

Contemporary Comments

Zero Tolerance - Not Quite the Influence on NSW Policing Some Would Have You Believe

Introduction - Zero tolerance policing - Aussie style.

This contemporary comment, by a police practitioner¹, responds to some of the issues raised in David Dixon's recent commentary titled, 'Broken Windows, Zero Tolerance, and the New York Miracle' published in the July 1998 edition of this journal by drawing on experiences from *City Safe*, a high profile policing operation targeting street violence. The paper argues that well planned and implemented high profile policing operations that have very little in common with the 'New York miracle', zero tolerance, can have a significant impact on violent street crime in the central business district of Sydney. The paper also briefly discusses the efficacy of the use of discretion by police and the value of refocusing criminal justice resources away from first time and minor offenders towards recidivist criminals with extensive criminal records. The paper also reaffirms the value of community based and problem oriented policing as fundamental 'building blocks' to any successful policing strategy.

In the NSW policing context the term 'zero tolerance' should be viewed as no more than simply a catchy product name with little resemblance to its 'New York cousin'. Arguably it has more relevance politically where it is identified by strategists as a golden thread that can be woven through the fabric of the rhetoric of, 'getting tough on crime'.

There are some who would have you believe the alleged 'New York' miracle, zero tolerance, has in recent times significantly influenced how street policing is conducted in NSW. There is little doubt, policing has become more focused on chasing and catching crooks, with large scale, tightly scripted, high profile policing operations addressing street violence and disorder more prevalent than they have been for many years. These changed policing strategies have been particularly noticeable in areas renown for high levels of street crime and disorder: Cabramatta, Canterbury, Bankstown and central Sydney. Yes, NSW police have readily adopted some elements of zero tolerance, such as tactical deployment of police using the latest crime mapping technology, high profile saturation style activities and increased levels of accountability of supervisors and managers, but many of its elements, despite comment to the contrary, have been abandoned because they are not useful in the Australian policing context. Put simply, the New York policing environment has little in common with its Australian counterpart and astute police managers, whilst 'dabbling' with some of its elements, have quickly realised the efficacy of attempting to implement the New York form of zero tolerance is questionable.

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For example, in New York in the early 1990's (Dixon 1998:98), 'Police were dealing with a highly criminalized, heavily armed population'. The searching of suspects for minor offences, 'allowed police to deal with serious crime both preventively (detering carrying guns) and directly (taking guns off the street and locking up those subject to criminal justice controls)'. Such police activity in Australia would have little effect on the homicide rate or the incidence of shootings as people rarely carry concealed firearms.

Whilst some are quick to attribute the change in policing style to the influence and hype associated with zero tolerance, a far more likely explanation for the change in the focus of policing in NSW can be found in the materialisation of Commissioner Ryan's strategic vision.

City policing

I am a city cop. I hold the rank of Sergeant and I am stationed at City Central Local Area Command (LAC) and recently performed the role of Operations Coordinator of *City Safe*, a high profile policing strategy targeting violent street crime in the central Sydney area. The tactics deployed in *City Safe* have been endorsed by Commissioner Ryan and have, with some modification, been used as a template for the development of similar strategies in other areas of the state.

The key policing issue in the city is violent street crime in the form of assaults, robberies and bag snatches. The Local Area Commands of City Central, Kings Cross, Surry Hills and The Rocks significantly contribute to NSW crime figures, particularly in the categories of robbery and steal from the person offences where collectively, in April 1998, they accounted for 15% and 28% respectively, of state figures (Source: NSW Police Service, Executive Information System). To a lesser degree, these LAC's accounted for 5% of the state's assault figures during that month. However the overwhelming majority of these assaults, due to the relative low proportions of permanent residents in the city, would primarily occur in the streets and other public places particularly in and around licensed premises. These assaults are highly visible violent events, usually witnessed by many, who no doubt return to the suburbs and recount to their family and peers the horrors of a night out in the city.

