“BROKEN WINDOWS”
CRIMINOLOGY AND CRIMINAL JUSTICE

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INTRODUCTION: A Few Up Front Discourses

Despite attacks from the criminological, legal, and academic left, “broken windows” theory is a robust policy option in criminal justice practice and crime prevention. It has not only fueled the community policing movement, it has also informed the evolution of community courts, community prosecution, and community probation and parole. The Mid-town Manhattan Community Court, to give just one example, emphasizes that broken windows is integral to its philosophy and practice. Moreover, the ideas embodied in broken windows have moved beyond criminal justice and criminology to areas like public health, education, parks, and business improvement districts (BIDs).

The original article, published in the *Atlantic* in 1982, has had surprising “legs.” Although exact figures are not available, circulation staff of the *Atlantic* have told both James Q. Wilson and Kelling (one of the authors of this paper), that “Broken Windows” has been reproduced more than any other article in *Atlantic’s* history. Moreover, familiarity with broken windows is widespread internationally: *Fixing Broken Windows*, published by Kelling and Catherine M. Coles in 1996, has been translated into Spanish, Polish, and Japanese. The vast publicity, of course, associated with both the restoration of order in New York’s subways during the early 1990s and the crime reductions in the city itself in the mid 1990s contributed to the popularization of broken windows, especially since both then-Mayor Rudolph Giuliani and Police Commissioner William Bratton repeatedly identified it as a key part of their policing strategy.

Of Metaphors
As background, the term “broken windows” is a metaphor. Briefly, it argues that just as a broken window left untended is a sign that nobody cares and invites more broken windows, so disorderly behavior left untended is a sign that nobody cares and leads to fear of crime, more serious crime and, ultimately, urban decay.

Its expression as a metaphor partially explains the rapid spread of ideas embodied in broken windows. A metaphor, as defined in the *Oxford English Dictionary*, is “(T)he figure of speech in which a name or descriptive term is transferred to some object different from, but analogous to, that to which it is properly applicable” (1989: 676). Its origins are from the Greek, “to transfer,” “to carry,” or “to bear.” Breaking it down, the broken windows metaphor transfers the “common wisdom” that a minor happening like a broken window can lead to increased damage if not taken care of, to the presumed consequences of uncivil and petty criminal behaviors: fear, serious crime, and urban decay.

The strength of a good metaphor is that it puts forward complex and nuanced ideas in simple and original ways that are easily communicated and readily recalled. When fresh and vivid, metaphors shock readers into attention. Criminal justice and criminology are riddled with metaphors – “white collar” crime, criminal justice “system,” “wars” against crime and drugs, “blind justice,” and the “thin blue line” are just a few examples. Metaphors, however, cut both ways. As the poet Robert Frost has noted: “All metaphor breaks down somewhere. That is the beauty of it. It is touch and go with the metaphor, and until you have lived with it long enough you don’t know where it is going. You don’t know how much you can get out of it and when it will cease to yield. It is a very living thing.”¹
Using metaphors, as a consequence, is risky. Because they simplify, metaphors distort as well as reveal. They mask complexity; they call attention to some aspects of an issue and ignore others; they age; they “break down somewhere” as Frost puts it; and soon, “everybody knows what they mean,” regardless of whether “everybody” does or does not. As a result, metaphors also easily lend themselves both to misstatement or misrepresentation, either out of ignorance or to serve some purpose.

Complicating this issue for a metaphor like broken windows, is that the ideas in broken windows have policy implications and have come to be practiced: that is, the broken windows metaphor is expressed not just in words, but in day-to-day action by agencies – most often by public police, but by other sectors as well. The extent to which these practices adhere to the spirit, philosophy, and intent of the original broken windows argument is, of course, open to debate. We have seen many applications of what is called a broken windows approach that we have found worrisome. We have also seen and participated in applications of broken windows of which we are proud: the New York City subway, to give just one example.

Of Broken Windows: What Are the Ideas of Broken Windows?

Although one can find many of the core ideas of broken windows in earlier works by James Q. Wilson and Kelling (Wilson 1968; Kelling et al. 1981) – as well as many other authors (see, for example, Glazer 1979; Jacobs 1961) – the most important presentation was the Atlantic article. What are these core ideas?

