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THE INTERNATIONAL IMPLICATIONS OF QUALITY-OF-LIFE POLICING AS PRACTICED IN NEW YORK CITY

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Abstract

The New York City Police Department (NYPD) has made enforcement of laws against disorder and quality-of-life offenses a central part of their policing strategy. Concomitantly, New York City (NYC) experienced a renaissance in orderliness, cleanliness, tourism, real estate value, and crime reduction, although other problems such as poverty, unemployment, drug abuse, racial tensions and homelessness persist. This paper examines quality-of-life policing practices in NYC, describes the philosophical underpinnings, explores the critical response to the program and presents lessons of potential relevance to other policing organizations in the U.S. and around the world.

Keywords

quality-of-life policing; Zero tolerance; race relations; marginalized populations; minority; homeless; marijuana users

INTRODUCTION

New York City's (NYC) experiences and policing initiatives over the past three decades has served as a laboratory of policing innovation. One of the most widely discussed initiatives has been quality-of-life or QOL policing, the use of law enforcement against relatively minor behaviors with the immediate intended goal of improving the quality of life. QOL policing has been heralded by some of the most acclaimed police commanders and academics in the world, while opposed by others. This controversy is completely consistent with the evolution of modern policing. The modern Western police force has its roots in the 1800s experiences of Sir Robert Peel, who introduced the first full-time, uniformed police force to preventatively patrol the streets of London (Richardson, 1974; Uchida, 1989). That effort increased formal social control to maintain order in response to prevailing circumstances, namely the growth of industry and the city. Similar to QOL policing, that program was strongly criticized by some as favoring the interests of businesses and wealthier citizens and raised questions about the role of policing in a free society. Richardson (1974) noted that the history of policing in the U.S. is characterized by a series of innovations accompanied by criticisms and dialogue. Thus the basis for intelligent evolution of a policing system requires evaluation of each innovation, its context and its criticisms. This paper describes how QOL policing was part of a larger

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response to conditions in NYC, describes the specifics of the QOL policing model, examines criticisms, and summarizes lessons learned. The distilled findings should help inform the NYPD's continual evolution and the evolution of other policing programs around the world interested in adapting QOL policing to their circumstances.

NYC, DRUGS AND DISORDER IN THE 1980s

Coming into the 1980s, policing practice across the U.S. was shifting away from a reliance on the investigative function and turning its attention to community policing, as police agencies began to place greater importance on crime prevention. These changes were reflected in the widespread adoption of problem-oriented and community policing ideas and practices designed to mobilize community members against crime (Greene, 2000; McElroy, Cosgrove & Sadd, 1993; Goldstein, 1990). In NYC, Police Commissioner Lee P. Brown adopted this philosophy, changed the NYPD mission statement, and invested in personnel in an effort to establish a partnership between the NYPD and the community to address neighborhood conditions.

As well-intentioned as the philosophy might have been, the strategic deployment of police resources in NYC was overwhelmed by a rising tide of crime, much of it associated with crack cocaine. An important flashpoint highlighting NYC's crime problem was the murder of Brian Watkins in 1990. Mr. Watkins was visiting NYC from Utah to attend the U.S. Open Tennis Tournament. He was stabbed to death when he resisted a group of youths attempting to rob him on the subway. In response to the rising crime, Mayor David Dinkins engineered passage of legislation called "Safe Streets, Safe City," which dedicated a portion of taxes and surcharges to support 5,000 additional police officers. Despite these initiatives, Democrat David Dinkins (mayor 1990–94) was labeled as weak on crime and lost a re-election campaign in 1993. Republican Rudolph Giuliani (with Kerson, 2002) became mayor of NYC on a "tough on crime" platform. His crime fighting record established his forcefulness—well before his response to the 9/11/2001 collapse of the World Trade Center established him as a national and international hero.

Looking back to the 1980s, it is truly hard to believe how widespread and intense social disorder (as per middle-class standards) had become in NYC, especially in poorer neighborhoods. Much of this disorder was associated with drugs. By 1980, marijuana and heroin use was well established and the use of cocaine and then crack cocaine became widespread (Johnson, et al., 1985; Johnson et al., 1990). Sellers of marijuana, heroin, cocaine—and especially crack—conducted their business in abandoned buildings and even in public spaces that they defined as "their territory" (Dunlap & Johnson, 1992). Drug sellers were active in every city park. Many blocks were converted to drug "supermarkets," with as many as 20 or more drug sellers and their ever present customers (Curtis, 1998; Johnson, Golub & Dunlap, 2006). Passers-by could easily observe persons injecting drugs, smoking crack or marijuana and were routinely offered the opportunity to do the same. Of particular concern in the mid-1980s, crack selling crews became ever more reliant on guns and violence to enforce their business claims (Bourgois, 1995; Johnson et al., 1990). Despite police squads, these crack selling groups remained viable into the early 1990s.

