

# UNNECESSARY POLICING OF OUR SAFEST GENERATION



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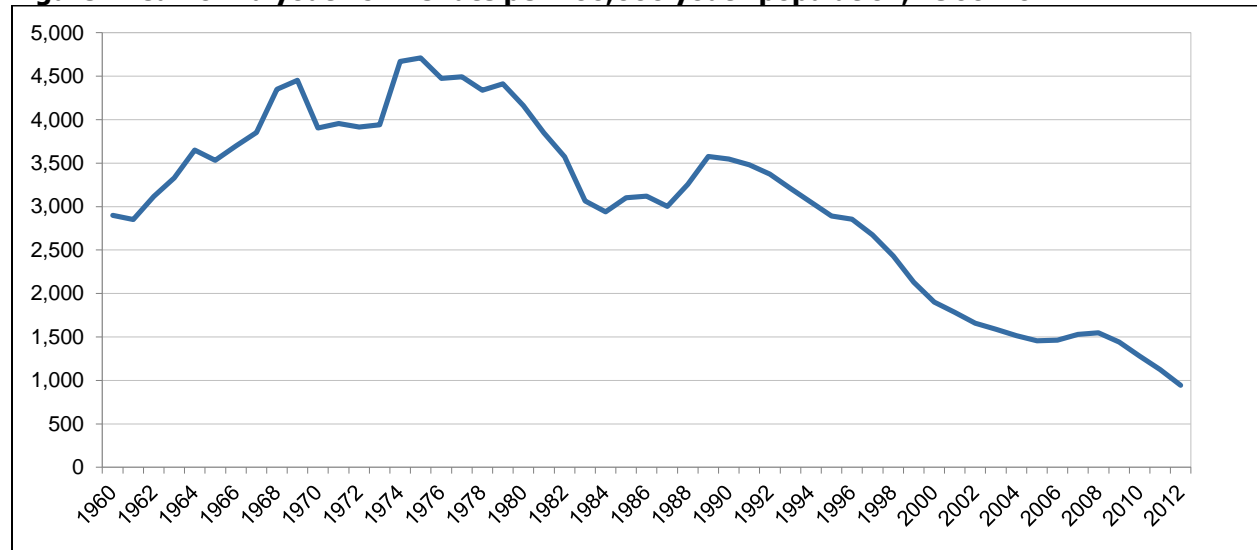
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Policy Brief

## Introduction

Youth crime in California has declined over the past several decades. In fact, data show today's youth are the most law-abiding generation since statistics were reliably recorded in 1960. Yet, the media generally does not report on these improved public safety outcomes but sensationalizes extreme and rare cases of youth violence, skewing the public's perception of youth. As a result, there are often calls for tougher policing and penalties against young people, which are costly, unnecessary, and ineffective for addressing youth crime.

**Figure 1. California youth crime rate per 100,000 youth population, 1960-2012**



Source: CJSC (2014); DOF (2014).

This publication examines research on current policing practices, such as stop and frisk, while highlighting their negative impact on our communities. It also highlights alternative approaches to address youth crime. Finally, it concludes with recommendations that promote better outcomes for youth and achieve the goals of public safety.

## Debunking Broken Windows

Many law enforcement agencies across the country have developed policing strategies based on the “broken windows” theory of crime. The broken windows theory states that police should focus on low-level “quality of life” offenses as a means to deter more serious crimes (Wilson and Kelling, 1982). It assumes that people commit more serious crimes in areas that are dilapidated due to graffiti and vandalism, because they believe nobody cares about that neighborhood and therefore they are less likely to face criminal consequences.

This theory has proved very influential and led some police departments to adopt strict policies that target minor quality of life issues, such as jaywalking and youth curfews. Some policymakers and law enforcement officials attribute declines in crime rates to this strategy, such as New York City’s stop-and-frisk policy.

There is no causal relationship between broken windows policing and the crime decline.

