No. 102

Zero Tolerance Policing

P.N. Grabosky

The term "zero tolerance" has been interpreted and used widely in public debate. In manufacturing, zero tolerance of defects is a quality assurance goal. In dealing with illicit drugs, it is a clear statement of intent, though in policing there can be considerable ambiguity in this term. Some people claim that zero tolerance policing is responsible for the significant decline in crime in the United States, but such an assertion is simplistic in the extreme, as crime reduction (and crime prevention) bring into play many interconnecting strategies.

Strict enforcement of minor offences can be extremely useful in certain settings, but it can also have unintended consequences. The pressures on police are enormous, and good information and analysis, good communication with the community, and continually updated professional skills will serve police and the community well.

Context-specific approaches and evidence-based policing are the building blocks of crime control. Unfortunately, much debate over criminal justice in Australia generates more heat than light. The role of the Australian Institute of Criminology is to provide objective information and analysis to permit public discourse to take place on a higher level, and this paper is a contribution to that debate.

Adam Graycar
Director

The term "Zero Tolerance Policing" is ambiguous. To some, it connotes comprehensive, aggressive law enforcement with "no holds barred". To others, it refers to a policing strategy which exists as part of a package of carefully designed approaches to combat the crime problems of a specific locality.

Origins

The idea of zero tolerance policing is based on ideas developed by two criminologists in the United States, James Q. Wilson and George Kelling who, in 1982, published a seminal article entitled "Broken Windows" in the *Atlantic Monthly* magazine (Wilson & Kelling 1982). They argued that an ambience of unrestrained petty crime creates the impression that "no one is in control" and that more serious crime can be committed with impunity. In other words, unchecked disorder and incivility in

a given locality send an implicit invitation to more predatory criminals.

Wilson and Kelling specified two general manifestations of disorder—the *physical* and the *behavioural*. By physical indicators, they referred to such things as graffiti, litter, general disrepair, and the "broken windows" of their title. Behavioural manifestations included public urination, fare evasion on public transport, loutish behaviour by groups of youth, street solicitation by prostitutes, and other characteristics of urban life that many found offensive in the United States of the 1970s.

The implications of the broken windows theory were that strict enforcement of petty crime and remediation of physical decay would prevent the development of an atmosphere conducive to more serious criminal offending. The Wilson and Kelling article was very influential, and has contributed to changes in policing in many jurisdictions in the United States and the United Kingdom.

Implementation

The setting in which new strategies of policing based on broken windows theory have received greatest attention is New York City, which has experienced significant decreases in crime rates since the early 1990s. There, the police adopted a geographically and temporally selective policy of responding with criminal charges to even the most minor offences (Kelling & Coles 1996). It became apparent, inter alia, that many minor offenders had a history of more serious criminal activity. Their arrest arguably prevented them from

engaging in continued serious criminal offending. The risk of arrest for minor offences also appears to have discouraged the carrying of firearms[1] which, in turn, significantly reduced both homicide and robbery rates. The result was a reduction in the overall crime rate of more than 35 per cent, and a 73 per cent decline in homicides.

The Declining US Crime Rate

Rates of violent and property crime have declined annually in the United States for the past six and a half years. While some would attribute this decline primarily to policing strategies, the contributing factors are more numerous and complex. These include a sustained period of economic growth; a significant reduction of crack cocaine use; the stabilisation of cocaine markets and a concomitant reduction in warfare between drug gangs; the ageing of the "baby boom" generation beyond the crime-prone years; concerted efforts, particularly in large metropolitan areas, to restrict teenagers' access to firearms, particularly handguns; increased police-community cooperation; longer sentences, particularly for perpetrators of violent crime; and the proliferation of crime prevention programs, particularly early intervention programs for children with little parental supervision. One notes that only some of these elements can be transplanted to Australia.

