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WHY DID PEOPLE STOP COMMITTING CRIMES? AN ESSAY ABOUT CRIMINOLOGY AND IDEOLOGY

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INTRODUCTION

In 1994, to virtually everyone's surprise, a lot of people stopped committing crimes. Although the media first noted sharp declines in crime in New York City, it was not long before it recognized similar reductions in criminal activity in other cities as well. This trend was observed not only in wealthy cities like Boston and San Diego, but also in relatively impoverished cities like Newark and New Orleans—albeit somewhat later.

These declines in crime were so steep and unprecedented that they stunned not just the general public, but criminologists, sociologists, and political scientists throughout the world. Many of these social scientists had predicted that demographic trends—more young people in the population—would drive crime upward to new levels. Today, virtually no one denies that crime has dropped. The question is, "Why?" Obviously, something significant happened to cause so many people to stop committing crime in so short a period—in many cities, crime dropped to 1960s levels in a matter of a few years.

One would like to believe that some objective, "scientific" explanation could account for why people stopped committing crime. Alas, despite the tag "science" in social science, ideology too often shapes the social scientists' responses to such questions: conservatives tend to find their answers in new policing strategies, imprisonment, and changes in culture and values; liberals, their answers in the economy, demographic changes, gun control, and changing patterns of drug use.

In an absolute sense—a scientific sense—neither the question of why crime declined in New York City nor why crime declined nationally, is answerable. Any explanations are strictly post hoc.

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Whatever happened in New York City, or Boston, or San Diego that caused people to stop committing crime has already happened and no scientific measurement system was in place to record it. At best, we can reconstruct the history of events, use whatever data are available, check plausible interpretations, and select what seems to be the most credible explanation.

Though the question, "Why is crime dropping in America," is unanswerable, some criminologists and economists like to make it appear that they can provide answers.[1] The competing explanations—imprisonment, police practices, the economy, demography, drug markets, gun control, or combinations of these factors—all have their advocates and some fairly reasonable arguments can be developed on behalf of each explanation. The difficulty with these "macro" interpretations, however, is that they assume that such potential causes of crime reduction operate uniformly in communities across the country. This assumption is unfounded.

For example, some crime reductions of the latter half of the past decade appear to be correlated with improved economic conditions. Note the word "correlated." It may be true that improved economic conditions in some communities resulted in jobs for unemployed youths who would have otherwise committed crimes.[2] But it also may be true that in other communities, reduced levels of crime have contributed to improved economic conditions. Once citizens, neighborhood institutions, and police regain control over public spaces, local commerce can again develop and thrive. In New York City, areas of Harlem and the Bronx that were once written off as uninhabitable, but today include thriving commercial centers, are prime examples of this phenomenon.

Likewise, anyone who has observed police practices understands that they operate very differently depending upon the neighborhood and community in which they are implemented. For example, practices that were routine in Milwaukee during the 1970s would have been completely unacceptable in New York City during the same period.[3] Even imprisonment can affect neighbor-

1. *See generally* THE CRIME DROP IN AMERICA (Alfred Blumstein & Joel Wallman eds., 2000) (containing essays purporting to explain the nationwide reduction in crime).

2. The suggestion put forth by some—that enough New York City drug dealers went to work at, say, McDonald's to cause the declines in crime—is pretty far-fetched.

3. In Milwaukee during this era, police adamantly refused to meet with citizen or neighborhood groups. To police leaders, their business was just that—police business. While police in many other cities may not have been enthusiastic about meeting with citizens, especially those from minority neighborhoods, few would have been in a po-

hoods differently. Taking five offenders out of a neighborhood and imprisoning them could reduce crime substantially in one neighborhood, have no impact on another, and lead to increases in crime in yet a third.[4]

In other words, social conditions, policies, and practices interact with cities, communities, and neighborhoods in very different ways. Consequently, the only question that can really be asked and answered sincerely is: "Why did people commit fewer crimes in neighborhood X or community Y?"

The problem for social scientists is that there are no easy ways to study such neighborhood interactions and attribute causality. To do so, one first has to spend a lot of time in neighborhoods and cities, often in quite dangerous locations, collecting an assortment of disparate data. Then one must make comparisons to broader economic and demographic statistics—much of it outdated or not broken down by neighborhood. Even when these tasks are completed, however, the findings for New York City may have no relevance for, say, Hoboken, New Jersey, which probably has an entirely different social structure and culture. Few social scientists bother to conduct the necessary fieldwork. How much easier, instead, to download aggregate Uniform Crime Reports from the Federal Bureau of Investigation[5] and correlate them with widely available economic and labor data. The simple reality is, however, that when inferring about crime, the farther one is from the ground, the less reliable the inference. If criminological research has demonstrated anything over the past forty years, it is that the "crime problem" that drives public concern is a local problem, only understandable within a local context.

"ROOT CAUSES" AND CRIME CONTROL POLICY

In 1967, President Lyndon Johnson's Commission on Law Enforcement and the Administration of Justice put forward the idea that crime is caused by poverty, racism, and social injustice—the

litical climate that would have allowed them to maintain the stance of police in Milwaukee.