1. Disorder and fear of crime are strongly linked: (pp. 29-30)

2. Police (in the examples given, foot patrol officers) negotiate rules of the street. “Street people” are involved in the negotiation of those rules; (p. 30)

3. Different neighborhoods have different rules; (p. 30)
4. Untended disorder leads to breakdown of community controls; (p. 31)

5. Areas where community controls break down are vulnerable to criminal invasion; (p. 32)

6. “The essence of the police role in maintaining order is to reinforce the informal control mechanisms of the community itself.” (p. 34)

7. Problems arise not so much from individual disorderly persons as it does from the congregation of large numbers of disorderly persons; (p. 35) and,

8. Different neighborhoods have different capacities to manage disorder. (p. 36)

Additionally, the article raises some of the complexities associated with order maintenance. They include:

1. To what extent can order maintenance be shaped by the rules of neighborhoods rather than criminal law? (p. 34)

2. How do we ensure equity in the enforcement of ordinances so “that police do not become the agents of neighborhood bigotry”? (p. 35)

3. How is the balance maintained between individual rights and community interests? (p. 36)

4. How do we ensure that community controls do not turn into neighborhood vigilantism? (p. 36)

In 1996, these ideas and issues were again discussed in considerable detail in *Fixing Broken Windows* by Kelling and Catherine M. Coles (with a Foreword by James Q. Wilson). Fixing not only restated these ideas, it discussed in detail many of the complexities and issues raised by the ideas of broken windows and their implementation in many communities. For example Chapter Two, “The Growth of Disorder,” is a detailed discussion of the historical and legal issues involved in defining disorder and balancing individual rights with community interests. We will not bother here to provide more details about *Fixing* except to make two points: first, *Fixing* explicitly located order maintenance within the context of community policing and the emerging community prosecution movement. (It will be remembered that community policing was
in inchoate stages in 1981 when the original article was written.) Second, it heavily emphasized the differential strengths of neighborhoods – the important consequence of this was that order maintenance policies and activities were highly discretionary, from administrative policy making to officers on the street.

An important question here is: do we (Wilson, Kelling, Coles, and, more recently, Sousa\(^3\)) own these ideas? Obviously not, in two senses: first, many authors and programs emphasized police order maintenance long before the original article was written. Second, the ideas in broken windows are now “out there” and readers, academicians, and policy makers are free to make of them what they wish. Ideas have a life of their own and such is as it should be. The fact that some broken windows “programs” are a far cry from anything any of us ever had in mind is simply what happens in the policy arena. On the other hand, we do have a special claim when critics attack our written work – especially the original article and *Fixing*. Critics, at least academic critics, of broken windows are obligated to “second order agreement”: that is, the obligation to reproduce the ideas under question faithfully, if not enthusiastically. This is not only a matter of good scholarship; it is also a matter of professional ethics. Alas, this has not always happened.

Indeed, many of the academic and legal critiques have not only distorted broken windows, but they have done so with considerable zeal and passion. Among other charges, broken windows gives rise to “wars” on the poor, racism, and police brutality. For one author, Wilson and Kelling are “aversive racists” (Stewart 1998). Another argues that Wilson’s and Kelling’s main policy recommendation to police is that they should “kick ass” (Bowling 1999). To give just one other example, one of our Rutgers
colleagues (not a criminal justice faculty member) while leading a campus demonstration held up *Fixing Broken Windows*, indicating that it was then-Mayor Rudolph Giuliani’s blueprint for policing New York City and, as such, responsible for police killings of citizens. The question is: Why such misrepresentation and passion?

**Of the Special Ire of Criminologists**

To answer the question posed above some background is needed. The dominant criminological and criminal justice paradigm of the past half-century is that formulated by President Lyndon Johnson’s Presidential Commission on Law Enforcement and the Administration of Justice. Its 1967 publication, *The Challenge of Crime in a Free Society*, endorsed the “system” model of criminal justice and gave rise to, and framed, criminal justice education to this day (President’s Commission 1967).

The underlying assumption that shapes the entire report and its policy and educational consequences is that crime is caused by structural features of society: racism, poverty and social injustice – the “root causes” of crime.

The assumed causal links among poverty, racism, and crime are woven throughout the President’s Commission reports. Moreover, the report is laced with recommendations that deal with such broad societal problems: schools should be improved; youth should be prepared for employment; barriers to employment posed by discrimination should be eliminated; housing and recreational facilities should be improved; minimum family income should be provided – many, if not all, highly desirable social policies with which we have no quarrel.
The criminal justice “system” in this model is largely reactive. Police may patrol neighborhoods, but they do so in a largely non-intrusive fashion: in cars, remaining “in-service,” – that is driving around in a random fashion – to ensure that they are available for calls. As the “front end” of the system, their primary responsibility is to respond to serious crime through enhanced communication systems. In this view, minor offenses are either formally decriminalized or virtually decriminalized as a matter of priorities and policies. Finally, the report is basically silent on the role of citizens and the community (except to support police), takes no notice of private security, and disregards the private sector. Crime control is achieved through broad social/political action to redress the structural inequities in society and by the activities of a public criminal justice system that processes offenders.