It is unlikely that such achievements could be realised in Australia, which is a very different place from New York City. At its peak, in 1992, New York's homicide rate was fifteen

---

[1] firearms seized from subway fare evaders decreased over the period 1990-95 from 50 to 7 per 10,000 arrests (Maple 1995).

times greater than Australia's. Demographic and economic circumstances also differ significantly. But policing strategies based on broken windows theory have achieved significant crime reductions in the United Kingdom and other overseas locations. In Indianapolis, for example, substantial increases in traffic enforcement in a high robbery area were followed by a significant reduction in robbery (Weiss & McGarrell 1997 & 1996, cited in Sherman 1997).

Unfortunately, zero tolerance policing has been seized upon as something of a "magic bullet". Policing is a very complex undertaking, and strict enforcement of petty crime is but one of a set of tools. What is termed "Zero Tolerance Policing" may be appropriate in certain places at certain times, but it is not a panacea.

By way of illustration, one can do no better that to refer to William Bratton, former Commissioner of Police in New York City, who introduced the policies and tactics that led to the most significant reduction in crime in that city's history. Strict enforcement of petty crime was just one element of a new approach to policing based on accountability of local commanders and intelligence-based strategic analysis. Indeed, Bratton himself has said "[Z]ero tolerance is neither a phrase that I use nor one that captures the meaning of what happened in New York City…" (Bratton 1998, p.43).

The key to New York was not so much zero tolerance, as crime analysis based on accurate and timely intelligence, and the accountability of local patrol commanders. From time to time, selected high priority "hot spots" would be targeted for

special attention, including strict enforcement of minor offences.

The Australian Historical Context

The past two decades in Australia have seen moves *away* from strict enforcement of petty offences. Following the sustained efforts of civil liberties activists in the 1970s, laws which previously criminalised public drunkenness, offensive language, and disorderly behaviour have been either repealed or watered down. The Royal Commission into Aboriginal Deaths in Custody argued strongly against the use of the criminal justice system to control minor offences by Indigenous people.

Complexities

Unfortunately, discussions of zero tolerance policing in Australia have resembled a religious debate. Zero tolerance policing is seen in simplistic and mutually exclusive terms, as either the solution to all of the nation's crime problems, or rather a dangerous step towards a totalitarian society. This oversimplification sheds more heat than light.

It is important to recognise that indiscriminate strict enforcement of the law is not without risk. A relationship of trust between the police and the public is essential to effective law enforcement. This, after all, is the essence of community policing. A situation in which police appear as something akin to an occupying army is likely to destroy whatever trust may have existed and to inhibit the formation of trust in the future. Heavy-handed law enforcement can destroy the legitimacy of police, making their job difficult if not impossible.

Emerging evidence suggests that the less respectful police are towards suspects and citizens generally, the less people will be inclined to comply with the law. It is not simply that police must be regarded as legitimate in order to obtain the cooperation of the public, but that a legitimate police institution fosters obedience to the law itself (Sherman 1997).

A good deal of police work depends on the interpersonal skills of the individual officer. Reliance on force rather than diplomacy may lead these skills to atrophy.

At the individual level, the use of arrest in response to minor offending may elicit a defiant response from the arrestee, producing reoffending which might not otherwise occur (Sherman 1993). In any event, arrest can be costly. Time spent in arresting a petty offender, and in subsequent court attendance, is time off the street for a police officer. Ironically, aggressive policing may thus actually reduce police presence. Moreover, zero tolerance policing is inconsistent with the exercise of police discretion. Firm and reasonable exercise of discretion is important in terms of efficiency and effectiveness in policing.

Zero tolerance policing may also have other unintended consequences. The current over-representation of Indigenous Australians in the criminal justice system has been widely noted. It is likely that policies of strict enforcement would result in an even greater over-representation of this group, which could have difficult political ramifications.

An additional concern about zero tolerance is its long-term consequences for persons, regardless of their racial

background, who are arrested for minor offences. An arrest record may make it more difficult to obtain future employment, particularly in a tight labour market where opportunities for unskilled workers are severely constrained.

