 (Maher, Dixon, Lynskey and Hall 1998).

This does not, of course, mean that police are irrelevant to crime control (contra Sherman 1993, who caricatures the criminological orthodoxy), but simply that, within levels of resources and powers which can realistically be provided, it is unlikely that conventional policing can significantly reduce crime. The research evidence suggests that policing can affect particular types of crime, 'but usually only in cooperation with other agencies and only if they adopt strategies which are in stark contrast to those dictated by the "professional law enforcement" model' (Homel 1994:32). Such specificity is vital: 'crime' is far too imprecise a target. Everything we know to date suggests that claims that police activity has significantly reduced 'crime' should be treated sceptically. The worthwhile questions are more specific: how can particular police tactics affect particular patterns of crime in particular places, and what may be the unintended effects of such tactics?

My evaluation of the argument that Australia should seek to emulate the 'New York miracle' suggests that claims about police responsibility for the reduction in crime are exaggerated, that any effect which the police did have was not due solely to zero tolerance policing, that any such effect in New York is largely irrelevant to Australia, and that account needs to be taken of the costs of such strategies.

*'Crime is down in New York City: blame the police'*

William Bratton (1997; 1998:289-90) claims not just that the NYPD contributed to the fall in crime, but were solely responsible for it. Against this must be set the fact that significant declines in crime rates in the mid-1990s were recorded in 17 of the 25 largest American cities and in 12 of the 17 advanced industrial countries (Travis 1998; Young 1998:2-4). We do not know why this happened, although it seems likely that key factors are long-term economic revivals and demographic shifts (particularly decreasing young people in the population). But we do know that zero tolerance policing was not responsible, because crime rates dropped in places where very different police strategies were being used.

In New York, economic, social and demographic changes have to be taken into account, despite Bratton's response to critics that 'We lined up their alternate reasons like ducks in a row and shot them all down' (1998:290). Most importantly, there is a significant connection between the falling murder rate and the decline of the crack cocaine epidemic. Crack was highly conducive to violence both because of its physiological effects and the market competition which its low price encouraged. As the crack epidemic peaked in the late 1980s (Maher 1997:21), so the appalling violence which characterised it abated. Bratton claims that the percentage of arrestees who tested positive for cocaine did not decline (1998:290). It is of course true that cocaine (whether in the form of crack or otherwise) did not simply disappear. However, Bratton ignores the crucial point, which is that fewer people initiated

crack use: the rate of cocaine use among younger arrestees 'went from 70 percent in 1988 down to 31 percent in 1991 ... Then it declined even further to 22 percent in 1996' (Travis 1998:5). In order to make sense of the extraordinary reduction in homicide in New York City, one has to pay close attention to changes in the illegal drug market.

### *Changes in policing other than 'zero tolerance'*

It would be foolish to mirror Bratton's absolutism and claim that the NYPD had no effect on crime. It seems plausible that they did, not least because crime rates declined further in New York City than elsewhere. It should be noted however that even the dramatic fall in homicide was not confined to New York and that Jacksonville, Florida, not New York had the greatest decline in homicide in the early 1990s: (Travis 1998:3).

Zero tolerance street policing was just the most-publicised feature of wide-ranging changes in policing in New York during this period. The NYPD also adopted intelligence-led policing, in which traditional reactive tactics are secondary to computer assisted identification of places and people at risk. While this new, technologically-driven policing may be harder to sell to a public fearful of crime than a catchy slogan like zero tolerance, its impact may well be significant. Computer mapping was a tool of significant managerial changes, in which close supervision and scrutiny of local commands' performance were introduced, notably via the Compstat process, in which local commanders were called to account to the Commissioner and his staff for their performance (Safir nd).

