

Encyclopedia of
LAW ENFORCEMENT

Volume 1
State and Local

Larry E. Sullivan * *Editor-in-Chief*

John Jay College of Criminal Justice, New York, NY

Marie Simonetti Rosen * *Editor*

John Jay College of Criminal Justice, New York, NY

A SAGE Reference Publication

 **SAGE Publications**
Thousand Oaks ■ London ■ New Delhi

2005

disappear without a trace in modern American society.

Invariably, because the absconder finds it difficult to change his or her lifestyle, or to sever ties with family, friends, and material possessions, he or she will leave a trail that ultimately leads back to him or her. In order to apprehend the fugitive, the bounty hunter must first find him or her, a process called skip tracing. Essentially, bounty hunting is an intellectual exercise. With the exception of the apprehension, most of the bounty hunter's effort is detective work dedicated to tracking down the missing principal. The bounty hunter's most useful tools are simple household appliances such as the telephone and an Internet-linked computer. Furthermore, a number of databases are easily accessible, such as motor vehicle, traffic ticket, postal, property, court, and police records, as well as fugitive files. After locating the runaway, the bounty hunter must take the fugitive into custody. This is the most dangerous part of the bounty-hunting process, even though, in most cases, no resistance is offered. The next step is to take the fugitive back to jail. Once the fugitive is back in police custody, the bond is exonerated and the bail agent is free from the liability under the bond. In spite of media sensationalism about bounty hunter abuses, the reality is that there are very few instances of ill treatment at the hands of bounty hunters.

Bounty hunters are a part of the bail bond system and perform an extraordinarily valuable public service to law enforcement. Bounty hunters are credited with recovering approximately 35,000 fugitives annually. Without their efforts, these fugitives would either remain at large, or significant state and local police resources would need to be diverted from other law enforcement activities to secure their capture. In short, the system works well, returning many fugitives to custody at no cost to the government.

Dennis Alan Bartlett

See also Bail Agents

Burton, B. (1984). *Bounty hunter*. Boulder, CO: Paladin.

Burton, B. (1990). *Bail enforcer: The advanced bounty hunter*. Boulder, CO: Paladin.

Nicolls v. Ingersoll, 7 Johns. 145, 154 (N.Y. 1810).

Taylor v. Taintor, 83 U.S. (16 Wall.) 366, 21 L. Ed. 287 (1872).

<http://www.americanbailcoalition.com>

<http://www.bounty-hunter.net/home.htm>

"BROKEN WINDOWS" OR INCIVILITIES THESIS

The term *incivilities thesis* refers to a family of closely related, exploratory, problem-solving ~~tech-~~  ~~es~~ about the roles played by misdemeanors, uncivil and rowdy behaviors, some delinquent acts, and lack of property and facilities maintenance in urban communities (Taylor, 1999, 2001). Over the past quarter century, theorists and policymakers have enlarged the scope and nature of these roles. During this period of theoretical elaboration, advocates of this perspective have suggested relevant outcomes affected include individual and community fear levels, and changes therein; community crime rates, and changes in those rates; and whether neighborhoods remain stable or enter or accelerate a period of decline.

This entry describes this theoretical growth process in brief; outlines shifting reasons behind its popularity; summarizes some criticisms made of these ideas; points to some ongoing areas of conceptual confusion; and highlights relevant, empirical supporting evidence.

ORIGINS AND DEVELOPMENT

The seed sprouted in the mid-1970s. Urban civil disorders of the 1960s had raised concerns about citizens' safety and law enforcement in major cities, concerns reflected in the Kerner Commission report (1968), and giving rise to the Crime Control Act and the Law Enforcement Assistance Administration, a precursor of the current National Institute of Justice. Results were coming in from the first series of national victimization surveys. These interviews also asked about fear of crime.

The surveys showed that the number of those fearful of crime far outstripped the number of crime victims. Those reporting higher fear levels lived in

cities. When broken down demographically by gender and some simple age categories, researchers learned that those most fearful (elderly women) were least likely to be victimized, whereas those least fearful (young males) were most likely to be victimized.

James Q. Wilson, a political scientist and policy scholar, suggested in 1975 that people were afraid of disorder, not just crime. He argued that disorders, which were much more ubiquitous than crime, were what caused high fear levels. Thus, the kernel of the thesis emerged.