Due to the very high transient population, what is lacking in these figures is the ability to calculate a victimisation rate, that when one considers 600,000 people attend the city daily, would be quite low. However, regardless of the actual risks, the sheer numbers of offences potentially jeopardise the city's international reputation as an enjoyable place to work or visit. This is further exacerbated by the concentration of mass media within minutes of the heart of the city and their obsession with reporting notorious violent crime that distorts the true position, unnecessarily increases the fear of crime in the community, and ultimately places pressure on police to do something.

Crime in the city is susceptible to police activity

Tightly scripted, high profile policing operations focusing on crime hot spots can by themselves significantly reduce violent street crime within the central Sydney area.

A distinct advantage of policing in the city is that high crime areas are well defined. It is quite common to observe, through crime density mapping, up to 25 violent² street crimes

2 Assault, robbery, steal from person, snatch.

per month occurring in an area 100 metre by 100 metre square, whilst an adjacent area of similar size is completely absent of reported violent crime. These areas therefore are particularly vulnerable to 'occupation' by uniformed police during high crime times.

Assaults, invariably related to alcohol in some way, are usually committed in and around licensed premises. A substantial proportion of these assaults are not reported to police. Bag snatches and armed holdups are less predictable in their spatial and temporal pattern and are generally thought to be committed predominantly by drug dependent recidivist criminals.

My position is not swayed by the studies on police activity or strategies cited by Dixon (1998:97) that indicate policing has no or little effect on crime (Bayley 1994:3; Reiner 1992:147-9, Kelling et al 1974) because these studies do not examine my policing environment or how I police. With policing environments as unique and diverse as the ecology of nature itself, it is extremely dangerous to generalise the findings of this research.

Firm but fair policing is not a neologism for zero tolerance

I hope my description of the key operational strategies of *City Safe* will do much to allay David Dixon's fears (1998:103) of a 'deeply troubling trend in contemporary policing.' But first some history! Commissioner Ryan first used the term, 'firm but fair' when describing the police tactics used in *City Safe*. Prior to that time, during a media interview, I had described our policing strategy, in the context of targeting recidivist criminals, as, 'in your face policing'. This name had been readily adopted by the media and a number of very senior officers. However the Commissioner had not warmed to my description of what we were doing, preferring to call this policing strategy 'firm but fair'. This was not an attempt to distance himself from the term zero tolerance (Dixon 1998:103), but a recognition that the key ingredients of *City Safe*, were 'home grown' and had been successful in terms of significant reductions in violent street crime and numbers of arrests for serious crimes.

The *City Safe* experience

Operation *City Safe* was a high profile policing strategy focused on reducing the incidence of violent street crime in the central Sydney area. What was ostensibly a flying squad of more than 30 police was focused on crime hot spots in the Local Area Commands of City Central, Kings Cross, Surry Hills and The Rocks. Due to its success, Operation *City Safe* has been extended indefinitely. The first phase of the operation commenced on the 1 May 1998 and concluded on the 31 June 1998. This discussion will be limited to this period when I held the position of Operations Coordinator.

Assisted by crime density mapping, the primary operational strategy of *City Safe* was to place a template of highly visible uniformed police presence over known high crime areas at high crime times. Significantly, particularly in terms of rebutting Dixon's (1998:103) concerns, this strategy was supported by the promotion of a 'firm but fair' policing style that encouraged officers to use their discretion for minor street offences.

During the planning of the operation it was recognised that if we wanted to achieve the outcome of reduced levels of violence in the city, we had to sustain substantial numbers of police in crime hot spots. Put simply, uniforms in the street provide a very powerful normative influence on behaviour. This strategy is compromised when police become less visible. The most likely threat to reducing that visibility was the arrest and processing of offenders for minor offences. Arrest takes two police officers off the streets for a minimum of about two hours. Brief preparation later doubles, possibly triples that time, and if the

person contests the charge, those police may not be available from anywhere between a half and a full day whilst they attend court. At operational briefings police were encouraged to apply their discretionary powers for minor street offences. They readily adopted this policing style and very large numbers of adults and juveniles were dealt with informally (Table 1.).