More policing was also done: police numbers expanded significantly, and officers on the street were encouraged to work in a way that they had not done in the recent past. However, claims that the NYPD had abandoned street policing prior to zero tolerance are exaggerated. Certainly, people whose neighbourhoods were occupied by the NYPD's Tactical Narcotics Teams would have been surprised by suggestions that police gave up street policing (Maher 1997:25; Sviridoff, Sadd, Curtis and Grinc 1992). It does, however, seem to have been the case that regular patrol officers were somewhat reluctant to focus on street activities because of (a) fears of corruption allegations in relation to drug, vice and gambling enforcement; (b) constitutional challenges to prohibitions on activities such as begging and vagrancy on the basis of rights to free speech and requirements of legal certainty; (c) inadequate supervision and general demoralisation.

### *The (ir)relevance of the New York experience*

It seems reasonable to accept, within the limits outlined above, that zero tolerance policing may have had some effect on crime in New York. However, the assumption that what 'worked' there will work here is fundamentally misguided. There are major differences between Australia and New York which sharing a common language may obscure.

First, patterns of crime are very different. In New York, the connection between policing minor offences and affecting serious crime had some validity in the early 1990s. The police were dealing with a highly criminalized, heavily armed population. If an officer stopped and searched a suspect or arrested him or her for, say, public drunkenness, there was a good chance that the person would be found in possession of an illegal firearm or that he or she would be the subject of a warrant or on parole for a serious offence. Zero tolerance policing allowed police to deal with serious crime both preventively (detering carrying guns) and directly (taking guns off the street and locking up those subject to criminal justice controls). In Australia, the situation is quite different. When police do intensive street operations, they may find people with outstanding warrants, but these are likely to be for the kind of minor offences which facilitated the intervention, not for serious matters. In Australia, people do not routinely carry guns, as was the case in sections of New York. These points are related

to a fundamental difference in patterns of violent crime: it is almost a cliché to point out that the most problematic form of violence in Australia is private rather than public, and that homicides in Australia overwhelmingly occur between people who are intimates or acquaintances. Our homicide and serious violence rates are unlikely to be affected significantly by zero tolerance policing.

Secondly, Australian law is different in crucial respects. As noted above, one of the constraints on NYPD activities in the 1980s and early 1990s was legal: indeed, a substantial part of Kelling's and Coles' manifesto for 'broken windows' strategies is devoted to the constitutional and other legal limits on street policing. Police in Australia have suffered no such constraint, despite what is becoming accepted wisdom in a remarkably ill-informed public debate about police powers. For example, in NSW, the unqualified power to arrest for any offence, recently extended powers to stop and search in the Crimes and Drug Misuse and Trafficking Acts, powers to demand name and address and to move on, and the reservoir of power provided by widely-drawn offences such as goods in custody, consorting, offensive behaviour, and offensive language provide NSW police officers with an extensive resource of legal authority (Dixon 1997:ch 2). While there have been controversies over the particular wording of offensive language and offensive behaviour offences, the legality of such statutes is beyond challenge in Australia. Such offences have not just existed on the statute book: they have been the bread and butter of Australian policing. Far from abandoning public order, our police have always had street offences as their daily fare.

Furthermore, the letter of the law and policing practice are different matters. Anyone who has any knowledge or experience of how street policing actually operates (or has bothered to read the Wood Commission's Report) would be puzzled by assertions that our police work with their hands tied by legal restrictions. Research indicates that street policing in NSW relies little on (and is constrained little by) the law (Dixon 1997:ch 2, 5). 'Reasonable suspicion' in stop and search can be minimal because it is ineffectively regulated (despite the provision of a new code of practice) and is rarely tested by supervision, whether from superior officers or by the courts. In any case, the need for legal power is routinely obviated by obtaining 'consent'. The police officer who asks you to turn out your pockets on the street has no more need of a legal power than the shop attendants or airline security personnel who check your bag: an explicit or implied consent (which in practice may be no more than acquiescence) is all that is needed. Pointing out that policing in NSW is comparatively unregulated in practice by law is not, in itself, a criticism: good policing may be determined by factors other than the law. My objection here is to what the quite misleading account of policing in NSW whose accuracy is so often taken for granted.

