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Order-Maintenance Policing in Baltimore:
The Failure of "Broken Windows" as a Police Strategy

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Executive Summary

Baltimore, like many cities of its size, has struggled for decades against rising violent crime rates. A surge in violent crime in the late 1980s and early 1990s, linked to the crack cocaine epidemic, occurred simultaneously with the rise of a new theory about the role of police in communities. The "Broken Windows" theory, first articulated by James Q. Wilson and George L. Kelling in 1982, gained wide popularity arguing that there was a causal link between neighborhood disorder and crime.

This theory was first utilized by police in New York City, where a policy of aggressive misdemeanor arrests and increased stop-and-frisk searches was credited with capturing wanted criminals, recovering illegal weapons, and reducing the city's crime rate. The election of Mayor Martin O'Malley in 1999 brought about the swift adoption of these policies in Baltimore.

As a result, stop-and-frisk searches and quality-of-life arrests that do not result in charges have become increasingly common in Baltimore. Data on the number of stop-and-frisk searches are unreliable, but the annual figure could be over 150,000. In 2004, there were 20,794 arrests where charges were not filed, representing approximately 30% of all warrantless arrests. This rate is much higher than that of surrounding jurisdictions, and many have questioned the legality of these arrests. There is a growing backlash against these aggressive police tactics among residents, state legislators, prosecutors, and civil rights groups. City officials have responded by offering to automatically expunge arrest records for those not charged.

These aggressive tactics have been effective in increasing the surveillance powers of police, bringing more people under police scrutiny, thereby increasing the number of potential informants, and capturing guns. These tactics have also been beneficial to people who feel they have lost control of their neighborhood and feel threatened by young men standing on the street.

There is little evidence of a causal link between disorder and crime, as argued by the Broken Windows Theory. There is only evidence of a correlation between disorder and one category of crime: robbery. Race, poverty, and neighborhood stability remain much more strongly correlated with crime than disorder.

Order-maintenance policing has significant costs for individuals, communities, and the city. Individuals who are searched or arrested without legal justification suffer the trauma of the experience, may lose their jobs, and have an arrest record that makes finding employment or housing more difficult. Studies suggest that arrest has a long-term negative impact on employment. These tactics also weaken police legitimacy in a community, reducing the effectiveness of police protection. The increased fiscal costs associated with searching, arresting, processing, and detaining more people is felt by all city taxpayers.

While some state and local officials have attempted to reduce the harm associated with order-maintenance arrests, there are other policy alternatives that seek to integrate the community into policing in an effort to increase police approval and effectiveness, thereby reducing crime. Evaluations of these programs have suggested they provide some positive benefits over the traditional crime-fighting paradigm, but without the harsh negative consequences of order-maintenance policing. In light of widespread protests over these aggressive tactics, and empirical evidence suggesting their harm may outweigh their benefits, Baltimore City officials should seriously reconsider their policing philosophy, and work to integrate police into the community.

I. Background

Crime is a problem that is frequently associated with urban centers. For decades, residents and officials in Baltimore City have been concerned about rising crime rates and the threat to public safety. From 1970 through the present, increasing violent crime has been a long-term trend in Baltimore and other cities in the United States of comparable size. Underlying these trends, however, is substantial volatility. During most of the 1970s, crime rates fell before sharply spiking in 1981. During the 1980s, crime rates fell once again until a dramatic reversal in 1988 sent rates surging to the highest levels yet, peaking around 1995 and falling thereafter.[1] This surge in the violent crime rate in the late 1980s and early 1990s is generally associated with the introduction and rise of crack cocaine, a view that is supported by emergency room surveys.[2] Before the crime surge of the late 1980s, Baltimore's crime rates had been declining both nominally and in comparison to cities of similar size and the surrounding area. The crack epidemic dramatically reversed both of these trends, leading to a panic among city leaders in Baltimore and other major cities.[3]

At the same time, new theories regarding the role of police emerged in both academic and popular literature.[1] James Q. Wilson and George L. Kelling's 1982 article in *Atlantic Monthly*, "Broken Windows," is widely viewed as the most influential articulation of an innovative theory that argued for "quality of life" policing.[4] The theory, popularly known as "Broken Windows," claims that disorder, in the form of minor crimes and unkempt neighborhoods, creates an environment that attracts criminal behavior by signaling to criminals that the neighborhood tolerates crime. Proponents of "Broken Windows" theory propose returning police to their order-maintenance function, which had recently been replaced by the crime-fighting paradigm characterized by responding to calls generated by a centralized 911 system.[5] According to Wilson and Kelling, however, using police to enforce order and remove indicators of disorder would deter serious crime.[6]

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[1] This paper relies heavily on the work of Kelling, Skogan, and Harcourt because their views tend to be representative of the debate and their work cites many of the relevant studies.

There are obviously many factors other than policing that influence crime rates. Poverty, racism, homelessness, unemployment, and myriad other social problems can be linked to crime; but as policing is not the typical response to these concerns, they will not be addressed at this time.

A. Order-Maintenance Policing in New York City: The subsequent revolution in police practices can be traced to New York City's subway system. In April 1990, William Bratton was appointed Chief of the Transit Authority Police Department, recruited by "Broken Windows" co-author George Kelling.[7] Bratton was charged with systematically implementing order-maintenance policing, following efforts in the 1980s to remove graffiti from subway cars and eject the homeless. Identifying fare evasion as a prominent sign of disorder in the subway system, Bratton initiated a policy of aggressive misdemeanor arrests. Rather than issue citations to fare evaders, police officers began arresting and processing offenders in a "Bust Bus" mobile arrest processing center.[8] Among the tens of thousands arrested on misdemeanor charges, 1 in 21 were carrying guns and 1 in 7 had outstanding arrest warrants.[9]

In 1994, Bratton became police commissioner for New York City under the new Mayor, Rudolph Giuliani, and expanded the program of aggressive misdemeanor arrests citywide. Police were ordered to arrest "squeegee operators," and aggressively enforce laws against quality-of-life offenses, including public drunkenness, loitering, vandalism, littering, public urination, panhandling, prostitution, and other minor misdemeanors.[10] These arrests brought in many who were wanted for other crimes or who could give information about more serious criminal activity. The Street Crimes Unit was tripled in size to about 400 plainclothes officers, who aggressively stopped and frisked tens of thousands of people each year in search of guns.[11]

Harcourt (2001) argues that the success of New York City's policies in arresting wanted criminals and confiscating weapons strengthened the justification for order-maintenance policing, and created a new measure of success.[12] During this time, New York City experienced a decline in crime and disorder, prompting many to proclaim order-maintenance policing a success in not only capturing criminals and guns, but also in reducing violent crime. This perceived success prompted cities around the country to experiment with their own forms of "Broken Windows" policies.[13]

B. Order-Maintenance Policing In Baltimore: As Baltimore fought macroeconomic woes and population loss in the late 20th Century, residents in many neighborhoods became increasingly concerned about crime. After analyzing crime rate data at the neighborhood level, Taylor (2001) found that between 1970 and 1980, a dramatic shift occurred: low-crime neighborhoods virtually disappeared, while the percentage of extremely high-crime neighborhoods increased substantially.[14] By 1980, the percentage of residents living in neighborhoods with robbery rates lower than 20/100,000 dropped from 50% to 10%. During the same time, the percentage of residents living in neighborhoods with robbery rates greater than 100/100,000 increased from 0% to almost 50%. This diverging trend continued between 1980 and 1990, but not to the same degree observed between 1970 and 1980.[15]

The redevelopment of downtown Baltimore, initiated in the 1970s, began to be completed in the 1980s and early 1990s. As downtown was revitalized, however, the crack cocaine epidemic caused an explosion in violent crime, and policy changes led to an increase in homelessness. Between 1987 and 1994, violent crime increased by 53%, and from 1985 to 1993, the annual murder count shot from 213 to 352; all while the city was experiencing a significant population decline.[16] In the newly revived Central Business District, the growing homeless population in the late 1980s, estimated at approximately 2,400, became a serious concern.[17] In 1993, the city council passed an aggressive panhandling ordinance and created the Downtown Management District to combat disorder by maintaining the downtown area and providing security patrols. Police and the safety guides employed by the Downtown Management Authority began expelling homeless people from the downtown area, and police began arresting others for aggressive panhandling or soliciting alms in a park without a permit. The ACLU immediately challenged this policy, which included enforcement of a park rule that had been declared unconstitutional years earlier, but had remained on the books. In the settlement, the City agreed to repeal the unconstitutional park rule, amend the aggressive panhandling ordinance, and instruct officers not to interfere with the homeless.[18]

