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LOCKDOWN AMERICA

Police and Prisons
in the Age of Crisis

CHRISTIAN PARENTI

**DISCIPLINE IN PLAYLAND,
PART I - ZERO TOLERANCE:
THE SCIENCE OF
KICKING ASS**

If you peed in the street, you were going to jail. We were going to fix broken windows and prevent anyone from breaking them again.

William Bratton, former New York City police commissioner

In Baltimore "rat fishing" is the sport of choice for locals at the Yellow Rose Saloon. During the annual competition, "ratmen" cast lines with baited glue-traps deep into the infested alleys. Snagged vermin are reeled in and beaten to death with bats, a sometimes strenuous task: in 1995 the trophy rodent weighed in at seven-and-a-half pounds.

That same year two well-heeled animal lovers drove into the badlands to condemn the destruction of urban fauna. But upon arrival the animal lovers were disarmed by the intense poverty and dilapidation confronting them. Particularly disturbing was a rat-infested apartment in which covered several children. "I never knew people lived like that," said one of the chastened and retreating do-gooders.¹

It was a rare moment when opposite ends of the urban universe briefly overlapped to reveal the Dickensian contradictions of the restructured American city. To function smoothly, this metropolis of ratmen and animal lovers requires elaborate, multilayered, mutually re-enforcing systems of social control, involving political demonization, public and private surveillance,

containment policies, and outright repression. In the race- and class-divided metropolis, policing is paramount; the gendarmes must intervene directly and indirectly to put down rebellion, maintain order, and contain dangerous people, so that commerce, redevelopment, and accumulation may proceed unimpeded.

In the last decade the pressure to police effectively and secure urban space has become all the more important. For centuries “the urban” has been synonymous with filth, lawlessness, and danger, but in recent years cities have also taken on renewed economic and cultural importance as sites of accumulation, speculation, and innovative profit making. For cities to work as such they must be, or at least appear and feel, safe. If the economic restructuring of the eighties and nineties intensified urban poverty, it also created new, gilded spaces that are increasingly *threatened by poverty*. This polarization of urban space and social relations has in turn required a new layer of regulation and exclusion, so as to protect the new hyper-aestheticized, playground quarters of the postmodern metropolis from their flip sides of misery. This contradiction, between the danger of cities and their value, has spawned yet another revolution in American law enforcement: the rise of zero tolerance/quality of life policing.

THE ZERO TOLERANCE REVOLUTION

“Police used to be more passive. Officers rode around waiting to answer 911 calls,” explains William Bratton, the former New York City police commissioner who “re-engineered” the NYPD into the Chicago Bulls of law enforcement. Now a jet-setting security consultant, Bratton is still the godfather of innovative policing. “What we do is merely free police to be proactive and fight crime again.”² Since the early 1990s Bratton has presided over the rise of “zero tolerance” (ZT) or “quality of life” (QOL) policing, which preaches vigorous enforcement of even the most trifling municipal codes in the theory that preventing “disorder” will prevent violence. To understand the rise of this slippery, effective, and dangerous new form of policing it helps to know something about the men who developed and championed ZT, particularly Bratton.

Born and raised in Boston, Bratton began his career as an MP in Vietnam, where he walked the perimeter of an ammo dump with an M-16 and an

Alsastian named Duchess. Upon returning home, he began his mercurial ascent through the ranks of the Boston Transit Police. By the mid eighties, he was commanding the force. After boosting morale and performance and reducing crime on the “T,” Bratton moved on to head the Boston Metropolitan Police, and then in 1990 to the New York Transit Police. Finally in 1994 he was crowned urban America’s alpha cop: New York police commissioner under mayor Rudolph Giuliani.

Throughout his career, Bratton advanced a theory and practice of aggressive proactive enforcement, with bureaucratic decentralization, and a business-like focus on the “bottom line” of reducing crime rates. In short, he brought post-Fordism to copland. But Bratton did not invent zero tolerance/quality of life policing on his own. A more definitive genealogy of the new siegecraft begins with the policing crisis of the late sixties and the advent of the Police Foundation in 1970, thanks to a \$30 million start-up grant from the Ford Foundation. Headed by law enforcement officials and administrators – such as former New York City Commissioner Patrick Murphy and social scientists like James Q. Wilson – the Police Foundation conducted numerous early experiments and studies on police–community relations and “order maintenance.” In the face of mass rioting and increasing antagonism between police and communities of color, it was clear that old strategies were inadequate.

From this milieu arose a school of thought exemplified and first popularized by criminologists James Q. Wilson and George Kelling in their 1982 *Atlantic Monthly* article “Broken Windows.” Wilson was already a well-known conservative theorist, but Kelling, who ran the Police Foundation’s famous Kansas City experiment and Newark foot patrol study only gained fame in the nineties through his close association with zero tolerance enforcement strategies and William Bratton.³

The Wilson–Kelling “broken windows” thesis was simple: if police address the small “quality of life” offenses that create “disorder,” violent crime will diminish. According to Wilson and Kelling, “disorder and crime are usually inextricably linked, in a kind of developmental sequence.” Neighborhoods where behavior is left “untended” become frightening, anonymous, deserted, and “vulnerable to criminal invasion.” Police were advised to get out of their squad cars so as better to control “panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed.” According to the theory, enforcing laws against public urination, graffiti, and inebriation

will create an aura of regulation that helps prevent brutal crimes like rape and murder.⁴

As the broken windows theory gestated on the right-wing margins of urban policy debates, Kelling noticed Bratton's aggressive proactive policing in Boston. By the late eighties the two were in regular communication and collaboration, and in 1990 Kelling recruited Bratton to run the New York City Transit Police. There, in the "electronic sewers" of Gotham with Kelling providing intellectual backup, Bratton began the country's first full-scale implementation of zero tolerance/quality of life policing.