Crime prevention in this model is equated with “grand” ideas of social change: basic societal problems will have to be resolved. As the report indicates:

Warring on poverty, inadequate housing, and unemployment is warring against crime. A civil rights law is a law against crime. Money for schools is money against crime. Medical, psychiatric, and family-counseling services are services against crime. More broadly and most importantly every effort to improve life in the “inner city” is an effort against crime. A community’s most enduring protection against crime is to right the wrongs and cure the illnesses that tempt men to harm their neighbors. (President’s Commission 1967: 6)

In this view then, we are left with two policy options: change society and/or process cases. Liberals and conservatives (they have their own macro approach – restore the family and its values) alike largely accept this framework. Thus we get extensive debates about sentencing, capital punishment, the exclusionary rule, mandatory sentencing, “three strikes you’re out,” prison construction, and so forth, but virtually the
entire debate is within the bounds of the paradigm first put forward by President Johnson’s Crime Commission.

As such, the criminal justice system paradigm was integral to the 1960s Great Society. Government could solve the problems of poverty, racism, and social injustice. The Great Society was not just a set of programs, linked as it was to civil rights, it was a moral cause to which social scientists were intensely committed and in which they were deeply involved. Crime prevention was to be a by-product of solving society’s major problems. In the view of many championing this view, disloyalty to the root causes theory is evidence that one disregards the problems of poverty, racism, and social injustice. The liberal/left fear is that if disorder, fear, and crime are uncoupled from root causes, society’s motivation to manage its ills will be reduced. Whether intended or not, crime prevention is held hostage to the pursuit of extremely broad social goals, some of which are only attainable over decades, at best.

So then to return to the question, what explains the special attention that broken windows has gotten from critics? First, broken windows defies root cause orthodoxy: that is, to prevent crime one must alleviate these social ills. It also questions corollary issues and policies: decriminalization, deinstitutionalization, “victimless” crime, and the views that only individuals and not neighborhoods can be victims and that individual rights almost always trumps community interests. Second, broken windows and crime control success in New York City came out of the political right (e.g., James Q. Wilson and Mayor Rudolph Giuliani). This was a hard dose for liberal social scientists to swallow. Hence, the heated debates about why crime declined in New York City. Finally, because of New York City, broken windows has become widely known, both in
professional circles and in the popular media. It has become so well known that often when cited in the popular media it is neither attributed nor defined. Consequently, a press release or title that “refutes” broken windows, or implies something like it, is more likely to gather attention than it would otherwise. In other words, some authors are “piggybacking” on broken windows. We have no quarrel with this – we are in a marketplace of ideas; we would just caution such authors to represent broken windows and its implications accurately.

**Of Research into Broken Windows**

Research on broken windows can be loosely divided into two categories. The first includes studies that examine the theoretical underpinnings of the hypothesis, such as the link between disorder and fear or the association between incivilities and serious crime. The second includes research that evaluates policies that are derived from or otherwise influenced by broken windows, such as quality-of-life programs or order maintenance enforcement practices. We briefly discuss these two categories.

*Broken Windows Research: The Disorder-Fear and Disorder-Crime Connections*

Broken windows argues that disorderly conditions and behaviors are linked both to citizen fear and to serious crime. Few criminologists have concern with this disorder-fear portion of the hypothesis, and a fair amount of empirical research – some of which goes as far back as research conducted by the President’s Commission during the 1960s – demonstrates an association between incivilities and fear (see Skogan and Maxfield (1981) and Ross and Jang (2000) for two more recent examples). Some debate continues regarding measurement concerns, causal order, and individual- versus ecological-level
influences on fear. LaGrange et al. (1992), for instance, suggest that while incivility is related to fear, the effect is mediated through perceptions of risk. More recently, Taylor (2001) concludes that the incivility–fear connection is stronger at the individual level (one’s perception of incivilities in the neighborhood has a greater impact than the actual amount of incivilities in the neighborhood) and that the connection is weak when examined longitudinally (incivilities influence later changes in fear, but not as strongly or consistently as other factors). Overall, however, most research to date agrees that disorder is, at least in some way, positively associated with fear.

Unlike the disorder-fear hypothesis, the disorder-serious crime connection is much more controversial – and far less studied. Skogan (1990) was the first to find support for the link empirically in Disorder and Decline. Using primarily survey data from 40 neighborhoods in six cities (Chicago, Atlanta, San Francisco, Philadelphia, Houston, and Newark (NJ)), Skogan found a highly significant disorder-crime connection while taking into account other factors such as poverty, instability, and race. Harcourt (1998) has since challenged these findings, claiming among other concerns that Skogan’s inclusion of several neighborhoods with particularly strong disorder-crime connections (from the city of Newark) manipulated the overall results. After reproducing the analyses and removing these neighborhoods from Skogan’s dataset, Harcourt finds that the relationship between disorder and serious crime disappears. Harcourt’s results, however, have also been questioned. Harcourt removed several neighborhoods from the analysis to produce the no-association result, but the removal of several different neighborhoods from the dataset may have strengthened the disorder-crime connection found by Skogan (Eck and Maguire 2000; see also Katz et al. 2001). Harcourt’s
manipulation of the data, therefore, does less to disprove Skogan’s results and more to point out a limitation to the original dataset: its sensitivity to outliers (Eck and Maguire 2000).

