Proceedings of GREAT Day

Volume 2020 Article 18

2021

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Recommended Citation
Schenker, Evan (2021) "Community Policing: From Broken Windows to a Broken System, An Analysis of the Effects of Community Policing on American Society," *Proceedings of GREAT Day*: Vol. 2020, Article 18.
Available at: https://knightscholar.geneseo.edu/proceedings-of-great-day/vol2020/iss1/18

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Erratum
Sponsered by William Lofquist

This article is available in Proceedings of GREAT Day: https://knightscholar.geneseo.edu/proceedings-of-great-day/vol2020/iss1/18

Community Policing: From Broken Windows to a Broken System, An Analysis of the Effects of Community Policing on American Society

Evan Schenker

sponsored by William Lofquist

Abstract

Crime in any society is inevitable. From its inception, the United States has dealt with crime in different manners. In the mid-20th century, federal and local governments turned their attention to stopping crime preemptively rather than reacting to it after the fact. This analysis looks at the history of policing in the United States, discusses the development of community policing based on Wilson and Kelling's 1982 "Broken Windows" article. It also takes a sociological approach to analyzing the effectiveness of community policing in New York City as well as its relationship to: racial biases, police violence, police culture, and police reform. For the purposes of this analysis, the terms "broken windows policing," "community policing," "quality-of-life policing," and "order-maintenance policing" are all meant to refer to the use of high frequency and discretionary policing to target public disorder and prevent the further spread of crime.

The United States was not the first country to implement community policing tactics. During the 19th century, Robert Peel conceptualized the London Metropolitan Police as a means of targeting civil agitators in urban London. This meant police could canvas communities and remove those they deemed nuisances and threats to public safety as a way of maintaining order. This urban tactic later took hold in large U.S. immigration hubs like New York, Boston, and Philadelphia, where Catholic migration threatened Protestants who believed immigrants were criminally inclined and racially inferior (Sekhon, 2019). This tactic served a similar purpose of using police to target those that were deemed threats to the public in order to preserve communities. Decades later, beginning in the 1960s, policing roles in the United States shifted from

order maintenance to stopping crime before it happened. This saw ex-criminals conducting detective work, and an increase in police departments nationwide funneling resources into stopping crime proactively (Wilson & Kelling, 1982).

Crime was not solely a concern of police. Beginning in the 1960s, crime became a hotbed topic of American politics. In 1971, President Richard Nixon announced a national War on Crime, saying, "Doubling the conviction rate in this country would do more to cure crime in America than quadrupling the funds for [Hubert] Humphrey's war on poverty." This began the use of federal and state funding to put more police in communities, such as New Jersey's Safe and Clean Neighborhood Program in the mid-1970s that funded foot patrolling, and Washington D.C.'s Policing Foundation doing the same (Wilson & Kelling, 1982). In the next decade, President Ronald Reagan expanded the U.S.'s crusade on crime, announcing the "War on Drugs" in 1982 (Cover, 2014, p. 1142). These "wars" sparked the use of aggressive policing tactics. Investigatory stops, deemed racially discriminatory prior to the 1980s by the Kerner Commission, regained popularity in the 1980s and 1990s. These practices regained legitimacy through studies such as Lawrence Sherman's Kansas City Gun Experiment, which found stopping vehicles with the intent to search for firearms correlated to a reduction in gun-related crime (Epp et al., 2014, p. 27, 32). An additional development was the Supreme Court's decisions in the 1970s and 80s striking down public disorder laws for their vagueness which, according to William Stuntz at the University of Virginia, led police back to patrolling in cars, increasing the volume of police interactions with citizens (Rosen, 2000, p. 24). Prior to "Broken Windows," the U.S. approach to crime varied widely.

Introducing "Broken Windows"

In 1982, *The Atlantic Monthly* published an article by James Q. Wilson and George Kelling titled "Broken Windows: The Police and Neighborhood Safety." The ten-page article described the blight of inner-city disorder, proposing that preventing public disorder and cleaning up city streets would decrease the amount of crime. Wilson and Kelling base their theory on Philip Zambardo's famous Palo Alto car experiment, which found the presence of a broken window on a car will lead others to break more windows. This led Wilson and Kelling (1982) to link disorder and crime, with the idea that disorder in cities breeds an environment for crime to occur. Under their theory, the presence of disorder leads to crime, which leads to a loss of order. Teens standing outside a storefront may be asked to leave and may refuse. The result is the potential for fights to break out, littering, and disorder both from a visual aspect and a communal aspect (Wilson & Kelling, 1982, p. 3). In their research in Newark, New Jersey, Wilson and Kelling (1982) found the public assigned a higher value to public order and felt safer when police were present to help maintain said order. What all of their research translated to was the proposal that police departments begin targeting minor infractions to avoid their prediction of a wider crime outbreak. Under "broken windows policing," police can target "suspicious persons or 'vagrancy' or 'public drunkenness'—charges with scarcely any legal meaning," inferring police are allowed

to use their discretion to determine what causes disorder (Wilson & Kelling, 1982, p. 6). In summation, a Broken Windows policy proposes that by allowing police to patrol streets using their discretion, they can prevent disorder that leads to an environment of lawlessness and crime.

