

# Zero tolerance of zero tolerance

**Maurice Punch offers a personal view of 'zero tolerance', suggesting that it is a vacuous sound-bite that can seriously distort policing.**

'Zero tolerance' seems irreplaceable in the political vocabulary, exuding tough approaches to problems regarding crime and policing. It is associated with New York where it allegedly brought down crime substantially. For me the term is meaningless, dangerous, its success a myth and it should be banned from policy discourse. Mayors of London should seek an alternative concept. But my main objection is that it comes from America!

This is not provincial assertiveness, saying that the next time a boat arrives from the New World with an innovation we should dump it overboard. Rather, I contend that to assess zero tolerance we need to understand the nature of criminal justice in the United States; and should also be sceptical about transferring an ostensibly successful policy innovation from American society to another society (see Newburn and Jones, 2004).

For in America there is no 'system' of criminal justice and of policing. There are hundreds of largely uncoordinated agencies in a highly decentralised structure. The powerful role of the central state in steering reform and change, as in the UK and some other European countries, is unknown. This means that much innovation is local. And in general the mayor is the key player; the police chief serves at the behest of the mayor, with an average tenure of two years. Furthermore, American society has traditionally been characterised by cycles of scandal and reform, by media-driven moral panics and by high profile policy entrepreneurs. This is related to the dynamics of entire administrations changing following

elections and to the fact that many public officials stand for office. One sees then a staccato, if not vacillating, element to policy and innovation related to changes in administration, the personalities of the leading players and shifting local circumstances. There is often poor policy transfer within America and even within states.

Crucially, at the societal level in recent decades there has been a swing to the right on criminal justice and this has been fuelled by punitiveness. The process began with the election of President Reagan and was later adopted by President Clinton. The US has become the society of the 'prison-industrial' complex with some two million people locked up; a society of executions, of torture and of abuse of human rights. It is debateable then as to whether or not a criminal justice policy can be taken from that context, which is scarcely a beacon of enlightenment, and transferred to a different context. Transfer is not some mechanical exercise like putting a new saddle on a bike.

'Zero tolerance' was a sound bite that fitted the shift to tough measures (see Punch, 2007). And in its New York form – attracting global attention and bringing droves of foreign pilgrims to witness the 'miracle' – it illustrated the role of personalities and of the local context in policy innovation in America. The background was remorselessly rising crime in American cities. In New York moreover there was a profound sense in the early 1990s that crime was damaging the city's reputation and impacting on its economy. The morale of the police force, the NYPD (New York City Police Department),

was poor as it was undergoing one of its periodic corruption scandals.

Then two powerful personalities arrived in 1994. Rudolph Giuliani had risen from being District Attorney to Mayor (and later developed presidential ambitions). His mayoral campaign focused on law and order but particularly on tackling 'nuisance' offences in public places that disturbed citizens. William Bratton had earlier reduced crime on the New York subway and was recruited from Boston, where he had become police chief. Between them they championed what became known as 'zero tolerance' policing (or 'ZTP'; both later disowned the term). They helped revitalise the NYPD, reclaimed public spaces, drove down 'nuisance' offences by 'street people' and elicited wide approval from the public; above all ZTP had apparently made crime fall significantly. But was that really the case?

But first, what was the New York variant of ZTP? It rested on three pillars. Firstly, it put more cops on the streets with assertive patrolling and the relentless pursuit of 'nuisance' offences (such as begging). Secondly, it made commanders accountable for reducing crime in their precinct. It introduced the swift analysis of crime data and in 'Compstat', a command and control centre at headquarters, it brought pressure on commanders to perform in response to the data. The commanders were called at random and grilled by a senior officer in the presence of numerous officials and cops from abroad in a public gallery. There was an element of 'kick ass' in this management style, like the archetypal American football coach, while a Dutch police officer called it 'management by fear' (Punch, 2007). And thirdly, with help from private funding, there was a multi-agency approach to reclaiming public spaces – in parks, railway stations, subways and around public buildings – by investing in facilities and coordinating private security with public policing. This became known as the 'Broken Windows' approach; this implied that a broken window was a symbol of dilapidation that invited more broken windows; the message, then, was –

fix the window and reverse the decline (Kelling and Coles, 1996).