In many ways the story of this new style of law enforcement is quite compelling. At the level of organizational management, reason won out over indifference, habit, and corruption. But at a broader level the story is one of rapidly and insidiously escalating police power; the opening of a new stage in the development of an American-style, democratic police state. The victims of the New York strategy have been people of color, youth, and the poor. The real human cost of this brave new style of enforcement has been enormous. But before addressing those angles, let us continue the story from the cops' point of view.

RETAKING THE SUBWAY

As Bratton saw it, the first step in "retaking" the New York subway system was to capture the attention, passion, and loyalty of the rank-and-file "cave cops." On one of Bratton's first tunnel walkabouts he happened upon a demoralized young cop with a broken radio, assigned to stand guard at a token booth all day. As one might expect, the officer was bored, isolated, and resentful — he saw his mission as dull and pointless. To Bratton it was a microcosm of larger problems plaguing the Transit Police.⁵ The subway seemed out of control because the police seemed uninterested in safety. The cops were uninterested in safety because they were given meaningless jobs and inadequate equipment. Morale was abysmal.

To reinvigorate the rank and file Bratton lobbied for more cars, new radios, better uniforms, and most important of all: new Glock nine-millimeter semiautomatic handguns, with fifteen-round clips. The arms gave the much disparaged catacomb cops a new cachet. As with pit bulls and rottweilers, Glocks "got it goin' on." "These kids knew the firearms just by looking at

them," wrote Bratton. "It became a big thing on the platforms. 'Hey, Transit's got nines!'"⁶

Along with procuring new paramilitary accessories, Bratton reassigned hundreds of cops guarding token booths to more proactive tasks, such as enforcing minor laws and setting up underground stings. The need to make police work more interesting dovetailed nicely with the broken windows focus on "order maintenance." This was just the sort of "multiple effects" that thrilled Bratton.

"Fare evasion was the biggest broken window in the transit system. We were going to fix that window and see to it that it didn't get broken again."⁷ Rank-and-file Transit officers were organized in undercover squads of up to ten and deployed in massive round-up operations against "fare-beaters." No more simple ticketing. People were arrested by the score, handcuffed together, and taken off in long coffles to mobile booking stations. To cut down on paperwork, officers worked in teams processing prisoners in batches of twenty. The paramilitary enforcement style, though focused on a petty crime, nonetheless made many cops feel important; their jobs once again involved action. At the same time Bratton was promulgating a nuts-and-bolts understanding of the broken windows theory to his mid-level brass and underground troops. Thus most cave cops no longer looked down on busting fare evasion as pointless, picayune, or beneath them. As Bratton put it, they "were beginning to understand the linkage between disorder and more serious crimes."⁸ No doubt some cops saw the whole campaign as a speed-up: more busts meant more paperwork, more risk, more time in court, and much less drinking coffee and chewing the fat with comrades.

Bratton launched into restructuring the culture of the Transit brass by importing Japanese-inspired management concepts of flattened and decentralized bureaucracies. He forced his commanders to ride trains, visit the tunnels at strange hours, and, most importantly, attend brisk early morning performance evaluation meetings at which district commanders had to explain their strategies to each other. It was a classic case, straight from the pages of Weber — charisma broke open and reinvigorated an ossified bureaucracy. Throughout the underground, "dysfunctional" leaders were demoted, fired, or otherwise sidelined, while those with good ideas and aggressive strategies were rewarded with recognition and encouraged to share their ideas. Meanwhile, ambitious district captains launched muscular, high-profile, mini-crackdowns.

Captain Mike Anbro stood out in this regard. As commander of the underground district sprawling out from the dank entrails of the Hoyt-Schermerhorn station, Anbro set up veritable checkpoints, ordering his troops to stop and search all trains passing through this central Brooklyn hub. As police with dogs swept the trains, conductors would announce: "Your attention, please. The Transit Police are conducting a sweep of the train. There may be a momentary delay while they go through the train and correct conditions. Thank you for your patience."⁹ Such sweeps, still in effect from time to time, are simple political semaphore from the state to the people: "We have the guns, we have the dogs, you will obey."

Meanwhile at headquarters, the media team, led by TV-journalist-cum-police-flack John Miller and corporate PR specialist John Linder, concocted a public relations blitzkrieg, plastering the city with pro-cop propaganda boasting 20 percent more cops on the trains, new decoy squads and canine units. The official motto was: "We're taking the subway back – for you."