A Critique of "Broken Windows"

Before analyzing how Broken Windows policing has affected the U.S., it is important to look at the sociological issues within the work itself. While the association between disorder, crime, and a total loss of order seems to be a legitimate argument, a deeper look at Wilson and Kelling's article finds highly problematic proposals and language. First, Wilson and Kelling write, "The process we call urban decay has occurred for centuries in every city" (1982, p. 4). By making this claim, Wilson and Kelling seem to naturalize the disorder and blight found in many major cities. This is to say they do not give historical or socioeconomical explanations, like racial discrimination or generational economic distributions, as to why problems like poverty, crime, and a lack of mobility are such frequent characteristics of urban environments, but rather are content with just attributing these characteristics to urban areas and leaving it without question. They create the same issue when they refer to the "Nature of community life" in the Bronx that allows for crime to occur (Wilson & Kelling, 1982, p. 3). Their language makes crime and disorder seem inherent and natural in these environments. Not only do they naturalize disorder, they outright use problematic and charged language, such as referring to the urban environment as an "inhospitable and frightening jungle" (Wilson & Kelling 1982, p. 3). The usage of the term "jungle" evokes racially charged feelings towards minority individuals. Though they also claim that the lack of mobility among poor urban citizens is related to racial discrimination, they fail to discuss the role of aggressive policing in that discrimination (Wilson and Kelling, 1982). In the same breath, Wilson and Kelling (1982) fail to make an argument for how race would not play a key role in how police conduct themselves.

Initial Scholarly Response to "Broken Windows"

Upon its publication, "Broken Windows" was praised by many scholars as "attractive and eminently plausible" (Matthews, 1992, p. 21). However, many others found Wilson and Kelling's thesis problematic. Some argued that order-maintenance policing would allow police to avoid accountability for the objectives of policing that actually matter, specifically crime reduction (Matthews, 1992). Other arguments were made that police would not treat instances like gang violence and domestic disturbances as actual crime, but rather take extralegal means to disperse disruptions and make communities feel and appear safer (Matthews, 1992). Rather than focusing on crime reduction, police would be performing a satisfactory job to the public by cleaning up the appearance of society (Bain et al., 2014). In addition to the above critiques, other scholars made claims that sociological research found little correlation between "incivility" and increased crime rates, meaning advocacy of order-maintenance policing is unnecessary (Matthews 1992, p. 27; Williams, 2014, p. 10). However, none

of the initial scholarly responses found issues with the inherent racially charged and discriminatory aspects of Wilson and Kelling's language and proposals.

The Adoption of Broken Windows into Policy

After its publication, the media and the public praised "Broken Windows" as the "bible of policing" (Harcourt, 1998, p. 292). In 1994, New York City Mayor Rudy Giuliani and Commissioner of the New York City Police Department William Bratton instituted "zero-tolerance" policing policies based on Wilson and Kelling's "Broken Windows" article (Howell, 2016, p. 1059). "Zero-tolerance" policing was a part of Giuliani and Bratton's "quality-of-life" initiative introduced to NYC in 1993, which sought to crack down on low-level offenses and misdemeanors like turnstile jumping, panhandling, and public drinking to lessen what was considered public disorder. Order-maintenance policing was initially called the "Holy Grail of the 90s" (Harcourt, 1998, p. 292). Bratton realized targeting low-level offenses was effective, finding 1 in 7 turnstile jumpers had arrest warrants. Between 1990 and 1997, directly after the appointment of William Bratton, misdemeanor arrests in NYC increased by 80% (Rosen, 2000). Wanting to expand on Giuliani and Bratton's initiatives, scholar Dave Kahan suggested a "new path of deterrence," which expanded quality-of-life initiative to include curfews, loitering laws, reverse sting operations, and shaming penalties, with the continuation of order-maintenance policing (Harcourt, 1998, p. 295-296). Giuliani and Bratton's quality-of-life policing initiative seemed to interpret Wilson and Kelling's correlation between disorder and crime to mean the eradication of low-level offenses would reduce the crime rate and better public welfare through increased police-community interactions and arrests.

The introduction of community policing ("order-maintenance") to New York City was mostly achieved through a drastic increase in misdemeanor arrests. 133,446 misdemeanor arrests were made in 1993, increasing to 205,277 by 1996 (Harcourt, 1998). Nationwide, the number of departments implementing community policing rose from 24% in 1997 to 64% by 1999. Between 2002 and 2011, stop, question, and frisk (SQF) searches increased by 603% nationwide (Mummolo, 2018,). In NYC alone, the court system handled 675,000 misdemeanors. Compare this to NYC in 1989, and there were an estimated 200,000 more nonfelony arrests made in 2014 (Howell, 2016). Besides arrests for misdemeanor offenses, summonses are a high-volume enforcement procedure police have used in NYC. Between 2003 and 2013, an estimated half million summonses were issued annually, an average of 1,200 to 1,600 a day. In 2013, the most frequent charges were those Giuliani and Bratton sought to target: public urination, park offenses, public intoxication, disorderly conduct, and bicycle infractions (Fagan & Ash, 2017). As Wilson, Kelling, Giuliani, and Bratton had intended, the utilization of community policing has led to a crackdown on low-level offenses in an effort to mitigate a loss of order and prevent the spread of crime.

The Legality of Broken Windows Policing

Broken Windows policing means the adoption of high frequency stops and arrests of low-level offenders. It also includes the use of investigatory and SQF stops for police to prevent crime and disorder before it occurs, meaning police must use their own discretion and judgement to determine what poses a threat to public order. For police departments and policymakers advocating community policing, multiple Supreme Court decisions afford opportunities to undertake such procedures. *Graham v. Connor* in 1989 permitted the use of police force reasonably necessary given the circumstances of an arrest (Sekhon, 2019). In *Whren v. United States* in 1996, the Supreme Court ruled that investigatory stops did not violate an individual's Fourth Amendment protection from unreasonable search and seizures if the stop was related to any violation of the law, regardless of its severity. Two years later, police were given the right to perform pat-down searches during traffic stops via *Knowles v. Iowa*, and later given the pretextual usage of "reasonable suspicion" through the decision in *United States v. Arvizu* in 2003 (Epp et al., 2014, p. 34-35).