A more widespread experiment in Baltimore with order-maintenance policing, however, was initially rejected by the Baltimore Police Department. During his tenure between 1990 and 1994, Police Commissioner Ed Woods initiated a small pilot "community policing" program and created a violent crimes task force to address the rising homicide rate. During this time, however, the police department was

crippled by a loss of officers, a hiring freeze, and low morale. The increased workload corresponded with falling arrest and clearance rates, and damaged Mayor Schmoke's approval rating on crime issues. In 1994, Thomas Frazier was recruited from San Jose to replace Woods. Frazier focused on improving traditional crime fighting services, such as 911 response times, and increasing accountability. He shifted the focus of drug enforcement from arresting street-level dealers to improving intelligence necessary to bring down high-level drug operations. Frazier also implemented some limited community policing style programs, such as assigning community policing officers (CPOs) to some neighborhoods. Overtaxed police resources, however, prevented the widespread or consistent implementation of community policing. Extensive drug raids were successful in harming large-scale drug operations, and in 1999, Frazier moved to replicate Boston's Cease Fire program, which focused on working with community leaders to reduce youth gun violence. During Frazier's tenure, the crime rate in Baltimore dropped substantially, reflecting trends experienced in other major cities.[19] Frazier also resisted calls from city council leaders and the Fraternal Order of Police in the late 1990s to copy the zero-tolerance policing strategy used in New York, responding that zero-tolerance was a "buzzword…one iota away from discriminatory policing."[20]

In 1999, the election of Mayor Martin O'Malley on a strong anti-crime platform signaled a shift in police theory and tactics. O'Malley's first police commissioner, Ronald Daniel, was replaced after 57 days for disagreeing with O'Malley about the value of zero-tolerance policing.[21] O'Malley replaced Daniel with Edward Norris, who was a key official in charge of implementing Bratton's zero-tolerance policies in New York. These policies were controversial in Baltimore, but received much support from the new mayor.[22] Norris implemented many of the same policies used in New York City, including extensive stop-and-frisk searches and aggressive enforcement of misdemeanor violations. In 2003, Norris was replaced by Kevin Clark, another recruit from New York, who continued and expanded the policies enacted by Norris.[23] In 2004, Norris pled guilty to federal corruption and tax evasion charges based on his service in Baltimore and was sentenced to 6 months in federal prison.[24] In 2004, Commissioner Clark was fired amid allegations of domestic violence and an ongoing investigation.[25] O'Malley chose Leonard Hamm, a local veteran, to replace Clark. Hamm continues the New York style zero-tolerance polices of Norris and Clark.[26]

C. Protests to Order-Maintenance Policing in Baltimore: These zero-tolerance policies have brought an increasing number of Baltimore residents under aggressive police scrutiny and have generated a backlash against police tactics. State lawmakers concerned about the number of "quality-of-life" arrests in Baltimore held a hearing on January 4th, 2006 to address the issue with city officials. Over 200 people filled the War Memorial Building, most of whom were vocal and hostile toward Mayor O'Malley and Commissioner Hamm. State legislators were joined by both the Baltimore City State's Attorney and Public Defender, as well as many residents, demanding that these tactics change. The mayor and police officials agreed to support a law to ease the process of having an arrest expunged, but remain committed to using aggressive tactics.[27] In the first nine months of 2005, police reported searching about 130,000 people. There is no reliable system in Baltimore for reporting these numbers, however, and police officials argue that they are overstated by officers looking to boost their statistics. If accurate, the rate of stop-and-frisk searches in Baltimore is several times higher than that in cities of comparable size.[28]

Beyond frisking residents, Baltimore arrests many more people without charging them than surrounding jurisdictions. On average, 1,800 people are arrested each month and released without being charged.[29] The number of arrests, and the percentage released without charges, has been increasing in Baltimore since recordkeeping began in 2002. The highest month yet was July 2005, when 7,697 arrests were made, 36.7% of which did not result in charges. According to the ACLU of Maryland, in addition to the 30% of warrantless arrests that do not result in charges, another 30% of those charged eventually see their charges dismissed by a judge or magistrate. The total for both of these categories represents approximately 50% of all warrantless arrests in Baltimore City. Commissioner Hamm has suggested that these figures are caused by sloppy reporting by police, but the ACLU argued that these arrests, many for "loitering" or "failure-to-obey," are not in accordance with the law. Laws against simple loitering have been declared unconstitutional for decades, and arrests on such charges are illegal. Similarly, one can only be charged with "failure to obey a police officer" under specific circumstances, which are rarely met when Baltimore police arrest people on this charge.[30] Often, police make "failure-to-obey" arrests when citizens verbally interrupt or challenge an officer. In 1987, the Supreme Court explicitly made this practice illegal in Houston v. Hill. In the opinion of the court, Justice Brennan states, "The freedom of individuals verbally to

oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state."[31]

Maryland State Delegate Jill Carter compared the number of people arrested and charged in Baltimore City between April 2004 and March 2005 to eight other surrounding jurisdictions: Prince George's, Montgomery, Howard, St. Mary's, Wicomico, Harford, Frederick, and Charles Counties. She found that Baltimore City arrested eight times as many people as Prince George's County, the jurisdiction with the second highest total. Furthermore, Baltimore City arrested twice as many people as the other eight counties combined (see Tables). This comparison itself is not very useful because it fails to take into consideration population size and crime rate, but she also found that the number of people booked but not charged in Baltimore City was 121 times as many as all eight counties combined. City officials contend that this discrepancy is the result of Baltimore's unique Central Booking procedure, which gives prosecutors the opportunity to make decisions about charging detainees before entering the courtroom.[32] This data also shows that a disturbingly large number of people is being arrested in Baltimore, but never charged. This is far from a rigorous analysis because it doees not consider the significant differences in population and crime rates. Nonetheless, it does demonstrate that Baltimore City's rate of arrests that do not result in charges is out of line with those of surrounding jurisdictions.

D. Hypotheses: The primary rubric for testing policing tactics is effectiveness in reducing crime. Order-maintenance policing, however, has been challenged on both its ability to reduce crime and the alleged harm to some beyond what is authorized by the law. The experiences of Baltimore and New York with order-maintenance policing suggests four possible hypotheses. Each of these will be tested against the available evidence, and the results used to suggest policies for the most beneficial police strategies that also minimize the associated costs.

I. The "Broken Windows" theory is supported by evidence, and there is a direct causal link between disorder and serious crime.

II. Order-maintenance policing is effective in reducing crime, as suggested by the dramatic decline in crime following the implementation in New York.

III. Order-maintenance policing provides specific benefits other than a reduction in crime, such as reduced fear of crime.

IV.   Order-maintenance policing causes specific harm to some individuals, such as abridgement of civil liberties, or costs associated with increased contact with the criminal justice system, beyond that which is legally warranted.

In order to test these hypotheses, the Broken Windows theory will be explored and then tested against the available empirical evidence. Then, the benefits of order-maintenance policing will be considered, and finally the costs. The hypotheses will be judged, and policy alternatives will be investigated and considered based on these findings before recommendations are made.

II. Broken Windows Theory

The fundamental premise of the Broken Windows theory, as articulated by Wilson and Kelling (1982 cited in Harcourt 2001), is that "disorder and crime are usually inextricably linked, in a kind of development sequence."[33] The role of police in this theory is to enforce order in the neighborhood, and to prevent a criminal invasion. This is accomplished by enforcing civility among disorderly people in the neighborhood and suspiciously monitoring outsiders, who are believed to be the source of criminal behavior. Outsiders who wish to commit crimes or create disorder would be attracted to a neighborhood that already displays disorder. Therefore, when an outsider appears to be creating disorder, or about to commit a crime, it is the job of police to intervene. The Broken Windows theory creates a two-dimensional hierarchy favoring orderly people and locals and bringing police suspicion and enforcement to those who are disorderly and/or outsiders.[34]

A. "Lower Class Ethos" and Short Time Horizons: This theory fits into a broader social theory about behavior created by James Q. Wilson and his mentor and colleague Edward C. Banfield.[35] The crux of Banfield's theory regarded the time horizons of the "lower class." According to Banfield, the fundamental characteristic of the "lower class" is a short time horizon and a present-oriented outlook. Members of this class make decisions based on immediate outcomes and greatly discount future outcomes. This creates a "lower class ethos" which permeates all aspects of life and accounts for many of the problems seen among the "lower class."[36]

Short time horizons mean that members of the "lower class" have a higher propensity to commit crimes because they disproportionately value the immediate gains and discount future penalties. This

propensity is combined with the situational inducements, such as the number of policemen and the likelihood of being caught in the act, to determine the tendency to commit crime. It is not possible for the government to reduce the propensity of an individual to commit a crime, but it is possible to alter the inducements.[37] Banfield, however, was pessimistic about the political feasibility of this.[38] Wilson took Banfield's theory and attempted to make it politically feasible. The strategy Wilson proposed was to incapacitate a large number of habitual offenders with long prison sentences, and use the police to enforce order and discipline in the neighborhood.[39]

B. Social Norms, Social Meanings, Social Influence, and Interpretation: Banfield and Wilson's work was influential in development the New Chicago School, which applied ecological principles to sociology, and sought to create law enforcement policies that focused on altering the social cues that induced people to commit crimes. Rather than relying on extended incarceration of those with a propensity to commit crimes, however, later scholars created policies to alter social norms, meanings, and interpretation of disorderly and criminal behavior.