But who were they taking it from? Among the first and hardest hit were the homeless, who travel, beg, and live in the political and physical basement of the class system: the city's six-story-deep concrete bowels.¹⁰ During the mean, hot summer of 1990, hundreds of these so-called "mole people" were driven from the nooks and crannies of the A and E lines. By August street people and activists were picketing the Metropolitan Transportation Authority's headquarters in protest, charging that the city treated homeless people "like graffiti," an eyesore to be erased.¹¹ But according to official statistics, crime on the subway – never as bad as imagined – was falling. Between the first quarter of 1990 and the first quarter of 1994 felony crime in the subways dropped 46.3 percent.¹² In the minds of many New Yorkers, these were magical numbers that excused both police brutality and the routine indignities associated with quality of life enforcement.

Bratton's "victory" below ground soon brought a move topside. With the election of former federal prosecutor Rudolph Giuliani to the New York Mayor's Office, the underground super-cop was appointed as Gotham's 38th police commissioner. "We will fight for every house in the city," declared an almost Churchillian Bratton upon accepting the new post. "We will fight for every street. And we will win . . . The best days lie ahead." From the sidelines, law-and-order policy hawks smiled. Chuck Wexler of the Police Executive Research Forum, announced ominously that "what Bill does in New York will have national impact."¹³

Even before the transfer of power, Bratton, with New York Police Foundation funding, started building his leadership team and drawing up a strategy for "retaking" the entire city.¹⁴ The command cadre would include former cave cop Jack Maple; naturalized Irish immigrant and old-school "cops' cop" John Timoney; and John Linder, the focus-group-driven marketing guru who had re-spun the image of the Transit force. Other than Linder, most of Bratton's closest colleagues were ambitious working class men who, like their chief, had risen through the ranks the hard way and emerged from the tunnels into the bright world of the local power elite.

TAKING THE CITY

The year 1994 began with the usual signs of social disintegration and mayhem: the city recorded some of the first cases of cholera and bubonic plague in decades, and on New Year's Eve two cops fell to sniper fire. The casualties provided the perfect opening photo-op for Giuliani's total war on "a city out of control." Jaw set, the angry new mayor went to the hospital bedside of the two wounded cops.¹⁵

Bratton's overhaul of the NYPD was much like the one he engineered at Transit. His point man was the bulldog and sartorial freak Jack Maple, who dressed like a 1930s gangster in spats and fedora, and who once described taking down suspects as "better than sex."¹⁶ Together Bratton and Maple set about streamlining and decentralizing bureaucracies, "empowering" the seventy-six precinct commanders, and instituting new mechanisms of performance-related accountability, such as the early morning meetings that had worked so well at Transit. On Maple's insistence all precinct captains were ordered to produce weekly crime statistics; previously such numbers were only gathered on a quarterly basis. The early morning hot-seat meetings now involved detailed, computer-aided, spatial and chronological analysis of intricately mapped, real-time crime stats, projected on illuminated wall maps. The process soon acquired the moniker "Comstat" – short for computer statistics.

By the second year of Bratton's tenure, Comstat meetings were being held in the "command center," a mini-auditorium on the eighth floor of the NYPD's fortress-like headquarters at One Police Plaza. The room, with seating for 115, is equipped with eight-by-eight-foot-wide, wall-mounted

computer screens – bought with Police Foundation money – that display illuminated icon-filled maps. The commissioner, the chiefs, the deputy chiefs, face rows of precinct commanders and captains in charge of special units, assorted lieutenants and some rank-and-file troops, all in dress uniform. One at a time, beneath the luminous screens, the precinct captains take the stage and report on the situations in their area. Then the interrogation begins: the brass fire off questions and demand answers: “Why so many daytime robberies? Have you contacted Stolen Property? Who exactly are the detectives handling this?” And the local commanders do their best to defend their practices or shift the blame for high crime rates on to other parts of the department, claiming lack of cooperation from Narcotics, Vice, or Public Works.

The early Comstat meetings were so rough that *half* of New York’s seventy-six precinct captains quit or were transferred from their jobs in the first two years.¹⁷ “When I took over we had a very entrenched command structure. So the meetings tended to be a bit heated and confrontational,” says Bratton. “If we see a rash of robberies, we ask the captain what he’s doing. Does he have a plan? Is he setting up any stings, has he contacted other precincts to see if the stolen merchandise is in their area? If there’s no explanation, and no change in the rate and pattern of offenses, the officer probably won’t last,” explains Bratton.¹⁸

More than mere management meetings, Comstat became a sanctimonious, paramilitary, hyper-macho ritual which mesmerized international journalists, policy wonks, and enterprising NYPD officers alike. Comstat was, and still is, high theater as much for external consumption as for constructing a new, more paramilitary, proactive, institutional culture marked by rigor and results-oriented competition. According to police, the Comstat process generates pressure to produce lower crime rates, which in turn helps break down barriers between precincts. Responsibility and focus on “results” gets pushed down the chain of command: captains lean on lieutenants, who lean on sergeants, who lean on beat cops, who, it could be said, lean on civilians. All precinct captains must reduce crime or move on.

“Comstat allows for a transparency that even a walk-around management style can’t achieve,” says Bratton – who still speaks in the present tense when talking about the NYPD, despite having been fired by Giuliani, who resented the international press garnered by his police commissioner. “You can see who’s good and who isn’t. You can reach down in the ranks and promote the smart and aggressive leaders or see where the system may be

clogged.”¹⁹ Bratton also made efforts to break up centralized units like Narcotics, Burglary, and Fraud, so as to redistribute detectives back to the local level. The idea was to turn each precinct into a “mini-police department.”