There is no doubt that New York became a more attractive place to live. But when Bratton's portrait appeared on the cover of *Time* Giuliani squeezed him out; another American police chief had to bow to his boss's ego. But Bratton was also not handicapped by modesty and claimed that he had turned water into wine by bringing down crime (Bratton, 1998). There were two further elements to his strategy and both were taken from American managerial practice; one was 'rebranding' and the other was 're-engineering'. Bratton behaved like a turn-around manager who swiftly changes the image of an organisation and ruthlessly alters the structure. And he marketed his product as a universal panacea claiming, 'if it works in New York it will work anywhere'. The key issue is; did it bring down crime? And was New York-style ZTP worth emulating elsewhere?

In essence, ZTP was *not* responsible for declining crime rates in New York. Bowling (1999) wrote persuasively of the underlying factors that brought down crime and Karmen (2000) firmly demolished the claim. This is not just an academic debate as I believe that the many foreign officials and police officers who flocked to Manhattan came to imbibe one simple message; police can bring down crime. Despite the fact that this is a policy myth I was told recently by members of the Police Federation that Westminster is still holding up New York to British police as the prime example of crime reduction. The Home Office is ignoring the data – and my book! So much for evidence-based policy. London Mayor Boris Johnson has allegedly been courting Bratton to take over the Metropolitan Police, following the resignation of Commissioner Sir Ian Blair. If this raises the spectre of mayors hiring and firing police chiefs on the American model then it fills me with deep disquiet.

In brief, the new assertiveness of the NYPD almost certainly reduced some forms of crime. But crime was dropping in the US and elsewhere before the introduction of ZTP and it

was falling in cities that had not implemented it (e.g. San Diego). Furthermore, it was argued that ZTP skewed enforcement towards repression with 'in your face' policing (and there were several violent excesses in New York, including the Louima and Diallo cases). Rather than being new it was more like one of the periodic returns in America to tough policing ('breaking heads' according to critics). There was too the demonisation of out-groups, with some American cities using ZTP to justify crude sweeps of street people from public places. This led to a number of successful civil rights court cases against such policies.

Then there is the issue: was zero tolerance an appropriate innovation to import? The USA has been a major source of innovation in policing, especially in technology, forensics and styles of policing (such as community policing); it has also provided disturbing cases of corruption, discrimination and brutality. But ZTP pretended to be a new paradigm of policing; but with a dangerous leaning towards repression. It promulgated an aggressive, top-down management style where the precinct commanders lived in fear of crime data and public humiliation and the lower ranks were reduced to production coolies. This is the style of 'hard-ball' corporate America, where people are expendable and only results matter. Is this the appropriate model for contemporary policing?

It found a ready response among Labour politicians, both when in opposition and government. Tony Blair and Jack Straw echoed the populist and media focus on crime and employed toughness in criminal justice to lambaste the Conservatives (Reiner, 2007). But only a few British officers toyed with ZTP and it never made a serious impression on policing strategy (as was also the case with Dutch policing). Various components associated with it – assertive patrol in a performance culture and intelligence-led policing – were being developed in the UK anyway. 'Broken Windows' was a catchy label, but its message was hardly fresh in Britain.

But fundamentally the British policing elite had moved from a fixation on crime control to a broader service orientation in a multi-agency context. This was well articulated by Sir Ian Blair in his 2005 Dimpleby lecture. This does not go down well with *Daily Telegraph* readers who want cops to be solely 'thief-catchers'. Yet the research evidence of 40 years that we routinely teach in our classes shows that the police alone can have little impact on crime. There are no quick fixes and simplistic solutions. So when someone says 'if it works in New York it will work anywhere', I instinctively reply: 'baloney'!

In short I argue that 'zero tolerance' is a vacuous sound bite that can seriously distort policing. It should be banned from policy discourse. We should be more wary of adopting criminal justice hypes from the USA. The innovation may look impressive but the punitive context in which it is embedded in America cannot simply be discounted. The current financial crisis may lead to cutting back on 'frequent-flyer' policing anyway; that should stimulate the British police to do their own innovation. ■

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