The conduct norms of drug/street subculture also promoted regular participation in what later became targeted as quality-of-life behaviors. Drug abusers largely avoided expenditures associated with normal living (Johnson, Golub & Fagan, 1995; Johnson et al., 1985). Many were so impoverished by their drug consumption that they became residence-less. They would stay with family and friends for as long as they were tolerated as "couch people." Those with weaker ties to conventionality slept on cardboard pallets in the streets or parks or in the subway system. These *recalcitrant homeless* usually refused to sleep in public shelters (except in the

coldest weather), even when invited to do so by outreach workers. Without a private residence, they socialized (hung out) in public locations, drank alcohol, smoked and sold marijuana, left their garbage everywhere, and urinated and defecated on the streets or in the parks. (NYC has very few public toilets and showers available to the general public.) They conducted other illegal behaviors in public including prostitution, con games, gambling, aggressive panhandling, etc.

THE DEVELOPMENT OF QOL POLICING IN NYC

During the 1980s, QOL policing had been developed and successfully employed to restore order within the NYC subway system by adhering to a “fixing broken windows” perspective (Kelling & Coles, 1996; Wilson & Kelling, 1982). This perspective contends that social and physical disorder provides a setting for more serious crime. Activities such as public loitering, begging, drinking in public, using or selling drugs in public, urinating in public, prostitution, litter and graffiti may increase fear among ordinary citizens, leading to their avoidance of affected areas. Conversely, the departure of conventional citizens makes the public spaces more inviting settings for serious criminal activity. Based on this logic, the broken windows analogy redirected policing attention to the entire environment of public locations, and especially towards persons who conducted illegal behaviors that others found offensive.

In the 1990s, Mayor Guiliani introduced a number of major policing initiatives and expanded the use of QOL policing. Police Commissioner William Bratton was given the mandate to focus on restoring order as a means of “reclaiming the streets” from criminals. Many of the key police personnel who developed and implemented these innovative policing strategies have published books about their experiences and thinking. William Bratton (with Knobler, 1998 was NYPD Transit Chief (1990–1992) and Police Commissioner (1994–1996)—he oversaw implementation of the most innovative policing strategies that continue to the current time. Jack Maple (1999) was a career NYPD officer who transformed academic and strategic ideas into practical policing strategies and wrote key strategy documents. He envisioned and developed the COMPSTAT management system, with top chiefs (especially Louis Anemone, John Timoney), and key staff (lawyer Jeremy Travis and mapping expert John Yohe). Bernard Kerik (2001) was the NYPD Corrections Commissioner and Police Commissioner (2000–2001). Academics have also provided extensive analyses of the development of NYPD crime fighting strategies (Henry, 2002; Karman, 2000; Kelling & Coles, 1996; Silverman, 1999).

During Bratton’s Commissionership, NYPD leadership developed a management approach that changed the way the NYPD was run. Before Bratton, innovation and creativity were seen as threats to smooth operations and invitations for trouble. The NYPD had been organized as a strict hierarchy with approvals needed at all levels before any operational changes were allowed. This created a climate where the department was run by headquarters; field commanders were rewarded not for their efforts in reducing crime and improving neighborhood conditions, but for keeping the status quo and avoiding problems.

Bratton shifted the responsibility of identifying problems, creating plans and tactics, and implementing them from headquarters to the Precinct Commander through COMPSTAT (Henry, 2002; NYPD, 1998; Silverman, 1999). COMPSTAT was originally a name of the computer file “Compare Statistics” that was used to track crime data throughout NYC. Each Monday, all 76 precincts were required to report the tallies for seven of the eight index crimes (murder, rape, robbery, felony assault, burglary, grand larceny, and auto theft). On Wednesdays and Fridays, precinct commanders and their counterparts from the Detectives, Vice, Narcotics, Auto Crime, and other units were called to Headquarters to account for crime and disorder, to describe their response to these conditions, and to take responsibility for the impact of their efforts.

