

Loughborough University Institutional Repository

What shall we count when measuring zero tolerance?

This item was submitted to Loughborough University's Institutional Repository by the/an author.

Citation: PEASE, K., 1998. What shall we count when measuring zero tolerance? IN: Weatheritt (Ed.) Zero Tolerance Policing: What Does it Mean and is it Right for Britain?, London: Police Foundation.

Metadata Record: <https://dspace.lboro.ac.uk/2134/936>

Publisher: © Police Foundation

Please cite the published version.

ZERO TOLERANCE POLICING
What does it mean and
is it right for policing in Britain?

edited by Mollie Weatheritt

Copyright © The Police Foundation 1998

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic or otherwise, without the prior permission of the editors.

ISBN 0 947692 45 2

British Library Cataloguing-in-Publication Data. A catalogue record for this book is available from the British Library.

Published by
The Police Foundation
1 Glyn Street
Vauxhall
London SE11 5RA

Printed in Great Britain by
Advance Graphic Services, 44 Wallace Road, London N1 2PQ

CONTENTS

Acknowledgements	iv
Contributors	v
INTRODUCTION Mollie Weatheritt	1
1. THE EVOLUTION OF BROKEN WINDOWS George L Kelling	3
2. APPLYING BRATTON TO BRITAIN: THE NEED FOR SENSIBLE COMPROMISE Brian Hayes	13
3. POLICING NEW YORK CITY: A VIEW FROM THE INSPECTORATE OF CONSTABULARY Richard Monk	25

4. WHAT SHALL WE COUNT WHEN MEASURING ZERO TOLERANCE?

35

Ken Pease

ACKNOWLEDGEMENTS

In 1998 the Police Foundation held a residential seminar for senior policy makers inside and outside the police service on what zero tolerance might mean for the face of policing in Britain. The Foundation wishes to thank Minerva plc for sponsoring both the seminar and the publication of this book.

CONTRIBUTORS

Brian Hayes was, until recently, Deputy Commissioner of the Metropolitan Police.

George L Kelling is a Professor in the School of Criminal Justice at Rutgers University (Newark, NJ) and a Research Fellow in the Program in Criminal Justice Policy and Management at Harvard University's John F Kennedy School of Government.

Richard Monk was, at the time of writing, an Assistant Inspector of Constabulary.

Ken Pease is Professor of Criminology at the University of Huddersfield.

Mollie Weatheritt is an Assistant Director of the Police Foundation.

disappointed, probably angry, by the debate over someone else's term applied to the discretionary use of police powers and skills and the risk that we will throw one out with the other. Whatever the differences in our starting points and our cultures I liked the atmosphere of self-critical improvement, mature competence, professional self-esteem and encouragement to think imaginatively - it was like actually watching 'One Minute Manager'. I liked the process of developing mature competence, professional skills and responsibility. I liked the optimism and self-esteem.

'Bill' I said, 'do you think what the force is doing is chiefly responsible for the reduction in crime?' He said, 'Well I'm fairly sure it is but we keep checking'.

And so should we.

CHAPTER 4

WHAT SHALL WE COUNT WHEN MEASURING ZERO TOLERANCE?

Ken Pease

I've been asked to talk about measurement issues in relation to zero tolerance. I feel as though I might as well have been asked to write about measurement issues surrounding the ideas 'No surrender' or 'Blair Out' because zero tolerance is a political mantra, not a research issue. Trying to get a handle on this topic feels like driving in fog.

I might as well admit the recency of total ignorance about the concept. I first saw it on T-shirts and buses in Scotland, where it was explicitly linked to domestic violence. The message I took from that was effectively that domestic violence should be regarded as an absolute offence, with excuses, self-justification by the perpetrator, and degree of injury to the victim being irrelevant to culpability. This mistake was addressed when I met a lieutenant in NYPD currently here on a Fulbright scholarship. When I asked what the movement comprised, his reply was in terms of policing style, downward movement of responsibility with the police organisation, data-driven policing and the like. For him, the behaviour of which there appeared to be zero tolerance was unintelligent policing.

