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# West Coast Publishing

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## Criminal Justice Reform 2020-21 Affirmative

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# AFFIRMATIVE EVIDENCE FILE INTRO

## CRIMINAL JUSTICE 2020-2021

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**Resolved: The United States federal government should enact substantial criminal justice reform in the United States in one or more of the following: forensic science, policing, sentencing.**

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## **Impacts: Crime overstated**

## Crime Declining

### Crime rates in American cities are declining and are at historic lows.

**The Brennan Center for Justice**, The BCJ is part of the NYU Law school, June 12, **2018**, “Crime Remains at Historic Lows in America”, <https://www.brennancenter.org/our-work/analysis-opinion/crime-remains-historic-lows-america> (accessed: 05/23/20)

“Crime rates in American cities once again declined in 2017, and remain near historic lows,” said Ames Grawert, senior counsel in the Brennan Center’s Justice program. “Contrary to President Trump’s rhetoric using the threat of rising violent crime to stoke anti-immigrant sentiment, our data show low rates of crime across the country. There are still communities like Chicago and Baltimore struggling to control violence, but rather than resorting to fearmongering, leaders should instead embrace and promote smart policing and real reforms that make all our communities safer.” Some key findings from this analysis include a 2.1 percent decline in the overall crime rate of America’s 30 largest cities since 2016, as well as a 1 percent decline in violent crime and 3.4 percent decline in the 2017 murder rate. Chicago and Houston saw some of the largest decreases in murder rates, which fell by 12.3 percent and nearly 17 percent respectively. Chicago’s decline partially offsets its recent increase in homicides. Cities including Baltimore and Philadelphia saw a rise in murder rates for 2017.

### Crime rates have fallen across the board for the last quarter century

John **Gramlich**, Gramlich is a Senior Writer for the *Pew Research Center*, October 17, **2019**, “5 facts about crime in the U.S.”, <https://www.pewresearch.org/fact-tank/2019/10/17/facts-about-crime-in-the-u-s/> (accessed: 05/23/20)

Violent crime in the U.S. has fallen sharply over the past quarter century. The two most commonly cited sources of crime statistics in the U.S. both show a substantial decline in the violent crime rate since it peaked in the early 1990s. One is an annual report by the FBI of serious crimes reported to police in more than 18,500 jurisdictions around the country. The other is a nationally representative annual survey by the Bureau of Justice Statistics, which asks approximately 160,000 Americans ages 12 and older whether they were victims of crime, regardless of whether they reported those crimes to the police. Using the FBI numbers, the violent crime rate fell 51% between 1993 and 2018. Using the BJS data, the rate fell 71% during that span. The long-term decline in violent crime hasn’t been uninterrupted, though. The FBI, for instance, reported increases in the violent crime rate between 2004 and 2006 and again between 2014 and 2016. Violent crime includes offenses such as rape, robbery and assault. Property crime has declined significantly over the long term. Like the violent crime rate, the U.S. property crime rate today is far below its peak level. FBI data shows that the rate fell by 54% between 1993 and 2018, while BJS reports a decline of 69% during that span. Property crime includes offenses such as burglary, theft and motor vehicle theft, and it is generally far more common than violent crime.

## Crime has been steadily decreasing since 1991

Tim **Lau**, Lau is a staff writer for The Brennan Center for Justice, June 12, **2019**, “Crime Rates in Largest U.S. Cities Continue to Drop” <https://www.brennancenter.org/our-work/analysis-opinion/crime-rates-largest-us-cities-continue-drop> (accessed: 05/19/20)