These COMPSTAT meetings soon evolved from flip charts and “pin maps” to computerized maps highlighting geographic variation in crimes and arrests. Everyone present was expected to coordinate activities to address “hot spots” (Silverman, 1999; Bratton with Knobler, 1998). Officers were routinely promoted for being innovative and risk-taking and demoted or passed over if not. The COMPSTAT management process has been expanded and fine-tuned over the years. Virtually every definable activity (e.g. reported crimes, arrests, stops, searches, summons, citizen complaints, staff assignments, allegations of incivility, quality-of-life stops, weapons discharges, police schedules, etc.) is recorded on a daily basis by all police officers, the numbers are checked by supervisors, and then entered into computerized systems, where they are entered into the Geographic Information Systems used to generate maps. Eterno and Silverman (2006) reported that COMPSTAT was embraced by police executives but actually alienated lower-level officers because of its intensive top-down management style.

In conjunction with COMPSTAT, the NYPD developed ten broad “Strategy Documents”, to address gun carrying, youth violence, drug dealing, domestic violence, auto-related crime and other concerns (Silverman, 1999, p. 205). In 1994, QOL policing became part of the standardized set of law enforcement tools under NYPD (1994) *Policing Strategy 5: Reclaiming the Streets of New York City*. In the remainder of this section, we highlight three intended characteristics of this policing strategy: responsiveness, deterrence, and serious crime control.

1) Responsiveness

QOL policing addresses the numerous everyday problems frequently brought to the attention of the police by the community. Serious crime is generally rare, even in high crime areas. Often, the public at large is more concerned with disorder and incivility. At community meetings, the overwhelming share of complaints often deal with noise, public drinking and urinating, graffiti, prostitution, drugs sales and use. Before the broad implementation of QOL policing, local commanders were expected to accept these complaints, address them as best they could, and then devote their attention to serious police issues like robbery, burglary, and murder. The development and implementation of QOL policing gave commanders the support and encouragement necessary to pursue quality-of-life violations with vigor, and gained the ongoing support from conventional citizens.

2) Deterrence

QOL policing is intended to create official and word-of-mouth publicity designed to *send a message* [the police term], especially to violators, that certain behaviors are not tolerated. The uniformed police on the streets provide a strong visual message as they intervene with QOL offenders. Interventions by plainclothes officers send a secondary message that violators cannot evade arrest simply by observing that uniformed police are not present. The police demonstrate they mean business when QOL offenders are treated like ordinary criminals.

3) Serious Crime Control

QOL policing allows the NYPD to engage in a variety of proactive strategies and tactics that result in a powerful police presence in virtually every neighborhood. These activities can potentially control crime by apprehending offenders at large, by gaining intelligence about unresolved cases, and by preventing crimes before situations get out of hand. QOL policing focuses on minor offenses but not necessarily upon minor offenders. Research has demonstrated that persons arrested for QOL violations also tend to have extensive criminal histories. Stopping persons engaged in minor QOL offenses, checking their identification and running a field background check can locate individuals who are wanted on other criminal charges, have outstanding warrants, are violating probation or parole, or show other signs of potential involvement in more serious crime. Advocates like to point to the case of John Royster, Jr. who in 1996 was apprehended for farebeating (Maple, 1999, p. 160). A fingerprint

match placed him at the scene of a recent murder. He was subsequently linked to four other unsolved murders and eventually convicted of homicide.

QOL policing also allows the police to gather intelligence about other crimes in the area. The NYPD implemented a policy that arrested persons had to be “debriefed,” i.e., asked about other crimes. Specifically, the police asked about the location of drugs and guns, locations that bought and sold stolen goods, and the whereabouts of wanted persons. In this manner, the innocuous QOL arrestee might provide information about serious crime and the location of wanted criminals (Maple, 1999). Maple (1999: 153–177) notes that several QOL violations were particularly useful to crime investigations including: beer and piss (public urination), gambling, noise, truancy and curfew violations, prostitution (both prostitutes and their patrons) and graffiti.

QOL policing may also prevent potential crimes from occurring. Many cases of murder, assault, robbery, etc. have contributing factors stemming from QOL issues. Illegal card and dice games, drinking and drug use and sales in public, etc. are often associated with violence. Through QOL enforcement the police may be able to intervene in these situations before they get out of hand, possibly preventing more serious crimes before they occur.