4. For example, in some relatively stable neighborhoods, the older criminals keep the younger ones in check.

5. *E.g.*, FED. BUREAU OF INVESTIGATION, CRIME IN THE UNITED STATES 1999: UNIFORM CRIME REPORTS (2000). For each of the annual Uniform Crime Reports since 1995, see http://www.fbi.gov/ucr.htm. Searching this web site is an invariably easier and safer exercise than tabulating data in the streets of a high-crime area because it can be completed in the privacy of one's own home.

so-called root causes of crime.[6] According to this view, crime prevention occurs through amelioration of these social problems. Therefore, the only role of police and criminal justice agencies is to process offenders through the criminal justice system, responding to crime after it occurs. Directly reflecting the underlying assumptions of the 1960s' War on Poverty, these ideas shaped conventional thinking about crime and its control until the early 1990s. Moreover, this model became the foundation for the criminological educational enterprise that developed during the 1970s in universities throughout the country, much of it supported by federal funding. That crime was caused by poverty, racism, and social injustice came close to being the official criminological position about the etiology of crime and, by extension, its solution.

At the time, the police establishment was not terribly enthusiastic about many aspects of the Commission's report. Nevertheless, the report's call for decriminalizing petty offenses such as drunkenness, and its endorsement of the idea that "victimless" crimes such as prostitution should be largely ignored by police, if not decriminalized, were congruent with the reform movement within policing. For a variety of reasons, among them corruption and political entanglements,[7] police departments by the 1960s had entrenched strategies that sought to limit their attention to the "serious" crimes of murder, rape, robbery, assault, and burglary.

In attempts to further efficiency, increase control of line officers, and heighten the focus on serious crimes, police leaders systematically removed officers from activities such as foot patrol, which exposed them to extensive contact with citizens. All of this was crystallized brilliantly in Sergeant Friday's "Just the facts Ma'am" approach to law enforcement.[8] It became accepted that the business of police was to respond to serious crime after it occurred and to arrest and process offenders. Furthermore, minor offenses and juvenile offending, unless serious, were to be the province of social

6. PRESIDENT'S COMM'N ON LAW ENFORCEMENT & ADMIN. OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY V (1967) (making more than 200 recommendations that the Commission believed were "concrete steps" that could lead to a "safer and more just society").

7. *E.g.*, George L. Kelling & Mark H. Moore, *The Evolving Strategy of Policing*, PERSPECTIVES IN POLICING (Nat'l Inst. of Just. et al. eds, Nov. 1988). While the political entanglements of police departments is a long story, during much of the nineteenth and early years of the twentieth centuries, the links between police and urban leaders ("ward bosses") were so close that the police in many communities were almost an extension of the political machines. *Id.* at 4-5.

8. The reference is to Jack Webb's portrayal of Sergeant Joe Friday in the television show *Dragnet*, which aired from 1952-59 and 1967-70.

workers, not police. Civil libertarians applauded this view as unintrusive policing, endorsing the police retreat from minor and juvenile offenses, and supporting the idea that police should remain in their cars and respond only to serious crimes. At base, civil libertarians argued for police to use state authority sparingly. Other advocates, promoting and ultimately realizing limitations on institutionalization, also called for similar restraint toward the emotionally disturbed for all but imminently violent individuals.

Meanwhile, crime levels varied considerably during the 1970s and 1980s, with the overall trend moving up and violent crime reaching its highest peak in most communities during the late 1980s and early 1990s. Moreover, fear of crime, with its attendant consequences—citizens avoiding public spaces and facilities, abandoning certain urban neighborhoods or cities altogether, isolating themselves in their homes, and purchasing security hardware such as guns and dogs—remained consistently high following the 1960s. And as noted above, by the late 1980s, many criminologists were predicting a new and even fiercer crime wave looming as a consequence of a large cohort of youth entering their crime-prone teens.[9]

How "Root Causes" Reasoning Shaped Explanations for Crime Drops in New York City

In 1994, Rudolph Giuliani, a brash center-right Republican who promised to reduce crime and ran against "squeegee men,"[10] was elected mayor of the Democratic city of New York. Within months after Giuliani and his first Police Commissioner, William Bratton, took office, unprecedented declines in crime were recorded, especially for violent crimes such as murder, aggravated assault, and robbery. Criminologists and the liberal media were caught off guard. The question raged: "Why is crime dropping in New York City?" Aside from Giuliani and Bratton's claim that the police were largely responsible, four general contentions developed to explain the decline in crime: (1) the New York City Police Department ("NYPD") was "cooking the books"; (2) the economy was improving, causing drug dealers to enter the world of legitimate work; (3) drug use patterns were changing, including a decline in

9. *E.g.*, James Alan Fox, U.S. Dep't of Justice, Trends in Juvenile Violence: A Report to the United States Attorney General of Current and Future Rates of Juvenile Offending (1996).

10. "Squeegee men" are intimidating individuals who "wash" windows of cars stopped at traffic lights and demand fees for their services.

the use of crack cocaine; and (4) demographic shifts led to fewer youths in the population.

The first open debate about the issue took place at the 1995 meeting of the American Society of Criminology. Commissioner Bratton addressed the group, putting forth a simple explanation: "Police can control people. In New York City we have. People have changed their behavior."[11] For the most part, criminologists responded skeptically. For example, a panel comprised of criminologists and economists from John Jay College of Criminal Justice described their examination of every economic variable that could explain the decline in crime. Their conclusion? None of the factors explained the decline in crime—therefore, hidden economic variables, not yet discovered, must explain them.

One troubling new contention also emerged, that police could indeed reduce crime, but only at the unacceptable cost of harassment and brutality, especially in dealing with minorities. This belief soon became entangled with New York's racial politics, so that the crime reductions were attributed to the police department's "scorched earth policies," "broad sweeps," "zero tolerance," and other draconian police tactics. Two terrible incidents later fueled those charges: the police torture of a Haitian immigrant[12] and the police shooting of an unarmed African man forty-one times.[13] Undoubtedly, those events contributed to negative explanations for crime reduction. Yet, as tragic as they were, they were tragedies, not trends.