While these legal developments benefited police departments nationwide, it can be argued they drastically impacted the effects of policing on the public. With the right of police to use pretextual stops and "reasonable suspicion," very little reason needs to be given for individuals to be stopped and searched by officers. Appearance alone can lead police to stop people, which if one considers the volume of policing and the concentration of minorities in urban areas, poses an unfair and dangerous situation for people of color. A person of color in a majority white neighborhood to police may pose "reasonable suspicion," meaning they would be unfairly targeted. Stereotype bias can play a role in police discretion, leading to discriminatory practices (Spencer et al., 2016). The right to use force in a system where police-civilian interaction is increased inherently poses a threat to public safety if officers deem force necessary based on their discretion (a subject that will be touched upon in a later section).

Crime Rates in NYC and Nationwide

According to the Uniform Crime Report, crime has been on the decline across the nation since 1993 (Sozer & Merlo, 2013). It should be noted, however, that statistics suggest this decline was occurring years prior to the implementation of community policing. Between 1985 and 2009, homicide decreased by 71%, rape decreased by 82%, robbery decreased by 80%, aggravated assault decreased by 55%, burglary decreased by 87%, auto theft decreased by 88%, and larceny decreased by 63% (Lieberman & Dansky, 2016). Government statistics show that between 2008 and 2015, violent crime rates have fallen by 19%, while property crimes have fallen by 23% (Gramlich, 2016). Since 2000 in NYC, the only crimes that have increased are forgery and identity theft, rising from 1,702 to 2,337 in 2013, along with misdemeanors such as DUIs, endangerment, and public administration offenses like bail jumping (Lieberman & Dansky 2016). Through the rise in arrest rates, incarceration rates have soared. In 1980, the combined U.S. jail and prison population was at an estimated

500,000 people. In 2011, that population was at an estimated 2.2 million (Cover, 2014, 1142).

Despite falling rates of crime nationally, 57% of individuals polled before the 2016 presidential election believe crime rates have increased since 2008 (Gramlich, 2016). Based on this polling, it seems Wilson and Kelling's original goal of strengthening the public's feeling of safety has failed. If this is true, then negative impacts of community policing this analysis looks to discuss are worsened by the fact that the entire "Broken Windows" system is flawed.

The Logistical Issues of Community Policing

Besides the public not feeling safe, a plethora of other issues come with community policing. First, community policing relies on the use of police discretion. It is commonly held by the public that police are "crime-control professionals." This is despite the fact that police themselves have very little control over rates of criminal misconduct and the victimization of the public (Sekhon, 2019). For instance, between 2008 and 2012, summons and arrests were not issued or made in 90% of SQF stops, and 90% of these stops were of nonwhite civilians (Mummolo, 2018). It was also found that 82% of stop and frisk subjects in 2014 were innocent (Lieberman & Dansky, 2016). In 2017, New York was ordered to pay $75 million in settlement claims after *Stinson v. City of New York* found 900,000 summonses issued between 2015 and 2017 lacked legal justification (Fagan & Ash, 2017). Police can always be wrong. As briefly mentioned before, discretionary policing allows, and inherently expects, officers to use their personal biases to conduct stops under the guise that they are acting within the law (Epp et al., 2014). This is bound to lead to errors in judgement, and furthermore comes down to "biased officer, biased arrest." In the same sentiment, "by promising more than it can deliver, [community policing] inevitably prompts charges of selective reinforcement and discrimination" (Rosen, 2000, p. 4). An emphasis should be placed on the subject of "selective reinforcement." As Rosen puts it, "If Giuliani were serious about zero tolerance, he could arrest Wall Street brokers who smoke pot in Battery Park and use the search as an excuse to look for evidence of Securities and Exchange Commission violations in their briefcases" (2000, p. 4). The issue with community policing is that it is not equally spread and undisputedly biased towards those in lower-income areas and problematic environments.

Another issue is that of the differences in police departments across the United States. It has been found that in larger departments, officers are less respected and supported by their communities, and conversely officers are less responsive to the needs of the communities (Sozer & Merlo, 2013). It has also been studied that negative police interactions affect political participation and enhance negative views of the state (Mummolo, 2018). A lack of civil engagement by those who are negatively affected by community policing means these groups will continuously be underrepresented and in turn, further marginalized, which would likely create a cycle of inequality. An additional issue between small and large police departments is the difference in atten-

tion to public safety. For example, a study of 207 small departments found that 84% ranked property crimes as their top priority, the same as their larger counterparts, yet ranked violent offenses against individuals fifth on a list of seventeen crimes (Sozer & Merlo, 2013). This would suggest again that the original goal of public safety in "Broken Windows" and community policing is lost.

It should also be noted that the introduction of quality-of-life policing coincided with an increase in complaints of police brutality. In 1993, the NYC Civilian Complaint Review Board received 3,580 complaints of police misconduct. In 1996, the Board received 5,550 complaints, and then 4,816 in 1997. The use of force and police discretion breeds an environment in which civilians can be victimized, worsening police-civilian relations and creating the opportunity for the previously mentioned cycle of inequality.