Table 1: Police action during Operation City Safe - 1 May to 30 June 1998. Court proceedings (summons, Field Court Attendance Notice, Court Attendance Notice or charge)

Action	Number of persons
Warnings to adults	272(55%)
Warnings to juveniles	90 (18%)
Total persons to appear before court	136 (27%)
Court proceedings 13-17 years	23
Court proceedings 18 - 25 years	54
Court proceedings > 25 years	59
Total persons	498 (100%)

Warnings: These people will have been observed by police committing a minor street crime. They will be stopped and spoken to and may have their names recorded in a police notebook. They will be told to improve their behaviour or to face the consequences. In the overwhelming majority of cases no further record will be made. In some instances, for example consorting information, an intelligence report will be submitted that is recorded on the police service's computer system.

During the two months of *City Safe* there was a significant reduction in violent street crime in the city. Robbery dropped 24%, steal from persons dropped 34%, assault occasioning actual bodily harm dropped 21% (to its lowest level since July 1996), car theft dropped 31% (to its lowest level since June 1996), recovered stolen vehicles dropped 33%, and stealing dropped 19%. These significant reductions in crime cannot be explained away simply by seasonal variation (see Table 2) although this would best be assessed by comparison with the same months in prior years.

As would be expected there were large increases in the detection of offences that typically indicate proactivity of police, including a 73% increase in street offences, a 48% increase in Resist/Hinder/Assault Police and a 24% increase in drug detection.

Table 2: *City Safe*³ comparison between crime rates April and June 98

	April 98	May 98	June 98	Offence incidence change April to June 98	% change April to June
Robbery	174	189	132	-42	-24
Steal from person	329	227	216	-113	-34
Assault	197	208	212	15	8
A.O.A.B.H.	57	56	45	-12	-21
Stealing	1869	1641	1512	-357	-19
Stolen Vehicle	204	187	140	-64	-31
Located Vehicle	153	131	103	-50	-33
Steal from M/Vehicle	573	540	548	-25	-4
Break And Enter	299	396	303	4	1
GIC/receiving	130	100	92	-38	-29
Malicious Damage	209	224	214	5	2
Street Offence	26	49	45	19	73
Resist/Hinder Officer	27	45	40	13	48
Drug Detection	93	125	115	22	24

Source: Executive Information System Download.

In addition to the 498 persons mentioned in Table 1, hundreds of people were stopped and spoken to and in some instances searched. The inverse also occurred with hundreds of people approaching police and expressing their appreciation of the police presence on the streets. A total of 320 intelligence reports were submitted during the course of the operation.

One of the most surprising results of *City Safe* was despite a very significant increase in police proactivity, the Ombudsman's Office has not observed any discernible increase in complaints against police (Moss 1998:11), although I accept one has to be extremely careful in interpreting this observation. For a whole host of reasons police impropriety is under-reported by youth.

Displacement

One of the key areas of interest by many observers of *City Safe* was the issue of displacement. Did the offenders simply move to another area? There is evidence to support the notion that crime displacement, spatially, temporally and by offence type, did occur during *City Safe*.

3 *City Safe* LAC's are the combined totals of the offences listed for City Central, Kings Cross, Surry Hills and The Rocks.

The proportion of offenders arrested that were recidivists was very high. In the first month of the operation 73% of offenders arrested were recidivists with 79% of those offenders having been through the criminal justice system 5 or more times. In May these proportions had dropped to 63% and 65% respectively.

In the first month of the operation, analysts commented the quality of intelligence received was extremely high. Many of the reports referred to drug dependent recidivist criminals with extensive and, or, violent criminal histories. The quality and quantity of the intelligence declined substantially during the second month of the operation. *City Safe* team members who stayed for the duration of the operation stated there simply were not the numbers of offenders around that had been observed in the first month of the operation.

