Zero Tolerance Policing - Firmness with courtesy

Terry J Goldsworthy
INTRODUCTION

‘Firmness With Courtesy’, this used to be the motto of the Queensland Police Service. This was in the days prior to such policing strategies as Community Policing and Problem Orientated Policing (POP), which reflected a move away, from what at that time period, were seen to be traditional police methods. The term ‘firmness with courtesy’ could perhaps also be assimilated with the concept of Zero Tolerance Policing (ZTP). ZTP has been lauded in some circles as an answer to ever increasing crime rates. Others have seen ZTP as an ineffective and oppressive policing regime. This article will examine a number of areas to reach a rational evaluation about the value of ZTP. The concept of ZTP will be examined, as often ZTP can be over simplified. The effect that ZTP has had in those jurisdictions where it has been implemented will then be examined. Issues in relation to perceived disadvantages and benefits will then be put forward and discussed. Finally it will be argued that there is room for ZTP to be applied in Australian policing environments and that ZTP should be a part of any policing strategy.

WHAT IS ZERO TOLERANCE POLICING?

ZTP has been closely associated with the New York Police Department (NYPD). It has often been portrayed as being the creation of New York City Mayor Rudolph Giuliani and New York City Police Chief William Bratton. Exactly what ZTP represents has been to difficult to term in one concept. The reason for this is that the term ZTP has been associated with a number of different policing strategies that have been implemented by a variety of enforcement agencies (Innes 1999). In fact it is indeed this ability to be flexible in its application that has contributed to the popularity of ZTP (Innes 1999). ZTP can be said to be a wide variety of proactive, confident and assertive policing strategies (Burke 1998). ZTP has been seen to be a short-term tactic, which is aggressive in its nature.
and is designed to remove troublemakers from designated areas (Dean 1997). Burke (1998) suggests that all ZTP programmes have some common themes. These being, a reliance on a visible presence of police interacting with the public in the target areas, a central focus of police consulting with various other agencies. Finally the introduction of the schemes in response to public anxiety about the levels of crime present in the target areas.

Doone (1998) argues that there are three main elements to ZTP (in the NYPD approach). These being:

- tougher enforcement of low-level street crime;
- adoption of the Broken Windows approach; and
- increased accountability for police managers.

These three elements will now be examined in greater detail. The essence of ZTP is the Broken Windows approach. This approach puts forward the notion that if minor activities (such as drunkenness and obscene language, etc.) are allowed to run unchecked then they will produce an atmosphere where more serious crime will grow (Homel 2000). The aim of ZTP is to target low-level crime through aggressive and uncompromising law enforcement techniques. This is designed to restore a sense of order and security to the community according to Homel (2000).

But the Broken Windows approach is more than this. It is a comment on society and its responsibilities as put forward by its creators Wilson and Kelling. The hypothesis behind Broken Windows is that;

"if a factory or office window is left broken, passers-by will conclude that no-one cares, no-one is in charge — and will soon shatter the other windows as well. Soon that decay will extend to the surrounding street, which will become menacing and hostile. ... it is the small, seemingly insignificant signs of disorder — graffiti, loitering by the homeless, subway fare-jumping by teenagers — which lay the groundwork for more serious street crime and social decay. The graffiti artists and fare-jumpers themselves, getting the message that social norms will not be enforced, become likely candidates for more dangerous lawbreaking; while citizens, feeling threatened by homeless beggars and squeegee-men, withdraw from the civic arena" (Shapiro 2000:1)

Grabosky (1999) extends on this definition and argues that there are two general manifestations of disorders, being physical and behavioural. By physical we are referring to such things as graffiti, broken windows, etc. The behavioural element are represented by the behaviour of individuals and groups (eg public urination, begging, assaults, etc.).

Bratton boosted the numbers of the NYPD by employing an extra 7,000 police officers (bringing the total number to approximately 40,000) and gave them a mandate for cracking down on low-level crime (Stewart 1999). The NYPD implemented crime analysis based on ‘accurate and timely intelligence’ (Grabosky 1999:2). Commanders were then called upon to use this intelligence in company with the extra officers to combat crime and were held accountable for crime trends in their areas (Stewart 1999; Grabosky 1999). The NYPD model was conceived with the aims of reducing crime by actively using information in planning and management of operations in an effort to facilitate a proactive policing response (Brereton 1999). An example of this is given by Stewart (1999), who describes how the Street Crimes Unit that consisted of 138 (white) officers were tasked to patrol hot spots in plain clothes and in unmarked police vehicles. This unit was later expanded to include 380 officers, which resulted in a dramatic increase in results. This unit was responsible for 40% of all gun seizures whilst being only 1% of total manpower of the NYPD. This unit will be mentioned again in this paper in regards to some criticisms raised against ZTP.