CRITICISM OF NYPD AND QOL POLICING

In NYC, as in many locations, there exists an ongoing conflict between conventional culture and various alternative lifestyles that conventional society defines as deviant (Burke, 1998; Eterno, 2001). QOL policing intensifies this clash by enforcing laws against any deviance, irrespective of the crime severity. Thus, much of the criticism of QOL policing is rooted in sympathies for marginalized subpopulations and best understood by examining the broader circumstances faced by the subpopulations. Two groups heavily affected in NYC include the recalcitrant homeless and marijuana smokers.

Recalcitrant Homeless

Homeless single adults constitute a highly visible form of social disorder in NYC (and elsewhere). During the daytime, they can be seen loitering and hanging around many public locations in NYC. At night time, however, their use of city social services effectively divides the homeless into two subpopulations. NYC has a relatively liberal policy (within American society) of providing shelter and food to all who seek it. The *compliant* homeless go to a variety of city-funded shelters and programs where they are served dinner and breakfast and provided a place to sleep. They are also given the opportunity to take a shower and to obtain clean clothes. The compliant homeless are also offered and may participate in a range of referrals to other relevant social services (e.g. welfare, drug treatment, mental health services, job training, housing, etc.).

The *recalcitrant* homeless have generally had prior experience with and reject staying at shelters, and also reject a variety of other social services that may be offered by numerous outreach workers. They prefer to remain in public locations during the night (and daytime). These are the homeless that confront the NYPD. Several court decisions have determined that the police may not arrest someone for being homeless, nor for sleeping in public space. But the courts have allowed police to arrest persons sleeping on two seats in a subway car or on a bench in the subway. The NYPD has been relatively effective in enforcing these policies, so that passersby will less often than in the 1980s see a homeless person sleeping on park benches or sprawled out on subway cars. In response, the recalcitrant homeless have learned to sleep sitting up (especially in the winter) on subways or benches and on cardboard pallets on the sidewalk in warmer weather.

Marijuana Consumers that Smoke in Public

In the 1970s, New York State decriminalized the possession and sale of small amounts (under 25 grams) of marijuana. However, the use, possession, and sale of marijuana in public locations were still defined as misdemeanor offenses. Today, we guesstimate that as many as half a million New Yorkers may consume marijuana once to several times a day, but the vast majority does so in private residences. Wealthier consumers often make their purchases in private using a delivery service (Sifaneck et al., 2007). The NYPD undertakes few enforcement efforts against marijuana possessors or sellers in private settings.

However, in the 1990s the NYPD targeted smoking, possessing, or selling marijuana in public as part of QOL policing and smoking marijuana in public view soon became the most common target of QOL policing. As a result, thousands of marijuana smokers were handcuffed, booked, detained in a locked cell for up to 24 hours, and arraigned. From 1999 to the present time, nearly 10–15% of all adult arrests in NYC were for marijuana use, possession, or small sale (Golub et al., 2007). Most often, judges dismissed the charge or sentenced the offender to time served and so the primary punishment became the arrest itself (Golub, Johnson & Dunlap, 2006, 2007; Johnson et al., 2006).

Minorities

Some view quality-of-life initiatives as a growing intolerance for the marginalized poor, especially the homeless and those that smoke marijuana in public for lack of an alternative location. QOL policing sanitizes our daily public interactions by upholding civic norms. However, this activity ignores the often-sharp disagreements over what the civic norms should be and what the priorities of the government should be. It also ignores the counter expectations by citizens stopped by police that the officer will forgive “their inadvertent violation” of a local code. These citizens expect the officer to use discretion, issue a verbal warning only, and not to write a ticket or summons, and especially not to handcuff and arrest them.

Accordingly, some critics and even some admirers contend that QOL policing is zero-tolerance policing. Bowling (1999) reports that strict enforcement—New York style—has been proclaimed as the official policy of police forces in Britain, Norway, Netherlands, Switzerland, Germany, Hungary, Israel, Japan, and China. On the other hand, numerous academics, civil libertarians, and social critics use the term zero-tolerance policing to indicate an uncaring repressive policy responsible for many excesses in police behavior, ranging from homicide, physical brutality, and the violation of civil rights of gays, homeless, mentally ill, and virtually every minority group (Bowling, 1999; Dixon & Maher, 2005; Greene, 1999; Harcourt, 2001; McArdle & Erzen, 2001).