One such policy was a program to encourage juveniles to snitch on peers who carried guns, which would lower the incentive to carry a gun by eliminating the social meaning. If a child cannot show his gun to his classmates without fear of being snitched on, he cannot benefit from the social meaning attached to carrying a gun. Another policy was anti-gang loitering ordinances, which were designed to similarly reduce the social meaning and attractiveness of gang membership by eliminating the possibility of being seen by peers. This model of social control also gave rise to the order-maintenance policing strategy by suggesting that a feedback loop exists connecting social norms to social meanings to social influence, and back to social norms. If disorderliness exists in a neighborhood, the social meaning is that the neighborhood is vulnerable and criminal behavior is tolerated. Criminals are therefore encouraged to commit crimes in the neighborhood, and law-abiders become frightened in their own neighborhood. The social influence of this crime and fear creates a social norm, whereby crime occurs because law-breakers do not feel inhibited, and law-abiders are discouraged from reintroducing order in the neighborhood. Order-maintenance policing is designed to reverse this downward spiral by enforcing order. The social meaning of order is that crime is

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not tolerated, creating a social influence that empowers law-abiders and discourages law-breakers. Therefore, the new social norm created is not only orderly, but also law-abiding.[40]

III. Testing The Broken Windows Theory

A. Skogan Study: Skogan (1990) used results from surveys of residents in 40 communities to compare responses of social and physical disorder to other neighborhood indicators. The study showed that both disorder and robbery victimization were highly correlated with poverty, instability, racial composition. However, holding these variables constant, disorder remained a significant predictor of robbery victimization. Skogan qualifies this conclusion, noting that a correlation between disorder and crime does not necessarily prove a direct causal link, and that there may be a third unobserved variable causing both disorder and crime.[41]

Harcourt (2001) replicated Skogan's analysis, and is extremely critical of both the data and the conclusion.[42] Skogan collected statistics on five categories of serious crime, but only robbery was found to be significantly correlated with disorder after considering socioeconomic factors, and none of the other results was reported. He also notes that the data comes from five different surveys conducted at different times, using different variables. Furthermore, results from one survey in Newark, NJ substantially influenced the results. Without this data, the correlation between disorder and robbery considering socioeconomic factors disappeared.[43]

The study in Newark was also unique in that it tested the effectiveness of community policing strategies including outreach, foot patrols, newsletters, and storefront offices in addition to aggressive enforcement. Both strategies were effective in reducing evidence of disorder, but only residents in the community policing area reported less fear of crime and greater confidence in the police. These benefits, however, were only reported by residents who were white and more affluent.[44]

Skogan (1990) provides some evidence of a correlation between disorder and robbery, and also indicates that community policing provides important additional benefits to some residents. However, the lack of correlation between disorder and the four other types of serious crime studied – purse snatching, physical assault, burglary, or sexual assault – provides strong evidence against the hypothesis of a causal connection.

B. Sampson Studies: Sampson and Cohen (1988) conducted a nationwide study examining the effect of aggressive order-maintenance police tactics on robbery and burglary.[45] They found that order-maintenance policing, defined as a high rate of arrests per officer for disorderly conduct and driving under the influence, was significantly correlated with higher rates of clearance for robbery, and is correlated with a lower, but statistically significant, rate of robbery. These effects, however, were not seen with the same degree of significance with burglary. In addition, the effects of aggressive police tactics were much more significant in black populations than white populations.[46] While this study does not show any effect of police aggressiveness on other types of crime, it does suggest that aggressive order-maintenance policing is effective in reducing at least the robbery rates.

Sampson and Raudenbush (1999) tested the link between disorder and crime using extensive data collection from 196 census tracts in Chicago, including a survey of residents and videotapes of every street, a random selection of which was coded for signs of disorder.[47] The survey given to residents was designed to measure social cohesion and shared expectations for social control, and was used to create a variable for 'collective efficacy.' The data was also compared to police records, vital statistics, and census data.

The results showed a significant correlation between collective efficacy and observed disorder, although this correlation was not as strong as that between either concentrated poverty or mixed land use and observed disorder. A moderate correlation was also found between disorder and crime statistics, but the correlation with robbery was appreciably greater than that for homicide or burglary, and the correlation between disorder and survey reported victimization was much weaker. When variables for "structural constraints" such as concentrated disadvantage and residential stability were added, the correlation between disorder and every crime statistic except robbery dropped below the level considered significant. However, concentrated disadvantage remained the strongest predictor of crime. The authors suggest that robbery may be slightly correlated with disorder, such as drug sales and prostitution, because individuals involved in such activity are easy targets with little recourse to police. Based on these results, Sampson and Raudenbush suggest that the "strong" version of the Broken Windows theory is not supported by the evidence. The correlation of both crime and disorder with collective efficacy and structural disadvantage, however, suggests that a causal link may exist. This provides some support for the underlying mechanism in the

Broken Windows theory, which argues that reduced social capital and social controls lead to increases in serious crime, but does not support the policy recommendation that policing disorder will correct these problems. Instead, Sampson and Raudenbush suggest that policies that focus on improving collective efficacy or that address the structural disadvantages in a neighborhood would be more effective in reducing crime in the long run.[48]

C. Taylor Study: Each of these studies using cross-sectional data have looked for correlations between crime and disorder at a fixed point in time, but the lack of longitudinal data restricts one's ability to draw conclusions about the succession hypothesis that is fundamental to the Broken Windows theory. Taylor (2001) attempted to address this deficiency by comparing data in 66 Baltimore neighborhoods between 1980-1982 and 1990-1992.[49] Using three different measures of "incivilities," Taylor attempted to determine if incivilities in the first period were significant in predicting crime rates in the second period. The results showed that incivilities had a moderate predictive value for later crime, but that these were inconsistent across neighborhoods and indicators. Assault, rape, and homicide were each predicted by only one measure of incivilities, and no crime was predicted by a combined measure of incivilities. In addition, the only crime that was not predicted by any measure of incivilities was robbery, which was the only significant correlation found in the cross-sectional research. Taylor argues that the links between disorder and crime may be much more complex than considered in the theory.[50] This research suggests that a causal link may exist between disorder and crime, but the evidence does not indicate the link is as strong and direct as argued in the Broken Windows theory.

D. Summary: The empirical evidence offers mixed support at best for the Broken Windows hypothesis. Several studies suggest that there is a correlation between disorder in a neighborhood and robbery, and when other variables are added, the correlation is considerably weakened but persists. However, the evidence also suggest that other factors such as race, poverty and neighborhood stability are more strongly correlated with crime than is disorder. The evidence for a direct causal link between disorder and serious crime is weak, although some type of relationship clearly exists. On balance, more evidence suggests that the Broken Windows theory as stated in Hypothesis I is not supported. Therefore, Hypothesis

I is tentatively rejected, with the qualification that a link may exist between disorder and some crime, especially robbery.

The implications of these results for police practices are twofold: First, the results from Newark, NJ in Skogan (1990) suggest that community outreach efforts can provide significant benefits to residents in addition to reducing disorder, and Sampson and Raudenbush (1999) suggest that improving social capital in a neighborhood may have the additional benefit of reducing crime. Second, reducing disorder as a police strategy may not be as effective as many had hoped. The correlation between disorder and robbery indicates that aggressive enforcement strategies may reduce robbery, but will not have an effect on other serious crime. This possible link between order-maintenance and robbery, however, does not consider the costs and benefits associated with the implementation of aggressive order-maintenance, or zero-tolerance, policing.

IV. Benefits of Order-Maintenance Policing

Order-maintenance policing is implemented because policy makers believe that it will reduce disorder in neighborhoods, reduce serious crime, and improve police responsiveness. Baltimore Mayor Martin O'Malley was elected on a platform of strong law enforcement, and uses falling crime rates as a measure of success. While there has been some controversy about how his administration reports crime statistics, O'Malley has claimed that his police policies are responsible for a falling crime rate.[51] Unfortunately, there is no way to measure the validity of these claims.