Fundamental differences in politics and state organisation between Australia and the United States need also to be acknowledged. Zero tolerance is a policy designed for a society which regards criminal justice and punishment as its primary tools of social policy. Zero tolerance is a policy for a society divided by chasms of class and particularly race, in which the fear of 'the underclass' permeates. In a highly influential text, J.Q. Wilson writes 'we are terrified by the prospect of innocent people being gunned down at random, without warning and almost without motive, by youngsters who afterwards show us the blank, unremorseful face of a seemingly feral presocial being' (1995:492). Wilson is too politically adroit to specify the race of these 'youngsters' and disingenuously distances himself from judgment ('seemingly'), but we - and his influential U.S. audience - know what he means. In contrast, Australian society retains (despite growing challenges) a commitment to a broader state capacity in welfare and public health and to inclusive policies of multiculturalism and reconciliation. Indeed, comparison with the US makes resistance to current challenges to fundamental aspects of Australian society particularly pressing.

### *Costs of zero tolerance*

Despite what has been suggested above, it may still be argued that zero tolerance should be tried because it will have some effect on serious crime. Alternatively, the emphasis may shift away from serious crime: it may be argued that zero tolerance should be used because of its direct effects on minor offences and other disorder. Improvement of the 'quality of life' in an area may be presented as a more appropriate objective. In both respects, it is necessary to take account of the potentially counterproductive effects of zero tolerance policing. What is gained may not be worth the cost.

First, there is a documented history of intensive, aggressive street policing leading to serious social disorder. Indeed, I remember reading 'Broken windows' when it appeared in 1982 and being struck by its irrelevance because of the authors' failure to take account of this. I was then in England, where the policing debate was dominated by the 1980-81 riots. Attention focused principally on the Brixton riots which erupted in response to intensive stop and search operations carried out by the Metropolitan Police. Lord Scarman's report on Brixton eloquently dismissed the argument that police actions were justified by a duty to enforce the law: according to Scarman, maintenance of public order is the primary mandate and the law has to be exercised with the discretion which 'lies at the heart of the policing function' (1981:para 4.58). Scarman went on to argue that discretion could only be properly used by police who had good relations with the local community, consulted them, and were (in this limited sense) accountable to them (1981:paras 4.60, 5.56-58). He was reflecting the knowledge learnt from the experience of the riots in US cities in the 1960s: the counterproductive failure of intensive policing had led to the search for new policing strategies, such as community and problem-oriented policing. Today's police may be less concerned than before about public disorder: they are much better prepared to respond in terms both of tactics and equipment. However, the inability of the Los Angeles Police Department - the epitome of modern police paramilitarism - to contain the riots following the trial of Rodney King's assailants should make even the hardest head question the desirability of relying on superior force.

To point out that overpolicing may spark disorder is familiar. Less so, but equally important, is the argument that underpolicing may do the same. Wilson and Kelling's 'Broken windows' argued that policing should target neighbourhoods in decline. (However, it should be pointed out that complaints about disorder often come most loudly from upwardly mobile areas, in which new residents are discomfited by the presence of 'disorderly' neighbours and street people: inner Sydney provides several such examples.) What of places which have already 'declined'? Wilson and Kelling suggested that some neighbourhoods are so 'demoralized and crime-ridden' that proactive policing is impossible (Wilson and Kelling 1982:38). The consequence of police withdrawing from areas except in response to emergency calls was seen in the riots in public housing estates of Northern England in the early 1990s. This time, it was under-, not over-policing that was crucial. 'Communities' whose structures had been eaten away by mass unemployment and the accompanying social, economic, and political marginalisation turned upon themselves (Campbell 1993).