In terms of learning from the NYC experience, it is very important to distinguish between the QOL and zero tolerance policing approaches. *Zero tolerance* is a politically charged phrase. Rosenbaum, Lurigio, and Davis (1998) noted that zero tolerance is often used primarily as a rhetorical description but that it does not represent a clearly defined strategy. Jack Maple (1999) cautions against the term zero tolerance policing to refer to QOL policing:

“Quality-of-Life Plus” is not “zero tolerance.” (p.156) There’s always someone ... who starts making noise about ... how I’m about to import “zero tolerance” tactics that compromise individual rights while aiding and abetting [police] brutality. (p. 212) ... “Zero tolerance” is bad policy and a bad strategy. When used as a synonym for “Quality-of-Life Plus”, as it often is, it distorts the intent and reality of how these tactics are carried out in an earnest and well-orchestrated fight against crime. (p. 213)

Whether it is called QOL, fixing broken windows, order maintenance, or zero tolerance policing, NYPD’s aggressive law enforcement since the 1980s has added to race/ethnicity and

class tensions in NYC. Many contend that QOL policing “widens the net” for arrest and disproportionately targets blacks and Hispanics (Harcourt, 2001; McArdle & Erzen, 2001; Spitzer, 1999).

Golub Johnson, Taylor & Eterno (2004) found that QOL policing mostly affected blacks and Hispanics although interestingly it did not appear to widen the net. Analysis of a sample of persons detained for booking found that QOL and serious arrestees were similar with regard to demographic composition, prior criminal record, past-year participation in a variety of QOL offenses, drug use, educational attainment, marital status and employment. These findings suggest that as opposed to widening the net that QOL policing provided more arrest opportunities for a large pool of persons who engage in serious crimes, less serious crimes, and QOL misbehaviors in an unpredictable manner. This finding is consistent with prior research that indicates that offenders tend not to specialize, rather the same individuals tend to engage in a variety of illegal behaviors (McGloin et al., 2007). Leading theories suggest this may be due to either opportunity structure (offenders have a range of criminal activities available to them) or to propensity (individuals with low self-control will engage in whichever criminal opportunities present themselves) or an interaction of the two.

However, it appears that any law enforcement in NYC whether it targets serious or relatively minor offenses tends to have a disproportionate impact on minorities. Of note, 90% of the QOL arrestees in NYC in 1999 were black or Hispanic, but so were most (89%) of those arrested for serious (felony) crimes during this same time period. Similarly, another study, found that blacks and Hispanics comprised more than 80% of all persons arrested for smoking marijuana in public in NYC (Golub, Johnson & Dunlap, 2007). Ridgeway (2007), however, found few important ethnic disparities in NYPD stop, question, and frisk practices.

POLICY IMPLICATIONS

QOL policing is an important strategy for addressing various departures from civic norms in public locations. This approach has both advantages and disadvantages, depending on a stakeholder’s vantage point. This section sums up key findings from the NYC experience that can inform the implementation of QOL policing elsewhere.

QOL policing has a primary effect of reducing the public visibility of the targeted behaviors

The transformation in NYC since the early 1980s has been striking. In the early 1980s, marijuana (and other drug) sellers routinely approached almost all passersby, offering them “loose joints” and other drugs in virtually every park, many streets, and a variety of other public locations. Groups and individuals openly smoked marijuana. These activities dominated and even controlled the use of public space in many parts of NYC. In the absence of effective and targeted police enforcement, drug sellers and users advanced an alternative morality and their own civic norms. Likewise, alcohol was widely consumed (and illicitly sold) in many parts of NYC. Several areas were prostitution strolls. The homeless and drug abusers slept on the subways during the evenings and even during rush hours. By the late 1990s, virtually all flagrant violations of civic norms had receded to the point that casual passersby would seldom observe them. Street drug sellers rarely dare to approach passersby with their wares. Users are much less likely to consume drugs openly. It is hard to imagine these changes having occurred in NYC without the QOL policing initiative.