Police Themselves

Having touched on the logistical issues of community policing, it is important to look at the police as a force themselves before analyzing the bigger issues of policing. First, there is the personality of the police. Studies show policing creates authoritarian personalities, while other studies show police behavior to be linked to aggression, conservative ideologies, and substance abuse (Epp et al., 2014). In positions of authority and responsibility, these characteristics can clash with the public, creating a hostile environment. Another point should be made that assigning officers to an area proportionally is one matter, but how police choose to patrol said areas can be problematic when considering they use their personal discretions (Fagan & Ash, 2017). In the 2000s, police reported that failing to produce "Stop-and-Frisks" resulted in punishments from the department and hindered opportunities for vertical career growth (Mummolo, 2018, p. 4). This speaks to the incentivized culture of policing, which likely creates further bias in individual officers to make stops. Sociological studies refer to the common issue of the "thin blue line paradox." This paradox states that while police guarantee law and order, they themselves cannot be forced to submit to said law and order (Sekhon, 2019). This is to say that by acting in a system where supervision is minimal, police can act independently and take extralegal steps to meet their goals.

On the issue of culture, it would be cavalier to not look at police training and the culture it breeds in analyzing the issues of community policing. First, socialization and on-the-job training can make misconduct a norm. After the beating death of Rodney King in 1992, the Christopher Commission was formed to investigate the Los Angeles Police Department. Their report found multiple areas in which misconduct was ingrained in LAPD culture. Officers often discouraged filing reports of misconduct, being uncooperative and extending time periods to do so. Training programs also emphasized the use of physical force rather than verbal communication (Rushin, 2016). This is clearly an issue in a system where face-to-face interactions are the focal point of policing. In the Bronx, New York, residents report that police often draw their firearms early in civilian interactions. Undercover officers often dress out of uniform,

making it hard for civilians to identify them (Harring, 2000). These training tactics are all problematic when taking into account selective reinforcement of the law, and observing who is victimized by these tactics, which will be touched upon in another section.

While race is an issue among those that are policed, race within the police is of equal importance. In Ferguson, Missouri, 50 of 53 officers are white in a city whose population is two-thirds black. In Hartford, Connecticut, 66% of officers are white in a city where only 16% of the population is white (Weitzer, 2015). When looking at the racial aspect of policing, and the sociohistorical context of racial discrimination and oppression, the lack of diversity in police forces creates a power complex between white officers and minorities. Not only does it create a power struggle between white elites and less powerful minorities who are responsible for abiding by the law, but for police themselves it is hard to lose the image of "racist police" when the majority of those officers are policing are people of color.

The Cost of Community Policing to Police and the Public

The first of the two major issues this analysis looks to discuss is the cost of community policing on the public and police and its socioeconomic repercussions. With the implementation of community policing, there has been a rise in fines and fees on the incarcerated population. This puts low-income individuals, who comprise the majority of the incarcerated population, at an economic disadvantage moving forward (Fagan & Ash, 2017). Those who are not arrested, but issued summons, are just as monetarily burdened with the cost of legal fees (Fagan & Ash, 2017). In a policing system where low-income urban areas are a high target for policing, it is apparent how low-income individuals are caught in a disadvantaged role economically. Fagan and Ash explain this issue the clearest:

> Poor defendants may be unable to pay for filing fees to determine their eligibility for indigent defense. Exercising the right to obtain a lawyer at the state's expense cannot constitutionally be conditioned on ability to pay. In arguing their case, poor defendants may be unable to pay fees to obtain documents such as medical, employment, or housing records. If these imposed processing fees—taxes, in effect—are skewed racially by selective enforcement targeting black or Latino persons—or neighborhoods with high concentrations of black and Latino residents—the Sixth Amendment concerns multiply, raising both due process and equal protection claims under the Fourteenth Amendment. (2017, p. 46)

Lieberman and Dansky expand on this issue, explaining that concentrated poverty is a continuing issue, especially in black and Latino neighborhoods. In New York City, the poverty rate in white neighborhoods is 10.4%, while the poverty rates in black and Latino neighborhoods are 17% and 24.4%, respectively (Lieberman & Dansky, 2016). Considering NYC alone in 2014 generated $32 million from misdemeanor-based offenses, mainly from impoverished, aggressively policed neighborhoods, there

is a clear presence of economic and racial inequality perpetuated by aggressive community policing (Howell, 2016). Criminologists have used the term "million-dollar blocks" to refer to neighborhoods in which the state spends millions to incarcerate most residents. After residents are released, without money and unemployed, they return to spaces considered to be the most impoverished areas of the poorest neighborhoods, like East New York and Brownsville in NYC (Lieberman & Dansky, 2016). Looking at these observations, it is not hard to argue there is a correlation between aggressive community policing of impoverished neighborhoods and socioeconomic inequality among people of color.

A reason this aggressive policing may persist is the advantage civil asset forfeiture (CAF) affords state and federal governments. CAF has become more prevalent since the pronouncement of the War on Drugs in 1982. The Comprehensive Drug Abuse and Prevention and Control Act of 1970 allowed for the seizure of illegal drugs and any means of production during arrests. Profits from said crimes were later amended into the Act. Then, the Comprehensive Crime Control Act of 1984 introduced Federal Equitable Sharing, which allowed police departments to keep seized assets. Later, Congress passed the Civil Asset Forfeiture Reform Act (CAFRA) in 2000, which established the need for "a preponderance of evidence that property is subject to forfeiture," and now most states have their own forfeiture laws based on CAFRA. Forty states place the burden of proof on citizens to prove their property was not part of criminal activity (O'Connell, 2017). According to O'Connell (2017), even when states control 100% of a criminal investigation, the federal government is entitled to 20% of assets seized. This potentially acts as incentive for states to continue community policing for its monetary value and discourages federal governments from reforming policing because they too benefit from asset forfeiture. The payoff of CAF is large, with an estimated 56% of assets seized being valued over $1,000 (O'Connell, 2017). CAF, according to O'Connell (2017), disproportionately affects minorities and the poor. As sociological studies of communities have shown, large banking firms have historically refrained from opening branches in minority neighborhoods, leading minorities to carrying larger sums of cash on their person, and results in a greater loss of assets when stopped by police (Murphy, 2010). In 2014 alone, the federal government seized $4.5 billion worth of assets from citizens, and in 2015, the government took more property from citizens than actual criminals did (O'Connell, 2017). With monetary incentive behind community policing and CAF procedures, one can understand why the socioeconomic marginalization of the poor and minorities persist.