Secondly, even if serious disorder is not instigated, zero tolerance is likely to worsen relations between police and the communities whose activities are no longer tolerated. It represents a serious threat to a conception of community policing as founded on close, co-operative relations between police and people. Those targeted by police have to be marginalised as 'not part of the community'. The persistent attempt to explain away the British riots of the 1980s and early 1990s as the work of 'outsiders' always faltered before the evidence that those rioting were part of the community. A local example is provided by

our research in Cabramatta: police mistreatment of young Indo-Chinese heroin users has implications for relations not just with that group, but with the broader Indo-Chinese community (Maher, Dixon, Swift and Nguyen 1997). The increase in complaints of police brutality in New York (up 40%) is a clear indicator of the cost of encouraging police aggression (Shapiro 1998). The danger is that, however fancy the packaging of zero tolerance, operational officers receive it as a mandate to get tough on the streets. The NYPD officers who, while sexually assaulting and beating Abner Louima, declared 'This is Giuliani time' were not, as J.Q Wilson claims (1997), merely bad apples: their actions have to be understood in the context of zero tolerance policing.

A third cost of zero tolerance is a substantial expansion of the prison population. This cost may be acceptable: indeed, some, like Rudy Giuliani, regard it as one of its great virtues. If combined with sentencing policies providing mandatory life sentences for accumulated lesser offences ('three strikes' laws and the like), then zero tolerance constitutes a coherent, albeit highly objectionable, policy. If, however, incarceration of those swept up in the zero tolerance net is not to be indefinite or permanent, then its effects are likely to be very undesirable. In criminal justice, we may be certain of little: but one thing we surely do know is that imprisonment should be minimised because of its counterproductive effects. Indeed, if one wanted to make minor crime lead to major crime, sending to jail those who commit the former would be an excellent way of doing so.

A fourth example of counterproductive effects is provided by the experience in Australia of applying tactics influenced by the New York experience to the policing of drug markets. Cabramatta has been the subject of intensive policing for some time, but in the period since July 1997 intensive deployment of uniformed officers has attempted to drive heroin use and sales out of the CBD. In this program of saturation policing, 'more than 16000 have had their details checked by police' (Cassidy 1998:4). Influenced by zero tolerance policies, police have used minor offences as a way of deterring drug users and of facilitating searches and warrant checks: for example, 4286 railway infringement notices have been issued (Cassidy 1998:4). If the objective was to clean up the CBD, it has had some (but certainly not total) success. But such success has been bought at considerable public health costs (encouraging unsafe practices in using and disposing of injecting equipment), social, geographical and substance displacement, and hardening the target (encouraging drug market participants to become more organised) (Maher and Dixon, in press; Maher, Dixon, Lynskey and Hall 1998). The amount of heroin sold and bought in South West Sydney has not been reduced: the market is affected only to the extent that some heroin is being sold in different ways, by different people, in different places.

## The Criminal Justice Cringe

A disappointing characteristic of debates on policing in Australia is the criminal justice cringe - the assumption that we should copy what has been done in the United States. It is encouraged by American academics and others who are regularly consulted by Australian police services and policy-makers. With few exceptions, such people are apparently oblivious to the irony of presenting US society and its criminal justice system as an exemplar. It is about as appropriate as an Australian going to teach the Brazilians how to play soccer. As suggested above, zero tolerance is a policy for a society very different from Australia.

Of course, it would be equally foolish to suggest that there is nothing to be learned from the U.S. Specifically, the New York experience provides important lessons about crime management, proactive policing, and the use of new technologies. It is good to see, for ex-

ample, that the NSW Police Service is developing programs drawing on some aspects of this experience.

However, another feature of the criminal justice cringe is inadequate recognition of superior elements within our own institutions and policies. In significant respects, zero tolerance is archaic. New York-style policing involves using enforcement of the criminal law as the primary tool in dealing with the disorderly behaviour of people who are drunk or mentally ill. For us, this would mean reverting to methods of dealing with social problems which have long been discredited. It beggars belief that zero tolerance should be promoted to deal with alcohol abuse in Aboriginal communities. In that case, zero tolerance is a policy whose time has come and gone: that time was thirty years ago, when half of all arrests were for public drunkenness. As a method of dealing with the social, economic and health problems of Aboriginal communities, we know that zero tolerance was an abject, shameful failure: the Royal Commission into Aboriginal Deaths in Custody should surely have brought that message home. Politicians and others who ignore this are culpably irresponsible.