EFFECTS OF ZERO TOLERANCE POLICING

When ZTP was introduced in New York the results were “swift and eye-catching, with all categories of violent crime dropping sharply” (Stewart 1999: 21). In the New York experience ZTP was credited with an overall crime rate reduction of 35% and a reduction in homicides of 73% (Grabosky 1999; Innes 1999). As previously mentioned crime analysis was implemented and this was greatly assisted by the introduction of the ‘Compstat System’ which allowed local commanders to be aware of crime trends in their areas (Brereton 1999; Innes 1999). Further, the command structure was reorganised to assist the reform being implemented by Bratton, and increased accountability was placed on police managers (Innes 1999; Doone 1998).

But the utilisation of ZTP programmes has not been limited to the New York experience. Similar programmes have also been run in the United Kingdom with positive results. Burke (1998) argues that use of ZTP strategies in the UK have been
quite successful. ZTP was used in the operations of the Middlesbrough CID and within a three-month period a 22% decrease in crime had been recorded. Detective Superintendent Ray Mallon claimed that this was achieved by “aggressively targeting known criminals and refusing to tolerate any kind of antisocial behaviour” (Dean 1997:345).

Of interest is that the UK experience was undertaken with the view that ZTP was not an overall solution on its own but rather “a short term strategy designed to remove obstacles so that POP can work” (Dean 1997:346). In London the Metropolitan Police instigated operation ‘Operation Welwyn’ aimed at drug dealers, which resulted in the arrest of 425 drug dealers in the London area. ZTP operations run in Hartlepool have halved the number of reported offences (Burke 1998).

However, Innes (1999) argues that the fall in crime in New York may not be fully attributable to ZTP. The reason for this being that crime in New York and indeed across the United States is in decline. Grabosky (1999) supports this and argues that for the last 6 years crime in the United States has declined annually for violent and property offences. The factors contributing are complex, and include sustained economic growth, and a reduction in the use of crack cocaine just to name a few (Grabosky 1999). As well as this other cities such as San Diego, which do not employ ZTP strategies, have also seen a similar decline in crime as reported in New York (Pollard 1997).

**ISSUES IN ZERO TOLERANCE POLICING**

On the face of it ZTP would appear to be a positive police strategy, but is there a negative side to it? In this section criticisms of ZTP and the defences to these will be raised. Some critics have argued that policing itself can be a cause of crime. Homel (2000) suggests that evidence exists to support the notion that the less respectful police are to citizens, then the less likely are citizens to comply with the law. Anderson (2000) argues that ZTP is nothing more than traditional overt policing of the poor and marginal social groups.

“At lunchtime on 20 June, New York City police descended on Washington Square Park, the bustling Greenwich Village oasis at the foot of Fifth Avenue. Seeking to serve warrants on small-scale marijuana dealers who quietly hawk their product at passers-by from park benches, the police sealed off the park’s exits, trapping hundreds of law-abiding citizens inside. ...The total haul from 58 people arrested for sale or possession: a mere pound and a half of marijuana.” (Shapiro 2000:1)

Certainly those members of New York’s African American population appear to be over represented in relation to complaints against police when compared to other sections of society (Leung 2000, see Table 1). In defence of this the NYPD argue that targets that they stop and frisk are directly related to the ethnic break down of those persons actually committing crimes in the city as described by crime victims (NYPD 2001).

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Race</td>
<td>Number of complainants</td>
<td>Percent of subtotal</td>
</tr>
<tr>
<td>White</td>
<td>434</td>
<td>21.9%</td>
</tr>
<tr>
<td>African - American</td>
<td>1014</td>
<td>51.1%</td>
</tr>
<tr>
<td>Latino</td>
<td>457</td>
<td>23.0%</td>
</tr>
<tr>
<td>Others</td>
<td>78</td>
<td>3.9%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1983</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

1 Population figures are based on the 1990 Census as reported in Demographic Profiles (City of NY, Department of City planning, 1992).

Indeed this perceived focus on minority groups and allegations of increasing misconduct are some of the biggest problems facing ZTP. Certainly there are claims that incidences of police brutality have risen 41% since ZTP was put into effect in New York (Shapiro 2000). Shapiro (2000) argues that some police see “zero tolerance” as a mandate to assert their authority at any cost. However examination of Table 2 reveals that the level of complaints against members of the NYPD have risen by only 5% (Leung 2000). When the increase of an extra 7,000 officers is put into the equation, the amount of complaints per officer have actually decreased. Indeed the NYPD themselves claim that the rate of complaint to personnel has decreased continuously since 1995 to 1999 and in fact is as low as it was in 1993 (NYPD 2001). Further when compared to 5 other major American cities the NYPD was shown to have the lowest rate of fatal shootings involving police (NYPD 2001). This is an important fact given that there was a public relations crisis following the shooting of an...
unarmed suspect Amadou Diallo by four members of the elite Street Crimes Unit.