However, research shows these strategies do not work (CJ CJ, 1999, 2004). Crime has decreased in cities that adopted broken windows enforcement strategies, but it has also dropped in areas that did not follow these strategies. In fact, San Francisco reduced their arrests rates and prioritized alternative sentencing instead, and saw a larger decrease in crime than places that implemented broken windows strategies. For example between 1992 and 1998, San Francisco violent crime rates dropped 47%, while New York’s fell by 46% (CJ CJ, 1999, 2004). This suggests there is no causal relationship between the implementation of stop-and-frisk policies and the crime decline.

Curfews are another policing strategy that has been shown not to increase public safety. These laws prevent youth from being in a public place during certain hours; otherwise police can arrest them. Yet, research has concluded that places with and without curfews have similar crime trends, and therefore the curfew is not making an impact on youth crime (Males and Macallair, 2003). In fact, most youth that are arrested for a curfew violation are not committing any other crime, and enforcing the curfew occupies law enforcement resources that could be used solving serious and violent crimes.

Not only do these broken windows policing strategies not work, they can also cause harm to our communities. Such policies disproportionately impact people of color and foster distrust between law enforcement and the community they are sworn to protect.

## The Human Impact

Community trust is critical for successful law enforcement. Police rely on the information provided by community members to solve crimes. This ranges from resident eyewitnesses accounts to understanding the neighborhood culture and values.

Yet, research shows that invasive and prolonged interactions with law enforcement can degrade community trust. San Francisco’s Human Rights Commission heard extensive testimony from residents in 2012, chronicling this erosion of public faith due to heavy handed policing for low-level drug offenses in the city’s poorer neighborhoods (SF-HRC, 2012). Residents

Broken windows policing degrades community trust and has long lasting negative consequences for people of color.

explained that they felt violated and unsafe in their neighborhoods due to unnecessary and frequent police interference in their daily lives.

Arbitrary and sweeping policing practices like stop-and-frisk are more susceptible to abuse by individual police officers. In New York the federal court found that stop-and-frisk practices were inadequately monitored and police officers were undertrained, resulting in widespread racial discrimination and unreasonable or unjustified stops (Floyd et al., 2013). If the community feels bullied by local police, they are less likely to come forward when they are victims of crime or when they know something that can help with police inquiries.

Ultimately, the human impact of these policing practices can be felt more strongly in immigrant communities and communities of color, as broken windows policing targets poorer neighborhoods, where buildings are more neglected. Yet, research shows that immigrants are not committing more crime than citizens, and are therefore not deserving of this increased and punitive law enforcement presence (CJJC, 2010; Rumbaut, 2006). In Oakland, California, data show that while 73.5% of youth arrests are of African-American youth, more than half of the charges are never sustained, suggesting again that broken windows strategies do not target people who pose a threat to public safety (BOP, 2013).

Not only do these policing practices indiscriminately invade people's personal freedom, they can also result in continued barriers to success. Research shows that when young people have frequent contact with the justice system they have higher school drop out rates and face lifelong barriers to employment (BOP, 2013). When weighing the impact these practices have on public safety against the harm they cause the community, there is little justification for maintaining broken windows strategies.

## Opportunities for a new approach

Alternative public safety solutions can reduce the need for intensive law enforcement and punitive crime fighting approaches. Oakland, California, provides one case study of a community implementing such alternatives despite a "broken windows" law enforcement strategy.

The Restorative Justice for Oakland Youth (RJOY), for example, provides an alternative and effective way to eliminate school violence and reduce violence and suspension rates without police involvement. Restorative justice brings together the youth, family, community, and systems to repair the harm caused by the violence and prevent reoffending. This approach builds community supports for the victims of crime as well as the young person, without resorting to punitive and expensive enforcement and incarceration measures (RJOY, 2014).

Recognizing a youth's individual needs and will ultimately be more successful and less harmful than draconian policing of law-abiding youth.