A. Increased Police Effectiveness Through Surveillance: The falling crime rate in New York City, the first city to implement a policy of order-maintenance policing, is often cited as proof of this tactic's success.[52] Kelling and Coles (1996) link this drop in crime to the Broken Windows theory by arguing that increased contacts between police and citizens had a social meaning of police control that prevented serious crime.[53] Harcourt (2001) disagrees, arguing that the police increased their effectiveness primarily by increasing surveillance. Increasing the number of arrests and searches captured guns and individuals with outstanding warrants, and criminalizing and interrogating a large segment of the population forced more citizens to become informants.[54] Fagan et al. (1998) argue that New York's falling crime rate corresponded with a national trend that began before William Bratton became police chief and is linked to changing

demographics in the city and a rising prison population. There was, however, a significant decline in the rate of homicides using guns in New York, some of which may be credited to increased searches by police.[55] The evidence from New York offers little direct proof for the validity of the Broken Windows theory that counters the tentative rejection of Hypothesis I, but it does suggest that order-maintenance policing increased police effectiveness in reducing gun crimes.

B. Mrs. Jones and the Fear of Crime: The primary justification for order-maintenance policing and quality-of-life arrests in Baltimore is that vocal community members demand these tactics. Baltimore City Councilman James Kraft supports these tactics because constituents he calls "Mrs. Jones" complain about young men on the street and demand that the police arrest them. Kraft explains, "Many of those loitering arrests are just getting those people off the streets, because that's what the community wants to do."[56] For the Mrs. Joneses in a neighborhood, who are fearful of young black men standing on the corner wearing long white t-shirts, these arrests reduce fear, and increase their feeling of control over the neighborhood. For other less vocal neighbors, who also fear these signs of disorder and are not likely to be labeled as disorderly, these arrests may also reduce their fears. Order-maintenance policing creates an immediate benefit for some in a neighborhood, and an immediate harm to others. As Councilman Kraft notes, those who benefit are the ones who are more likely to vote and pay taxes.

Political and criminal justice considerations create a differential in how costs and benefits between individuals are weighted. In general, those who frequently bear the costs of order-maintenance policing are valued less than those who receive the benefits. In Baltimore, order-maintenance policing seems to be popular among local officials, who cite community demands for more law and order. Baltimore's representatives in the state government, however, have been vocal in their protests of these policies.[57] With such a split, it is difficult to determine where the electoral support lies. Nonetheless, it is clear that order-maintenance policing provides benefits to certain members of the community by empowering them, regardless of the effect on crime.

V. Costs of Order-Maintenance Policing

The implementation of order-maintenance policing strategies requires police to enforce social norms not codified by law, and to use more force than is typically authorized.[58] Order-maintenance radically

expands police discretion, reversing a trend in legal and public policy since the 1950s of confining police actions with narrow guidelines to prevent the widespread abuse and repression that was occurring, especially in minority communities. According to Kelling and Coles (1996), and other proponents of this strategy, police should be freed from these restrictions, and allowed to work within broader guidelines that allow them to take action against people and behavior that are not in violation of the law, but that violate the norms of the community. It is argued that this is done in accordance with, and with the consent of, the local community.[59] Nonetheless, the creation of a lower standard for police aggression increases the number of people who face the use of police force.

A. Civil Liberties and Defining Disorder: The theory of order-maintenance policing proscribes certain types of disorder, such as loitering, prostitution, vandalism, public drunkenness, and panhandling, that are to be attacked aggressively, but provides no coherent definition or test of disorder that can be used to easily distinguish orderly persons or behavior from disorderly persons or behavior. The criminal code provides no clear answer, because many who would typically be considered orderly frequently violate laws by speeding, or even by committing "white collar" crimes. Similarly, many people who do not break the law can be found congregating outside, loitering, chatting with friends and neighbors, and allowing children to play noisy games. Distinguishing those who pose a threat to order from those who do not is left to the discretion of individual police officers.

Mastrofski et al. (1996) found that legal factors accounted for 70% of the decision to arrest among police officers in Richmond, while extralegal factors such as disrespect to the officer, age, race, and wealth of the suspect had a smaller but significant influence.[60] The study compared officers who were favorable to the idea of community policing and those who were opposed. While both groups were almost equally likely to consider extralegal factors, officers opposed to community policing arrested 17% of their suspects, while those who were favorable to community policing only arrested 5% of their suspects.[61] This suggests that officer bias and discrimination is difficult to eliminate, but also that increasing the number of arrests simply increases the problem.

Harcourt (2001), citing Foucault's *Discipline and Punishment*, argues that order-maintenance policing requires that a police officer increase his or her personal authority in the neighborhood through the use of

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force, including the power to arrest and frisk residents, or even wield physical violence. In imposing personal authority, however, it is more likely that the decisions made will reflect the values and prejudices of the officer rather than those of the community. Therefore, rather than enforcing the social norms of a neighborhood, order-maintenance policing may encourage police to crack down on persons and behavior that the individual officer considers disorderly. In this situation, the restoration of order through unregulated police aggression may be seen as arbitrary or capricious by some residents.[62]

Evidence of this can be found in New York, where complaints against police rose significantly after the implementation of order-maintenance policing.[63] Fagan and Davies (2000) found that many arrests that did not result in prosecutions in New York City came from predominantly minority communities.[64] Their analysis of street stops by New York police also found that police were not concentrating on disorderly areas, or even on making 'quality of life' stops, but were actually focused primarily on searching poor people in poor neighborhoods. They suggest that correlations between 'broken windows,' poverty, and racial minorities opened the door for racial profiling, with race and poverty used as proxies for disorder.[65]

The rules of procedural justice that constrain police discretion are Constitutional principles of civil rights and civil liberties. The violation of civil rights and liberties can be seen as a cost in and of itself in a democratic society. When police use their authority to arrest people without legitimate charges, the cost to society is the loss of civil rights. In 1875, Supreme Court Chief Justice Waite warned: "It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large."[66] It is difficult to quantify the costs experienced by citizens living under policies that Justice Brennan declared were characteristic of a "police state," but both the individual psychological costs, and the costs to civil society, must be considered.

B. Costs of Increased Exposure to Criminal Justice System: Implementing order-maintenance policing increases the number of people subjected to police force. Some of these people would not have been targeted by the previous system. For the sake of conciseness, these people can be considered "marginal victims." Police force may take the form of a stop-and-frisk encounter, warrantless arrest, or physical violence. For these individuals, the cost of an order-maintenance policing policy can be severe.

Those who are frequent targets of searches may feel their dignity violated, and may lose respect for the legitimacy of police.[67] Those who are marginal victims of arrest-without-charge and physical violence will incur even greater costs. In the short term, those arrested in Baltimore will spend several hours to several days in Baltimore's overcrowded Central Booking facility. Exposure to this facility, which frequently denies detainees adequate healthcare, creates health risks for those with medical conditions requiring treatment.[68] Detainees are also exposed to potential violence in overcrowded holding cells, lose their freedom, and experience psychological stress and all of the other negative aspects of incarceration. In a recent, tragic example, a man was beaten to death by officers in Central Booking while being held on minor charges.[69] While in Central Booking, detainees are unable to communicate with the outside, and unable to fulfill job requirements, threatening their immediate employment.[70] Many are not charged, and released after booking and processing, but retain an arrest record, which frequently creates a barrier to finding employment or housing.

Beyond the immediate economic, psychological, and social costs of being arrested, research suggests that contact with the criminal justice system has negative long-term consequences for individuals independent of other factors. Bushway (1998) used a "difference in differences" test to compare two groups of young white men: those who were arrested and those who were not. This study found that even after controlling for criminal activity, marriage, changes in residency, age, and education, arrest was a very significant predictor of job-market success. According to this study, two years after arrest, arrestees average 7 fewer weeks of employment.[71] Furthermore, there is evidence that the earlier an individual has contact with the criminal justice system, the more severe the consequences are later in life. In addition, contact with the criminal justice system explains a significant portion of the disparities in income between whites and blacks.[72] As more individuals are arrested under order-maintenance policing, these costs are multiplied.

Of course, a primary goal of the criminal justice system is to punish those who harm society. Whether arrest and detention is an appropriate punishment for loitering or failing to obey a police officer is a moral and ethical question beyond the scope of this review. However, causing innocent people to suffer direct sanctions cannot be justified. In addition, evidence suggests that increasing arrests creates an indirect, long-term social harm that must be weighed. Traditionally, courts and the judicial system assign guilt and

inflict punishment and employ checks and safeguards to prevent innocent people from being punished. Order-maintenance policing, however, empowers police to inflict significant costs on both individuals and society without judicial review or oversight.