Other researchers over the next 5 years elaborated the idea. "Fear of crime" was more than "fear" of "crime" (Garofalo & Laub, 1978). It was not just that urban residents in some areas were surrounded with disorder; such conditions implied that public officials or agencies could not or would not bother to fix things (Hunter, 1978).

Initial discussions of disorder included both physical features of the neighborhood and features of street life. The list of relevant features is potentially quite lengthy and, as will be noted later, dependent upon who is making the list. Nonetheless, relevant physical features typically included abandoned houses; vacant lots, especially if they were weedy and/or trash-filled; abandoned, burned-out, or stripped cars; shuttered stores; properties or yards inadequately maintained; houses in poor structural condition; litter; graffiti; and streets, sidewalks, or streetlights in need of repair. Later, following the "crack invasion" of the mid to late 1980s, discarded crack vials or syringes were added to the list. Also added after the crack invasion were relevant behaviors by groups of rowdy and lewd unsupervised teens, "hey honey" hassles, public drinking or drunkenness, public drug sales or drug use, and neighbors fighting or arguing on the streets. With increased homelessness in the 1980s, problems such as public urination, panhandling, or just the presence of the homeless appeared on the list.

In 1982, James Q. Wilson teamed with noted police researcher George Kelling to produce the next iteration of the thesis: the "broken windows" hypothesis. They social-psychologized the thesis, made it longitudinal, and focused on seemingly

banal and trivial physical features of locale. Most importantly, they also offered the police a role in disrupting disorder's disastrous consequences (Wilson & Kelling, 1982).

The dynamic they suggested went as follows. Unattended signs of physical disrepair, such as the proverbial broken window, encouraged local teens and preteens to further acts of mischief. (This notion has some support from a well-known field demonstration—not really an experiment—from the late 1960s.) Emboldened local miscreants will scare away the "eyes on the street," the street "regulars" such as stay-at-home moms or senior citizens who hang out and keep an eye on the street (Jacobs, 1968). Once the "eyes" retreat, the local miscreants are further emboldened, and, perhaps more importantly, potential offenders from outside the area see what has happened and now move into the locale, setting off a serious wave of street crimes such as purse snatches and stickups.

Foot-patrolling officers, the authors suggested, could and should play a role in short-circuiting this spiral of decline. They could do so by engaging in order-maintenance policing, also called problem-oriented policing, problem-solving policing, or community policing. Officers would take care of these matters before they became a trend and before they resulted in more serious criminal elements moving into the area. So, officers might badger a lazy landlord to fix his or her property, roust rowdy teens from corners, push panhandlers away from busy transit stops, or contact a city agency to get a trash-filled lot cleaned out and fenced or an abandoned car towed.

To their credit, and often overlooked, Wilson and Kelling addressed two particularly thorny issues in their initial exposition: where and whose. In which neighborhood or street block should such a strategy be employed? They thought such initiatives were applied most effectively in "teetering" neighborhoods—those places where a slide into decline seems to have started or appears about to start. Left unaddressed, unless you presume that police or some other city agencies know where these locales are exactly, is the question of how to identify such locales, and feed this information on a regular basis to police patrol planners.

On the question of whose order is to be maintained, and whose disorder is to be suppressed, the authors recognized that these orders might vary from neighborhood to neighborhood. So, what police might be encouraged to aggressively patrol against in one neighborhood, those same officers might tolerate in the community next door. The authors worried about such discrepancies. They also admitted that officers would need to contact different key actors in a neighborhood and learn about causes of concern that might differ. What a corner store owner sees as a problem might not be a problem for other residents on a block. Although the authors failed to resolve these concerns, they thoughtfully surfaced them.

The next version arrived in capsule form in 1986, and in elaborated form in 1990. Skogan completely ecologized the thesis (Skogan, 1986, 1990). Whereas Wilson and Kelling concentrated on the street block level, essentially small-group dynamics, Skogan suggested that the processes enveloped entire communities in urban locations. He devoted additional attention to the process of neighborhood decline, suggesting that disorders could make independent contributions to neighborhood decline. He further specified relevant indicators of decline, such as businesses less willing to move in, stable residents more willing to move out, and declines in house market values. He reanalyzed cross-sectional data from several cities to support his points.