When it became clear that crime was dropping in cities such as Boston and San Diego as well, the question changed from "Why is crime declining in New York City?" to "Why is crime dropping in America?" Even then, however, New York City remained a special case. For example, Fox Butterfield of *The New York Times* annually writes "bad" New York and "good" Boston and San Di-

11. Clifford Krauss, *The Commissioner vs. the Criminologists*, N.Y. TIMES, Nov. 19, 1995, at 43 (chronicling a meeting between Commissioner Bratton and eminent criminologists).

12. United States v. Volpe, 78 F. Supp. 2d 76 (E.D.N.Y. 1999); *see also* David Barstow, *The Louima Case: The Overview; Officer, Seeking Some Leniency, Admits to Louima's Torture*, N.Y. TIMES, May 26, 1999, at A1 (reporting Office Justin A. Volpe's decision to plead guilty to the brutal sodomizing torture of Abner Louima in a New York City police station).

13. *E.g.*, Jane Fritsch, *The Diallo Verdict: The Overview; 4 Officers in Diallo Shooting are Acquitted of All Charges*, N.Y. TIMES, Feb. 26, 2000, at A1 ("The verdict came down in a tense and racially charged case that led to anti-police demonstrations, arrests, and a reorganization of the department's Street Crime Unit, to which the officers belonged.").

ego stories.[14] According to this scenario, New York got its results by means of "bad cops" harassing citizens, especially minorities, while in Boston and San Diego, "good cops" solved problems and worked closely with citizens to reduce crime. Even social scientists with little knowledge or contact with the NYPD held up the Boston Police Department as a model for the NYPD to emulate.[15] Even the United States Commission on Civil Rights contrasted New York with Boston and San Diego, suggesting that crime reductions in New York "come at a significant cost to the vulnerable communities in greatest need of police protection."[16] This, despite the fact that in 1999 shootings of civilians in New York were at the lowest recorded levels ever and compared favorably with virtually every city in the United States.[17]

One possible explanation for why overall trends in crime reduction were obscured by a focus on a small number of negative events is that both political enemies of Mayor Giuliani and liberal social scientists rejected the underlying ideas that shaped New York's "theory of action." Both Giuliani, and later Commissioner Bratton, adopted a strategy whose origins lay in the center-right of academic thought on criminal justice policing. James Q. Wilson and George L. Kelling's 1982 *Atlantic Monthly* article *The Police and Neighborhood Safety: Broken Windows* was the source.[18] The

14. *E.g.*, Fox Butterfield, *Cities Reduce Crime and Conflict Without New York-Style Hardball*, N.Y. TIMES, Mar. 4, 2000, at A1 (describing successful efforts by cities to reduce crime). *But c.f.*, Heather Mac Donald, *America's Best Urban Police Force*, CITY J., Summer 2000, at 14-31 (criticizing Butterfield's attack on New York police as inaccurate).

15. *E.g.*, Orlando Patterson & Christopher Winship, *Boston's Police Solution*, N.Y. TIMES, March 3, 1999, at A1 (noting that Boston was forced to terminate stop and frisk policies because of outrage among African Americans in the city). Both the Boston and San Diego Police Departments deserve all credit they get. They, like the NYPD, have been national leaders in police innovation—Boston for its work with neighborhoods and communities and San Diego for its problem-solving approach to policing.

16. Heather Mac Donald, *NY Press to NYPD: Drop Dead*, AM. ENTER., Sept. 1, 2000, at 16 (discussing hypocrisy of New York media in berating the police for going soft on crime while simultaneously criticizing harsh effects of more assertive police measures).

17. *Panel Urges Remedies to Abuses by Police*, N.Y. TIMES, Nov. 4, 2000, at A18. It is important to note that comparative data on police shootings are unreliable because police departments have not agreed upon national standards for data collection. Moreover, many departments are reluctant to make data about police shootings public.

18. James Q. Wilson & George L. Kelling, *The Police and Neighborhood Safety: Broken Windows*, ATLANTIC MONTHLY, Mar. 1982, at 29, *available at* http://www.theatlantic.com/politics/crime/windows.htm. This article coined the term "Broken Windows."

Broken Windows theory argues that disorderly behavior and conditions, such as broken windows left untended, send a message that nobody in a community cares, leading to fear of crime, more serious crime itself, and, eventually, urban decay. Such reasoning is a direct challenge not only to many liberal policy innovations—decriminalization of minor and so-called victimless crimes, deinstitutionalization of the emotionally disturbed, and deregulation of the youthful misconduct in schools and public spaces—but to "root-causes" theory itself. If the logic of Broken Windows is true, restoring and maintaining order will prevent the eruption of more serious crime. As Bratton put it, once people know their obstreperous and minor offenses will be controlled, many will change their behavior.[19]

WHAT *DID* HAPPEN IN NEW YORK CITY?

The story of New York's reduction in crime could start in a variety of places: with the concern for ending disorder in mid-town Manhattan and the evolution of the Mid-Town Manhattan Community Court;[20] with the eradication of graffiti in the subway system;[21] with the reclaiming of Bryant Park (adjacent to the New York Public Library); with the political decision of former Mayor David Dinkins to add 6000 new police officers to the NYPD during the early 1990s; with the evolution of Business Improvement Districts, especially the Grand Central Partnership that restored control over the neighborhood surrounding Grand Central Station; with Commissioner Raymond Kelly's decision to devise a plan to reign in "squeegee men" (although Giuliani and Bratton got credit for eliminating squeegee men, the plans to deal with them were developed under Commissioner Kelly); or with neighborhood organizations that demanded throughout the 1970s and 1980s that something be done to address crime and disorder in their communities.