New York-style policing means fighting a war on drugs although Australian police recognise its futility and support harm minimisation. Australia has a considerable international reputation for its commitment to harm minimisation as the foundation of its national drug strategy. Our priority here should be translating harm minimisation into policing practice, rather than indulging in 'bizarre American fantasies of "zero tolerance"' (Pearson 1992:18). Once again, zero tolerance is not new, and we know what it produces: the US comment to zero tolerance of illegal drugs has been a recipe for harm maximisation (Wodak and Lurie 1996).

Similarly, zero tolerance involves the criminalization of prostitution. The costs of inevitably unsuccessful attempts to prohibit prostitution are well-recognised in Australia and the priority is to develop modes of regulation which allow prostitution to be conducted in ways which minimise harm by seeking to ensure the safety of sex workers and protect legitimate interests of residents in areas where they work. Finally, as noted above, New York-style policing will greatly expand the prison population a time when it is widely accepted in Australia that the sensible policy is to minimise the use of imprisonment because of its cost and its counterproductive effects.

We underestimate our own policies and institutions when we slavishly look to the United States for guidance. In many of the matters involved here, we have more to teach New York than to learn from it.

## Law and Zero Tolerance

Zero tolerance is an attractive slogan. But as a policy it is, if taken literally, hopelessly unrealistic about the realities of how law relates to policing practice. Far from being new, it reflects an approach to the law-policing relationship which has long been discredited. For many years, the true nature of American policing was disguised by legal duties of full enforcement - the myth that police could and did enforce the law to the letter without the mediation of discretionary decision-making. Non-enforcement was equated with corruption or inefficiency. This legalistic myth could not survive the emergence of academic research on policing practice which 'discovered' that policing was highly discretionary and that most of it did not involve law enforcement (Dixon 1997:3).

It is trite to observe that police have to exercise discretion simply because it is physically impossible to do otherwise. The point was made well by that fine commentator on policing

(and ex-police officer) C.H. Rolph in 1959, when he noted that 'The truth is (luckily for us) that there's too much law to be enforced' (1985:68) and listed 38 offences seen during a brief walk. These were only the tip of an iceberg of 'other things too numerous to mention', such as littering and parking offences. If an officer dealt with one 'all the rest would have got away ... But it has to be faced that the great majority of policemen (sic) would have chosen none of them' (1985:69).

More importantly, zero tolerance suggests that 'zero' is an objectively attainable goal. This is totally to misunderstand the role of law in policing public order. Ironically, it is J.Q. Wilson who provides a classic explanation: 'Most criminal laws define acts ... (P)eople may disagree as to whether the act should be illegal ... but there is little disagreement as to what the behaviour consists of. Laws regarding disorderly conduct and the like assert, usually by implication, that there is a condition ("public order") that can be diminished by various actions. The difficulty, of course, is that public order is nowhere defined and can never be unambiguously defined because what constitutes order is a matter of opinion and convention, not a state of nature' (Wilson 1968:22-3). Police do not just choose which offences to prioritize: they constitute the offence by choosing to intervene. There is no 'offensive language' until an officer decides to define speech as such. The law does not direct police intervention, but rather provides a resource used to categorise, justify, and account (Dixon 1997). From this perspective, zero tolerance is fundamentally flawed because it is based upon an erroneous conception of law's relationship to policing.

A great attraction of zero tolerance is that purports to eliminate police discretion about what (and who) is to be targeted for attention. Once the impossibility of this is acknowledged, we return to harder questions about what should be the priorities of policing, and whose voices should be heard in setting them.

## Beyond Zero Tolerance

It could be objected that I am paying more attention to zero tolerance than it deserves, and that it is merely a slogan spouted by populist politicians and sections of the media. Indeed, many police leaders (notably in NSW) would agree with much of the critique above. Even Bratton (1998) and Kelling and Coles (1996) have recently distanced themselves from 'zero tolerance'.