Clear and Rose (1999) found that direct or indirect exposure to the prison system may also undermine the legitimacy of informal social controls. This study found that among those who had gone to prison or know someone who had gone to prison, a negative assessment of formal criminal justice controls was correlated with a negative assessment of informal social controls. Among those who had no contact with the prison system, however, an inverse of this relationship was found.[73] While this cross-sectional analysis does not provide direct evidence of a causal relationship, it does suggest that policies that expose more people to the prison system, even if this contact is indirect, may have the unintended consequence of undermining informal social controls and social capital.

C. Police Legitimacy: Most research shows that deterrence, in this case the ability of police and courts to inflict punishment on those who violate their rules, is usually effective in preventing undesirable behavior. Relative to other social levers, however, the effectiveness of deterrence is quite low. Furthermore, as the punishment is used against more people in a community, it loses its social meaning and loses its effectiveness.[74]

A much more powerful factor in an individual's decision to follow the rules is his belief in the legitimacy of the authority enforcing the rules. If the behavior of the police causes citizens to question the legitimacy of this authority, or lose trust in the fairness of the police, the effectiveness of the police can be undermined. Citizens who fear that the police will treat them unfairly are less likely to call for assistance, less likely to support the police, less likely to cooperate with police investigations, and less likely to follow their rules. Empirical evidence suggests that people base their satisfaction with experiences in the criminal justice system more on their impression of procedural fairness and justice than whether the outcome was in their self-interest.[75] This suggests that encouraging police to act outside the rules of procedural justice in the interest of enforcing order may actually reduce their effectiveness by undermining their legitimacy.

This is an especially important consideration for minority neighborhoods, where survey data show police legitimacy to already be low.[76] As minority neighborhoods make up a disproportionate share of those

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where order-maintenance policing is being employed, the effect of these policies on police legitimacy is a vital consideration.[77]

D. Strain on Law Enforcement and Corrections: In addition to the harm incurred by individuals and society as a result of order-maintenance policing, there are significant fiscal costs associated with implementing this strategy. Stop-and-frisk searches and "quality of life" arrests put additional strains on police resources beyond those required to respond to emergencies. Baltimore's police union has reported that pressure to increase numbers of stop-and-frisk searches and arrests has put a tremendous strain on police officers. In addition to increasing their workload, the president of the police union reported that these tactics undermine their ability to work with neighborhood residents, making the completion of their other duties more difficult.[78] The use of tactics with questionable legality also leaves officers vulnerable to charges of civil rights violations, leading Baltimore Police to dub these searches "VCR detail" for "violation of civil rights."[79] Increasing the duties of police officers inevitably requires hiring more officers, or paying more overtime. In New York City, implementing order-maintenance policing required increasing the number of police officers from 40 to 53 per 10,000 citizens between 1993 and 1998, far exceeding rates of other large cities.[80]

In 1995, the cost of law enforcement personnel time for processing each arrest was estimated to be $120.96 ($142.48 in 2005 dollars).[81] Baltimore Police make 21,600 arrests without charges each year, representing a cost of over $3 million in labor costs alone. Additional costs include the cost of housing arrestees in Baltimore's Central Booking and Intake facility, which costs $98 per day in 2002.[82] Completed in 1995 at a cost of $56 million, this facility is extremely overcrowded, operating at 135% capacity, leading a judge in April 2005 to issue a temporary order requiring all detainees not processed within 24 hours to be released. Because of this order, those who will not likely face charges spend the longest in processing.[83] Assuming each of the 21,600 who are arrested each year and not charged spends one day in prison, the cost is over $2.1 million simply to house these arrestees. Therefore, the cost to arrest, process, and house the number of people arrested but not charged each year in Baltimore can be estimated to be at least $5.1 million. This does not include the costs for those arrested and charged, whose charges are later dropped.

The costs of arresting, booking, and arraigning these people would likely be even higher because of court costs.

Baltimore's court system suffered from enormous backlogs before order-maintenance policing was ever implemented. In 1999, murder charges against four men were dismissed because of repeated delays that dragged on for almost 3 years. This prompted public outcry and a state legislative effort to reduce the backlog in Baltimore's court system.[84] However, Kelly and Levy (2002) found that the Early Disposition Court, designed to relieve this pressure, was not very effective.[85] Furthermore, they found that Police Commissioner Norris's promise to increase arrests was adding stress to the system and causing morale to fall.[86] While efforts have been made to address the backlog in Baltimore's courts, order maintenance seems to be adding tremendous stress to a system already in crisis.

Baltimore spends over $300 million per year in operational costs alone for its police force. In the years since 1999, this expenditure has grown faster than inflation at a time when the crime rate in Baltimore is falling. Public safety represents the largest expenditure category in the Baltimore City budget. Baltimore City's fiscal situation requires difficult choices to be made in the budgeting process.[87] Therefore, increased expenditures for Baltimore Police necessitates cuts in other city services or increased taxes, which represents a cost to all Baltimore citizens.

VI. Policy Alternatives

Having reviewed the evidence, it is clear that none of the four hypotheses described above lend themselves to definitive conclusions. This is to be expected, because serious ethical constraints prevent the researchers from directly testing for effects on crime rates. Nonetheless, trends emerge in the literature which enable an analysis based on the balance of evidence:

I. The Broken Windows hypothesis was tentatively rejected earlier based on the lack of evidence for a direct causal connection between disorder and serious crime. The correlation between disorder and robbery in some studies, however, suggests that some relationship may exist, even if it does not conform to the Broken Windows theory.

II. Evidence suggests that order-maintenance policing is effective in reducing crime, even if this effectiveness is not related to the Broken Windows theory. Increased surveillance and the capture of guns and wanted criminals increases police effectiveness. It is difficult to say that New York's dramatic decline in crime was the direct result of order-maintenance policing, given the timing of

the trend and the related changes in demographics and nationwide crime levels. However, the reduction in gun crimes in New York may be related to the increased police searches.

III. Order-maintenance clearly provides additional benefits to some community members who feel threatened by those who become the targets of police aggression. To the extent that these individuals are able to influence the targets, they may also feel empowered.

IV. Finally, order-maintenance policing has significant costs for individuals, neighborhoods, and the city as a whole. It is difficult to quantify concerns such as civil rights, but the preponderance of evidence suggests that policy alternatives should be considered.

Order-maintenance policing came about when a broad consensus developed that standard policing tactics were not effective. Over the years, police work shifted from walking beats to riding in patrols. Communications technology and the rise of 911 systems allowed requests for service to be funneled to a central location and responses to be delegated to officers in cruisers. In the process, many felt that the role of police as integral members of local communities was lost. Police no longer exerted authority through personal relationships with community members, and came to rely increasing on force and the authority of the badge to command respect.[88] In many ways, this was also shaped by new restrictions on the ability of police to enforce community norms. Because police have historically abused this power to oppress minority groups, courts worked to constrain officer discretion in an attempt to bring practices in line with Constitutional principles. In the face of decaying urban neighborhoods and a growing urban crime problem, though, many observers looked for ways to re-create the older style of policing where police were integrated within the community. These new strategies became broadly known as "Community Policing." Because this does not represent one tactic, it is difficult to create a definition for community policing, and some have described order-maintenance as community policing. However, the alternative proposals discussed below, which are called "community policing," are fundamentally different from order-maintenance.

A. Alternatives to Arrest: If order-maintenance is a goal in and of itself, there are means of enforcing order without resorting to arrests. Harcourt (2001) suggests that rather than arresting turnstile jumpers, cities could install turnstiles that cannot be jumped. Arresting graffiti artists in New York's subways was not effective, but removing tagged cars from the system eliminated the reward for vandalism.[89]

Sampson and Raudenbush (1999) suggest that drug sales and prostitution increase robbery victimization by increasing the pool of easy targets.[90] Decriminalizing drugs and prostitution may be an alternative that reduces robbery by reducing the disorder associated with these activities, and may help remove them from neighborhoods. However, some may see decriminalization as social disorder, which reduces the benefit associated with order-maintenance, and implementing such policies would be politically difficult if not impossible.

In Baltimore, police are moving toward a policy of issuing citations for disorderly behavior rather than making arrests. These policies reduce the costs associated with arrest, but may be less effective at reducing disorderly behavior and may reduce the surveillance opportunities created by order-maintenance policing. In addition, many are concerned that the lower costs associated with citing disorderly offenders will encourage officers to issue more citations. Anecdotes of these abuses have been reported in New York City, which has already adopted such a strategy.[91] If the crime-reducing benefits of order-maintenance come primarily from enhanced police surveillance, eliminating this possibility and reducing the power of police to maintain order will reduce the two primary benefits of the strategy. The costs to suspects, however, remains in the reduced form of fines, although the number of suspects could potentially grow as a result. The reduction of benefits with an indefinite effect on costs, suggests that this strategy is not sufficient to correct the apparent problems caused by order-maintenance policing.