QOL policing can help stop or reverse community decline

QOL policing and the effective containment of the variety of social disorders has gained the NYPD great credibility and respect within the NYC political system, across the U.S., and internationally. Kelling & Coles (1996) argue that disorderly persons contribute to the decline

of urban neighborhoods. QOL policing reduces their impact and restores the impression that only conventional activity will occur in public settings. QOL policing is part of the major investments in NYC, both public and private, to create a much improved quality of life for its residents. Indeed, private organizations (e.g. Central Parks Conservancy, Business Improvement Districts) as well as the sanitation, parks, social services departments have conducted many parallel efforts to improve the quality of life in public spaces during the 1990s and 2000s by establishing and enforcing regulations to eliminate dog feces on sidewalks, recycle bottles and cans, keep the streets clean of litter and garbage on a regular basis, increase plantings of trees and flowers in small parks, stop persons from picking flowers, restore and maintain lawns and sports facilities, provide social services for the homeless and poor on the streets, etc. The combination of policing, sanitation, business contributions, and parks improvements made Manhattan and NYC a much more attractive and vibrant urban center in the 2000s than it was in the 1980s.

The value of enforcement can be gauged by consideration of what would happen if QOL policing did not happen

In NYC, persons who engage in illegal drug sales and use, illegal vending, and homelessness are constantly present in various locations. Under QOL policing, these actors are constantly looking out for police and undercover officers—and so now undertake major efforts to conceal their behaviors from both police and citizen passersby. If police stopped QOL and drug enforcement in even a couple of precincts, the number of illegal vendors and active street-level drug sellers would likely mushroom in a short period of time. Homeless persons would likely construct shelters (called “cardboard condos”) on public space and effectively live there. Ethnographic evidence strongly indicates that people are still engaged in alternative lifestyles. QOL policing appears to serve as a deterrent to their commission in public locations.

QOL policing does not necessarily reduce involvement in alternative lifestyles and illegal behaviors

QOL policing has probably *contained* public displays of deviant lifestyles but is nowhere close to eliminating the lifestyles themselves. For example, virtually all marijuana users in NYC are acutely aware that they will be arrested for smoking, possessing, and selling marijuana in public locations. As a partial result, virtually all working and middle class marijuana smokers (probably the majority of marijuana users) avoid smoking in public locations. The poorest and least conventional persons, who often lack a private location, are the ones to generally risk marijuana use in public locations; but they look around for police before doing so (Ream et al., 2006). They are highly aware that an undercover officer or bike patrol officer could stop and arrest them. Also, many of those who smoke marijuana in public increasingly smoke bunts (marijuana in a cigar shell) which conceal the true nature of their behavior from unwary passersby. However, marijuana use remained high despite the large numbers of arrests for marijuana possession and use under QOL policing. The ADAM program which tracks drug use among arrestees recorded substantial increases in marijuana use during the very period (1994–1998), right when QOL policing was being introduced in NYC (Golub & Johnson, 2001; Johnson et al., 2006b).

Even though marijuana sellers no longer aggressively approach all passersby in NYC parks and streets, the vast majority (80%) of ADAM arrestees in Manhattan (compared to a National median across ADAM locations of 20%) approach sellers and make marijuana purchases in outdoor (public) locations (ADAM, 2000). Yet almost all marijuana transactions in public locations are sufficiently concealed that most conventional citizens (and even undercover police) do not observe the sales. Even the annual NYC marijuana-legalization spring march and rally has declining numbers of participants, and every participant is told that undercover officers will try to (and actually) make arrests of those smoking marijuana (Sifaneck, 2006).

Likewise, the number and visibility of homeless persons in NYC remains about the same—but they are more likely to be observed sitting up while sleeping than in the 1980s. QOL policing patrols consistently remind the recalcitrant homeless of where they cannot sleep; so fewer attempt to sleep in public parks, on park benches, or sprawled out on subway cars or benches. When the police do observe homeless in places they are not allowed to sleep they almost certainly expel them from that setting and may even arrest them. While some recalcitrant homeless keep their few possessions in shopping carts, they no longer can build semi-permanent shelters on public space as police and sanitation crews will throw out these shelters; they are urged by police to “move on” and “not here.”

Some local behaviors are much harder to change than others

Police sensibilities can be a constraint to the scope of QOL policing. In 1998, Mayor Giuliani ordered the NYPD to enforce city regulations against jaywalking and announced that those walking against traffic lights would be issued tickets. However, virtually every New Yorker will cross the street against a red lights if no moving vehicles are coming, even those that abide by other laws. Hence, the rank and file of the NYPD simply refused the order. As a New Yorker, it can be strange visiting places where jaywalking is actually enforced and where citizens wait for the green light before crossing an intersection, even when there are no cars coming.