And just as he had done at Transit, Bratton pandered to the vanity and techno-fetishism of his base, bolstering the rank and file with new blue-black uniforms (replacing the “friendly” powder blue shirts that had been introduced in the sixties), Glock 9mms and 2,000 new recruits. But the strategy involved more than just Japanese-style total quality management, decentralized resource allocation, and boosted moral. According to its critics, Comstat and QOL policing have led to massive violations of civil liberties and outright human rights abuses.

THE TERRIFYING QUALITY OF LIFE

The opening shot in the mayor’s pacification program – that is to say, in the opening act of his whole approach to governing – was a short, sharp war against “squeegee operators” who, according to Giuliani, had “been harassing and intimidating people for years.” Their crime was offering to clean automobile windshields at street corners and at the highway entrances on the west side of the city.²⁰ Some commuters were no doubt genuinely intimidated by the window washers, but most of these men were simply very poor African Americans doing their best to *invent* work in an otherwise totally hostile economy. Bratton called them “a living symbol of what was wrong with the city,” and advised them to “get off their asses” and get jobs.²¹

The squeegee wars were hastened to an end by the vigor of New York’s finest, and by the total lack of resistance from their 75 to 100 adversaries. No sooner than this first foe was vanquished than the police set about evicting the ever larger shantytowns from beneath FDR Drive and the Williamsburg and Brooklyn bridges.²² The plan was clear enough: centrifugal police pressures would extrude Manhattan’s poor into outlying boroughs.

Next, the NYPD launched a city-wide round-up of truants: refugee youth escaping New York’s hyper-violent and dilapidated public schools. The operations involved a level of fanfare usually reserved for serious narcotics busts. Bratton explained that “if you stop kids who aren’t in school, you’re probably stopping kids who are no good . . .”²³ Top NYPD planners drew up lists of names and maps of youth hangouts, created seven units to hunt down “at

large" truants, and recruited merchants to act as extra anti-truant "eyes and ears." For the renegade bodegas that continued to allow youth to buy beer, smokes, and Philly Blunts (a type of cheap cigar, the wrappings of which are used for rolling joints) the Department of Consumer Affairs stepped up enforcement, leveling fines and yanking licenses.

On the soft side, School Chancellor Ramon Cortines helped legitimize and expand the scope of the operation by sending out a letter to parents and guardians warning of the new offensive and urging cooperation.²⁴ The NYPD solicited the media for "support," which soon materialized in the form of a TV and print news frenzy featuring the spectacle of teenagers busted in Times Square arcades, holding backpacks high to shield their faces from cameras as they were led out of blue-and-white police vans into special truant detention centers.²⁵ Meanwhile, the family courts braced for a wave of new cases. It was a masterful orchestration of disparate social forces into a single law-and-order crackdown; multiple layers of public and private social control — from the press to jails — acting in concert to form a totalizing net of surveillance, enforcement, and intimidation. Perhaps archaeologists of a future world will someday read the records of such campaigns as the deranged youth initiation ceremonies they are. What do kids learn from such treatment? How to be cuffed; how to shield one's face when paraded before the press; in short how to act like a criminal. But in 1990s New York, turning police power against children made perfect sense.

The kiddy-sweeps were just an extramural, televised version of what has become the NYPD's routine pedagogical function. Since the early eighties many "third tier" public school students have been offered an unofficial, unacknowledged curriculum on how to be searched, scanned, ID'd, detained, interrogated, and expelled by "school security officers," and the regular police patrolling the halls.²⁶ This arrangement — the product of long disinvestment, racism, and cynical indifference — has cast the school as semi-carceral training ground, a pre-prison vetting center where students learn to endure, and accept as natural, the police gaze. Under Giuliani the number of cops deployed in schools has tripled. Among their other functions these youth officers act as listening posts on the front lines of the ghetto DMZ, from where they "provide essential information to the Anti-crime and Detective units." The NYPD also created a juvenile database to centralize and disseminate "intelligence" on youth offenders, "their street names, gangs or 'posse' affiliations."²⁷ The point here is not to deny the reality of youth

crime but rather to question the methodology used to address it. Totally absent from NYC's war on kids was any discussion of an educational Marshall Plan or gun control.

Prostitution and pornography were also targeted by the Giuliani quality of life siege. Using both policing and new zoning laws, the legal and illegal wings of the sex trade have been expelled with ever greater vigor to the city's industrial fringe.²⁸ The tactics available to precinct commanders include impounding cars and publishing the names of johns. While Manhattan cops began to harass sex shops and hookers around 42nd Street, commanders in the 43rd, 45th, and 49th precincts in Bronx launched a full-scale war on prostitution: during a few short weeks in the autumn of 1994 police officers posing as prostitutes busted more than seventy would-be johns and confiscated sixty vehicles in "Operation Losing Proposition."²⁹ Throughout the city, prostitutes were rounded up by the hundreds; by 1998 the illegal sex trade had been virtually forced off the streets in many areas. As a result, the number of New York City Yellow Pages devoted to escort services jumped from seventeen before the crackdown to forty-eight after.³⁰