B. Harm Reduction: Baltimore officials have also moved to reduce the harm associated with quality-of-life arrests and provide more oversight to prevent abuses. A broad consensus of officials and advocacy groups endorses changing the constitutionally questionable law that requires people seeking to have their records expunged to waive the right to sue the arresting agency. The proposed law would make expungement automatic when charges are not filed.[92] Proponents of order-maintenance policing argue that this is all that is necessary to make the system workable, while opponents argue that this move does not address the fundamental problem of illegal arrests.[93] While political infighting prevented the bill from moving beyond committee in the 2006 session, a similar bill is expected to return next year.[94]

In response to a request from the Baltimore City Council, the state legislature voted to allow the Civilian Review Board, the body which is charged with overseeing complaints of police abuse, to review

complaints of false arrest.[95] Critics, however, argue that the Civilian Review Board does not have the power to address a systemic problem.[96] In an effort to ensure that police are aware of citizens' constitutional rights, the ACLU of Maryland has provided the Baltimore City Police with hundreds of "Bust Cards," which outline a person's rights when dealing with the police. Police Commissioner Hamm has agreed to distribute these to officers as part of a reform plan.[97]

C. Problem Solving Policing – Chicago CAPS program: The Chicago Alternative Policing Strategy (CAPS) was initiated in 1993, and expanded in 1995 to include Chicago's entire patrol division. This program established regular beats, community problem-solving, and citizen direct advisory committees (DACs). The city was divided into 297 beats, each of which were assigned 9 – 10 officers and a sergeant. Regular "beat meetings" in each beat were designed to establish a line of communication between residents and police. Also, in each district, Direct Advisory Committees (DACs) composed of community leaders were created to advise commanders of community concerns and issues. Police were encouraged and empowered to solve community-identified problems that fell outside the scope of traditional law enforcement activity, and were provided with priority access to city services to assist neighborhoods.[98]

However, the 10 year evaluation of the program in 2004 found that CAPS was not successful in using police to solve community problems.[99] In fact, complaints about disorder and other neighborhood problems had actually grown since CAPS was implemented, although Chicago's crime rate and fear of crime did fall, continuing a trend that began before the program was initiated. Creating beats was not found to be very successful in creating the desired change in police-community relationships because beat meetings were relied upon as the primary source of community input. However only about 0.4% of the adult population attended beat meetings, and this group was dominated by elderly retirees. The CAPS program also had significant difficulties reaching out to the Spanish-speaking community in Chicago, who were experiencing rapidly growing crime rates. DACs were found to be unsuccessful in both shaping district policy and monitoring police activity. Overall, assessments of police service quality improved among all racial groups, but the wide margin in ratings between whites and all other groups remained as large as before, and fewer than half of blacks and Latinos approved of police service even after the increases. It is not clear how significant the CAPS program was in reducing crime in Chicago, and it seemed unsuccessful in solving

community problems and reducing disorder. It was successful in increasing community satisfaction with the police, but it did not reduce the race differential. Overall, the CAPS programs seems to have largely failed in completing its goals, although improvements in the perception of police service were notable.

D. Pulling Levers – The Boston Strategy: After aggressive order-maintenance policing in Boston during the early 1990s caused a large backlash, especially in the black churches, officials looked to community policing as an alternative.[100] They utilized a theory known as "pulling levers" to target a few known and potential offenders in an effort to reduce youth gun violence. This strategy required strong partnerships and trust-building between police and community leaders to enable information sharing regarding potential offenders.[101] One of the most important aspects was outreach by the police to leaders of black churches who had been extremely critical of the earlier aggressive tactics, combined with a credible commitment to end the objectionable practices. This increased both the legitimacy and the effectiveness of the police, while also bolstering the informal social control networks already in place.[102] Beginning in the early 1990s, police developed Operation Cease Fire, which was designed to reduce youth gang-related gun violence. Police work with community leaders to identify gang members and establish relationships with them. If gang violence breaks out, police contact gang members to cool the situation, with the promise that increased crackdowns will follow if violence is not quelled.[103] The other key aspects of Boston's community policing were Operation Scrap Iron, an aggressive effort to prevent guns from entering the city; and Operation Night Light, which used police officers to increase monitoring of probation-required curfews.[104]

Braga, et al (2001) finds that Operation Cease Fire was effective in reducing youth homicides in Boston, which fell significantly compared to rates in other cities in both New England and the United States in general.[105] Stoutland (2001) found that most residents attributed the falling crime rate to the new police strategies. In addition, these strategies seem to improve trust in the police among residents. The success of Boston police in making a potent effort to increase positive interactions has increased this trust, although memories of past harassment were more powerful for respondants than recent positive encounters.[106]

Boston's version of community policing appears to have been much more successful than CAPS. The result of Boston's program is comparable to that of New York's zero-tolerance strategy. Both seem to have been effective in reducing gun violence, but while zero-tolerance was harmful to public trust in police,

community policing in Boston had the opposite effect.[107] In addition, Boston's strategy did not include the harmful 'quality-of-life' arrest practices which are integral to New York-style order-maintenance policing.

E. Weed and Seed: In 1991, a federally-funded program was launched nationally that combined both order-maintenance policing tactics and community building. Known as "Weed and Seed," the program was implemented in small areas over the course of four years, usually to target drugs and violent crime. According to the model, police initially "weed" criminals from the neighborhood with aggressive enforcement, and then "seed" the neighborhood by improving social services and improving police-community relationships to prevent crime from returning.[108] This program is currently being implemented at three sites in Baltimore, two of which are also empowerment zones.

Success varied considerably from site to site, but those with strong community involvement prior to implementation were much more successful than those without such support.[109] Mirroring the experience of Boston, officials at Weed and Seed sites found that it was actually necessary to implement community building programs before aggressive policing in order to prevent community backlash and loss of trust.[110] O'Connell et al. (2004) found that, on average, crime actually increased in the first year or two as a percentage of total crime in the host jurisdiction. They suggest that this could be the result of increased reporting, but the largest increase is found in homicides in the site as a proportion of total metropolitan homicides.[111] It seems unlikely that a significant number of homicides would have gone unreported in the past. However, across the four year implementation, the sites' shares of crime fell for all categories except drugs, which increased enforcement would account for.[112] The variety of approaches to the implementation of Weed and Seed in the different sites frustrates attempts to draw policy proposals from the evidence. However, the importance of community involvement when aggressive law enforcement tactics are used is a valuable lesson. This suggests that these strategies may be more effective when they are accompanied by higher levels of legitimacy, and that community involvement actually makes order-maintenance policing more effective.

VII. Recommendations

Empirical evidence supporting the Broken Windows theory, upon which order-maintenance policies are based, is mixed. A correlation between disorder and robbery seems to be persistent, but there is no

evidence of a causal link between disorder and serious crime. Nonetheless, there is evidence that order-maintenance policing increases police effectiveness, especially in terms of removing guns from the street, and seems to satisfy the demands of prominent community members for crackdowns against disorder. However, the costs associated with this tactic are considerable. "Quality-of-life" arrests have significant negative consequences, and impacts are felt throughout society. In addition, moving toward the creation of what Justice Brennan calls "a police state" threatens the civil rights and liberties of all city residents, with particularly dangerous consequences for individuals and groups who do not conform to community norms. It is extraordinarily difficult to determine the situations or mitigating factors that would justify an abridgement of civil liberties; however, the lack of proof that such drastic measures are necessary to achieve the same result leads to the conclusion that order-maintenance policing is not justified.

Boston's achievements in reducing gun violence and youth murders without using tactics that violate residents' civil rights indicates that community policing can be a better alternative. However, the task of implementing community policing is more difficult than order-maintenance policing. Despite the challenges, community policing seems to be a better strategy than order-maintenance policing, and Baltimore officials should work to develop tactics to integrate community leaders into policing and improve relations with residents. The experience of Boston suggests that it is possible to reduce gun violence without threatening civil liberties, while simultaneously building social capital and improving residents' trust in the police.

The successes in Boston, the failures in Chicago, and the findings in Weed and Seed sites across the country all point to the conclusion that community involvement is key to effective community policing. In addition, the unique situation of each city demands that officials find local solutions to reach their own communities. Baltimore officials should look to Boston's programs for ideas and lessons, but it is critical that any community policing strategy consider local context. As Chicago discovered, it is not enough to establish meetings and a framework that community members can enter; police must identify and actively reach out to leaders and networks that already exist in communities with crime problems. Order-maintenance policing makes these outreach efforts significantly more difficult, so the first step must be a

sincere commitment to end this policy and the related abuses, and a concerted effort to improve relations with the community.