The last elaboration arrived in 1996, wherein Kelling and Coles blamed the move away from order-maintenance policing to changes taking place in the 1960s and 1970s in the courts (Kelling & Coles, 1996). They argued that around that time, given growing concerns about civil rights violations and excessive uses of police force, courts became increasingly skeptical about slapping serious sentences or fines on such minor offenders. According to the authors, the courts became increasingly concerned that such discretionary police responses were motivated by concerns other than order maintenance. At the same time, officers grew increasingly wary of civil suits in such cases. Left unmentioned in their discussion are the roles played by prison

and jail overcrowding in driving such changes in sentencing practices.

WHY SO ATTRACTIVE?

The incivilities thesis is really a coat of many colors. It has gained admirers and advocates in different epochs for different reasons. In the late 1970s and early 1980s, police were stymied about what to do about crime. Many cities were witnessing sharply increasing crime rates at this time, and, following the famous Kansas City patrol experiment, many police seriously questioned the value of patrolling. At the same time, policymakers were recognizing that fear of crime was a substantial social problem in its own right. The incivilities thesis suggested something police could do that might help with both crime and fear.

In the early and mid-1980s, strategies such as foot patrolling and clusters of strategies labeled community policing or problem-oriented policing gained in popularity. The incivilities thesis gave police officers something to look out for and intervene about when they were on foot. It provided the community policing officers topics of discussion at community meetings. It legitimized responding to residents' concerns when those concerns were not crimes per se, because those concerns were conceptually linked to later serious crimes or more widespread flight, which, it was presumed, would emerge were these problems left unchecked.

By the late 1980s and the early 1990s, in many cities, community policing initiatives continued. But the new wave of innovation came from William Bratton's successful war in New York City on squeegee kids, turnstile jumpers in the subway, and unsavory street characters in general. The era of zero-tolerance policing was emerging. Police were turning—or returning, some would argue—to aggressively policing disorderly street behavior and misdemeanors. These strategies seemed successful (Bratton, 1998; Silverman, 1999). In New York City, crime was dropping. (Less often mentioned, it also was dropping in other major cities not highlighting such strategies.) Misdemeanor arrests of turnstile jumpers in subways often turned up large

numbers of people wanted on warrants. Residents and visitors felt less hassled on the street. By the mid-1990s, many other cities were seeking to emulate Bratton's model.

Again, the incivilities thesis provided the payoff logic. Yes, it was plausible that with this more aggressive policing style, there were likely to be more instances of biased policing. African Americans on the street were perhaps more likely to be hassled by police than whites. (Anderson, 2001, argues that the evidence proves otherwise.) Yes, it seemed plausible that instances of excessive use of force by police might increase. But the incivilities theorists argued that the police should not be deterred. Such short-term risks were outweighed by the longer term benefits of more stable communities, increased street life, and lower fear of crime.

In addition to these period-specific sources of attractiveness mentioned here to explain the continuing, if shifting, popularity of the "broken windows" thesis, others have suggested two additional sources of popularity (Lehrer, 2002). The thesis returns policing to one of its origins: fighting disorder, first enshrined as a concern in Sir Robert Peel's principles of policing. Additionally, it makes policing a helping or service profession.

CONCEPTUAL CONCERNS

Two major conceptual concerns emerge regarding the thesis (Taylor, 2001, pp. 93–125). First, are the dynamics specified by the thesis accurate? More specifically, do incivilities play the roles attributed to them on street blocks or in neighborhoods? How long does it take for these causal processes to cycle in the face of either increasing or decreasing incivilities? In the case of urban residential contexts, we know from empirical and conceptual work on human territorial functioning that an ongoing dialectic is always playing out between street regulars and those viewed as deviant, whether those deviants are backsliding homeowners, rowdy renters, or truculent teens on the corner (Taylor, 1987, 1988). The same dynamics, albeit with a different intensity, play out in suburban settings as well (Gans, 1967). But what we do not know is how

closely linked in time those variations in physical and social disorder are to psychological, emotional, and behavioral outcomes. Except for a couple of studies (see below), we have little longitudinal examination of these temporal dynamics. The appropriate levels of analyses, according to the thesis itself, are street blocks and neighborhoods. Studies of whole cities or whole police departments are theoretically misaligned.