Often cited as the most convincing evidence against the disorder-crime association (and to the broken windows hypothesis overall) is Sampson and Raudenbush’s (1999) assessment of the relationship between “collective efficacy,” disorder, and serious crime. The authors use a variety of methods for their investigation, including systematic social observations designed to capture disorderly behaviors and conditions on the streets of Chicago. They challenge the connection between disorder and serious crime by suggesting that while disorder is moderately correlated with predatory crime, once antecedent neighborhood constructs (such as collective efficacy) are considered, the direct relationship between the two all but disappears. Sampson and Raudenbush conclude that the level of collective efficacy is a strong predictor of both disorder and predatory crime and that the relationship between incivilities and crime is spurious except for officially measured robbery. According to the authors, these results “contradict the strong version of the broken windows thesis” (1999: 637).9

We have several difficulties with the Sampson and Raudenbush study that involve the authors’ methodological decisions (such as their failure to observe nighttime activities) and their interpretation of the data (such as their casual dismissal of the robbery finding) (see Kelling 2001), but others have challenged their analyses as well. Jang and Johnson (2001), for example, argue that Sampson and Raudenbush have not tested the broken windows theory at all because they misinterpreted the original thesis and therefore mis-specified their analyses. As Jang and Johnson point out, broken
windows postulates that disorder *indirectly* leads to crime via weakened community and neighborhood controls (stated somewhat differently, Wilson and Kelling (1982) argue that disorder, *left unchecked by community and neighborhood controls*, will lead to more serious crime). Sampson and Raudenbush, however, assume the thesis proposes that disorder is *directly* associated with crime, and so test a model in which disorder mediates the effects of neighborhood characteristics (including collective efficacy) on crime rather than neighborhood characteristics mediating the effects of disorder (Jang and Johnson 2001). Taking into account this misinterpretation, Jang and Johnson estimate that Sampson and Raudenbush’s assessment actually provides *positive* rather than negative support for broken windows.\(^{10}\)

In any event, the debate over the link between disorder and crime remains contentious and research on the topic has produced mixed results. Interestingly enough, Taylor’s (2001) examination of the incivility-crime connection seems to verify the inconsistency of previous research. His longitudinal assessment of Baltimore neighborhoods provides qualified support for the idea that “grime” leads to crime. He finds, however, that while disorder influences some later changes in criminal activity (as well as changes in neighborhood decline and fear), the results differ across indicators (types of disorder) and across outcomes (types of crime). Additionally, Taylor finds that other indicators, such as initial neighborhood status, are more consistent predictors of later crime.\(^{11}\)

*Broken Windows Research: Policy Evaluation*

A primary policy implication derived from the original *Atlantic* article is that if police and communities are able to manage minor disorders, the result can be a reduction
in criminal activity. As such, activities that can be classified as broken windows policing, which emphasize the assertive enforcement of minor offenses, continue to be implemented in communities across the country. Subsequent evaluations of broken windows policing activities and their impact on crime typically consider whether measures of minor offense enforcement are significantly related with measures of serious crime reduction.

The New York City Police Department provides perhaps the most obvious example of a macro policy of order maintenance, as it is well known that officers were asked to be more assertive in the management of minor offenses (i.e., typically those offenses that were virtually ignored in the past). That an increase in minor offense enforcement accompanied a reduction in serious crime in New York helped to spark a continuing debate: did the strategy contribute to the reduction, or were other factors involved?

Numerous factors have been offered as potential causes for crime reduction in New York: changes in demographic and economic trends, shifts in drug use patterns, statistical regression to the mean, changes in the cultural values of at-risk populations, and many others. Few studies, however, have examined the extent to which a general order maintenance strategy has contributed to the crime drop relative to other factors. Previously, we found that NYPD order maintenance activities in the 1990s (proxied by arrests for misdemeanor offenses) had a significant effect on violence reduction in New York net of economic, demographic, and drug use variables (Kelling and Sousa 2001). Similarly, Corman and Mocan (2002), using the same proxy for broken windows policing, found that misdemeanor arrests had a significant impact on robbery and motor
vehicle theft in New York during the 90s after controlling for economic and other criminal justice factors (they do not find a significant impact on murder, assault, or burglary, however). Further support for a general strategy of order maintenance is also provided by Worrall (2002), though not using data from New York. Worrall’s analysis of county-level data from California demonstrates that an increase in arrests for misdemeanors is associated with a reduction in felony property offenses independent of demographic, economic, and deterrence variables.