19. James Traub, *New York Story*, NEW REPUBLIC, Jan. 27, 1997, at 12 (discussing anti-drug initiatives in Washington Heights that led to a reduction in violence).

20. *E.g.*, Joseph P. Fried, *Court is Moving Back Into the Neighborhood*, N.Y. TIMES, Oct. 10, 1999, § 1, at 45 (discussing the successes of community courts as well as the opening of a new facility in Red Hook, Brooklyn); Matthew T. Crossnon, *Third Branch of Government Deserves Fair Share of Budget*, N.Y. L.J., Jan. 27, 1993, at S1 (discussing functions and operation of Midtown Manhattan Community Court).

21. George L. Kelling & William J. Bratton, *Declining Crime Rates: Insiders' View of the New York City Story*, 88 J. CRIM. L. & CRIMINOLOGY 1217, 1220-21 (1998) (stating that the eradication of subway graffiti "was considered by some to be one of the most successful urban policy 'wins' on record") [hereinafter *Declining Crime Rates*].

All were important moves to reassert control over the city. Many grew out of the same concerns that characterized Broken Windows. In fact, business people in mid-town Manhattan had been clamoring for restoration of order in the Times Square area since the 1970s—articulating the Broken Windows thesis even before *Broken Windows* had been written. At the same time, crime was slowly declining in the years *prior* to the Giuliani administration. This is neither surprising nor inconsistent with evidence that the NYPD played a key role in the dramatic crime reductions of the Giuliani-Bratton era.

The starting point of the New York story of crime reduction most directly linked to the Giuliani administration was the effort to restore order in the subway system. As New Yorkers will recall, by the late 1980s the subway environment was out of control. Despite the virtual elimination of graffiti by 1989,[22] conditions were so bad that citizens were abandoning the subway in droves. A quarter of a million passengers a day didn't bother to pay their fare; extortion of money from passengers via aggressive panhandling was the rule of the day; robberies were increasing; and things were worsening fast. The "official" *New York Times* spin on all this was that the problem was homelessness[23]—an interpretation supported by homeless advocacy groups and the New York City Civil Liberties Union.[24] An initial attempt to restore order was flagging under vitriolic media and legal attacks by advocacy groups, primarily as a result of a lack of police leadership—transit police were simply too busy with "serious crime" to bother with things like disorder and fare evasion. In response, Robert Kiley, then chairman of the board of the Metropolitan Transportation Authority, bypassed the president of the New York Transit Authority and insisted that William Bratton be hired as chief of the Transit Police Department.[25]

In certain respects, the terms of Bratton's hiring were unusual. Given the root-causes paradigm, chiefs generally were recruited for a variety of reasons: to resolve a scandal; to improve relations with the community, especially with minorities; or to run departments

22. *Id.*

23. *E.g.*, Kirk Johnson, *Officials Debate How to Get Homeless out of Subways*, N.Y. TIMES, Sept. 5, 1988, § 1, at 23 (discussing the sypathetic posture of the Transit Authority toward the necessary removal of homeless people from the subways without violating their civil rights).

24. *Declining Crime Rates*, *supra* note 21, at 1221 (discussing New York Civil Liberties Union's view that the problem "was 'homelessness' and homelessness was not the TPD's [Transit Police Department's] problem").

25. WILLIAM BRATTON & PETER KNOBLER, TURNAROUND 140-142 (1998).

more efficiently. Although crime might be mentioned during the search process for a new chief (disorder probably was not), crime reduction was far from the top of the list of expectations. As much as anything, many mayors simply wanted police to stay out of trouble and not rock political or ideological boats. Kiley's expectations of Bratton, however, were different and explicit: regain control over the subway and assure passengers that they were safe. In turn, Bratton had a specific vision of how this could be accomplished. First, he had an idea, a guiding theory of action: Broken Windows. Second, Bratton is an administrative maven. By the time he got to the transit police he had already headed three police departments and viewed himself as a "fixer" of badly run organizations.[26]

Bratton, however, was out of step with most other police administrators in two ways: first, he believed that police organizations could be turned around very quickly; second, he saw mid-level managers as the key to reforming police departments. Regarding the former, many academics and police chiefs were saying that changing police organizations was a slow and tedious process lasting as long as ten years. For Bratton, this was unacceptable. He wanted and promised results quickly. Regarding mid-level managers, the dominant view in policing was that they, police unions, and civil service rules were the three primary impediments to police improvements. While Bratton may have shared that view of unions and civil service, his view of mid-level managers was exactly the opposite. For him, these managers needed a clear and explicit mandate, measurable objectives, resources to achieve those objectives, and the need to be held strictly accountable for accomplishing them. Within months after Bratton was hired, the transit police restored order. Fare evasion dropped to a fraction of what it had been and robberies steadily declined as well.[27] Today, more than 6,000,000 passengers a day ride the subway[28] and disorder, fear, and crime are no longer problems.

The reform of policing New York's subway system was the first real test of the Broken Windows hypothesis. It also demonstrated

26. *E.g.*, Clifford Krauss, *Bratton Builds his Image as he Rebuilds the Police*, N.Y. TIMES, Nov. 19, 1994, § 1, at 1 (stating that even Bratton's critics "concede that he has a special ability to innovate and motivate").