**LIMITATION OF ZERO TOLERANCE POLICING**

Doone (1998) argues that on its own ZTP has its limitations as a crime reduction strategy, and to fully achieve its goals it should be used in conjunction with other strategies. Worrall-Clare (2000) supports this and argues that ZTP is merely a useful tool for use within a wider overall policing strategy. ZTP may reduce the crime rates initially but for these reductions to be sustained they must be supported by such things as smart policing and smart justice (Worrall-Clare 2000). This view is supported by Thames Valley Chief Constable Charles Pollard who states “that zero tolerance, if used anywhere on its own, can only provide short-term solutions, but is more likely to generate long term problems” (Potter 1997:26). Pollard goes on to say that ZTP can cause the police to lose touch with the community, produce a lack of confidence in the police of behalf of the public and can ignite serious public disorder (Potter 1977). Shapiro (2000) argues that a long-term effect of ZTP practices is the erosion of police legitimacy. Cooper (1999) suggests that once high crime levels have been reduced then ZTP has outlived its usefulness. In response to this the NYPD claim to maintain an extensive amount of police community relation’s projects. These include such projects as model block programs, youth programs and precinct community councils, etc. (NYPD 2001). It would appear that the facts do not support the criticisms raised against the NYPD, but why does this stigma still attach to the ZTP philosophy? Miller (2000:1) gives an

### Table 2.

<table>
<thead>
<tr>
<th>Total Complaints/Allegations</th>
<th>Number</th>
<th>Percent of total</th>
<th>1997</th>
<th>1998</th>
<th>Difference</th>
<th>Percent Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Force</td>
<td>1235</td>
<td>34.2%</td>
<td>1255</td>
<td>32.9%</td>
<td>20</td>
<td>1.6%</td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td>1172</td>
<td>32.5%</td>
<td>1274</td>
<td>33.4%</td>
<td>102</td>
<td>8.7%</td>
</tr>
<tr>
<td>Dis-courtesy</td>
<td>981</td>
<td>27.2%</td>
<td>1107</td>
<td>29.0%</td>
<td>125</td>
<td>12.8%</td>
</tr>
<tr>
<td>Offensive</td>
<td>219</td>
<td>6.1%</td>
<td>180</td>
<td>4.7%</td>
<td>39</td>
<td>-17.8%</td>
</tr>
<tr>
<td>Language</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Complaints may contain one or more allegations of misconduct. Therefore, there always will be a greater number of allegations that complaints.

"Late one night in August 1997, Louima was arrested, handcuffed, beaten and dragged into the bathroom of a Brooklyn precinct house. There a swaggering, powerfully built officer named Justin Volpe shoved a broken-off broom handle up Louima's rectum, then waved the faces-covered stick under his nose and threatened to kill him if he ever told anyone about this excruciatingly painful assault. On trial for violating Louima's civil rights, Volpe last week stunned the city by changing his plea to "guilty" and by dropping the tough-guy act--he even wept a little. "Your Honour, if I could just let the record reflect that I'm sorry for hurting my family," Volpe told the judge. He never mentioned Abner Louima. What happened to Louima at the hands of New York police was so obviously premeditated and so appallingly sadistic that no face-saving explanation was possible." (Morgenthau 1999:42)

"Just after midnight on Feb. 4, 1999, Carroll, McMellon, Boss and Murphy were riding in an unmarked Ford Taurus when Carroll spotted Diallo in the doorway of 1157 Wheeler Ave. in the Bronx. Carroll didn't like the way it looked. Afterward, he said he thought Diallo might have been a suspect the cops were seeking in a series of rape cases, or that he might be a lookout for a burglary in progress. Boss stopped the car and backed up. He and Murphy stayed in the car while Carroll and McMellon, in street clothes, jumped out and walked toward Diallo. What happened next was a horrific blunder. Carroll and McMellon said they identified themselves as police and told him to keep his hands where they could see them. Diallo, they testified, didn't do that. According to the cops, he "darted into" the building, reached into his pocket and produced a dark object. Carroll shouted "Gun!" and both he and McMellon started shooting as they backed away from the vestibule. Then McMellon tripped and fell, which made it look as if he had been hit. Carroll and McMellon emptied their clips, 16 shots apiece. Boss fired five times, Murphy four times. Some rounds apparently ricocheted, making it seem to the cops as if they were under fire.