Local community programs offer opportunities to reduce the harm caused by unnecessary policing. A 2008 study of Oakland community policing efforts noted a lack of community participation. The study found that community police officers spent about half their time patrolling neighborhoods in their car and rarely interacted with community-based organizations (RAND, 2008). Yet, organizations like Youth Uprising, the Mentoring Center, and the Youth Employment Partnership provide opportunities for youth to receive the services they need while in the community. Youth Uprising provides a space in the heart of

the community for at-risk youth and young adults to access health, education, civic engagement, and other pro-social services. The center was designed with extensive youth input and promotes youth leadership to address community social justice needs (YU, 2014). The Mentoring Center connects justice-involved youth to case managers who can provide intensive support both in detention and upon release to the community. These case managers serve as mentors and advocates, providing a positive role model for the youth in their community (TMC, 2014). Similarly, the Youth Employment Partnership addresses the many barriers that at-risk and justice-involved youth face, by supporting employment opportunities for this population. By proactively engaging youth in productive opportunities, YEP helps young people in Oakland to become positive contributors in their communities (YEP, 2014).

Investing in these types of programs will help build a safer and healthier community by creating stability and educational success within the young person's life. In fact, data show that youth in these programs have significantly lower recidivism rates than other youth on probation (RDA, 2012). Additionally, Alameda County is collaborating with local juvenile justice agencies to reform its approach with youth who are also involved in the child welfare system (SHF, 2013). Cross-agency collaboration is vital to addressing the underlying causes of crime.

Where policing is necessary, elevating youth voices provides a better working relationship between police and the community. Communities United for Restorative Youth Justice (CURYJ) and the Alliance for Boys and Men of Color (BMoC) encourage youth to participate in the political process through direct advocacy. CURYJ recognizes that community members are the experts on the issues affecting their lives. The grassroots organization provides nonviolence and restorative justice training that is rooted in the culture and values of the community it serves. It engages justice-involved residents in statewide and local policy advocacy to ensure that this critical perspective is not lost in the decision making process (CURYJ, 2014). The Oakland BMoC brings together county officials, nonprofit leadership, foundations, and community members to develop local policies that improve education and health outcomes for boys and men of color. This unique collaboration allows for more inclusive policies, greater governmental transparency, and increased community investment (Urban Strategies Council, 2012). Empowering youth to self-advocate not only strengthens law enforcement understanding of community need, but also invests in a future neighborhood leadership that can break the generational cycle of poverty and crime. Resources and approaches that recognize a youth's potential and target youth who are struggling will ultimately be more successful and less harmful than draconian policing of all youth. These are just a few of the innovative approaches available in Oakland that could be replicated in other jurisdictions.

## **Conclusion**

California's current youth population is the safest generation on record. While targeted policing and interventions are necessary to address serious and violent crime, broad sweeping policies such as curfews and stop-and-frisk do not serve the interests of public safety and waste valuable resources. Instead, community-based programs that focus on youth engagement are a valuable method for promoting better outcomes for youth and all Californians.

- **Broken Windows is a myth.**

Research demonstrates the broken windows theory of policing is an ineffective method for addressing crime in the community. Policing practices derived from this theory will not cultivate positive outcomes for youth.

- **Unnecessary policing harms the community.**

Police practices rooted in the broken windows theory create community distrust and negatively impact the community's perception and relationships with law enforcement. Unnecessary policing of youth increases exposure to the justice system, which results in unforeseen consequences such as impediments to educational and employment opportunities.

- **Our safest generation should be empowered.**

Where policing is necessary, elevating the voices of youth can result in approaches that are better suited for engaging them. Community-based youth empowerment programs develop sustainable life skills that can reduce risk factors related to crime, and ultimately result in more positive public safety outcomes.

It is time to rethink California's juvenile justice system by cultivating a statewide 21<sup>st</sup> century approach to justice. This will require progressing away from antiquated law enforcement techniques that have proven unsuccessful in addressing the goals of public safety.

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