The Giuliani-Bratton quality-of-life siege was quickly imitated by other cities on the eastern seaboard: Philadelphia started handcuffing truants; Boston made war on street vendors, beggars, and windshield washers.³¹ The *Wall Street Journal's* editorial page cheered them all on and called for the resurrection of reform schools.³²

Giuliani's war against "disorder" left no stone unturned, nor any publicity stunt unexploited. Pressure from the city even caused the phone company Nynex to set about retrofitting the city's 8,400 street-corner payphones so as to disable incoming calls. Some were even switched from touch-tone back to rotary technology in an attempt to thwart the use of pagers and undermine the retail infrastructure of Gotham's booming drug trade.³³ Whether these changes impacted drug dealing is doubtful, but they certainly telegraphed an ambiance of war to all those whose lives were now inconvenienced. The revamped payphones were another way of militarizing public space and social relations, subtly forcing people to incorporate the motifs of the war on drugs into the script of their daily lives.

One part of the New York zero tolerance regime that is harder to quibble with is "Police Strategy No. 1," which aimed at removing firearms from New York streets. Using new computers, specialized programs, and high-speed links to ATF databases, the NYPD claims to have confiscated over

50,000 guns since 1993; they now take about 2,500 weapons a year.³⁴ And, quite rationally, these guns are no longer *sold back to the public* at auction, as had been the case.³⁵

The Bratton team also unleashed the NYPD's full force on drug dealing. "As of Monday, April 18, 1994, the policy of the New York Police Department will be one of No Tolerance for dealers and buyers at all times," thus read the D-Day-like instructions of "Police Strategy No. 3." Gone were the days of segregating beat cops from narcotics enforcement (a practice designed in the seventies to avoid corruption). Now, any and all police were to pursue dealers, confiscate and trace their guns, confiscate vehicles, close drug houses, and occupy outdoor copping spots. The drug war wasn't just for elite cops anymore, now every precinct commander was responsible for reviewing surveillance and complaints, devising tactics, and initiating joint operations with the Narcotics Division and then *holding* the targeted areas.³⁶

Ratcheting up New York's drug war led to immediate action in every borough. For many in drug-plagued communities, the police assault felt like a rescue operation, but for the dealers and non-dealing youth who "fitted the profile," the angry waves of blue were a deadly terror.

THE HIGH PRICE OF ORDER

It was late April 1994, and troops from the 120th precinct were finishing up a three-week sweep in Staten Island's roughneck northeast corner, the natal terrain of hip-hop's Wu Tang Clan.³⁷ Thirty-six alleged dealers had been busted using tactics straight from the Bratton-Maple play book: if you can't get 'em on felony drug charges bust 'em for drinking in public. As Maple put it: "Your open beer lets me check your ID. Now I can radio the precinct for outstanding warrants or parole violations. Maybe I bump against that bulge in your belt: with probable cause, I can frisk you."³⁸

The geographic objective was to take and hold the predominantly African American Park Hill Apartments and a nearby block-long piece of asphalt and "balding earth" known as the Strip, which for lack of parks or recreation facilities served as a makeshift village center. The increased police pressure brought neighborhood tension to a boiling point. The so-called Special Narcotics Emergency Unit had already taken a brick – thrown from an apartment block roof – through the windshield of one of its cruisers. Then, on

the evening of the 29th, as a team of officers were frisking prisoners in the street, an M-80 explosive was tossed in their direction. A young Liberian immigrant, Ernest Sayon, aka "Rabbit," allegedly ran from the scene and was tackled by police. Sayon was both a well-liked youth and a known dealer who in recent months had been arrested and shot by rivals. The details of what ensued next are not clear, save for the fact that the unarmed Sayon, beaten by police, arrived at the hospital dead from suffocation.³⁹

The killing triggered immediate outrage: more than a hundred protesters converged on the hospital for an angry picket, before moving to the nearby precinct. Throughout the night other groups of protesters – chanting the familiar refrain, "no justice, no peace!" – converged and separated in front of the "one-twenty" and throughout the neighborhood.⁴⁰ Black leaders across the city blasted Giuliani and Bratton as bullies and racist thugs. Apparently the potential for popular explosion was alive and well; no matter how depoliticized, crime-terrorized and divided inner-city communities had become, the police task of keeping "surplus populations" contained could still backfire in dramatic ways. In reaction to the familiar dilemmas Kelling once again counseled the need for sophisticated police penetration of inner-city communities. Writing in *Newsday* he urged citizens to trust and collaborate with the state:

Especially in neighborhoods where the level of trust between police and citizens is low, police must initiate these collaborations. But citizens must respond. Otherwise, the effects of assertive police action will not last, and both citizens' and officers' safety will be jeopardized. Even when a tragedy occurs like the Ernest Sayon death during a police operation on Staten Island, close collaboration between police and citizens can often limit the initial flare-up as well as prevent future conflicts and deterioration of police-citizen relations."⁴¹

Two years later the same neighborhood again erupted after police beat a woman for interfering with an arrest. Police attacked bystanders who tried to aid her, and in the ensuing melee, cops and civilians were hurt; eight people from the neighborhood were arrested. The battle was followed by another hundred-strong march on the "one-twenty."⁴² Similar protest flared in Brooklyn's East Flatbush after undercover officers gunned down Aswon Keshawn Watson, an unarmed 23-year-old African American man. During

the following days of protest twenty-two people were arrested.⁴³ This was followed by the police killings of Anthony Baez and Anthony Rosario; more protests and sit-ins followed, but no major explosions.⁴⁴ Then in 1997, Brooklyn's streets filled with enraged supporters of Abner Louima, the Haitian immigrant who was viciously beaten by cops and sodomized with a plunger until his guts ripped. The event precipitating the attack on Louima was the ticketing of a double-parked car, just the sort of minor infraction that would have gone unnoticed in pre-zero-tolerance Gotham.

