

## BROKEN WINDOWS THEORY OF POLICING

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ANCHORS: NOAH ADAMS

NOAH ADAMS, host:

Across the country, crime and crime prevention remains a major topic for politicians and citizens. Commentator David Cole sees an important message in the most recent events involving police and their tactics.

Professor DAVID COLE (Georgetown University Law School; Legal Affairs Correspondent, The Nation Magazine):

Monday's conviction of three New York City police officers for lying about the torture of Abner Louima, a Haitian immigrant brutally assaulted by police in a Flatbush station house in 1997, was only the latest in a series of revelations about police who break the law in the name of fighting crime. In Los Angeles last month, the police admitted that a special anti-gang unit had engaged in years of abuse, including fabricating evidence, lying and shooting a handcuffed gang member in the head. A similar scandal rocked Philadelphia in 1995, leading to the reversal of multiple drug convictions because of police lying. Paradoxically, all of these instances occurred while the police were being applauded for achieving widespread reductions in crime.

Violent crime has dropped steadily throughout the 1990s and even though criminologists have found little evidence to connect that trend to policing strategies, the police have been quick to take credit. The irony is that the very theory the police most often cite as responsible for crime reduction may also explain the apparent increase in police

abuse.

The theory is called broken windows, after a 1982 Atlantic Monthly magazine article by James Q. Wilson and George Kelling. The article argued that when low-level quality-of-life offenses were tolerated in a community, more serious crime will follow. According to this view, broken windows, abandoned buildings, public drinking, litter and loitering cause good people to stay in their houses or move out of the neighborhood entirely, leave criminals free to roam and send a message that law violations are not taken seriously. In response, police in cities like New York adopted aggressive quality of life policing, in which they arrested thousands of people for low-level offenses and stopped and frisked thousands more. Their motto was, 'We Own The Night.'

Advocates of such tactics argued that in order to address these crimes, the police must be afforded wide discretion and should not be hamstrung by constitutional rules. But in doing so, the police ignored the principle lesson of their own theory. If the toleration of minor law violations leads to more serious crime on the street, it would also follow that the toleration of minor law violations by the police will lead to more serious crime on the force. And that is precisely what has happened.

Police departments are not the only ones to blame. Politicians and the public have encouraged the trend by adopting the view that virtually anything goes in the name of reducing crime and the Supreme Court has increasingly freed the police from basic constitutional constraints. Self-proclaimed law and order types have praised these developments, arguing that the constitutional requirements of warrants and probable cause for searches are technicalities that frustrate effective law enforcement. But what recent events show is that when we free the police from such limits, we create a culture within police departments that the end justifies the means. This culture, in turn, increases antagonism between the police and the communities they serve, escalating the violence that is perceived to be necessary to keep the peace. We need to return to first principles and insist that those charged with enforcing the law be required to follow it, too.

ADAMS: David Cole, legal affairs correspondent for The Nation magazine and a professor at Georgetown University Law School.

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