There was also some evidence of displacement of some categories of crime spatially and temporally. The Rocks and Surry Hills recorded substantial increases in robbery in May. However upon the arrest of one offender known as the 'Sorry Bandit' in late May, the robbery rate dropped significantly. Surry Hills recorded a huge increase in steal from motor vehicle offences, up 54 (67%) (April to June 1998 comparison), that was so large it offset significant reductions in City Central, Kings Cross and The Rocks. The Surry Hills reported assault rate was up 13 (30%) (April to June 1998 comparison) which may perhaps be explained by proactive police operations conducted by that LAC in addition to *City Safe* activity that may have increased reporting and, or detection of assault.

A cursory examination of crime rates for Local Area Commands adjacent the *City Safe* LAC's did not reveal any definitive evidence of crime displacement. However during May and June there were reports in local newspapers in the eastern suburbs that substantial increases in crime had been attributed to *City Safe*.

From the results presented there is little doubt *City Safe* significantly affected and or disrupted crime rates and patterns of crime within the central Sydney area. As one police officer put it, 'we shook the trees.' However the acid test for this type of policing strategy comes with the summer months and with time itself as demonstrated sustained reductions in violent street crime is the only 'currency' that will be accepted by skeptical criminologists. Due to its success *City Safe* will hopefully be continued to at least the end of April, which will facilitate a more detailed analysis of changes in crime rates over time.

The effective use of discretion and focus on recidivists - valuable lessons for future directions in NSW criminal justice

City Safe cogently demonstrated appropriate use of discretion is an extremely cost effective crime prevention tool. Had the 362 adults and juveniles that were warned and cautioned instead been charged, a great deal of public money and resources would have been wasted and the desired outcome of reducing street violence would not have been achieved.

Currently there is too much time and effort being wasted by the criminal justice system on first time offenders and offenders committing minor offences. Police need fast and efficient means for dealing with minor offences that are considered by the community too serious to be dealt with by a warning. For example, during *City Safe* 19% of charges (Table 3) were for the possession of small quantities of drugs. Whilst in some cases these charges were related to other offences, a substantial proportion were solely related to the possession of the drug, usually discovered during a search.

There are substantial opportunities to provide a sanction for these matters in the form of infringement notices, or the expansion of the principles of the Young Offenders Act (1997)⁴

to include adults for offences such as drug possession, minor stealing, malicious damage, street offences etc. Currently, 'our eye is being taken off the ball', by these minor offences that contribute little to the overall malaise of the city. Unnecessary paperwork and cumbersome charge procedures significantly contribute to reducing police presence on the streets and hinder police chasing career criminals, responsible for the commission of most serious crime in the city.

Table 3: Charges during Operation City Safe Phase 1 - 1 May to 30 June 98.

Type of offence	Number of charges	% of total
Armed Robbery	7	2.5
Assault	14	5.0
Steal from person	9	3.2
Theft	78	27.9
Street Offence	35	12.5
Drug Supply	6	2.1
Drugs	52	18.6
Resist/Assault/Hinder Police	22	7.9
Traffic	13	4.6
Warrants	36	12.9
Carry Cutting Implement	8	2.9
Total charges	280	100.0

City Safe also cogently demonstrated the overwhelming majority of crime in the city is committed by recidivist criminals with long and extensive criminal records. From a systems perspective, let alone taking into consideration moral and ethical issues, it seems grossly inefficient that once having identified these persons as recidivist offenders and knowing the damage they do, the criminal justice system doesn't spend more effort in closely monitoring their movements and behaviour and providing supervision and support to break the cycle of crime. Through recent technological advances, less invasive and more efficient forms of monitoring in the form of global positioning bracelets and phone-in systems have the potential to significantly contribute to reducing the level of violent crime in the city, particularly robberies and bag snatches, most commonly committed by drug dependent career criminals.