The next slant I got on zero tolerance was from criminologists, who stressed the linkages between disorder, crime and fear of crime which took the behaviours of which zero tolerance was to be exhibited to be those which made for impressions of areal disorder and decline. The empirical basis for this was largely set out in Wes Skogan's (1990) book *Disorder and Decline*. Told that, I experienced what psychologists called premature closure. I thought I understood what it was all about, and was confused only by the tone of the increasingly common press reports featuring the phrase. This was my happy state at the time when I agreed to talk today, illustrating the cliché that confidence is the feeling you get before you understand the true situation.

I next read the Institute of Economic Affairs (IEA) collection entitled *Zero Tolerance: Policing a Free Society*. The first sentence of the editor's introduction is 'The term 'zero tolerance' is an unfortunate one' (p1). He goes on: 'The essence of the badly-named zero tolerance crime strategy is not intolerance but confidence. It is marked in the first place by the confidence of the police officer in handling situations that come within his lawful purview, down to the lowest level of sub-criminal, quality of life offences' (p1). Fair enough, the editor does not like the phrase zero tolerance, but somebody does, surely. Chief William Bratton is the architect of the NYPD changes sailing under the flag of zero tolerance and the second contributor to the collection. Nowhere in his piece does he use the phrase. The third contribution is by Charles Pollard, Chief Constable of Thames Valley. He concentrates on the link between incivility and crime which he takes to underpin the NYPD approach, but makes the point that 'Whatever has actually happened in the policing of New York... the rhetoric about what has happened has concentrated on the simplistic notion of 'Zero Tolerance'. Whatever the nature of the reforms, the emotion underlying them seems to be concentrated on aggression' (p44).

The collection continues with a description of two British innovations, 'confident policing' in Hartlepool, which eschews the label zero tolerance and Strathclyde's Spotlight Initiative, which insists 'One of the misconceptions is that the Spotlight Initiative is a policy of 'Zero Tolerance'. ... A fundamental principle of Strathclyde Police is to encourage the use of officer discretion when dealing with offenders. A policy of 'Zero Tolerance' issued from the top, would not only undermine this discretion, but also the capacity and resourcefulness of the individual officer on the street' (p104).

In short, in the IEA collection, entitled *Zero Tolerance*, every single contributor distances himself from the phrase and its overtones, either explicitly or by never using the phrase. It's like a version of the New Testament where each author denies being a Christian. One wonders why the Hartlepool and Strathclyde officers agreed to contribute to a collection under that title.

Looking to check my understanding of the intellectual underpinning of the zero tolerance movement, I next read *Fixing Broken Windows*. Zero tolerance is not in the index of that book. Neither was it in the index of the Skogan book. In contrast to its absence from the key books, a search of selected UK newspapers yields 283 recent references to zero tolerance. The phrase has clearly entered the language in a big way, as attested by the fact that there was a spat about its virtues as a phrase at all in the letters column of the *Independent*, and stories like the following, from the Food and Drink section of the *Sunday Times Magazine* of December 1st 1996: 'This week I'm continuing my review of service in supermarkets based on my experience of shopping with two small children and, consequently, zero tolerance'.

Many of the press reports clearly link the approach with severe sentences and policing 'toughness'. This equation is illustrated graphically by the May 1997 issue of *Readers Digest*, where DCI Ray Mallon, architect of Hartlepool's Confident Policing, is depicted on the cover with the legend 'Is This Man Britain's Toughest Cop?' and is quoted as saying 'I want us to scare the living daylight out of criminals. I want them to know they're in for a fight every day of the week and that they're not going to win' (Bouquet, p54). When I told my wife where I would be this weekend, she said 'Is zero tolerance where you convict people instead of cautioning them?'

Checking web sites fails to clarify matters. You can garner material which is consistent with its understanding as more severe sentencing, more severe laws, laws on drink and drugs which set the threshold of legality at zero rather than a higher level, and the rigorous removal of signs of disorder. Also you will find an organisation called Zero-Tolerance.org which is *inter alia*, concerned with reporting atrocities performed by Japanese doctors on Chinese people during the war. So from supermarket testing to war crimes, zero tolerance seems to have a relevance.

Why is zero tolerance flavour of the month?