These episodes of brutality are just the tip of the iceberg beneath which floats the bulk of zero tolerance/quality of life oppressions: the constant hostile gazes from police, the end of sipping beer on stoops, the fear of fines or arrest for playing loud music or riding a bicycle on the sidewalk. Arrest for misdemeanor crimes like jumping turnstiles now means spending a day in the back of a police van waiting for it to fill with other prisoners and then perhaps a night in jail. After all, millions of people in New York City use public space in ways that are technically disorderly: drinking outside, playing music, playing dominos, blocking the sidewalk with lawn chairs, selling trinkets, and throwing footballs in the street (the "offense" for which Anthony Baez was killed).

CRIME RATES AND LEGITIMATING MIGHT

The tremendous expansion of law enforcement's political and social presence in New York was, until recently, only minimally contested. Quiescence was assured by twenty years of fearmongering media, an absence of any political alternatives, and an ideologically sophisticated full-court press by the propaganda machine of the mayor's office and police department. But perhaps even more important has been the tremendous plunge in crime rates, a change that pre-dates Bratton's tenure in New York, but one that accelerated under the regime he established.⁴⁵ Left and liberal criminologists have protested politely that police are taking too much credit for recent victories over crime. They attribute the rosy crime stats to a cocktail of forces, including a smaller youth cohort; lower unemployment; the exhaustion and stabilization of crack markets; unusually cold winters; and creative reporting by police, in which robberies are downgraded to lost property, attempted

murders to assaults, and unsolved homicides become suicides or accidental deaths.⁴⁶ In 1998 press reports surfaced revealing that cops were indeed lying about crime rates. In New York a former chief of the Transit Bureau was forced to retire because a commander under him had fabricated a double-digit crime rate decline in Midtown's transit district one. Likewise, a Bronx commander retired amid charges that he cooked the books in the 41st precinct.⁴⁷ In Philadelphia the pressure to produce good numbers was so intense that police fabricated wildly – creating figures that were so distorted that the Bureau of Justice Statistics worried that national aggregate figures had been skewed as a result.⁴⁸

But even after accounting for fraud, creative police reporting, a booming economy, and stabilized crack markets, cohort size, and all other factors, the plunge in crime rates seems quite real and its association with zero tolerance has distilled into political rocket fuel. In New York the numbers are stunning: between 1994 and 1997 misdemeanor arrests shot up by 73 percent, swamping the seventy-seven judges who handle the city's criminal cases, while murder nosedived by over 60 percent.⁴⁹ By 1998, the city was looking forward to its lowest murder rate in thirty-three years. And since 1994 overall crime in New York has dropped 43 percent.⁵⁰

During the same period another set of statistics has also emerged. Complaints of police brutality have jumped by 62 percent since Rudolph Giuliani took office in 1994, while in the same period the city has paid out more than \$100 million in damages arising from police violence.⁵¹ Brutality complaints increased 46 percent during the first half of 1994 alone.⁵² Bratton's response was: "That's too damn bad."⁵³ Later, when asked about similar complaints in other zero tolerance departments, he explained: "It makes sense that there will be increased confrontation between officers and civilians. We're dealing with anti-social behavior patterns that had been ignored for twenty-five years."

THE MODEL PROLIFERATES

The precipitous decline in crime rates has motivated a wave of New York imitators in other large metropolitan departments. By 1997 police brass from New Orleans, Indianapolis, Minneapolis, and Baltimore had all made the pilgrimage to Gotham or hired Bratton protégés such as John Timoney, John

Linder, and Jack Maple as consultants.⁵⁴ All of these departments use versions of the weekly Comstat meetings, at which precinct or district captains go before their entire brass to narrate how the total war on crime is progressing at the grassroots. Likewise, San Francisco has used elements of the philosophy since the early 1990s when former police-chief-turned-mayor Frank Jordan accelerated the ongoing harassment campaign against the homeless. But the SFPD has not adopted the Comstat combination of computerized crime mapping, bureaucratic decentralization, and total quality management.

In Baltimore, the New York-inspired changes led to an immediate increase in reports of police brutality. At first, Police Commissioner Thomas Frazier had called zero tolerance a “buzzword . . . one iota away from discriminatory policing.”⁵⁵ But political pressure, police union rancor, and renegade campaigns by several “zero tolerance” district commanders have forced Baltimore’s brass to copy more and more of the New York methodology.⁵⁶ As a result, brutality is on the rise; so is the low-level harassment of Black youths – such as Gregory Schmoke, the mayor’s son, who was stopped and hassled without cause.⁵⁷

In New Orleans the switch to zero tolerance has taken place against an almost surreal backdrop of mass police criminality and violence. After decades of festering vice and outright terrorism, fifty NOPD officers were arrested in 1994 on a slew of charges, ranging from rape and drug dealing to robbery and murdering other police officers. A new chief, Richard Pennington, was brought in to deal with the crisis when even the most entrenched of the city’s old boys admitted that discipline had completely disintegrated and that the force was out of control. Early in his tenure Pennington even considered firing the entire department, but in the end settled for an aggressive but inadequate purge.