Crime in the 30 largest U.S. cities is estimated to have declined in 2018, with decreases in the rates of violent crime, murder, and overall crime, according to a new Brennan Center analysis of the available data. Murder rates in particular were down by 8 percent from 2017, a significant drop. 2018 marks the second straight year that murder rates have fallen, too, after increases in 2015 and 2016. Overall, however, U.S. crime rates have dropped dramatically since peaking in 1991. “These continuing declines show that increases in 2015 and 2016 were not the start of a new crime wave,” said Ames Grawert, senior counsel in the Brennan Center’s Justice Program. “If final estimates hold when the FBI releases its data in September, 2018 crime rates will remain near record lows. However, even with these drops it’s clear that some cities, like Baltimore and Chicago, still suffer from high rates of violence. Amid the broad declines, addressing the violence in these areas must be a key priority for policymakers.” Crime rates in the United States have fallen dramatically Crime has dropped precipitously in the past quarter century. After the overall national crime rate peaked in 1991 at 5,856 crimes per 100,000 people, it fell for 14 years in a row to less than half of its peak level, according to a 2017 Brennan Center analysis of FBI data on crime trends at the national and city level.

## COVID-19 is suppressing crime by up to 42%

Marley **Coyne**, Coyne is a writer for *Forbes*, **April 11**, 2020, “Crime Rates Across U.S. Drop Amid The Coronavirus Pandemic” <https://www.forbes.com/sites/marleycoyne/2020/04/11/crime-rates-across-us-drop-amid-the-coronavirus-pandemic/#6f76a5e1311e> (accessed: 05/19/20)

Would-be criminals may be heeding stay-at-home orders, as major cities across the United States report significant dip in major crimes like burglary, assault, murder, robbery and grand larceny, a drop likely influenced by a lack of opportunity as businesses close and streets empty. In Chicago, drug arrests have dropped by 42% in the weeks since the city shut down, the Associated Press reports, while in Los Angeles, the rate of key crimes plummeted 30% after March 15. New York City—the nation’s hard-hit epicenter, where nearly 20% of the city’s police force reported sick this week—is also experiencing a double-digit decrease in crime. “In some sense, it’s like a giant blizzard has hit and there’s 10 feet of snow on the ground,” a former police officer and criminal justice professor told the Washington Post. In a study by USA Today, 19 out of 20 police agencies recorded a lower number of criminal incidents since March 15, and the agencies studied also reported a significant decrease in traffic stops, down as much as 92% in some areas.

## **The fear of crime is not supported by the data; crime rates have been declining but that hasn't been due to harsh criminal justice policies**

Tim **Lau**, Lau is a staff writer for The Brennan Center for Justice, June 12, **2019**, "Crime Rates in Largest U.S. Cities Continue to Drop" <https://www.brennancenter.org/our-work/analysis-opinion/crime-rates-largest-us-cities-continue-drop> (accessed: 05/19/20)

Despite these overall declines, the Trump administration has often cited the 2015 and 2016 murder rate upticks out of context, as justification for its rhetoric supporting policies that would worsen or entrench mass incarceration. For example, during his tenure, former Attorney General Jeff Sessions suggested that a violent crime wave was sweeping the nation, while advocating policies such as tougher policing practices, reinstating mandatory minimum sentences, and intensifying immigration enforcement. However, the latest 2018 data reinforce the longer-term trend of a continued decline in crime rates. This is consistent with the position of criminologists, who have suggested that the 2015 and 2016 numbers might not have been indicative of a significant crime trend. In addition, a 2015 Brennan Center report found that overly harsh criminal justice policies, such as increased incarceration, were not the main contributors to declines in crime. There isn't a broader crime wave emerging Although the 2018 data suggests that crime rates are expected to decrease nationwide, some cities continue to struggle with violence. "We've seen that cities that are poorer, more segregated, and more unequal are more vulnerable to increases in crime rates," said Grawert. Nonetheless, the overall trends continue to undercut any claims about the emergence of a new nationwide crime rate.