Implementing community policing is a long-term project, which makes it politically challenging. In addition, there are constituencies that perceive a benefit from order-maintenance policing who may resist such a change. However, the evidence suggests that any loss of benefits from ending order-maintenance will be more than replaced by increasing police legitimacy, and increasing trust of the police. Indeed, failure to halt the current order-maintenance policy may eventually undermine the ability of police to deal with crime. When fear of growing crime takes control, frisking and arresting large numbers of citizens is sometimes seen as the only feasible way to fight back. In Baltimore, however, growing discontent among residents weary of living with increasing police aggression should serve as a warning to city officials that not only the police, but also these tactics, have lost legitimacy.

Tables

Table 1: Number of Persons Arrested and Booked in Baltimore City and 8 other Maryland Jurisdictions, April 2004 through March 2005

Date	Baltimore City	Charles	Frederick	Harford	Howard	Montgomery	Prince George's	St. Mary's	Wicomico
4/04	7,239	331	347	370	321	862	855	303	282
5/04	8,782	356	393	391	425	856	872	318	330
6/04	8,309	382	339	385	396	900	950	330	349
7/04	8,738	382	426	420	440	977	1059	376	286
8/04	8,426	384	452	459	421	955	991	357	284
9/04	8,362	385	388	389	373	975	986	301	300
10/04	8,478	335	377	427	337	959	987	355	266
11/04	7,219	322	385	389	374	877	808	312	249
12/04	7,011	393	366	415	315	901	955	282	271
1/05	7,252	373	358	416	358	937	1,179	314	292
2/05	7,328	325	350	427	366	888	1,336	314	297
3/05	8,763	432	394	511	373	1,034	1,319	411	302
Total	**95,907**	**4,400**	**4,575**	**4,999**	**4,499**	**11,121**	**12,297**	**3,973**	**3,509**

Reproduced from: Baltimore City Council Public Safety Subcommittee. *Report on Police Performance Enhancement Program and Recommendations to Improve the Process for Expungement of Arrest when no Charges are Filed.* Baltimore, MD: Baltimore City Council, 2005.

Data Source: Maryland Department of Public Safety and Correctional Services

Table 2: Number of Persons Arrested and Booked But Not Charged in Baltimore City and 8 other Maryland Jurisdictions, April 2004 through March 2005

Date	Baltimore City	Charles	Frederick	Harford	Howard	Montgomery	Prince George's	St. Mary's	Wicomico
4/04	1,559	-	-	-	4	-	-	-	-
5/04	2,051	-	-	-	1	34	3	-	-
6/04	1,816	-	-	-	5	-	14	-	-
7/04	2,158	-	-	-	4	-	17	-	-
8/04	1,767	-	-	-	5	-	1	-	-
9/04	1,829	-	-	-	13	1	-	-	-
10/04	1,943	-	-	-	10	-	1	-	-
11/04	1,629	-	-	-	5	-	8	-	-
12/04	1,524	-	-	-	5	-	6	-	-
1/05	1,581	-	-	-	4	-	9	-	-
2/05	1,695	-	-	-	6	-	3	-	-
3/05	2,169	-	-	-	9	-	10	-	-
Total	**21,721**	**-**	**-**	**-**	**71**	**35**	**72**	**-**	**-**

Reproduced from: Baltimore City Council Public Safety Subcommittee. *Report on Police Performance Enhancement Program and Recommendations to Improve the Process for Expungement of Arrest when no Charges are Filed.* Baltimore, MD: Baltimore City Council, 2005.

Data Source: Maryland Department of Public Safety and Correctional Services

References

[1] Taylor, Ralph B. (2001). *Breaking Away from Broken Windows: Baltimore Neighborhoods and the Nationwide Fight Against Crime, Grime, Fear, and Decline. Crime & Society.* Boulder, CO.: Westview Press, 34-9.

[2] Ibid.

[3] Ibid.

[4] Harcourt, Bernard E. (2001). *Illusion of Order: The False Promise of Broken Windows Policing.* Cambridge, MA.: Harvard University Press, 3-4.

[5] Wesley G. Skogan and Roth A. Jeffrey (2004). "Introduction." In Wesley G. Skogan (Ed.) *Community Policing: Can it Work?* Belmont, CA: Wadsworth Thompson Learning, xvii-xxxiv.

[6] Ibid, 23-7.

[7] Ibid, 48.

[8] Kelling, George L., and Catherine M. Coles (1996). *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities.* New York, NY: Martin Kessler Books, 108-50.

[9] Harcourt, B., op.cit., 48.

[10] Kelling and Coles, 143-5.

[11] Harcourt, B., op.cit., 49-50.

[12] Ibid.

[13] Kelling and Coles, op.cit., 151-6.

[14] Taylor, R., op.cit., 40-5.

[15] Ibid.

[16] Kelling and Coles, op.cit., 196.

[17] Ibid, 198.

[18] Ibid, 198-206.

[19] Taylor, R., op.cit., 58-68.

[20] Parenti, Christian (1997). "The Revolution in American Policing," *Z Magazine 10,* no. 12.

[21] Vozzella, Laura (2004). "O'Malley's Ability to Pick Top Officials is Questioned," *The Baltimore Sun* (May 23, 2004). Local, 1B.

[22] Snyder, Terrie (2000). "'We are the Last Line of Defense to Kids in this City': Norris Speaks," *Baltimore Citypaper* (April 19, 2000). Accessed at http://www.citypaper.com/news/story.asp?id=3604 on December 8, 2005.

[23] Vozzella, L., op.cit.,

[24] Gibson, Gail, and Del Quentin Wilber (2004). "Norris Enters Plea of Guilty to Corruption," *The Baltimore Sun* (March 9, 2004). Accessed at http://www.baltimoresun.com/news/local/crime/bal-te.md.norris09mar09,0,7656495.story?coll=bal-local-storyutil on December 8, 2005.

[25] Vozzella, L., op.cit.

[26] Sentementes, Gus G (2005). "City Police Step Up Frisking Tactic," *The Baltimore Sun* (November 13, 2005). Accessed at http://www.baltimoresun.com/news/local/crime/bal-te.md.frisk13nov13,1,2465333.story?coll=bal-local-utility on November 29, 2005.

[27] Sentementes, Gus G (2006). "O'Malley, Hamm hear criticism of arrest policies; A defiant crowd voices concerns to mayor and police commissioner at public meeting," *The Baltimore Sun* (January 5, 2006). Accessed at http://www.proquest.com/ on February 28, 2006.

[28] Sentementes, (2005), op.cit.

[29] Ericson, Edward Jr. (2005). "Copping Out," *Baltimore Citypaper* (October 5, 2005). Accessed at http://www.citypaper.com/news/story.asp?id=10980 on November 29, 2005.

[30] Ibid.

[31] Supreme Court of the United States (1989). *City of Houston v. Hill (482 U.S. 451).* Washington, DC: CQ Press, 463-4.

[32] Baltimore City Council Public Safety Subcommittee (2005). *Report on Police Performance Enhancement Program and Recommendations to Improve the Process for Expungement of Arrest when no Charges are Filed.* Baltimore, MD: Baltimore City Council. Accessed at http://www.baltimorecitycouncil.com/PublicSafetySubcommitteeFINALDraft_091505.pdf on November 28, 2005.

[33] Wilson, James Q. and George Kelling (1982). "The Police and Neighborhood Safety: Broken Windows," *The Atlantic Monthly* 249, no. 3, p. 29.

[34] Harcourt, B., op.cit. 23-7.

[35] Ibid.

[36] Banfield, Edward C. (1974). *The Unheavenly City Revisited.* Boston: Little and Brown, 52-76.

[37] Ibid.

[38] Harcourt, B., op.cit., 23-7.

[39] Ibid.

[40] Ibid.

[41] Skogan, Wesley G. (1990). *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods.* New York, NY: Free Press, 65-77.

[42] Harcourt, B., op.cit., 59-78.

[43] Ibid.

[44] Skogan, W., op.cit., 15-16.

[45] Sampson, Robert J., and Jacqueline Cohen (1988). "Deterrent Effects of the Police on Crime: A Replication and Theoretical Extension," *Law & Society Review 22*, no. 1, 163-189.

[46] Ibid.

[47] Sampson, Robert J., and Stephen W. Raudenbush (1999). "Systematic Social Observation of Public Spaces: A New Look at Disorder in Urban Neighborhood," *American Journal of Sociology 105*, no. 3. Chicago, IL: University of Chicago Press.

[48] Ibid.

[49] Taylor, R., op.cit., 179-97.

[50] Ibid.

[51] Baltimore City Police Department (2002). *Baltimore Achieves Nation's Largest Two-Year Reduction in Violent Crime.* Baltimore, MD: City of Baltimore.