Community and problem-oriented policing here to stay.

Contrary to Dixon's concerns, (1998:104-105) the recent increased corporate focus on high profile policing operations does not inevitably lead to the abandonment of community and problem-oriented policing. We are quite capable of clapping and dancing at the same time.

4 The Act has established a scheme providing an alternative process to court proceedings for dealing with children who commit certain offences through the use of youth justice conferences, cautions and warnings.

In my Local Area Command, management realise *City Safe* is highly resource intensive and under current organisational constraints is very difficult to sustain. We are also aware that within a short time after concluding this operation crime rates and patterns will quickly return to pre-operation days. The key challenge for us now is to minimise those organisational constraints to ensure sustained high police visibility in the city. That does not necessarily mean putting our hand out for more police, but rather looking at our current resources, how we use them, and reshaping our strategic emphasis. What *City Safe* has demonstrated is that smarter policing can make a difference to violent crime in the city.

Nevertheless, *City Safe* is seen as merely one strategy in a whole raft of strategies aimed at reducing crime and disorder in the inner city. This form of policing is not the universal panacea for crime control. The crime prevention strategies that are likely to bring long term and sustained improvements to our city have very little to do with police. However we recognise that we can have a significant influence over decisions made in other organisations, for example, by identifying 'windows of opportunity' and articulating their benefits to key decision makers. We place a great deal of emphasis on building strategic partnerships with government, community organisations and other stakeholders.

One such productive partnership is with City of Sydney and the development and implementation of their multifaceted crime prevention program, 'Safe City', that includes situational and social development strategies to improve safety within the city. Examples include; the sharing of strategically valuable information, in this case, crime density mapping, which has assisted in planning street lighting improvements, footpath widening and closed circuit television placement and in the long term will be very influential on future planning decisions associated with the placement of brothels, restricted (sex shops) and licensed premises;⁵ debriefings, where police have identified issues from observations made on *City Safe*, such as under reporting by young male victims of serious crime in the George street entertainment strip, lack of accommodation for homeless men, planning issues associated with the control of licensed premises.

By 'directly injecting' this information into key personnel within City of Sydney, issues can be promptly addressed and strategic focus altered. A project manager has now been employed by City of Sydney to closely examine youth related issues associated with the George Street entertainment strip and to develop strategies for more effective integration by responsible agencies. A project manager has been employed to assist police and the City of Sydney in developing comprehensive strategies aimed at reducing alcohol related violence. City of Sydney is also investigating the development of an integrated welfare response to issues relating to homelessness on the streets of the city.

Conclusion

David Dixon (1998:104) has recognised there are indications that policing style, in NSW at least, is changing. Whilst his observations are correct, unfortunately, his interpretation of those observations are not. The changes that are being seen in policing practice have less to do with the influence of zero tolerance and more to do with a major organisational overhaul. In recent years, whether intentionally or unintentionally, there has been at corporate level a devaluing of fundamental policing skills. What is being seen now is the materialisation of Commissioner Ryan's strategic vision. Assisted by a very thorough audit of the Police Service, in the form of the Police Royal Commission,⁶ major structural and systems

5 The key issue underpinning much of the crime within the George Street entertainment strip is directly related to poor planning that occurred many years ago.

changes are now complete or very close to completion. In this process, the value of operational policing skills in contributing to achieving corporate goals has once again been recognised.

As the corporate emphasis is now more heavily focused on outcomes rather than chasing arrests, contrary to David Dixon's (1998:104) fears, police managers will become more reliant on community and problem oriented policing to achieve their goals. For just as the majority of operational tactics employed by New York police in implementing zero tolerance have little relevance to policing the central business district of Sydney, so to, does high profile saturation style city operations have little relevance to providing policing services in suburbia. And so the saying goes, 'Horses for courses!'

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