27. BRATTON & KNOBLER, *supra* note 25, at 180 (noting that crime statistics since Bratton's two years as commissioner included a 22% decline in felony crime, a 40% decline in robberies, and a 50% reduction in fare evasion).

28. ABOUT NYC TRANSIT, *at* http://www.mta.nyc.ny.us/nyct/facts/ffintro.htm (last visited on Nov. 20, 2000).

that criminal justice organizations could be turned around quickly with proper leadership. By any standard, it was one of the most impressive public policy turnarounds in memory. For good or ill, the turnaround in New York itself eventually overshadowed the changes in the subway.

In many respects, the New York story is a replay of the subway story. Mayor Giuliani inherited a political mandate to reduce crime and, like Kiley, was specific about what he wanted in a police commissioner. An advocate of Broken Windows himself, Giuliani recruited Bratton as commissioner on the basis of his subway success and their shared views: both believed that crime could be reduced, not just a little, but a lot; and swiftly to boot.

What actually happened in the NYPD was far more complicated than what happened in the Transit Police. The size of the NYPD alone was daunting—almost ten times the size of the Transit Police, which, with almost 4000 officers, is among the largest five or six departments in the country. The crime problems were more complex—crime in the subway consists of a relatively narrow set of crimes. Further, the NYPD was a troubled organization. It had been in a muddle for two decades. Preoccupation with corruption had changed how the police department conceived of its business. It came to believe its business was staying out of trouble and responding to crimes after they were committed. Out of fear of corruption, police officers were even forbidden to make arrests for drug deals that went on right under their noses.

Yet Bratton went into the NYPD, as he did the Transit Police Department, with both plans of action and management, and again "called his shots." He was going to reduce crime; not by the single digits of three or four percent that had characterized recent years, but by double digits.

The plan of action was, of course, more inclusive than just implementation of Broken Windows. Every tactical aspect of policing came under review, from investigations to warrant service. Yet a basic commitment to restoring order in New York remained. As interesting, and ultimately as consequential, was Bratton's certainty that middle managers were the key to turning around the NYPD. Everything in his Transit experience strengthened this conviction. The question was how to make his approach work in a department with seventy-six precincts. The kind of personal direction that he provided in Transit's twelve districts was simply impossible in New York's seventy-six precincts—each of which has a

higher average population[29] or more total police officers than most American cities.

The answer that evolved in the NYPD was Compstat, an organizational process in which precinct data and accountability were linked and translated into action.[30] The singular achievement of Compstat, one that revolutionized the NYPD, was that it riveted precinct commanders' attention on precinct problems. Prior to Compstat, precinct commanders were preoccupied with two things: what was going on at One Police Plaza (the NYPD's central headquarters), and staying out of trouble. Now their careers rested on knowing their precincts, understanding problems there, and doing something about them. Compstat was the means by which a rigid and highly centralized bureaucracy, in a matter of months, was transformed into a decentralized and highly responsive organization. The speed of organizational change was unprecedented in policing.

The result of these efforts, to use Malcolm Gladwell's phrase, was a "tipping point."[31] Crime plummeted. Did the economy cause the change? During Bratton's administration, unemployment never went below 8.7%.[32] Did the number of youths in the city's population change? No data support this. Did drug use patterns change? Perhaps somewhat, although the evidence is weak.[33] Besides, which came first, changes in drug use patterns or new police activities? One must ignore history and believe in some incredible coincidences to deny police a major portion of the credit for what happened in New York. Kiley first, and then Giuliani and Bratton, called their shots very specifically. Those attributing the

29. New York City's population of 7,430,000 divided by the number of precincts yields an average of approximately 98,000 people per police precinct, just under the threshold of 100,000 that signifies a "large city" in the United States. *See* DEP'T OF CITY PLANNING, CITY OF N.Y., POPULATION BY RACE AND HISPANIC ORIGIN: NEW YORK CITY AND BOROUGHS 1990 AND 1999 (ESTIMATE), *available at* http://www.ci.nyc.ny.us/html/dcp/pdf/9099pop.pdf; *see also* Richard A. Leo, *The Impact of Miranda Revisited*, 86 J. CRIM. L. & CRIMINOLOGY 621, 637 (1996) (noting that what people call "big city" police departments typically serve 100,000 people or more).

30. *See* BRATTON & KNOBLER, *supra* note 25, at 233 (explaining the evolution of "the crime meetings" into computer-statistics meetings, or Compstat).

31. MALCOLM GLADWELL, THE TIPPING POINT: HOW LITTLE THINGS CAN MAKE A BIG DIFFERENCE (2000). Gladwell, a staff writer for *The New Yorker*, examines how major societal changes can often occur without warning and have far-reaching effects.

32. N.Y. CITY POLICE DEP'T, NEW YORK CITY CRIME CONTROL INDICATORS & STRATEGY ASSESSMENT 41 (1998) (indicating unemployment statistics for New York City).

33. Clifford Krauss, *Crime Lab: Mystery of New York, The Suddenly Safer City*, N.Y. TIMES, July 23, 1995, at 1.

crime reductions to the economy, etc., simply have no data that support their point of view. Moreover, with the exception of Professor Eli Silverman of John Jay College of Criminal Justice, who studied Compstat in considerable detail,[34] no scholars who have written about the crime drops in New York have done research in the police department itself.[35]

The question remains, however: "Why did crime drop so much in so many locations, virtually simultaneously?"

How Can We Think About Why People Stopped Committing Crime in Other Cities as Well?