[52] Kelling, George L., and William J. Bratton (1998). "Declining Crime Rates: Insiders' Views of the New York City Story," *Journal of Criminal Law and Criminology 88 Symposium: Why Is Crime Decreasing?* (Summer 1998), no. 4, 1217-1232.

[53] Kelling and Coles, op.cit., 242-7.

[54] Harcourt, B., op.cit., 100-4.

[55] Fagan, Jeffrey, Franklin E. Zimring, and June Kim (1998). "Declining Homicide in New York City: A Tale of Two Trends," *Journal of Criminal Law and Criminology 88 Symposium: Why Is Crime Decreasing?* (Summer, 1998), no. 4, 1277-1324.

[56] Ericson, E., op.cit.

[57] Sentementes, G. (2006), op.cit.

[58] Kelling and Coles, op.cit., 166.

[59] Kelling and Coles, op.cit., 169-93.

[60] Mastrofski, Stephen D., and et al. (1996*). Law Enforcement in a Time of Community Policing, Research Preview*. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

[61] Ibid.

[62] Harcourt, B., op.cit., 127-80.

[63] Stoutland, Sara E. (2001) "The Multiple Dimensions of Trust in Resident/Police Relations in Boston," *Journal of Research in Crime and Delinquency*, no. 3, 226-256. Accessed at http://jrc.sagepub.com/cgi/content/abstract/38/3/226 on April 17, 2006.

[64] Fagan, Jeffrey, and Garth Davies (2000). "Street Stops and Broken Windows: Terry, Race, and Disorder in New York City," *Fordham Urban Law Journal 28*.

[65] Ibid.

[66] Supreme Court of the United States (1875). *US v. Reese (92 U.S. 214).* Washington, DC: United States Supreme Court, 215-221.

[67] Danois, Ericka Blount (2005). "Criminal Intent," *Baltimore Citypaper* (July 30, 2005). Accessed at http://www.citypaper.com/news/story.asp?id=4670 on November 29, 2005.

[68] Santomenna, Paul (2005). *Infected* (DVD). Baltimore, MD: Megaphone Project.

[69] Minaya, Mariana (2006). "Suit filed over jail death; Family of man killed in Central Booking last May seeks $130 million from state, officers," *The Baltimore Sun* (January 21, 2006). Accessed at http://www.proquest.com/ on February 28, 2006.

[70] Ericson, Edward Jr. (2005). "Law and Order," *Baltimore Citypaper* (August 17, 2005). Accessed at http://www.citypaper.com/news/story.asp?id=10409 on November 29, 2005.

[71] Bushway, Shawn D. (2004). "The Impact of an Arrest on the Job Stability of Young White American Men," *Journal of Research in Crime and Delinquency 35,* no. 4. Stanford, CA: Sage Publications.

[72] Kerley, Kent (2004). "Race, Criminal Justice Contact, and Adult Position in the Social Stratification System." *Social Problems 51,* no. 4. Berkley, CA: University of California Press.

[73] Clear, Todd R., Dina R. Rose, and National Institute of Justice (1999). "When Neighbors Go to Jail: Impact on Attitudes about Formal and Informal Social Control: Summary of a Presentation, Research Preview." Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

[74] Skogan, Wesley G., and Kathleen Frydl (2004). *Fairness and Effectiveness in Policing: The Evidence.* Washington, DC: National Academies Press, 291-6.

[75] Ibid, 296-300..

[76] Ibid, 300-1.

[77] Fagan and Davies, op.cit., 457-504.

[78] Sentementes, G. (2005), op.cit.

[79] Ibid.

[80] Harcourt, B., op.cit., 95-6.

[81] Hirschel, J. David (1995). "The Relative Cost-Effectiveness of Citation and Arrest," *Journal of Criminal Justice* 23, no. 1.

[82] Maryland General Assembly Public Safety, Transportation and Environment Subcommittee of the Senate Budget and Taxation Committee (2003). "Hearing on the Fiscal 2004 Allowance of the Office of the Public Defender: Testimony of the Office of the Public Defender." Accessed at http://www.opd.state.md.us/Budget/2-3-03senatetestimony.htm on April 16, 2006.

[83] Davis, Ryan (2005). "Inside City's Booking Center, There's Far Too Much Company," *The Baltimore Sun* (May 1, 2005). Accessed at http://www.baltimoresun.com/news/local/crime/bal-te.md.booking01may01,1,7738134.story?coll=bal-local-utility on November 29, 2005.

[84] Francke, Caitlin, and Scott Higham (1999). "Court System Overwhelmed, Baltimore Prosecutor Says; Slain Man's Parents Get Apology After Charges are Dropped," *The Baltimore Sun* (Jan 7, 1999). Accessed at http://proquest.umi.com/pqdweb?did=37918213&Fmt=7&clientId=65345&RQT=309&VName=PQD on April 14, 2006.

[85] Kelly, Michael J., and Efrem Levy (2002). "Making the 'System' Work in the Baltimore Criminal Justice System: An Evaluation of Early Disposition Court." Baltimore, MD: Baltimore Efficiency and Economy Foundation.

[86] Ibid.

[87] Baltimore City Department of Finance (2004). *Fiscal 2005: Summary of Adopted Budget*. Baltimore, MD: City of Baltimore. Accessed at http://www.ci.baltimore.md.us/government/finance/FY2005Summary/summary2005.pdf on December 8, 2005.

[88] Kelling and Coles, op.cit., 77-98.

[89] Harcourt, B., op.cit., 221-4.

[90] Sampson and Raudenbush, op.cit.

[91] Danois, E., op.cit.

[92] Library and Information Services, Department of Legislative Services (2006). "Crime, Corrections, and Public Safety." *The Legislative Wrap-up 06,* no. 6. Annapolis, MD: Maryland Department of Legislative Services.

[93] Brewington, Kelly (2006). "City lawmakers endorse expunging arrest records of thousands; General Assembly," *The Baltimore Sun* (February 9, 2006). Accessed at http://www.proquest.com/ on February 28, 2006.

[94] Baltimore Sun Staff (2006). "2006 Session Issues; General Assembly," *The Baltimore Sun* (Apr 11, 2006). Accessed at http://proquest.umi.com/pqdweb?did=1019201231&Fmt=7&clientId=65345&RQT=309&VName=PQD on April 12, 2006.

[95] Fritze, John (2006). "Council asks more power for police review panel," *The Baltimore Sun* (January 10, 2006). Accessed at http://www.proquest.com/ on February 28, 2006.

[96] Brewington, Kelly (2006). "Broader Reach for Police Panel," *The Baltimore Sun* (March 30, 2006).

[97] American Civil Liberties Union of Maryland (2005). "Press Release: American Civil Liberties Union Sends Hundreds of 'Bust Cards' to City Police; Commissioner Hamm Intends to Distribute Cards to Officers." Baltimore, MD: American Civil Liberties Union of Maryland.

[98] Skogan, Wesley G., and National Institute of Justice (2002). *Taking Stock: Community Policing in Chicago.* Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

[99] Chicago Community Policing Evaluation Consortium, and Illinois Criminal Justice Information Authority (2004). *Community Policing in Chicago: CAPS at Ten*. Chicago, IL: Illinois Criminal Justice Information Authority.

[100] Winship, Christopher, and Jenny Berrien (1999). "Boston Cops and Black Churches," *Public Interest no. 136* (Summer 1999).

[101] Stoutland, S., op.cit., 228-30.

[102] Winship and Berrien, op.cit., 52.

[103] Stoutland, S., op.cit., 228-30.

[104] Winship and Berrien, op.cit., 57-9.

[105] Braga, Anthony A., David M. Kennedy, Elin J. Waring, and Anne Morrison Piehl (2001). "Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston's Operation Ceasefire." *Journal of Research in Crime and Delinquency 38* (August 1, 2001), no. 3. Accessed at http://jrc.sagepub.com/cgi/content/abstract/38/3/195 on April 15, 2006.

[106] Stoutland, S., op.cit., 226-256.

[107] Ibid.

[108] Roehl, Janice A., and United States Executive Office for Weed and Seed (2002). *Evaluating a Weed and Seed Strategy.* Washington, DC: U.S. Dept. of Justice, Office of Justice programs, Executive Office for Weed and Seed.

[109] Ibid.

[110] Dunworth, Terence, Gregory Mills, and National Institute of Justice (1999). *National Evaluation of Weed and Seed, Research in Brief.* Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

[111] O'Connell, Jack, Mathew Perkins, and Jim Zepp (2004). *Weed and Seed Crime Pattern Data Analysis.* Washington, DC: Justice Research and Statistical Association.

[112] Ibid.