Only a year and a half into its quality of life regime, New Orleans saw a version of the usual results: overly aggressive cops and rising brutality, coupled with declining crime rates in all categories, except homicide. Violent crime in the first quarter of 1997 was down by almost 20 percent compared to the first quarter of 1995. And according to the city’s new police commissioner, homicides in the city’s public housing fell 31 percent during 1997, while crime overall in the city decreased 24 percent during the same period.⁵⁸

Mary Howell, New Orleans’s leading police misconduct attorney, said that in the first three months of implementing zero tolerance, in 1997, she

received more complaints of police brutality “than in the last two years combined.”⁵⁹ Community activists say the Second and the Sixth districts – bitterly impoverished African American communities – have become virtual war zones, with the police on one side and residents on the other. As was to be expected, police enthusiasm for zero tolerance almost provoked a riot. Two notorious officers working the St. Thomas public housing project choked a fourteen-year-old girl after chasing a suspect into her housing project apartment. A young man from a local community group, Black Men United for Change, peacefully intervened by asking what was going on. The officers then turned on him. But as they were stuffing the young man into the back of their patrol car, some three hundred residents from the surrounding projects encircled the scene to, as activists said, “prevent the police from killing this guy.”⁶⁰

The litany of zero tolerance abuse goes on: a ten-year-old boy held face down in the dirt, a gun to his head; massive police sweeps in which all Black men encountered are stopped and searched under the auspices of a new “drug loitering” statute.⁶¹ “According to the department’s own statistics, citizen complaints against police rose by 27 percent between 1996 and 1997.”⁶²

Reports from Indianapolis sound like echoes from the Big Easy. The year 1997 brought the introduction of zero tolerance and what the Indianapolis Police Department calls “saturation patrols” against “nuisance crimes and street level dealing.” According to the department’s spokesperson, the changes weren’t simply a matter of ideology: “At first we were too short staffed to do quality of life enforcement.” But the new resources provided by Clinton’s Community Oriented Policing Services (COPS) program, a legacy of the 1994 crime bill, allowed a law-and-order offensive.⁶³

“These campaigns of harassment are relatively new but we’re getting lots of calls about them,” says Sheila Kennedy of the Indiana Civil Liberties Union. She says the official police statistics on reported abuse by officers are “unrealistic,” but her office has definitely noticed an increase in brutality complaints and discriminatory traffic stops involving the African American community. “And in the gay community people feel that the cops are doing some bashing of their own.”⁶⁴

As in New Orleans, the Indianapolis version of zero tolerance operates on the minefield left by a long history of police misconduct. In July 1995 the festering social wounds on the city’s infamous Northside finally burst into rioting after months of police pressure in which undercover would conduct

“controlled buys” and then call in support from “jump out” squads, paramilitary assault teams trained to swoop and vamp whole street corners in the blink of an eye. The African American neighborhood around 38th and College became ground-zero in this local war on drugs, a violent little vortex where national and local dynamics – from crime bill largess to the personal enmity between specific cops and local youths – converge in explosive ways. As usual it was a typical bust gone bad that started the rioting. Police accosted a 21-year-old African American man named Danny Sales. Though Sales had no drugs, he was in possession of \$150 cash, which the police promptly confiscated. Their report on the bust and seizure explained that “Sales could not provide any evidence or explanation of employment.” And when the young man protested the seizure of his money, police showered him with baton blows and took him into custody.⁶⁵ From there a familiar script began to unfold: more than a hundred infuriated residents picketed the local precinct; cops responded with a massive show of force; as night fell the police attacked with clubs, canine teams, and armored riot vehicles. In response, youth lobbed bricks and looted shops. The next night brought more of the same, plus the eerie clatter of helicopters and fusillades of tear gas.⁶⁶

When the smoke finally cleared thirty-six people had been arrested and eleven others – including one cop and a television cameraman – had been injured by flying rocks, bottles, and police batons. Community activists blamed the chaos on the paramilitary, zero-tolerance-style occupation in which police mistreated dealers and innocents alike.⁶⁷ The Justice Department – which since the L.A. riots had been increasingly worried about the destabilizing potential of corruption and brutality among local police – sent in the FBI to investigate the IPD.⁶⁸ A year later the IPD’s racist esprit de corps was still much in evidence. Almost as a commemoration of the previous summer’s riot, a crew of off-duty officers – drunk after watching a baseball game in the mayor’s personal skybox – went on a rampage, sexually harassing and groping women and then brutally beating a Black motorist.⁶⁹

From the get-go, Indianapolis’s quality of life policing offensive – known as “Project Saturation” – has been imbued with an ethos of racial containment and pacification. But now the IPD’s war against Black people is dressed in the pseudo-scientific garb of ZT theory. Playing a role equivalent to that of Kelling and the Police Foundation in New York is the conservative Hudson Institute (momentarily home to that towering intellect, “fellow” Dan