The Issue of Race

The most critical issue regarding community policing is arguably race. The history and effects of policing and its relationship to race, specifically people of color, is expansive, and therefore requires multiple discussions to highlight.

There is a long history of racially charged criminal law enforcement in the United States. In the 18th century, white colonial militia oversaw enforcement of New York

slave laws. During the Civil War, violent draft riots occurred between white and black civilians, leading most police at the time to side with white rioters out of a fear of a "Negro invasion" after the Union won the war. Decades later, police oppression in Harlem, New York, led to riots in 1935, 1943, and 1964 (Fagan & Ash, 2017). In 1969, after a series of race riots in 1967, President Lyndon B. Johnson established the Kerner Commission, tasked with cracking down on aggressive policing and the "wholesale harassment by certain elements of the police community, of which minority groups, particularly Negros, frequently complain" (Huq, 2017, p. 2413). While this section barely scratches the surface of police-race relations, it demonstrates the continuation of issues between race and policing throughout centuries of U.S. history.

Community Policing and Race

Current stop-and-frisk policing is a result of the increase in violent crime in the 1980s that at the time was deemed a result of "ghetto poverty." Proponents of community policing at its inception made the claim that violent crime was being committed mainly by the black population, therefore policing would be focused on those communities considered problematic (Huq, 2017). As Fagan and Ash describe, "First, as practiced in New York, police presence and activity in minority neighborhoods seemed to have more to do with race than simply with crime. After controlling for local crime rates, a neighborhood's racial composition predicted the police response in terms of proactivity. In other words, proactivity was about more than crime; it was also about race" (2017, p. 34). Immediately, one should recognize that basing policing methods on the assumption of racial bias is highly discriminatory. Secondly, assuming that "poor" translates to a negative connotation of "ghetto" is also problematic in that "ghetto" infers that individuals in this area are of a lower status than the rest of the community. Between the 1970s and the 1990s, the number of black citizens arrested for violent crime decreased, yet the number of blacks incarcerated in the same time period drastically increased (Filimon, 2015). This is largely due to the fact community policing focuses on minority neighborhoods. At the peak of stop-and-frisk in New York City alone, black citizens had a 92% chance of being stopped in the period of a single year (Huq, 2017). This type of racially biased policing has affected many states. In Maryland between 1995 and 1996, data on suspected stops showed that while blacks comprised 70% of drivers searched, only 28.4% were discovered to be in possession of narcotics, while 28.8% of white drivers were found to also be in possession. In New Jersey, data from 2000 indicated blacks and Latinos comprised 78% of drivers stopped and searched, yet the hit-rates for blacks and Latinos were 13% and 5% respectively, while the hit-rate for whites was 25% (Murphy, 2010). So, while police have targeted minorities in most traffic stops, most of the crime lies elsewhere. This data exemplifies the unnecessary targeting of minorities in search and seizures.

Discriminatory policing and selective enforcement means that only certain demographics are being punished for the same crime. Frank Zimring of the UC Berkeley School of Law conducted a study between 2004 and 2008 of police stops in New York City in which he found that blacks and Latinos constituted 28% and 28.6% of

the city's population yet made up 52% and 31% of misdemeanor marijuana arrests. Whites constituted 35% of the city's population, but only accounted for 10% of the same arrests (Lieberman & Dansky, 2016). In regards to stop-and-frisk in general, other data on NYC shows that while blacks constitute roughly 22,6% of the population, they make up 54.6% of those stopped, whereas whites constitute roughly 32.8% of the population but only 12.2% of those stopped (Lieberman & Dansky, 2016). Another study conducted by Judge Noah Dear in Brooklyn, New York, analyzed summonses for public drinking in 2012 in a one-month span. The study found 85% of summonses were issued to blacks and Latinos, while only 4% were issued to whites, despite Brooklyn's population being 36% white (Fagan & Ash, 2017). This data unveils a disturbing proposition about community policing. Despite making up a smaller percentage of the population in NYC and the U.S. in general, people of color are stopped by police far more than white civilians.

This only enhances the discussion of the racially discriminatory practices of community policing. What this means for people of color is that they are likely to be targeted, more likely to be arrested, and more likely to have to face the consequences that come during and post incarceration, like unemployment and poverty. This is despite evidence that people of color are not more inclined to be involved in criminal activity. In fact, the data offered in this analysis suggests inclination for criminal behavior is equal if not lower for people of color when compared to whites (Lieberman & Dansky, 2016). These data play into a study that showed 70% of blacks in NYC have issues trusting law enforcement and believe they are treated unequally, which actually has the reverse effect in keeping communities safe when law enforcement does not have the support of the public (Lieberman & Dansky, 2016).