A broad consensus is emerging among social scientists that three factors drove the outbreak of violence during the 1980s and early 1990s: the post-1985 "crack" epidemic, the proliferation of handguns among youths, and competition among gangs and youths for drug "turf"—competition that was resolved by intimidation and killing.[36] At one level, those are entirely plausible explanations: in city after city, the appearance of crack was followed by turf battles, and they were resolved by violence, most often gun-related violence.

But attributing the epidemic of violence to crack, guns, and competition for turf, begs the larger issue. Drugs of one kind or an-

34. ELI B. SILVERMAN, NYPD BATTLES CRIME: INNOVATIVE STRATEGIES IN POLICING (1999) (attributing much of New York City's crime reduction to those innovations developed by Bratton in 1994).

35. *E.g.*, John E. Eck & Edward R. Maguire, *Have Changes in Policing Reduced Violent Crime?*, *in* THE CRIME DROP IN AMERICA, *supra* note 1, at 207-65. Eck and Maguire discuss New York City at great length. They immediately inject ideology into the discussion by presenting New York under the rubric "Zero Tolerance"—a phrase loved by the left as a substitute for Broken Windows because it both smacks of zealotry and suggests blind non-discretionary policing. Never mind that the phrase is absolutely inconsistent with everything that Wilson, Kelling, and Coles ever wrote about Broken Windows. We always have presented order maintenance as a highly discretionary set of activities. Moreover, Bratton has explicitly rejected "Zero Tolerance" as descriptive of his approach (except for dealing with police corruption). Certainly Eck, an accomplished police scholar, is well aware of this. Then, Eck and Maguire proceed by offering critiques of Broken Windows, virtually all of which are non-empirical ideological essays rather than articles that would constitute serious research. (I have no quarrel with ideological essays as long as authors make it clear that they are writing ideological essays—even if they include numbers.) They then move on to Compstat, indicating that while there are plausible reasons to think that Compstat might have had an impact, it probably did not. They draw this conclusion after limiting their analysis to homicides and without ever visiting an NYPD precinct.

36. *E.g.*, Alfred Blumstein & Joel Wallman, *The Recent Rise and Fall of American Violence*, *in* THE CRIME DROP IN AMERICA, *supra* note 1, at 1-12 (discussing a myriad of possibilities to explain the reduction of violent crime in America).

other have been around for a long time. An illegal market in drugs has existed during most of the twentieth century.[37] Why did illegal marketing turn so violent after 1985? The answer most often given is the proliferation of guns. But guns have been around a long time, too. There have always been ample guns obtainable, whether legally or illegally. If anything, 1980s gun control measures should have made them harder to obtain. True, in prior decades their firepower may not have been as great, but they were deadly enough. And youths have been with us forever—maybe not as the same share of the population, but still in significant enough numbers to raise havoc if not controlled. What happened to cause parents, neighborhoods, communities, and cities to lose control of their young people? Why, as they had in the past, couldn't communities absorb the guns, drugs, and youth and prevent disorder, crime, and violence? Answering those questions might inform the solution to the riddle of why crime is declining nationally.

Starting during the 1950s and 1960s, three broad trends reduced the capacity of neighborhoods and communities to control themselves and their youth. First, urban renewal, expressway construction, and bussing tore apart neighborhoods, especially inner-city neighborhoods. Second, the institutional controls that traditionally regulated youthful behavior were weakened and undermined in the name of the "rights" of youth, decriminalization, and deinstitutionalization. Finally, criminal justice agencies and police departments abandoned traditional peacekeeping and order maintenance and withdrew into highly centralized facilities and strategies.

Urban renewal and highway construction cut through neighborhoods and communities with little regard for the social consequences. Entire neighborhoods in many areas and fragments of other neighborhoods were bulldozed, either to make room for new "tower block" public housing or expressways. Poor inner-city residents, often African Americans, were displaced into adjacent neighborhoods. Resistance to African Americans moving into white neighborhoods was often fierce, but their advance was inevitable—they had to go someplace. "Blockbusting" and "redlining" followed, reducing property values and opening the way to absentee landlords.

Public housing, rather than providing housing for the working poor—giving them a boost until they could enter the private mar-

37. DAVID F. MUSTO, THE AMERICAN DISEASE: ORIGINS OF NARCOTIC CONTROL 107 (3d ed. 1999) (discussing the origin of the illegal drug market in New York during the early twentieth century).

ket—became the housing of last resort for the most troubled and troublesome citizens. By the 1980s, such housing became the nurseries in which babies (early-teen mothers) raised babies. Stores and shops abandoned those areas, depriving neighborhoods of the "ownership" that was essential to maintaining control of public spaces. Jane Jacobs predicted all of this as early as 1962 in her classic *The Death and Life of Great American Cities*.[38] Gone as well were the convenience and jobs they provided neighborhood residents. And, during the 1960s and 1970s, bussing, whatever the motivations of its advocates, further weakened the bonds of families to neighborhoods. Those who could, moved or sent their children to private schools. As children were withdrawn from the streets on which they once had walked to public schools, their parents' watchful eyes and presence left as well.