There is no clear evidence that QOL policing decreases commission of more serious crime (robbery, burglary, assaults, drug sales, gun possession, etc.)

The narrative descriptions of NYPD policing initiatives written mostly by its architects claim that the broad declines in crime in NYC during the 1990s was due to these enforcement changes such as QOL policing (Bratton with Knobler, 1998; Guiliani with Kurson, 2002; Kelling and Sousa, 2001; Maple, 1999; Silverman, 1999). Other analysts find very limited, if any evidence, of the changes in offender behavior that can be attributed to QOL policing (Eck & McGuire, 2000; Harcourt, 2001; Rosenfeld, Fornango & Baumer, 2005). More extensive research is needed on whether or not QOL policing impacts (and if so, how much) upon other forms of criminality.

QOL policing does not have to expand the net of persons arrested

Golub et al. (2004) found little evidence for net widening as a result of QOL policing. This raises the question, “Why aren’t more whites, working persons, or better educated persons being arrested for QOL offenses?” We advance two potential explanations that appear plausible, however, we provide no formal evidence of their accuracy. First, the more advantaged persons could be more likely to learn about and comply with civic norms and know not to engage in these types of behavior in public places (e.g. middle-class marijuana smokers confine use to private settings, and avoid smoking in public locations). This would make them rarely observed and unlikely to sustain a QOL arrest.

Second, the NYPD made identity checking a central element of QOL policing (Maple, 1999; Bratton with Knobler, 1998). If the offender can present a state-issued picture ID (driver’s license, employer cards, school ID) and a radio check reveals no warrants, current probation or parole status, then protocol is for the officer to issue a verbal warning. Because most working and middle class persons have such identification and no current record in the state criminal justice data base, most middle/working class persons engaged in a QOL behavior who are stopped by police retain their liberty. By contrast, severely marginalized persons stopped for QOL violation are much more likely to not have (or choose not to carry) personal identification, and may have outstanding warrants leading police to handcuff, arrest, and bring them in for arraignment.

The burden of QOL policing falls most heavily on poor, marginalized, ethnic populations

From the perspective of persons engaged in such behaviors, QOL policing is highly objectionable and perceived as a routine violation of their civil liberties and rights as citizens. Most importantly, these groups contend that the NYPD has unduly targeted ethnic minorities, that NYC is not concerned about their larger economic and social problems, that police officers are unduly aggressive, and that police discretion favors wealthier white persons (Websdale, 2001). This concern serves as an important corrective to slavishly implementing QOL policing without consideration of the prevailing social context, especially as experienced by the most marginalized populations.

CONCLUSIONS

QOL policing is an effective program for relieving some of the problems facing a city or any community. It expands the police function beyond reacting to serious crime in order to achieve other social policy goals. QOL policing constrains the individuals involved with subcultures that challenge conventional norms for public behavior, such as selling or using marijuana in public locations or sleeping on the subway. In this manner, the program establishes public conformance with civic norms, creates order, reclaims public locations for conventional activities and provides the potential for other quality-of-life and economic transformations to take place.

To the extent that QOL policing works, it holds much promise. However, QOL is not a comprehensive crime control nor a broader economic development program. By itself in NYC, QOL policing would simply be a band-aid covering numerous social problems without healing the underlying needs. Thus, we hold that QOL policing in general should be accompanied by outreach programs addressing the challenges of marginalized populations. Without these efforts, QOL policing may seem like zero tolerance policing designed to oppress less wealthy minority populations and to keep them out of sight.

QOL policing was part of a larger group of initiatives introduced in NYC during the 1990s aimed to manage police activity, reclaim public space, and stimulate economic activity. The future for QOL policing is strong for NYC, as well as other locations in the U.S., several European countries, and Australia. Every jurisdiction and society has numerous and unique political problems, powerful constituencies, vested interests, different subcultures of deviants, and public visibility of behaviors that may be included in QOL policing. Hence, the definitions of the specific behaviors for police to enforce, the procedures implemented (or not) to handle arrestees, and ability to address implementation problems, will likely mean that even police leadership committed to the NYPD model will customize their policing policy in ways that differ from QOL policing as practiced in NYC during the 1990s and into the 2000s.

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