Discriminatory practices in community policing are not limited to New York City and other large urban areas. Ferguson, Missouri, is two-thirds black. Blacks accounted for 57.3% of radar-based stops on state roads, and 73.1% of non-radar-based stops. However, there is no logical empirical evidence that suggests black and white driving habits could explain such a large disparity in police stops (Fagan & Ash, 2017). Nationally, blacks and people of color have always been arrested more often for crimes that community policing looks for; drugs, vagrancy, vandalism, and disorderly conduct. The graph below provides evidence of this by compiling data on the arrest rates of blacks and whites between 1980 and 2014 for crimes community policing often targets:

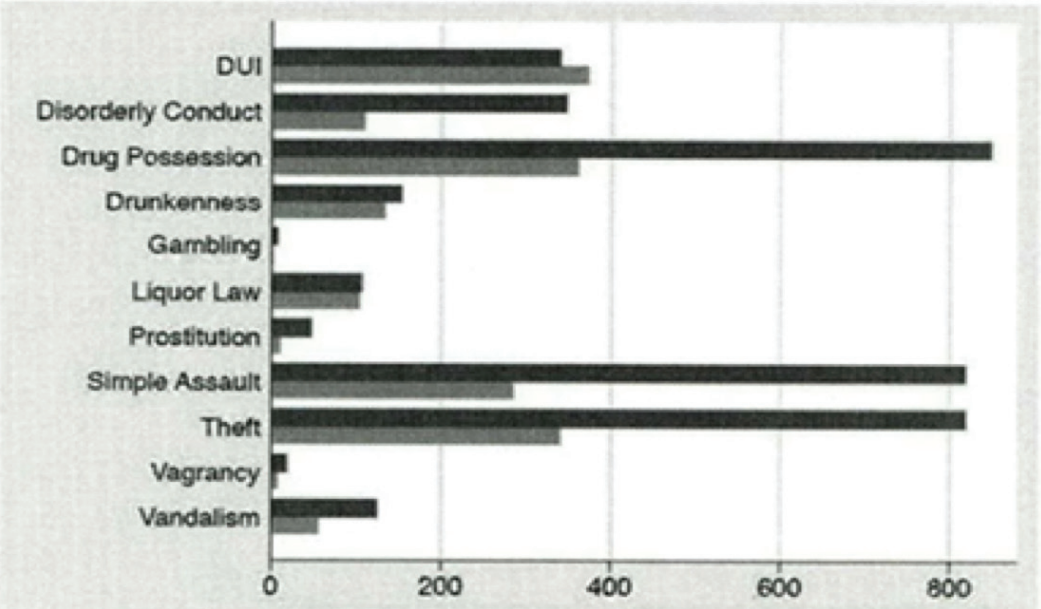

Figure 1. Arrest Rates by Offense and Race (Stevenson & Mayer, 2018, p. 259)

In terms of why the statistics look the way they do, it can be argued that historically the crimes people of color are arrested more for are crimes with victims. Vandalism, theft, selling drugs, prostitution, and assault are all crimes we think of as being committed at someone else's expense; therefore, they are more detrimental to the public. So if the goal of community policing is to clean up the public image, and we know that there is an association of inner-cities with poorer public images, and we also know that these areas are predominantly inhabited by people of color, it is inevitable that this selective disparity would result in such an outcome.

Other studies support Stevenson and Mayson's findings. In cities across the U.S., 46.4% of people arrested for vagrancy and 58.7% of those arrested for suspicion in 1995 were black (Harcourt, 1998). Based on the assumption by community policing advocates that minorities and "ghetto poverty" are associated, there is a clear problem in community policing targeting minorities and low-income areas (Huq, 2017, p. 2413-2414). Based on the proponents' assumptions, fewer resources for minorities and the poor would mean less transportation and fewer cars. Low employment rates mean neighborhoods are likely to have more residents around daily. Therefore, those living in these areas may be more likely to be on the streets or outside their homes, becoming targets for the crime community policing focuses on, such as loitering and suspicion. Combine that with the use of stop-and-frisk, and it becomes apparent that community policing and police discretion is inescapable for many in these areas. This may lead to the associated issues already discussed, like cyclical unemployment and poverty.

As data has shown, community policing targets minorities and the poor. This has had an alarming effect on incarceration rates in the United States. Studies found that black-white incarceration ratios increased from 3:1 around the inauguration of Richard Nixon to 8:1 around the year 2000 (Filimon, 2015). This increase coincides with Nixon's declaration of the "War on Crime" and the attitudes towards crime that inspired "Broken Windows" and community policing. Data from the Bureau of Justice Statistics show that by 2002, out of two million men incarcerated in the U.S. serving more than a one-year sentence, 586,700 were black and 235,000 were Hispanic, disproportionately making up much more of the population than the 436,800 that were white (Filimon, 2015). As of 2007, 1 in 11 black adult males, compared to 1 in 45 white males, were in correctional facilities. In 2011, between 6.6% and 7.5% of black males between the ages of 25 and 39 were incarcerated, and among men between the ages of 18 and 19, black males were imprisoned more than nine times the rate of white males of the same age (Cover, 2014). What this all means is that minorities in the U.S. suffer the consequences of incarceration at a higher rate than whites. Former prisoners are denied Pell grants for education, denied access to public housing, cannot vote, and face struggles of unemployment. Community policing and the disproportionate targeting of minority neighborhoods by police undoubtedly contributes to perpetuating a cycle of inequality for those who may already be disadvantaged.