Over the last twenty years, victims' concerns have moved towards the centre of the debate about crime. To a lesser extent, the vicarious distress caused to non-offending citizens has also become more focal. The emotion which above all others which has been imputed to victims and non-victims alike has been fear. There have been two reports in the Home Office Research Series on this topic. The Open University's textbook for introductory criminology students (Muncie et al. 1996) is typical in having index entries for fear but not anger. A Web search on the words crime fear yields 214 relevant pages and on crime anger 57 relevant pages. Yet let us look at the British Crime Survey 1992 in respect of the two emotions as expressed by victims, and you have the data in Table 1, with anger being five times as common as fear. Ah, you say, that is for victims of crime. How about the general emotional tone of citizens? The answer is that they are not allowed to express anger, irritation and the like, because the BCS does not ask them questions about it. They are only allowed to be anxious and worried.

Table 1 Victim emotion after crime, British Crime Survey 1992

% expressing	Self	Other adult
Anger	55	23
Shock	16	6
Fear	11	3
Difficulty sleeping	5	3
Crying/tears	6	2
Other	2	1

In other words, and it's difficult to come to terms with this, a criminological literature and political thrust has emerged around the emotion of fear, and a criminological literature has failed to emerge around the emotion of anger, which is much more common. Why? I suggest that the fearful victim is a much more biddable entity than the angry victim. If the victim movement had developed in recognition of anger rather than fear, we would have had, instead of Victim Support, Victim Restraint. We would have had a more focused attempt to reflect victim and public outrage in sentencing, and to communicate sentencing levels to a public which may underestimate them. The

Crown Prosecution Service would have had more trouble in justifying increasing discontinuance on grounds of public interest, and so on. We prefer our victims to assume the foetal position.

In the vacuum created by the neglect of crime anger, zero tolerance sounds great. It should sound even better in England and Wales than in the USA, since the last forty years has been a time of declining consequences for the offender in England and Wales. Looking at the comparative analysis of the USA and England/Wales by Farrington and Langan (1992) yields interesting comparisons for adult offenders (see Table 2):

The number of offences that could be committed on average before imposition of a custodial sentence increased markedly for burglary and vehicle theft in England and Wales. The average burglar could commit 96 burglaries before receiving a custodial sentence for burglary in 1981, but 195 in 1987. The average vehicle thief could commit 65 such thefts before receiving a custodial sentence in 1981, but 153 in 1987. In contrast, the risk of a custodial sentence increased for robbery and assault in England and for all offences in America. For example, the average robber could commit 80 robberies per custodial sentence in 1981, but only 44 in 1986. The risk of a custodial sentence was generally higher in America than in England (p14).

Table 2 Probability of custody given an offence

Offence	England '81	England '87	USA '81	USA '87
Burglary	.0105	.0051	.0096	.0135
M/v theft	.0153	.0065	NA	NA
Robbery	.0080	.0089	.0125	.0226
Assault	.0060	.0081	.0107	.0189
Homicide	.50	.48	.42	.44

Adapted from Farrington and Langan (1992).

Over a longer time scale, Nuttall and Pease (1994) showed that between 1950 and 1991, correcting for changes in the size of the general population, the prison population less than doubled while the rate of recorded crime increased ninefold.

A similar story could be told at each stage of crime and offender processing. The past forty years has been a period in which the criminal justice process in England and Wales has worked very hard to reduce the consequences of an individual offence, shovelling people out to spare the creaky parts of the system from collapse.

The key point is that forces of great power are in play to support the conception of zero tolerance as it is now (mis)understood.

What works in crime reduction?

A couple of years ago my colleagues and I started work on a project born of embarrassment. It has proven to be extremely difficult to put into effect, but the point here concerns its birth. While involved in crime prevention projects, I was very often told about places and times where ‘we used to have a problem’, followed by details of how it was addressed and the problem eliminated. In those circumstances, I always asked whether the experience had been written up and disseminated. The answer was always no, with occasional incredulity that the question was asked. I reasoned that the retrospective collection of data about successes deriving from police or collaborative local action would be more persuasive than set-piece demonstration projects with extra funding and effort. We found three things:

1. That there were very many instances of fast change in recorded crime rates
2. That they had typically not been recognised as such by higher management, and the circumstances attending them were swiftly forgotten.
3. That where the change was recognised and recalled, there was reluctance to undertake extra data gathering to clarify the mechanism. It was ‘clear’ what had happened.