Second, in the name of protecting the "rights" of children and troubled or troublesome populations like the emotionally disturbed against "arbitrary" authority, legislators, courts, and policymakers weakened the authority of socializing and controlling institutions—not much, but just enough to unsettle things. Whether it was the authority of parents ("You can't spank me"), teachers ("You can't make me cover up my 'school sucks' slogan on my teeshirt"), the juvenile court ("You can't stop me from running away"), or psychiatrists ("You can't make me take medication"), "rights" trumped both responsibility and control. In the past, a teacher's insistence that a child cover an objectionable slogan was non-negotiable; now, a teacher's perseverance meant he could be sued. Likewise, incorrigible residents of public housing had their rights: short of committing felonies against their neighbors (and often even this was not enough) these troublesome tenants could not be evicted by housing authorities. Like teachers, housing authorities were so "chilled" by the prospect of long and expensive litigation that they walked away from problems. Like many schools, large public housing projects spun out of control.

The good news was that the vast majority of young persons were relatively unaffected by their "rights revolution": they obeyed their

38. JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES 32 (1961).

> The first thing to understand is that the public peace—the sidewalk and street peace—of cities is not kept primarily by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves. . . . No amount of police can enforce civilization where the normal, casual enforcement of it has broken down.

Id.

parents and were respectful to teachers and authority figures. However, for "wannabes"[39] and real predators, newfound rights were made to order. Intimidation, extortion, and "in your face" confrontations were not only to be tolerated, but in the legal lore that was fueled by social "science," they were elevated to expressions of cultural diversity that should "enrich" their victims. The trouble with this formulation was that although it was a popular notion with intellectual elites and the media, it did not play well in neighborhoods, especially poor and minority neighborhoods. The idea, for example, that prostitution was a "victimless crime" was a cruel joke to inner-city families whose husbands were being hustled in front of their children by scantily clad prostitutes and whose daughters were being propositioned obscenely on their way to high school by cruising "Johns." To use Norman Podhoretz's phrase, "tolerating the intolerable" became a civic duty for decent people.[40]

Meanwhile, police and agencies of control such as prosecutors and parole agencies retreated into centralized facilities and strategies. Many in policing, for example, believed that centralizing police and putting them in cars would improve their efficiency and make them more effective. Many accepted the idea that police should intrude into community life as little as possible. They believed: police should deal only with serious crime; youthful offenders should be handled by social workers; drunkenness and other "minor" crimes like prostitution should be decriminalized because they were "victimless." They believed that because crime is caused by racism, social injustice, and economic inequities, police can do little about crime to begin with except respond to it once it occurs. Regardless, whether driven by the quest for efficiency or adherence to ideology, the outcome was the same: centralizing police and putting them in cars virtually "de-policed" city streets, exacerbating the breakdown of other forms of social control.

In similar fashion, courts and prosecutors moved "downtown" as well. Remote from neighborhoods and communities, they lost any sense of neighborhood priorities. Like police, prosecutors wanted to deal only with "sexy" cases: murder, rape, and robbery. Lost on them and the courts was the reality that entire neighborhoods were the victims of the so-called "victimless" crime. As for probation and parole, offenders became "clients" who reported to officers in

39. Youths who are not really intent on mayhem, but who do enough posturing and "woofing" to intimidate people.

40. Norman Podhoretz, *My New York*, NAT'L REV., June 14, 1999, at 41.

downtown offices. The idea that probation and parole agents should be active in neighborhoods and communities to control their charges both was alien to their operating strategies and obviated by their fear of going into tough neighborhoods. Tom Wolfe caught this pessimistic and jaded attitude just right in his *The Bonfire of the Vanities*.[41]

So social scientists have a point when they relate the convergence of crack, guns, and high numbers of youth to the explosion of violence during the late 1980s. They fail to acknowledge, however, that this convergence happened within the context of weakened families, schools, neighborhoods, and other socializing and controlling institutions—most resulting from policies they strongly supported, including urban renewal, decriminalization, deinstitutionalization, bussing, decreased regulation of youth, and the withdrawal of agencies of control—especially police but not limited to them—from neighborhoods and communities. Put concisely, the progressive agenda for cities, so strongly supported and engineered by political and academic liberals during the 1960s and 1970s, overreached itself with a commitment to radical individualism and drained the capacity of neighborhoods and communities to manage youth and those prone to obstreperousness. And by the late 1980s, we lost control of public spaces, especially in poor and immigrant neighborhoods.

Such interpretations are not just coming from the center-right of the political spectrum. Liberals, such as Harold Meyerson, have made very similar observations:

> The creation and defense of public space is a distinctly liberal achievement, as is the creation and defense of untrammeled civil liberties. In practice, however, these two values have clashed repeatedly on the sidewalks and streets of America's cities over the past 15 years, as urban poverty and disorder have both grown more virulent. On the whole, urban liberal regimes have tended to defend civil liberties at the expense of public space, just as conservatives have tended to defend market forces at the expense of community stability. (On both the left and right, the individualistic strain in America has been running amok for several decades now.) Liberal urban policy has sent many city dwellers, especially in poorer neighborhoods, scurrying indoors—or to ersatz malls, or the suburbs. It is the center-right

41. TOM WOLFE, THE BONFIRE OF THE VANITIES (1988) (presenting a fictional account of how an opportunistic reporter and politician inflame public opinion when the protagonist's vehicle strikes a young African American).

> that has risen to the defense of public space in cities, and it is the center-right that is reaping the political reward.[42]

In many respects, it is not surprising that all of this came to a grinding halt in New York City, especially in the subways. The old saying that "every conservative in New York City was a liberal who had been mugged" may not have been literally true, but it got at the reality that virtually no one could avoid intolerable daily confrontations and intimidation. The result was a growing demand for order that even political loyalty could not suppress. Hence, the election of a center-right politician who was prepared to reject the crime prevention truisms of the past.