Diallo crumpled to the floor without a word, dying or already dead. The firing stopped. Carroll walked up to the body and looked for the weapon they all thought would be in Diallo's hand. The dark object was only a wallet. "Where's the f----g gun?" Carroll yelled. Then, he testified, he tried to give Diallo CPR, pleading, "Don't die! Don't die." Telling his story on the witness stand, Carroll bowed his head and began to cry." (Morgenthau 2000:22)
insight as to what problems face the NYPD and perhaps all proponents of ZTP strategies;

“If the NYPD has a problem, it is not evident in the numbers. But police officials have come to accept that the perception of wide spread abuse cannot be ignored. Now the Street Crime Unit has been ordered to go on patrol in uniform. And they have been ordered to undergo new training...not in how to spot guns...but in how to better deal with people”.

There have been a number of high profile incidents of brutality such as the assault on Abner Louima. Other incidents such as the mistaken shooting of Diallo by four white officers have also tarnished the image of ZTP (See below).

Other problems that have arisen under ZTP include a restriction of discretion on behalf of the officers enforcing the law (Walsh 1998). In response to this it could be argued that whilst the officer is bound to take action, the officer still has the power to determine what form the action will take. For example an officer enforcing a ZTP strategy in relation to obscene language could upon detecting an offence take any of the following actions:

- warn the person and record the persons details in their police notebook;
- issue the person with a Notice to Appear (a form of instant summons that can be issued on the side of the road); or
- finally, arrest the person and convey them to the watchhouse.

It should be noted that all of these options have a common theme; firstly they will convey to the offender that police will not turn a blind eye to that sort of behaviour and secondly some form of action has been taken against that offender. Giving officers this discretion is desirable as ZTP functions best with high numbers of visible police, something not available if they actually arrest every offender that they come across (Darcy 1999). It also allows the officers concerned to operate in a more effective and efficient manner (Grabosky 1999).

APPLICATION OF ZERO TOLERANCE POLICING PRINCIPLES IN AUSTRALIA

Would ZTP work in Australia? Given that ZTP strategies have been used in both the US and the UK it could be argued that ZTP would be successful in Australia. Certainly there are cultural and other differences that make the policing environment in Australia different from that overseas. It is for this reason that where ZTP has been used in Australia it has not been transplanted whole, but rather only certain elements

POTIGE METHODS

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have been utilised (Darcy 1999). New South Wales police
have utilised certain elements such as crime mapping
technology, visible presence, saturation patrols and increased
levels of accountability for managers according to Darcy
(1999). These and other facets such as a more focused
approach, more assertive policing and better use of
technology are seen as being transferable to the Australian
policing environment (Brereton 1999).

When certain elements of ZTP were run as the City Safe
program in NSW it “...significantly disrupted crime rates and
patterns of crime with the central Sydney area” (Darcy
1999:295). One factor that was noticed during the City Safe
program was the issue of displacement of crime. Evidence has
shown that ZTP tactics in one area did tend to displace crime
to other areas (Doone 1998; Darcy 1999). Doone (1998)
states that various facets of ZTP are already in use in New
Zealand, but adds that they work best when used as short
sharp actions and where there is wide spread street crime.
There is also a general consensus that ZTP as a stand-alone
police strategy will not work by itself (Doone 1998; Darcy
1999; Grabosky 1999; Brereton 1999). This is quite true and
even the NYPD admit that ZTP works in conjunction with
other community policing initiatives. Dean (1997) argues
that ZTP is compatible with, and indeed has the same
objectives and philosophies as POP and community policing.
Clearly ZTP should be considered a valid police initiative at
the local tactical level rather than the overall strategic level.

CONCLUSION

In conclusion it can be seen that ZTP is no new revolutionary
way of conducting policing. Rather it is a new way of
focussing on the ways in which police operate. This new focus
assists the police in being certain of what they are going to do
and how they intend to do it. Certainly ZTP does have a
number of critics, but its proponents would argue that the
advantages far outweigh these. One advantage not mentioned
and hard to quantify is the intangible effect it has on those of
the public who are the victims of crime in our society. The
image of a powerless majority being victimised by a criminal
minority would make many people happy to see police get
tough on crime. In fact during any election campaign it is
often the catch cry that politicians take up. There is a place for
ZTP in Australian police, but it needs to be part of a multi
facetted approach that includes other initiatives such as POP
and community policing strategies. It also needs to be closely
monitored to ensure implementation of ZTP is ethical and
accountable. It is a useful tool for police at the tactical level
but would struggle to achieve its goals as a stand-alone
strategy.

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