The notion which astonishes me is that crime levels are intractable. Ray Mallon’s observation that you wouldn’t be impressed by a soccer team that believed it couldn’t score goals, so why be content with a police service that thought it can’t control crime is fair. There is much evidence from many places about the tractability of crime. Much of it is to be found in the Kelling and Coles book,

and still more in the *Crime Prevention Studies* series edited by Ron Clarke and his colleagues. The tractability of crime has been amply demonstrated. The question is how change happens.

It is the neglect of the mechanism which leads those of us concerned in crime control into trouble (as the recent works of Ray Pawson and Nick Tilley serve to remind us). There is one UK example of this which I would like to give before moving on to the relevance of this to the measurement of zero tolerance. It concerns Merseyside, but this is not because of any greater relevance of the point to that force than any other, simply because it had some of the most dramatic crime reductions of the time. The Natural Law Party claimed that it was the existence of a critical mass of its members in meditation which reduced Merseyside crime, and presented a paper to that effect to the British Psychological Society and in a peer-reviewed journal (Hatchard et al. 1996). The claim and responses to it gained wide publicity. Despite the presence of a highly professional research and analysis department, the force never really countered the claim, other than by a fairly bland assertion of the effectiveness of its own programmes. It would have been relatively easy to test the Natural Law Party's claim. Whatever power was deemed to be generated by those meditating, it presumably had a distance decay (otherwise why would not a constant number of meditators change the world?). The centre of meditation was the Golden Temple in Skelmersdale. Within Merseyside, some divisions were much further from the Temple than others. There were divisions in forces other than Merseyside which were closer to the Golden Temple than some divisions within Merseyside. It would have been relatively easy to look for a distance decay relationship within Merseyside, and to see whether the divisions in other forces behaved as they should have if meditation were the active ingredient.

The neglect of mechanism issues is typical in settings where practitioners think they know what works, not least in crime control. Is this true of zero tolerance? I'll simply look at the Bratton account, and see what evidence would be relevant to clarifying what happened. It should be stressed that none of these measures is conclusive, but their pattern should be helpful in clarifying what has happened.

Decentralisation Bratton devolved responsibility onto precinct commanders. 'I set the macro-level goal of crime reduction and enhancing quality of life, but then let precinct commanding officers

manage at the precinct or micro-level by determining how best to do this. ... NYPD's 76 precinct commanders in essence ran 76 mini police departments'. This should presumably mean that trends between precincts should become less closely related. If there is central control, trends across the city should be less synchronised than before. So simple correlation of crime trends before and after the Bratton changes would suggest the relevance of the changes.

Abolition of specialist squads Bratton put precinct commanders in charge of what were specialist functions, like narcotics. This should mean that the divergence of trends by precinct should be greatest for those offences which were hitherto dealt with by specialist squads.

Compstat meetings Each command presents the results of its efforts in the previous month compared to the plan for the same period of time. This should lead to a reduction in the predictability of month on month changes. Further, since different crime types were targeted in different precincts, the predictability of untargeted crimes in a precinct should be greater than the predictability of targeted crime. For example, if street robbery is targeted in month 1 in some precincts but not others, the predictability of robbery rates from month 0 should be less in targeted than untargeted precincts. In those precincts which targeted burglary, that crime should be less predictable from the pre-implementation month.

Cooling hot spots Bratton's precinct commanders were enabled to 'identify crime hot spots and assign necessary (resources)'. Using whatever areal unit is sensible, that should imply that the distribution of crime (or calls for service, or whatever) should become more equal across the area. I think the Gini coefficient (see Barr and Pease 1990 for a criminological application) is one of the most underused statistics in criminology.

Making drug arrests Bratton enabled officers to make drug arrests (which had been forbidden through the risk of corruption) at peak times. This should mean an increase in drug arrests and an increase in Gini coefficients across time.

These are the points which Bratton chose to emphasise. One could expand them to include fare income on the subway, changes in maintenance costs in public housing, and all the incidental

measures of quality of life. One could include the number of arrests for more serious offences which are not the result of citizen calls for service but incidental to the assertive policing of disorder. For instance how many robbery convictions resulted from controlling squeegee operations? How many serious crimes are cleared by the existence of fingerprint records which exist only because of a conviction for a 'quality of life' crime? This point, the incidental control of serious crime by addressing the trivial, seems central. I wish to contrast these mechanism-based measures with the observation made by Bratton that '... even as the crime numbers continue to decline today at unprecedented rates across the entire city, there are the sceptics. Some are criminal justice researchers, others are political pundits. They cite theory after theory as to why crime is falling except the one that is of the most significance in New York City, better, smarter and more assertive policing in partnership with the criminal justice system and the community we serve - community policing' (p40). Simply asserting that crime is decreasing is unhelpful. The clarifying point is how the crime numbers are declining, together with mechanism-based measurements of the kind described.