Police Violence, Fatalities, and Race

Community policing requires heightened interactions between police and the public. What this means is that there is a higher likelihood of innocent civilians becoming victims of aggressive policing procedures that can lead to death. This is a problem that has been seen across the United States for decades. Amadou Diallo generally fit the description of a black rape suspect in Bronx, New York. When he entered his home after seeing an unmarked tactical squad vehicle, police took his behavior as suspicious and entered his home. After being told to stand still, Diallo reached for his pocket to grab his wallet, prompting four officers to shoot at him forty-one times, hitting him nineteen times and killing him. All four officers were found not guilty of Diallo's death (Harring, 2000). In response to Diallo's death and the death of Patrick Dorismond, defenders of Mayor Rudy Giuliani's zero-tolerance policy claimed that the shootings were inevitable side effects to aggressive policing needed to keep the community safe. Their arguments in effect came down to "stop us from shooting the occasional innocent man, and criminals will rule the street once more" (Rosen, 2000, p. 24). The troubling inference that supporters of Giuliani's zero-tolerance policy made was that aggressive policing was necessary to prevent crime, even at the cost of innocent lives.

Amadou Diallo is unfortunately only one of many victims of police violence that come from community policing. Between 1980 and 2005, it is estimated 9,500 people were killed by police nationally (Marcus, 2016). In 1994, Anthony Baez died in a police chokehold after being stopped for throwing a football in the streets (Howell, 2016). Patrick Dorismond was killed in 2000 by police after being approached by an undercover officer who was looking for Dorismond to sell him drugs as part of a

police sting (Fagan & Ash, 2017). Rosan Miller, 7-months pregnant at the time, and while not killed, was put in a chokehold by police for grilling on a public sidewalk outside her home (Hamilton & McCall, 2018). Eric Garner was killed from a police chokehold after selling loose cigarettes on the street in Staten Island, a misdemeanor offense in New York. The chokehold used was banned by the New York Police Department in 1993 (Marcus, 2016). In August of 2014, Michael Brown was stopped by police in Ferguson, Missouri, for walking down the street. After a struggle through the police car window, Brown ran roughly 15 feet before being shot in the back and killed. It was later established police were instructed that 15 feet was a distance that could permit use of lethal force (Marcus, 2016). In February 2015, 57-year old Sureshbai Patel, an Indian immigrant who spoke little English, was partially paralyzed in a police altercation after being stopped on the street while visiting relatives in Alabama (Onyemaobim, 2016). In April 2015, Baltimore police executed a stop and seizure on Freddie Gray after Gray fled from police after making eye contact. Gray died from a severed spinal cord after police took him on a fatal ride in the back of a police van with his ankles shackled on his stomach without a seat belt. In July of 2015, Sam Dubose was shot in the head through his driver side window after he was stopped for a missing license plate tag. The officer reported that Dubose reached for the ignition and was going to run him over (Marcus, 2016).

These incidents are not isolated. In Philadelphia, where the city's population is less than 50% black, 80% of police shooting victims were black between the years of 2007 and 2013. In Ferguson, the Department of Justice found that nearly 90% of the police's use of excessive force were against black residents (Marcus, 2016). The most notable fact of all these police-related deaths are that they resulted from tactics used under community policing. Stopping someone from playing or walking in the street, preventing someone from grilling on a sidewalk, and going out of the way to look for drugs are all methods that require police to go out of their way to find disorder in order to prevent crime and a loss of order. Unfortunately, the increased likelihood of face-to-face interactions also means that police are more likely to see the need to use force. It also should be noted all the victims of these incidents were people of color. Since community policing targets areas highly concentrated with minorities, it is likely that minorities and people of color are more at risk than whites to be victimized by excessive force.

The Cost of Violence to Police

Aggressive community policing and police violence come at a high cost to police departments and state governments. The city of Baltimore paid over $6 million in restitution for police brutality between 2011 and 2015. In 2014, the city of Chicago paid $50 million in restitution to victims of police violence. In 2015, New York City settled with the family of Eric Garner for $5.9 million. Again in 2015, Baltimore settled with the family of Freddie Gray for $6.4 million (Marcus, 2016). Not only do the negative impacts of community policing and police aggression come at the cost of innocent civilians, it also places a financial burden on state funds. With the same

money used to pay for restitution and settlements, states could be reforming police departments and improve the areas that they deem so blighted that they necessitate aggressive policing.

"Broken Windows" and Community Policing Today

After decades from the implementation of community policing and the publication of "Broken Windows," some sentiments have changed in the eyes of scholars and the public on the effectiveness and necessity of community policing. First, George Kelling, along with William Bratton and the police commissioners of the Boston and Los Angeles Police, still defend community policing and its usefulness in maintaining order. Kelling and Bratton argue that the type of policing "Broken Windows" advocates for is not the same as stop-and-frisk. To them, stop-and-frisk is different in that it is based on reasonable suspicion of illegal activity, which they recognize as constitutional under the decision of *Terry v. Ohio* in 1968. They argue that "Broken Windows" is not tactically instructive, but rather a proposal of policies that would mitigate disorder and prevent crime. Kelling and Bratton also cite a poll conducted by Quinnipiac University pertaining to support for order-maintenance policing that found "African-Americans supported it by 56 to 37 percent, whites by 61 to 33 percent, and Hispanics by the largest margin of all—64 to 34 percent" (Kelling & Bratton, 2018).