Wider Perspectives

The Wilson and Kelling article has implications far beyond policies relating to arrest and prosecution. Not all physical indicia of disorder are the product of criminal conduct. Dilapidated buildings and general disrepair may result from neglect rather than from vandalism. Regardless of the cause, police may not be in a position to repair or restore damaged property. Local authorities such as councils and housing commissions, and neighbourhood residents, may be better placed to remove graffiti or to fix broken windows. Here, partnerships between the police and community institutions may be of equal importance to the arrest of offenders in creating a climate conducive to crime control. Significant opportunities exist for citizens to make their own contributions to crime reduction by repairing signs of neighbourhood decay.

This raises the broader question of strategic policing. Careful analysis of crime problems and their various components will permit identification of the most appropriate tools for the occasion. In some cases, these will involve police intervention alone, possibly of a relatively aggressive nature. In others, they might best be achieved by mobilising other agencies of government or the private

sector, or by developing some form of partnership with these institutions to address the underlying causes of a crime problem.

There are circumstances, such as the possession of drugs, alcohol or knives in schools, where it may be entirely appropriate that rules be strictly enforced. But the complexities of modern society are such that simple solutions will rarely suffice for all occasions. One should be wary of policies of the "one size fits all" variety.

Conclusion

The term "zero tolerance" is inherently attractive to some members of the public because it symbolises a quick fix or panacea. To others, it raises the spectre of repression. Whatever its connotation, it obscures the complex reality of contemporary policing. Australian law enforcement agencies are aware as never before that crime is a complex phenomenon, with many causes and no single solution.

Because the expression "zero tolerance" reinforces the tendency to oversimplification, William Bratton's avoidance of the term seems entirely appropriate.

Strict enforcement of minor crime merits consideration among a variety of law enforcement strategies, such as focusing on crime "hot-spots" within the general strategic framework of problem-oriented policing. It may, for example, be more productive to invest scarce arrest resources on high-risk people, places, offences and times, rather than adopt a strategy of zero tolerance policing for all occasions. As is the case with all innovations in

law enforcement, zero tolerance approaches should be accompanied by careful monitoring and evaluation, to ensure that their implementation is appropriate in terms of time and place, and that their potential benefits are not overshadowed by their downside aspects. Zero tolerance initiatives should also be evaluated in terms of their long-term impacts on persons arrested, as well as their short-term effects on the incidence of crime in the community.

References

Bratton, William J. 1998, "Crime is Down in New York City: Blame the Police" in *Zero Tolerance: Policing a Free Society*, ed. Norman Dennis, IEA Health and Welfare Unit, London, pp. 29-43.

Kelling, George L. & Coles, Catherine M. 1996, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*, Free Press, New York.

Maple, Jack 1995, NYPD Compstat Briefing, June. As related by Lawrence Sherman, personal communication, December 1998.

Skogan, Wesley 1990, *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*, Free Press, New York.

Sherman, Lawrence 1993, "Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction", *Journal of Research in Crime and Delinquency*, vol. 30, pp 445-73.

Sherman, Lawrence 1997, "Policing For Crime Prevention" in *Preventing Crime: What Works, What Doesn't, What's Promising. A Report to the United States Congress Prepared for the National Institute of Justice*, eds Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter & Shawn Bushway, http://www.preventingcrime.org/, chapter 8.

Sherman, Lawrence 1998, *Evidence-Based Policing*, The Police Foundation, Washington, DC.

Weiss, Alex & McGarrell, Edmund 1996, paper presented to the American Society of Criminology, Chicago, November.

Weiss, Alex & McGarrell, Edmund 1997, *Criminology Against Crime: Criminologists and Crime Control for the Indianapolis Police Department*, National Institute of Justice, Washington, DC.

Wilson, James Q. & Kelling, George 1982, "Broken Windows" *Atlantic Monthly*, vol. 249, no.3, pp 29-38.

Dr Peter Grabosky is Director of Research, Australian Institute of Criminology