Despite this, there is something important here, both criminologically and politically. In the degenerate context of Australian law and order politics, it is not possible to dismiss zero tolerance as inconsequential. The political power of tabloid newspapers and talk-back radio should not be underestimated. Unfortunately, many politicians treat criminal justice as a realm where populist common-sense prevails, rather than as an important and complex area of public administration. They sneer at One Nation's suggestion that economic problems could be solved by printing money, but fail to recognise that 'zero tolerance' is the criminal justice equivalent.

There is also a deeper problem in the approach of those who distance themselves from 'zero tolerance' but accept key elements of it in more acceptable neologisms such 'firm but fair' or 'back to basics' policing. These are indicators of a deeply troubling trend in contemporary policing best illustrated by the work of Kelling and Coles (1996). They present their work as if it conforms with the paradigms of community policing and community crime prevention (ie., responding to people's concerns about crime, disorder and quality of life with cross-government responses). Indeed much of *Fixing Broken Windows* deals with such issues in a valuable enough, if unoriginal, way. This, however, is disingenuous, be-



cause the program advocates an approach which would subvert community policing. 'Broken windows' and its offspring, zero tolerance, amount to an attempt to colonise community policing and community crime prevention and to turn them into tools of crimefighting.

For some thirty years, those who prefer to see (and do) policing as the work of autonomous, hierarchical law enforcers and crime fighters have been threatened by advocates of community policing (in all its many guises) who have argued that crime-fighting is inefficient and marginal to key policing tasks. Broken windows and zero tolerance square the circle, promising that law enforcement will reduce crime and restore public order, allowing law enforcement to be done in the name of community policing.

In two vital respects, broken windows/zero tolerance are regressive. First, they promote the police as the lead agency, with law enforcement as the primary strategy of problem-solving. Characteristic of this attitude was NSW Police Commissioner Ryan's recent comment: 'let's involve the community and social agencies to follow up behind us to do what is required to repair the fabric of that area' (quoted, Sydney Morning Herald, 5 June 1998). Symptomatically, one year after the NSW Police launched its latest series of crackdowns in Cabramatta, the new health and welfare services which were supposed to accompany them are yet to materialise.

Secondly, there is the use of the term 'community'. It is a cliché to point out that this has been a problematic term in the community policing literature. Nevertheless, for most it has denoted a political (liberal/social democratic) aspiration towards inclusion and consultation: 'community' means as much of society as possible. In broken windows and zero tolerance, there is a politics of exclusion which operates through dichotomies: 'decent folk' versus 'drunks and derelicts' (Wilson and Kelling 1982:30); a 'stable neighborhood of families' versus one populated by 'unattached adults' (Wilson and Kelling 1982:31, 32); 'prostitutes harassing husbands in front of their wives and kids, panhandlers sticking cups under peoples' (sic) noses'; 'citizens ... trying to protect their own territory' threatened by 'predators'; 'the rights of these individuals' versus 'the interests of the community' (Kelling and Coles 1997). Wilson and Kelling's list of human 'broken windows' could be a quotation from Tom Robinson's 'Power in the Darkness' - 'disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed' (1982:3). As suggested above, zero tolerance is policing for a fundamentally divided society.

Far from being an insignificant slogan, it represents a new paradigm in policing and may presage as significant a shift as that which occurred when community policing challenged law enforcement policing. Zero tolerance is to be understood as part of a broader change in criminal justice practices and rhetorics. Clearly there are dangers of overstating their unity and novelty, and ignoring the differences between what is said and done. Nevertheless, there is a shape here in which a variety of trends are articulated, not in a formal program, but in a significant tendency. This is indicated by the shift in conceptual foundations from

certainty/individual/guilt/rights/reactive response

to

flexibility/group/risk/safety/proactive intervention.

It is not possible to develop this argument here: the significant point for present purposes is to insist that the broader political and social implications of broken windows and zero tolerance policing deserve serious attention. There is considerable danger that we may complacently dismiss zero tolerance, while allowing ourselves to shuffle crab fashion into

something much more significant, and in the process to lose what we have or could have gained from community and problem-oriented policing.

David Dixon

Associate Professor, Faculty of Law, UNSW

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