In my view, the failure of mechanism-based measurement reflects a more fundamental failure of academic researchers of the police, namely that most remain distant from the fray, and unconcerned with noble efforts to make things better. My overwhelming impression of the Problem-Oriented Policing Conference in San Diego last year was of police officers trying to come to grips with real life problems unaided by the mechanism-based measurement which would have sharpened those efforts. Unless police researchers take a more consistently mechanism-based, improvement-oriented, and basically sympathetic view of the crime control enterprise, two undesirable consequences will follow. First, innovations like those in NYPD will descend into unedifying spats about what worked. Second, the crime control enterprise which needs to be information-driven will leave potential purveyors of information on the margins.

A postscript: the crackdown consolidation cycle

There's no point in wishing that the genie were back in the bottle. A cluster of practices and prejudices surround the phrase zero tolerance and it will not be de-politicised. A definition of zero tolerance which returns closer to a broken windows orientation is not likely. Indeed, the targeting of prolific offenders does seem effective. In the Toller Lane division of West Yorkshire, prolific

burglars are targeted. If the tentative data are confirmed, it suggests that ten targeted burglars are responsible for some two-thirds of the area's domestic burglaries, and that the absence of one of them for less than two days saves a burglary. While there are dangers in thinking about the approach in this simple way, it does give a handle on a potential (mechanism-based) way of measuring the effects of targeting prolific offenders.

We know that a crackdown on prolific offenders can work (although we must be mindful of the Kelling and Coles strictures against indiscriminate sweeps). However, crackdowns are often transitory or have transient effects (Sherman 1990). What I and Alan Wright, a former superintendent in the Metropolitan Police, have suggested is a crackdown-consolidation cycle, in which the temporary improvement afforded by a crackdown is followed immediately by consolidation measures to prolong or make permanent the improvement afforded by the crackdown. The point of relevance for zero tolerance is that we will probably be unable, even if we wished, to remove the assertive policing component of the notion. However, if every crackdown had a consolidation phase, the implications of the linkages between crime, disorder and crime fear would be recognised. A recent project using the crackdown-consolidation sequence (Farrell et al. 1997) was markedly successful, and the model may be a way of steering zero tolerance into a state of synergy between enforcement and community re-ordering.

References

Barr, R and Pease, K (1990) 'Crime Placement, Displacement and Deflection', in M Tonry and N Morris (eds) *Crime and Justice 12*, Chicago: University of Chicago Press.

Bouquet, T (1997) 'I Am the Law' *Readers Digest May*, 52-58.

Dennis, N (ed) (1997) *Zero Tolerance: Policing a Free Society*. London: Institute of Economic Affairs.

Farrington, D and Langan, P (1992) 'Changes in Crime and Punishment in England and America in the 1980s'. *Justice Quarterly* 9, 1-46.

Hatchard, G D, Deans, A J, Cavanaugh, C I and Orme-Johnson, D W (1996) 'The Maharishi Effect: A Model for Social Improvement. Time Series Analysis of a Phase Transition to Reduced Crime in Merseyside Metropolitan Area'. *Psychology, Crime and Law* 2, 165-174.

Kelling, G and Coles, C M (1996) *Fixing Broken Windows* New York: Free Press.

Muncie J, McLaughlin, E and Langan, M (1996) *Criminological Perspectives* London: Sage.

Nuttall, C P and Pease, K (1994) 'Changes in the Use of Imprisonment in England and Wales 1950-1991' *Criminal Law Review* May, 316-323.

Sherman, L (1990) 'Police Crackdowns: Initial and Residual Deterrence' in M Tonry and N Morris (eds) *Crime and Justice 12*, Chicago: University of Chicago Press.

Skogan, W (1990) *Disorder and Decline* New York: Free Press.