While these investigations of general broken windows strategies offer policy insight, the data available for such analyses are often less than ideal. The limitations of macro level data – often put forward by the authors themselves – therefore prohibit conclusive statements from these analyses alone. Several field evaluations, however, have examined the effectiveness of the strategy as implemented in focused, place-specific initiatives. Green (1996), for instance, examined Oakland’s Specialized Multi-Agency Response Team (SMART) program – a problem-solving, place-oriented strategy that emphasized police coordination with city agencies to enforce drug nuisance abatement ordinances and other civil laws. Green’s analysis demonstrates that these tactics helped to decrease disorder and drug problems without significant displacement. Braga et al. (1999), in another example, designed a field experiment in Jersey City, NJ to assess the impact of problem-oriented policing strategies focused on social and physical disorders in violent places. They concluded that these strategies were associated with decreases in observed disorders, citizen calls for service, and criminal incidents.

Other field studies, though perhaps less detailed than those of Green (1996) and Braga et al. (1999), are less supportive of broken windows policies. Novak et al. (1999)
analyzed a police enforcement effort designed to reduce specific disorders – primarily alcohol and traffic-related offenses – in a community in a Midwestern city (although it was not designed to necessarily impact serious crime). The authors determined that the effort was not associated with a decrease in either robbery or burglary (the two serious crimes they analyzed) at the target site, although they acknowledge the result may be due to the duration (one month) and dosage level of the intervention. More recently, Katz et al. (2001) evaluated the impact of a police quality-of-life program in Chandler, AZ designed to reduce social and physical disorders with the intent of decreasing serious crime. The authors found that, in general, the program had an impact public morals disorders (such as prostitution and public drinking) and physical disorders in the target area. However, the impact on serious crime was minimal and changes in criminal activity varied by section of the target area.

DISCUSSION

Whether regarding theory or policy, empirical research on broken windows has produced mixed results. Some academics, attorneys, and criminologists, however, have used the “mixed” results to mount offensives against the thesis. Their argument goes something like the following:

Studies are inconsistent when it comes to broken windows. Some find the necessary link between disorder and crime, some do not, and some find it only in certain places and/or for certain types of criminal activity. Because there are statistically better predictors of crime – such as neighborhood collective efficacy, neighborhood stability, etc. – policies should concentrate on improvements in those areas rather than on ‘fixing broken windows.’ Policies based on these better predictors can be more effective and are less morally objectionable than the management of minor offenses.
We argue three points in the remainder of this paper: (1) broken windows may have merit beyond the link between disorder and crime; (2) claims that broken windows is morally objectionable, to date, are based on little actual knowledge of order maintenance in practice; (3) despite criticisms, broken windows offers a viable policy option within communities.

_Broken Windows and Strong Causal Reasoning_

The concepts of disorder and serious crime each capture extremely complex sets of activities – the fact that research is inconsistent concerning the link between the two is of little wonder. Indeed, it is difficult for us to argue that all instances of serious crime are the result of social and/or physical incivilities. Our guess is that as investigations continue into the relationship between disorder and crime, research will find stronger or weaker associations as both concepts are disaggregated into their numerous components. Current research foreshadows this conclusion. In several studies, for example, robbery has been linked to disorder where other serious crimes have not (Skogan 1990; Harcourt 1998; Sampson and Raudenbush 1999; but see Taylor 2001). We also suspect that even different types of robbery are more or less associated with disorderly conditions and/or behaviors.¹⁵

In any event, debates will likely continue as to the strength of the causal connections between disorder and crime and the policy relevance behind these connections. But as Thacher (2004) indicates, both proponents and opponents of ‘broken windows’ have become preoccupied with the search for strong causal relationships between disorder and criminal activity – a type of connection that is rarely (if ever) clearly understood in criminology despite the best efforts of objective social science.
Thacher suggests that by basing the merits of order maintenance on the results of causal connection studies, criminology avoids a more important moral question: Is the management of minor offenses justified regardless of its indirect effects on crime? In other words, is the direct effect of order maintenance on public order a legitimate public policy goal?

In his analysis, Thacher argues that at least some types of order maintenance policing practices are important as ends unto themselves – regardless of their impact on serious crime – because “they address important instances of accumulative harms and offenses” (2004: 101). Indeed, some police order maintenance strategies are implemented with no original intent to reduce serious crime but instead with the goal of restoring public order. Restoration of order in the New York City subway provides an example. While evidence indicates that reductions in both disorder and serious crime (i.e. robberies) were linked to police order maintenance efforts (especially against fare-beating and aggressive begging), the policing effort was initially implemented as an attempt to bring control to an environment that had grown chaotic (Kelling and Coles 1996). Similarly, the disorder-reduction program described by Novak et al. (1999) did not have a substantial impact on serious crime, but it was only intended to reduce specific incivilities (primarily alcohol and traffic violations) in response to community complaints about these minor offenses (unfortunately, the authors were unable to assess the intervention’s impact on these disorders). Even when an order maintenance intervention that is designed to reduce serious crime fails to do so, this does not necessarily mean the intervention is without merit. For instance, although Katz et al. (2001) concluded that a disorder reduction program did not have the intended impact on serious crime, they
suggest that the intervention may still have been worthwhile because it had a significant effect on both social and physical disorders in the target area.