But the violence that grew out of the breakdown of community controls affected virtually every city in the United States. And in most, citizens decided: "enough was enough." Cities moved to restore control over public spaces. In many communities, prosecutors and probation and parole agencies started to create a presence in neighborhoods again. Business Improvement Districts spread nationally. Citizen groups intensified their lobbying and anti-crime efforts. Strong movements developed to find ways to control the aggressive emotionally disturbed, if not with medications, then by institutionalizing them. Housing officials demolished tower-block high rises and built low-density, dispersed public housing, where residents involved in the drug trade were speedily evicted. School officials sought ways to restore order—in some cases reinstituting mandatory school uniforms and other signs of discipline and control. Many communities started to return to neighborhood schools. Collaboration among police, criminal justice agencies, other governmental agencies, and the faith community not only formed in city after city, but demonstrated remarkable persistence and effectiveness. Boston was the strongest example[43]—gang violence was all but eliminated[44]—but examples could be given from cities all

42. Harold Meyerson, *Why Liberalism Fled the City and How it Might Come Back*, AM. PROSPECT, March-April 1998, at 46-52.

43. *E.g.*, David M. Kennedy, *Guns & Violence: Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention*, 31 VAL. U. L. REV. 449, 461 (1997) (discussing the success of the Boston Gun Project Working Group in dramatically reducing gang violence in Boston). The Working Group's strategy focused not only on traditional law enforcement, but also on informing the gang members of the consequences of illegal conduct. *Id.* at 463-64. "The Working Group also hoped that the process of communicating face-to-face with gangs and gang members would undercut any feelings of anonymity and invulnerability they might have, and that a clear demonstration of interagency solidarity would enhance offenders' sense that something new and powerful was happening." *Id.* at 464.

44. *Id.*

over the country. Courts began to rethink that balance between individual rights and community interests. Police and prosecutors rediscovered the power of city ordinances, zoning, and regulations and applied them to many problems, including drug dealing and crack houses, as well as controlling gangs.[45] In other words, in every sector, from business to faith institutions, moves were made to undo social policies that had held crime control hostage. Steps were taken to re-strengthen socializing and controlling institutions, increasing their capacity to maintain order and prevent crime. That the configurations of these movements are different in every city should come as no surprise.

So what can I conclude?

CONCLUSION

The criminal justice policies that were derived from "root causes" and its corollaries—decriminalization, deinstitutionalization, and deregulation of youth—have had disastrous consequences. Because crime prevention was equated with solving society's social problems and reacting to serious crime only after it occurred, the business of criminal justice, criminal justice policy, and practice had no middle ground.[46] Police, prosecutors, and probation and parole agents ignored minor offenses. Sanctions for minor offenses were limited or non-existent (often, merely fines that went ignored and unpaid). On the other end, however, sanctions for drug dealing and felonies piled up and became more and more extreme—e.g., "three strikes you're out," "stiff time," and "truth in sentencing." Without the inclination or authority to intervene in minor offenses, police and criminal justice agents (add schools and other socializing institutions as well) sent an alluring but dangerous message to obstreperous youth: "We can't and won't control your behavior." At the margins, a relatively small percentage but a

45. In *City of Chicago v. Morales*, 527 U.S. 41 (1999), the Supreme Court struck down Chicago's anti-loitering statute on the basis that it was unconstitutionally vague. *Id.* at 64. The Court, however, hinted that a similar provision might be valid "if the ordinance only applied to loitering that had an apparently harmful purpose or effect, or possibly if it only applied to loitering by persons reasonably believed to be criminal gang members." *Id.* at 62. In response to the Court's decision in *Morales*, Chicago enacted a narrower, and specifically anti-gang, statute. CHI., ILL., MUN. CODE § 8-4-015 (rev. 2000).

46. Conservatives as well (especially the far right) were not innocent in this regard—they had their own "macro" approach to explain crime control. For them, crime was caused by the breakdown of family values which, in turn, was linked to welfare. But they did not dominate criminal justice thinking as did liberals. *Cf.* THE CRIME DROP IN AMERICA, *supra* note 1.

huge number of youth believed this message and blissfully pushed on, inexorably heading towards prolonged incarceration—and in the process terrorizing communities by committing large numbers of both minor and serious offenses. In other words, liberals like to blame conservatives for the disastrously high levels of imprisonment. Yet it was the liberal disinclination to control youth as they explored the boundaries of acceptable behavior that sent the message that anything went, thus sending many youth careening into serious crime and prolonged imprisonment.

To the extent that criminologists and social scientists attribute crime to "macro" causes outside of their control—demography, economics, social injustices—they can comfort themselves about the role they played during the last thirty years. But bad social policies, many of them strongly supported by criminologists and sociologists, got us into the crime mess, and improved policies are getting us out of it.

The issue is not just sorting out responsibility, although it is a first step. Aside from the coming "baby boomerang" now on the horizon,[47] prisons will be releasing vast numbers of offenders back into neighborhoods and communities. How we think about them and their impact on neighborhoods will influence the crime trajectory in the decades to come. Clearly, they will need the services of the educational, service, and faith communities—many desperately. But controls, as well as services, change and shape behavior. Regardless of whether we are concerned about the arrival of a large cohort of youth or felons returning from prison, we must be willing to make strong statements about the boundaries of behavior, not just at the extremes of felonies, but with minor offenses and obstreperousness as well. To do this we must continue to restrengthen the ability of families, neighborhoods, schools, and other social institutions to control as well as nourish young people.

47. Fox, *supra* note 9, at 1-5.