Some scholars, however, have found flaws in "Broken Windows" and community policing. One scholar found the history of the authors to be highly problematic. James Q. Wilson was a student and colleague of conservative urban theorist Edward Banfield, whose work in the 1960s included statements that claimed African Americans were immobile because of "Negro culture," inferring Black families lived off of welfare, and claims that low-income individuals supported communal disorder to keep rents low. Additionally, Wilson was an early advocate for mandatory sentencing and increased imprisonment of "wicked" people (Thompson, 2015, pp. 44-45). He described "wicked" people as including

> A teenager hanging out on a street corner late at night, especially one dressed in an eccentric manner, a Negro wearing a "conk rag" (a piece of cloth tied around the head to hold flat hair being "processed"—that is straightened), girls in short skirts and boys in long hair parked in a flashy car talking loudly to friends on the curb, or interracial couples—all of these are seen by many police officers as persons displaying unconventional and improper behavior. (Thompson, 2015, p. 45)

To scholars, Wilson's association with such racially charged academic work and his co-authoring of "Broken Windows," which has undertones of discriminatory language, is highly problematic, especially when "Broken Windows" became the basis for such a widespread police movement (Thompson, 2015, p. 45). Others find that "Broken Windows" disregards verified research that offers alternate explanations as to why issues like poverty correlate to crime. Poor individuals have fewer resources, such as living space, that offer areas to partake in activities that are otherwise seen as illicit

and disorderly when done in public, such as drinking and socializing (Thompson, 2015). The sentiments of scholars on "Broken Windows" and community policing are shared by policymakers like New York Senator Jesse Hamilton and the National Crisis Director for the National Action Network Rev. Kevin McCall. They find these methods of policing exhaust resources. They cite that in a court report from 2015, a three-month observation period of minor crime cases in Manhattan, Brooklyn, and the Bronx found that 86% of defendants were released without charge (Hamilton & McCall, 2018). The realization that "Broken Windows" and community policing have these effects on society is important for the opportunities to reform policing for the betterment of communities.

Opportunities for Reform

The first potential step to reforming community policing is the diversification of police departments. In cities like Ferguson, the disparity between white police and largely minority populations is not without notice. Diversification has been suggested by both the Obama Administration and the 1967 Commission on Law Enforcement and the Administration of Justice. While little research has been conducted on what effects diversification has on policing, it is not implausible to think that diversification would help to strengthen community relations and legitimize police departments nationwide (Weitzer, 2015).

Section 14141 of the 1994 Violent Crime Control and Law Enforcement Act states any "pattern or practice of conduct by law enforcement officers…that deprives persons of rights, privileges, or immunities" is prohibited under federal law. Violations of Section 14141 are investigated by the Special Litigation Section of the Justice Department's Civil Rights Division. The Department of Justice has conducted sixty-eight investigations of misconduct, including excessive use of force in Washington DC and Miami and discriminatory policing in New Jersey and Arizona. 53% (36 cases) have produced enough evidence to confirm cases of misconduct (Chanin, 2017). These numbers seem low, and that is because they are. The DOJ only has enough resources to investigate 0.02% of Section 14141 cases (Rushin, 2016). By expanding the resources available for Section 14141 violations, the federal government could begin to expand investigations, and this has the potential to make clear patterns that lead to misconduct, which then could lead to reform.

Congress has yet to mandate the reporting of police conduct complaints to the state and federal government. The DCRA, FBI, and BJS databases on police violence are not public record but could be made so under command from the Attorney General. The FBI manages the Uniform Crime Report, and the federal government periodically collects data on police training and budgets for the Law Enforcement Management and Administrative Statistics (LEMAS), but neither database provides much insight on police misconduct (Rushin, 2016). Information transparency is yet another way that patterns of misconduct can be uncovered and reformed. By making records public, mandating reports of misconduct and abuse, and requiring agencies to collect

more complete data, policymakers and police departments could use this information to alter methods of policing, specifically community policing.

Finally, Congress can take action to monetarily incentivize police reform. Congress, under the Spending Clause of the US Constitution, can implement conditional funding under the Community Oriented Policing Services (COPS) program from the Violent Crime Control and Law Enforcement Act of 1994 to withhold federal police funding to departments that do not meet criteria for implementing policing procedures that cut-down on problematic tactics (Ristroph, 2011). By withholding funds, Congress could incentivize police departments to limit their high-frequency usage of SQF stops and other tactics that have led to racial inequality. Section 1983 of federal legislation on Civil Liability for Police Misconduct allows victims of police misconduct to file civil suits for damages due to unconstitutional treatment or violations of federal law by local and state police. However, Congress has not allowed for a private right of action to grant citizens the ability to pursue legal action towards the DOJ's pattern or practice legislation (Ristroph, 2011). Therefore, citizens cannot take action against the DOJ's lack of investigations into alleged misconduct. As a "one size fits all" initiative may not address the needs and issues of every department, the amendment of a COPS reform mandating certain procedures for each department can make funding conditional and help mitigate issues caused by community policing (Ristroph, 2011, p. 384). This would help departments of all sizes advance efforts to limit misconduct and behavior that also breeds unequal treatment of citizens. Title VI of the 1964 Civil Rights Act links federal funding to nondiscrimination, therefore giving statutory legal backing to reforming community policing, which studies have shown have discriminatory effects (Ristroph, 2011, p. 393).

Conclusion

Since the 1970s and the declaration of the "War on Crime," local, state, and the federal government have instituted tough-on-crime measures to proactively stop disorder and prevent the spread of crime. Wilson and Kelling's "Broken Windows," one of the largest influences on the community policing movement, was hailed for its proposals of retaining law and order through targeting areas of disorder. However, through the use of stop-and-frisk searches, high-frequency police interactions with the public, and the targeting of "problematic" areas, notably low-income and majority minority areas, community policing has created a system of enforcement that revolves around selective reinforcement, flawed police bias, and racially-charged assumptions of crime. In breeding this system, community policing has contributed to the marginalization of people of color and minorities, along with the poor, and has perpetuated cycles of inequality and racial discrimination. Community policing has had an adverse effect on communities nationwide.

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