Quayle). To bolster the Hudson-produced studies, Indianapolis also hired Lawrence Sherman, whose work on computer mapping of “hot spots” influenced the formation of Comstat.⁷⁰ Sherman and the eggheads from Hudson continue to urge the city’s new police chief, Mike Zunk, to “crack down on those low-level types of offenses,” so that “law-abiding people will take an interest in their neighborhood.”⁷¹

According to this view, “order” is achieved by “flooding” Black neighborhoods with swarms of cops, including SWAT teams and canine units. It is the strategy of colonial war: peace through superior firepower. In Indianapolis it seems only force is considered a reasonable remedy for dealing with warring sets of Vice Lords and Disciples, the Midwest’s equivalents of Crips and Bloods.⁷² To whip up public support, official warnings are issued about the spread of crack cocaine outward from its coastal, big-city epicenters into the medium-sized cities of the Midwest, while police call neighborhood watch meetings and go door to door, making their presence felt and spreading the gospel of fear. To complement the front-line muscle, Marion County DA Scott Newman created a squad of front-line deputy prosecutors to work closely with each police district. Under the new regime police “performance is not based on convictions or the number of arrests,” but rather on how well they enforce quality of life laws. Among their tools is a new “stay-away order” to control the movement of alleged gangbangers and dealers who are out on bond.⁷³

Thus Indianapolis offers another example of overlapping, mutually enforcing systems of control and exclusion, ranging from academic discourse to door knocking, and including the semiotic and physical power of police dogs on the corner.⁷⁴

But so far the IPD’s new game plan has not had much of an impact on crime rates.⁷⁵ Nor would one expect much different in a city so economically mangled: during the eighties white per-capita income in Indianapolis stayed flat while Black per-capita income dropped 11 percent.⁷⁶ Behind the fast-burning desperation of crack dealing and gangbanging “people” and “folks”⁷⁷ are much deeper problems, summarized by one of the city’s more eloquent columnists:

Deindustrialization crippled the mobility of the Black working class. Suburbanization, the great federal Marshall Plan for the middle class, lacerated African-American communities with freeways and bled them of

resources. Downtown revitalization took root in the ruins of homes, schools, churches, corner stores and jazz clubs . . . The [1980s,] decade of sports stadia, office towers, luxury hotels, cultural palaces and tourism also saw Indianapolis lead the nation in the death rate of Black infants. Though scores of millions of dollars from taxes and foundations subsidized glamour projects, money for expanded pre- and post-natal care for poor women came late and grudgingly.⁷⁸

UNDOING THE CONSTITUTION QUIETLY

In Minneapolis the police project a more progressive image. Though openly following the New York model, they emphasize proactive prevention over quality of life busts. "For example we just had a gang shooting," says Chief Robert Olson, a friend of Bratton's and a former commissioner in Yonkers, New York. "So instead of waiting for it to escalate, and then tracking down the culprits, we sent twelve probation officers out with the cops. They tracked down the known gang members, went to their houses, didn't arrest, just talked to 'em. Said: 'Hey we know what's going on. No retaliations.'" The chief claims great success, but unfortunately the city's murder rate has been rising.⁷⁹

Even when such preventive measures work, they can quickly become what criminologist Stan Cohen calls "net widening and mesh thinning."⁸⁰ Cohen argues that new "soft" reforms usually fail to displace older, harsher types of repression. Instead, the "soft" controls expand and extend the disciplinary reach of the "harder" ones. For example, the repressive juvenile courts of today were born from the efforts of do-gooders like Jane Addams who wished to "save children" from the adult courts and jails. Intensive probation and parole programs, with their drug testing and electronic bracelets, were developed as alternatives to prison, but now they often come *in addition* to incarceration.⁸¹

In Anaheim, California, Cohen's thesis has become reality: probation officers, coordinating their efforts with the District Attorney, ride with police, not to preempt gangbanging, but to catch and bust youth who violate the rules of their virtual house-arrest probation. One of the Anaheim prosecutors summed up the policy thus: "If active gang members come out

on probation and they sneeze, they're going back to jail."⁸² Here too, it is the rhetoric of zero tolerance and quality of life that justifies such heavy-handed control.

And so it is throughout the zero tolerance archipelago: the "broken windows" logic and quality of life lexicon gives pseudo-scientific legitimacy to police state violations of civil liberties. As an NOPD spokesman put it: "Every arrest for a quality of life offense is a potential breakthrough on some other larger case. Every ticket, every bust provides intelligence, on a potential criminal." This logic – first publicly articulated by Maple's "Your open beer lets me check your ID" – turns the struggle for "order" into a Trojan horse for police state tactics.

"People say Z.T. doesn't work because in New York or Baltimore, 80% of the quality of life tickets are never paid and an enormous amount of the misdemeanor court dates are no-shows," says zero tolerance apostle Lt. McLhenny of the Baltimore PD. "But hey, that doesn't matter. Unpaid tickets become [arrest] warrants. What counts is we've got them in the system! We're building a database."⁸³

Add to that disturbing admission the fact that zero tolerance is often selectively enforced against people of color and the visibly poor and what emerges is a postmodern version of Jim Crow. Enough unpaid tickets and petty outstanding warrants lead to the criminal labeling of non-deviant populations. But to what end? What interests are served by the quality of life revolution? To answer that question we must dig deeper into the economic and cultural geography of the themepark city.