The second concern is sociopolitical, focusing on the social construction of "disorder" and the dichotomizing of the orderly versus the disorderly (Harcourt, 1998, 2001). There are two threads here. The first is that definitions of order and disorder, or who is orderly and who is disorderly, depend on who does the defining. The "meaning" of public urination, for example, depends on where and when and who. This point was initially acknowledged by Wilson and Kelling, and they admitted being troubled by potentially different yardsticks in different neighborhoods. The contextually dependent nature of disorder definitions emerges also from the symbolic interactionist component of human territorial functioning in residential contexts (Taylor, 1987, 1988).

The related thread is that this dichotomizing process in effect produces the same villains that the zero-tolerance policing strategies seek to eliminate. It unrealistically creates a gaping gulf between the law abiders and the law breakers. More plausibly, the gulf is perhaps a narrow stream, easily traversed. In American fiction, even that stalwart 1920s symbol of middle-class conformity, Sinclair Lewis's George F. Babbitt, took to carousing with hard-drinking flappers and procuring Prohibition-era whiskey for his party.

EMPIRICAL SUPPORT

Central to the arguments here, when we look at the theory and not the surrounding polemics, is the idea that incivilities make an independent contribution over time to changes in an individual, on a street block, or in a neighborhood. Which level of analysis you care about depends on whether you are examining, respectively, the early, middle, or later versions of the thesis.

At one point in time, individuals—usually urban residents—who see more surrounding disorder in their locale also usually report higher levels of concern for their safety and weaker attachment to locale (Taylor, 2001, pp. 220–223). Over time, we also see an individual-level contribution of perceived incivilities to changes in reactions to crime and local sentiment. Residents who, at Time 1, saw their respective blocks as more problem-ridden compared to their neighbors' were more likely over the following year to become less satisfied with the block, to feel more vulnerable, and to worry more about crime (Robinson, Lawton, Taylor, & Perkins, in press). So, the thesis finds confirmation from individual-level cross-sectional and longitudinal work.

Street block analyses find cross-sectional and lagged connections to fear and to concerns about crime-related problems (Perkins, Meeks, & Taylor, 1992; Perkins & Taylor, 1996; Perkins, Wandersman, Rich, & Taylor, 1993). But more rigorous analyses attempting to isolate an independent ecological impact of incivilities to changes in reactions to crime and local commitment show no lagged effects of incivilities on reactions to crime and local commitment (Robinson et al., in press). But this last study does show these outcomes shifting as perceived group-level incivilities themselves shift over a year time frame. So, we can say that perceived incivilities changes on a block accompany perceived changes in block satisfaction and perceived risk, but it is not clear that the incivilities *cause* such changes.

A small handful of studies do point toward the short-term crime-reducing benefits of broken windows-reduction programs at the address or site level (Green, 1995, 1996; Mazerolle, Kadleck, & Roehl, 1997). Whether such benefits persist over a lengthy period of time remains unknown.

At the neighborhood level, over an extended period of time, we find that initial incivilities contribute to later changes in some serious crimes and to some aspects of neighborhood decline (Taylor, 2001, pp. 179–200). But the contributions are neither as sizable as anticipated nor as consistent across outcomes or incivilities indicators as expected. More powerfully predictive of neighborhood futures were

fundamentals of neighborhood fabric, such as status and stability.

IMPLICATIONS FOR LOCAL LAW ENFORCEMENT

It is hoped that problem-oriented policing and a recognition of the importance of police–citizen partnerships are here to stay. In some ways, these themes represent a return to the earliest orientations of policing.

If these themes remain relatively permanent parts of modern policing, whether in urban, suburban, or rural locations, police strategists should have at their disposal a wide array of methods that will improve neighborhood life. The work to date on the broken windows thesis suggests that these planners would be wise to use fully all the strategies and tactics available to them, and not rely solely or largely on reducing incivilities to prevent crime or to preserve neighborhoods or stabilize shaky ones.

Ralph B. Taylor

See also Community Policing, Police Discretion, Problem-Oriented Policing, Quality of Life, Theories of Policing, Zero Tolerance