*Broken Windows and Morally Complex Policing*

Of course, even if we build an argument that public order is a legitimate goal for public policy and that order maintenance policing can directly benefit public order, this still leaves the question of whether such a policing strategy is morally appropriate (Thacher 2004). It is true that broken windows is morally complex. In the original *Atlantic* article – as we outlined above – Wilson and Kelling were greatly concerned with the ambiguities, complexities, and controversies concerning order maintenance. Likewise Kelling and Coles discussed the legality and constitutionality of order maintenance throughout Chapter Two – the longest chapter in *Fixing Broken Windows*. Some critics of broken windows, however, have literally ignored what was written in the original article and in *Fixing* and have instead argued that order maintenance is morally reprehensible. Among other concerns, they claim that order maintenance policies encourage heavy-handed, “zero-tolerance” police tactics, or that they criminalize relatively innocuous behaviors deemed acceptable in communities, or that they disproportionately affect citizens living in poor and minority neighborhoods.

The difficulty with critics’ arguments, however, is that their assertions are based on little actual knowledge of order maintenance as implemented by police managers or as performed by line officers. Thacher (2004) makes this point strongly. Certainly many critics claim to “know” about broken windows policing, but their understanding of it appears to come from dramatized media accounts and either deliberate or careless distortions of the broken windows metaphor.¹⁶ In fact, few have actually examined order
maintenance in practice. Most criminologists/lawyers, for example, who have attacked
the NYPD’s practices, claimed that broken windows as practiced was morally
reprehensible, and dismissed New York’s crime reductions as due to structural variables
have spent little or no time “on the ground” either in neighborhoods or with police.

We recently analyzed broken windows policing in New York City (Kelling and
Sousa 2001; Sousa 2003). One of us (Sousa) spent considerable time riding with NYPD
and recording observations of officers as they performed various tasks including those
that can be considered order maintenance. The observations suggest that order
maintenance, at least as performed by NYPD, can best be described as officers paying
attention to minor offenses that were essentially ignored in the past. Sometimes “paying
attention” to minor offenses involved formal action – such as arrest or citation – but more
often than not it involved no official action at all. While officers did not ignore
disorderly behavior, they were much more likely to informally warn, educate, scold, or
verbally reprimand citizens who violated minor offenses. Contrary to the claims of
critics, we concluded that officers were mindful of the moral complexities behind their
activities, considered the contexts and circumstances surrounding incivilities and minor
offenses before taking action, and exercised careful discretion while performing order
maintenance tasks.

All may not agree with our assessment of order maintenance in New York and all
are free to disagree with our interpretations of the observations. The point however, is
that these observations were made with the intent to develop a more thorough
understanding of broken windows in practice – at least in New York. We share with
Thacher (2004) the view that the merits of broken windows should be evaluated less on
causal connection studies (which are unlikely to produce definitively conclusive advice for policy) and more on detailed descriptions of order maintenance as it is practiced. Only the accumulation of more detailed investigations is likely to shed light on the ethical considerations of applied order maintenance and its impact on disorder in communities. Critics rightly point out that broken windows policies are morally complex, but until they begin to develop a more substantive understanding of that which they criticize, their claims that order maintenance policies are objectionable are nothing more than assertions based on questionable media accounts, dubious suspicions, and often politically driven speculations. In the end, research may find that order maintenance, as interpreted by some police departments or implemented by some police officers, is morally questionable, but for critics to condemn the practice without sufficient knowledge of it or on the basis of media representations is professionally irresponsible.

‘Broken Windows’ and Policy Options

Finally in this section, we wish to briefly address two points made by some critics of broken windows. The first is that other policy options, such as problem-oriented policing, situational crime prevention, and community crime prevention, are available in lieu of broken windows policies. The second is that because there are better indicators of crime and crime reduction – e.g., “collective efficacy,” neighborhood stability, etc. – focus should be on policy improvements in those areas rather than on policies derived from broken windows.

Regarding the first point, we want to acknowledge that research continues to show that crime control efforts resulting from problem-solving, situational crime prevention, and community crime prevention demonstrate potential at reducing crime and
restoring order in communities. We do not, nor have we ever, suggested that order maintenance policing should be implemented instead of these efforts. Quite the contrary, we believe that order maintenance should represent a policy option in support of police and community efforts to be implemented as problem analysis and problem solving dictate. In fact, close examination reveals that this is the reality even in an organization that has a reputation as an “order maintenance” department: we found numerous examples of successful NYPD problem solving efforts driven by the Compstat process – some of which had virtually no order maintenance quality to them at all (Kelling and Sousa 2001; Sousa 2003).