For Further Reading

- Anderson, B. C. (2001, July/August). The illusion of order [Book review]. *Commentary*, 112, 69–70.
- Bratton, W. (1998). *Turnaround*. New York: Random House.
- DuBow, F., McCabe, F., & Kaplan, G. (1979). *Reactions to crime: A critical review of the literature*. Washington, DC: U.S. Government Printing Office.
- Gans, H. J. (1967). *The Levittowners*. New York: Pantheon.
- Garofalo, J., & Laub, J. (1978). The fear of crime: Broadening our perspective. *Victimology*, 3, 242–253.
- Green, L. (1995). Cleaning up drug hot spots in Oakland, California: The displacement and diffusion effects. *Justice Quarterly*, 12, 737–754.
- Green, L. (1996). *Policing places with drug problems*. Thousand Oaks, CA: Sage.
- Greene, J. R., & Taylor, R. B. (1988). Community-based policing and foot patrol: Issues of theory and evaluation. In J. R. Greene & S. D. Mastrofski (Eds.), *Community policing: Rhetoric or reality?* (pp. 195–224). New York: Praeger.
- Harcourt, B. E. (1998). Reflecting on the subject: A critique of the social influence conception of deterrence, the broken

- windows theory, and order-maintenance policing New York style. *Michigan Law Review*, 97, 291–389.
- Harcourt, B. E. (2001). *Illusion of order: The false promise of broken windows policing*. Cambridge, MA: Harvard University Press.
- Hunter, A. (1978). *Symbols of incivility*. Paper presented at the annual meeting of the American Society of Criminology, Dallas, Texas.
- Jacobs, J. (1968). Community on the city streets. In E. D. Baltzell (Ed.), *The search for community in modern America* (pp. 74–93). New York: Harper & Row.
- Kelling, G., & Coles, S. (1996). *Fixing broken windows: Restoring order and reducing crime in American cities*. New York: Free Press.
- Kerner, O. (1968). *Report of the National Advisory Commission on Civil Disorders*. New York: Bantam.
- Lehrer, E. (2002, Summer). Broken windows reconsidered. *Public Interest*, 148, 146–151.
- Lewis, S. (1922). *Babbitt*. New York: Harcourt Brace.
- Mazerolle, L. G., Kadleck, C., & Roehl, J. (1997). Controlling drug and disorder problems: The role of place managers. *Criminology*, 36(2), 371–404.
- Perkins, D., & Taylor, R. B. (1996). Ecological assessments of disorder: Their relationship to fear of crime and theoretical implications. *American Journal of Community Psychology*, 24, 63–107.
- Perkins, D. D., Meeks, J. W., & Taylor, R. B. (1992). The physical environment of street blocks and resident perceptions of crime and disorder: Implications for theory and measurement. *Journal of Environmental Psychology*, 12, 21–34.
- Perkins, D. D., Wandersman, A., Rich, R., & Taylor, R. B. (1993). Physical environment of street crime: Defensible space, territoriality and incivilities. *Journal of Environmental Psychology*, 13, 29–49.
- Robinson, J., Lawton, B., Taylor, R. B., & Perkins, D. P. (in press). Multilevel longitudinal impacts of incivilities: Fear of crime, expected safety, and block satisfaction. *Journal of Quantitative Criminology*.
- Rosen, M. (1999, May 15–31). If it's broken, fix it! An interview with Professor George Kelling. *Law Enforcement News*, 25, 511–512.
- Silverman, E. (1999). *NYPD battles crime: Innovative strategies in policing*. Boston: Northeastern University Press.
- Skogan, W. (1986). Fear of crime and neighborhood change. In A. J. Reiss, Jr., & M. Tonry (Eds.), *Communities and crime* (Vol. 8, pp. 203–230). Chicago: University of Chicago Press.
- Skogan, W. (1990). *Disorder and decline: Crime and the spiral of decay in American cities*. New York: Free Press.
- Taylor, R. B. (1987). Toward an environmental psychology of disorder. In D. Stokols & I. Altman (Eds.), *Handbook of environmental psychology* (pp. 951–986). New York: Wiley.
- Taylor, R. B. (1988). *Human territorial functioning*. Cambridge, UK: Cambridge University Press.
- Taylor, R. B. (1999). The incivilities thesis: Theory, measurement and policy. In R. L. Langworthy (Ed.), *Measuring what matters* (pp. 65–88). Washington, DC: National Institute of Justice/Office of Community Oriented Policing Services.
- Taylor, R. B. (2001). *Breaking away from broken windows: Evidence from Baltimore neighborhoods and the nationwide fight against crime, grime, fear and decline*. New York: Westview.
- Wilson, J. Q. (1975). *Thinking about crime*. New York: Basic Books.
- Wilson, J. Q., & Kelling, G. (1982, March). Broken windows. *Atlantic Monthly*, 211, 29–38.