Regarding the second point, we wish to point out that many of the “better” statistical predictors of crime essentially offer little in the way of policy options. No one will argue, for example, against the desire to improve neighborhood “collective efficacy,” but notions such as this are nebulous in both concept and practice. Easing unemployment, poverty, and racial tensions are highly desirable goals to be sure, but the methods by which these goals are to be attained are far from certain. Even if practitioners possessed the knowledge, skill, and resources to effect change in these areas, it is unclear whether, when, and to what extent these changes would later impact crime. The “better” statistical predictors of crime may be intellectually informative, but they represent vague concepts and/or unachievable goals to the practitioner who is tasked with implementing realistic crime control policies. Broken windows policies, in contrast, are practical options. They can be implemented as part of a larger problem-solving agenda, can be employed in a timely fashion, and can offer the potential for timely results.
CONCLUSION: Of Crime, Criminology and Criminal Justice

The contrast between the response to broken windows by policy-makers and practitioners on the one hand and a good portion of criminologists, on the other, is stark. In the world of policy and practice broken windows has become, for the most part, integral to the conventional wisdom of community justice – whether it be policing, prosecution, probation and parole, or community courts. The same largely holds true for the BID movement and the neighborhood community anticrime movement. Indeed many of our policy-making and practitioner colleagues find the responses of many criminologists to broken windows mystifying – for them a sign that criminologists are simply out of touch with the real world. They have a point. In fact, they have several points.

First, the root cause ideology has locked criminology and criminal justice into a practical dead end (it probably is a theoretical dead end as well, but that is another story). Until the past 10-15 years or so, criminology and criminal justice has had little to offer to crime prevention than political advocacy/action to achieve a liberal/left version of a “just society.” If one thinks of the “big ideas” in criminal justice that have enriched the recent past, the story is telling. Community policing had its origins in the work of the American Bar Foundation, the early Police Foundation (1970-1980), and policing itself. Problem solving, too, had its origins in the work of the American Bar Foundation, but as refined and articulated by Herman Goldstein, a public administrator. Situational crime prevention was originated and largely formulated by a psychologist, Ronald Clarke. Pulling levers – the ideas that led to the dramatic drop in gang killings in Boston – was largely the product of a public policy scholar, David Kennedy, and line police in the
Boston Police Department. *Compstat* – the administrative mechanism that addresses problems of information sharing and accountability in policing – was a product of the private sector and an entrepreneurial police chief, William Bratton and some of his closest colleagues in the NYPD (Simons 1995). *Broken windows* grew out of work by a political scientist, James Q. Wilson, and a social worker turned police researcher, Kelling. One could argue that the notion of *hot spots* policing, rooted in the ideas of Glen Pierce (see Pierce et al. 1984) and others (see Sherman 1989; Sherman et al., 1989; Weisburd et al., 1992), developed through the work of contemporary criminologists. Nevertheless, with few exceptions such as *hot spots*, it is indeed difficult to come up with recent criminal justice innovations that have their origins in criminology.

Second, and this is closely linked to the above, criminology, with its special interest in *why* people commit crimes, has co-opted schools of criminal justice. We have no quarrel with the academic study of why people commit crimes: it is a legitimate and important inquiry; however, we believe it should be properly lodged within sociology (within which criminology is a specialty). Why criminal justice has been co-opted by criminology is complex but includes the newness of criminal justice as a field, the status and tenure structures of universities, the ascendancy of “Great Society” theoreticians in crime control thinking, and the dominance of root causes ideology during the post-President’s Commission era. Nonetheless, the idea that university units dedicated to crime control – after all, it was the crime problem that spurred their origin under the 1970s Law Enforcement Assistance Administration – should be dedicated to criminological pursuits, rather than crime control was a turn of events that mired such units into relatively fruitless pursuits – at least from a public policy point of view.
Finally, criminology and criminal justice have confused scientific standards of evidence with the evidence that policy makers and practitioners require in the real world. To be sure, policy makers would love to live in a world where they were 95 per cent certain that implementing particular policies or practices would have the desired outcome. As a matter of fact, they do not and will not. Policy makers live in a world in which they have to make decisions – many of them, life and death – in which they are confronted with mixes of problems and programs that do not lend themselves to clean experiments, bad data, and often conflicting and/or uncertain research findings. In such a world, 70 or 80 per cent certainty would be a happy thing. Broken windows looks pretty good in this world: if properly done, it will most probably be approved of by neighborhood residents, it will probably as well reduce their fear of crime, and it looks like it will reduce some street crimes. Not a bad bet for policy makers and practitioners.

1 This quote is taken from Frost’s “Education by Poetry.” It can be found on page 41 of Selected Prose of Robert Frost, edited by Hyde Cox and Edward Connery Lathem (published by Holt, Rinehart, and Winston; New York, Chicago, San Francisco).

2 See Kelling and Coles (1996).

3 See Kelling and Sousa (2001) and Sousa (2003).

4 The idea of a criminal justice “system” was first promulgated by the American Bar Foundation during the 1950s. Many of the staff persons of the Bar Foundation, e.g., Lloyd Ohlin, Frank Remington, and Herman Goldstein were important contributors to the President’s Commission report.

5 Lloyd Ohlin, for example, was not only the author (with Richard Cloward) of Delinquency and Opportunity: A Theory of Delinquent Gangs (Cloward and Ohlin 1960), one of the key works giving rise to the War on Poverty and the Great Society, he was also a member of the President’s Commission on Law Enforcement and the Administration of Justice.

6 It is interesting that neither the work of Ronald Clarke in situational crime prevention nor Marcus Felson in routine activities has engendered the hostility that broken windows has: both are as equally dismissive of root cause and motivational theories of crime control.

7 After reproducing Skogan’s study, but before removing the Newark neighborhoods from the analysis, Harcourt acknowledges a statistically significant connection between disorder and robbery. When he eliminates the Newark neighborhoods, this disorder-robbery connection disappears.
Collective efficacy is defined as “the linkage of cohesion and mutual trust with shared expectations for intervening in support of neighborhood social control” (Sampson and Raudenbush 1999: 612-613). For purposes of their study, the collective efficacy measure was created by combining two measures from survey data: shared expectations for informal social control (represented by five survey items asking respondents to report the likelihood that their neighbors would take action given certain scenarios) and social cohesion / trust (represented by five survey questions asking residents to report on the trustworthiness, helpfulness, and collegiality of their neighbors).

What “the strong version of the broken windows thesis” is remains a mystery to us, but so be it.

Jang and Johnson (2001) themselves find support for broken windows, indicating in their analysis that neighborhood disorder is significantly related to illicit drug use among adolescents. However, individual “religiosity” (one’s commitment to religion) and social networks weaken the effect of disorder on drug use.

Some research on the geographic distribution of crime also confirms the complex nature of the minor offense / serious offense relationship. Weisburd et al. 1992, for example, suggest that calls for service for minor offenses (public morals, drunks) correlate more strongly with certain serious offenses (i.e. robberies) than with others in crime ‘hot spots.’

We use the terms “broken windows,” “quality-of-life,” and “order maintenance” interchangeably to describe a policing style that emphasizes the management of minor offenses. For reasons that are evident in this paper, we do not consider “zero-tolerance” to be synonymous with these terms.

In respects, the idea that “everyone knows” that NYPD is an “order maintenance” department is unfortunate. While it is true that the management of minor offenses is an important strategy in New York, the strategy is most prominent when used to support focused problem-solving activities that are often driven by the Compstat process (Kelling and Sousa 2001; Sousa 2003).


From our perspective, a finding that disorder is linked to robbery in these studies is both interesting and important for policy. Others, however, in their apparent zeal to disprove broken windows, gloss over the robbery finding. Because only robbery is related to disorder, so the argument goes, the thesis is inherently flawed (never mind that robbery is a “bellwether” crime and general gauge of violence in many communities). We believe that those who hold the disorder-crime connection up to such lofty standards suffer from a similar affliction as those who believe in what Hirschi and Selvin refer to as the first false criterion of causality: “Insofar as a relation between two variables is not perfect, the relation is not causal” (1966: 256). Among other reasons, Hirschi and Selvin argue that this criterion is false because perfect relations are virtually unknown in criminology. We agree, and thus those who will settle for little less than a perfect relationship between disorder and crime as “proof” of broken windows are not likely to find this proof in past, present, or future research.

An example of this comes from Greene (1999) who criticizes New York’s order maintenance policing as brutal compared to other departments such as San Diego: “[the comparison] between New York City and San Diego offers compelling evidence that cooperative police-community problem solving can provide effective crime control through more efficient and humane methods” (1999: 185). Comparing New York to San Diego is troublesome at best, but even if such a comparison were possible, much of Greene’s evidence for New York’s less “humane” methods is based on little first-hand knowledge and comes instead from questionable and unreliable sources. For example, she cites politician Mark Green’s opinions as authoritative on the subject of New York’s order maintenance policing, but fails to mention Green’s transparent agenda as one of Giuliani’s chief political rivals of the 1990s. Additionally, while she correctly points out that complaints against the police increased when order maintenance was introduced in New York (evidence that she claims supports the New York brutality position), Greene fails to place this point in
its proper context. First, complaints against the police did increase from 1992 to 1995, but the number of officers also increased by nearly 10,000 during the same time period. Second, order maintenance policing necessarily requires more frequent contacts between officers and citizens – often in situations where the citizen is suspected of some sort of legal violation. Considering the number of officers added, combined with the increased frequency of contacts between police and citizens, one might be surprised if the number of complaints against police did not increase. Third, while the number of complaints against the police increased until 1995, the number decreased throughout the rest of the 1990s despite the fact that assertive enforcement of minor offenses continued. Greene’s analysis exemplifies a general lack of knowledge of broken windows policing – particularly in New York – by those who claim a competency of it.

17 For a review of this research, see Eck and Maguire (2000) and Weisburd and Eck (2004).
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REFERENCES