### **Crime rates are decreasing at historic rates**

**Associated Press, April 11, 2020**, "Crime falls sharply in even the most violent US cities"

<https://www.theguardian.com/us-news/2020/apr/11/crime-falls-sharply-in-even-the-most-violent-us-cities> (accessed: 05/19/20)

In Chicago, one of the most violent places in the US, drug arrests in the weeks since the city shut down are down by 42% compared with the same period last year. Some criminal lawyers say part of the reason for that decrease is that dealers have no choice but to wait out the economic slump. "The feedback I'm getting is that they aren't able to move, to sell anything anywhere," said Joseph Lopez, a lawyer in Chicago who represents reputed drug dealers. Overall, Chicago's crime declined by 10% after the pandemic struck, a trend that is playing out globally. Fewer people are being killed and fewer robberies are taking place. Still, law enforcement officials worry about a surge of unreported domestic violence, and what happens when restrictions are lifted or go on too long. It's rare for a city to see a double-digit drop in crime, even over a much longer period. During New York's 1990s crime decline, one of the biggest turnarounds in US history, crime dropped by about 40% over three years.

## **Aff Broken Window Policing**

## 1AC Inherency

### **Broken window policing is a tactic that prioritizes reducing disorder to prevent serious crime**

Adam J. **McKee**, Associate Professor of Criminal Justice at the University of Arkansas at Monticello, December 14, **2018**, “ Broken windows theory,” Encyclopedia Britannica, <https://www.britannica.com/topic/broken-windows-theory#ref310130> (accessed 3/30/20)

Prior to the development and implementation of various incivility theories such as broken windows, law enforcement scholars and police tended to focus on serious crime; that is, the major concern was with crimes that were perceived to be the most serious and consequential for the victim, such as rape, robbery, and murder. Wilson and Kelling took a different view. They saw serious crime as the final result of a lengthier chain of events, theorizing that crime emanated from disorder and that if disorder were eliminated, then serious crimes would not occur. Their theory further posits that the prevalence of disorder creates fear in the minds of citizens who are convinced that the area is unsafe. This withdrawal from the community weakens social controls that previously kept criminals in check. Once this process begins, it feeds itself. Disorder causes crime, and crime causes further disorder and crime. Scholars generally define two different types of disorder. The first is physical disorder, typified by vacant buildings, broken windows, abandoned vehicles, and vacant lots filled with trash. The second type is social disorder, which is typified by aggressive panhandlers, noisy neighbours, and groups of youths congregating on street corners. The line between crime and disorder is often blurred, with some experts considering such acts as prostitution and drug dealing as disorder while many others classify them as crimes. While different, these two types of disorder are both thought to increase fear among citizens.

## **Plan**

**The United States Federal Government should enact substantial criminal justice reform in the United States by ending Broken Windows style policing.**

## Advantage One: Punishment

### **Broken Windows essentializes crime as being the result of individual moral failure, requiring social control to restore order by targeting people of color**

Alex S. **Vitale**, associate professor of sociology at Brooklyn College, August 1, **2014**, "The Neoconservative Roots of the Broken Windows Theory," Gotham Gazette, <https://www.gothamgazette.com/index.php/opinion/5199-neoconservative-roots-broken-windows-policing-theory-nypd-bratton-vitale> (accessed 4/6/20)

The Broken Windows theory magically reverses the well understood causal relationship between crime and poverty, arguing that poverty and social disorganization are the result of, not the cause of, crime and that the disorderly behavior of the growing "underclass" threatens to destroy the very fabric of cities. Wilson, following Banfield, believed strongly that there were profound limits on what government could do to help the poor. Financial investment in the poor would be squandered, new services would go unused or be destroyed, and the poor would continue in their slothful and destructive ways. Since the root of the problem was either an essentially moral/cultural failure or the lack of external controls to regulate inherently destructive human urges, then the solution had to take the form of punitive social control mechanisms to restore order and neighborhood stability. This is why police are arresting people for grilling on the sidewalk, drinking on their front stoop, and, yes, selling loose cigarettes. The result of this approach has been the mass criminalization of the poor, who in New York City are overwhelmingly people of color. Hundreds of thousands of mostly young black and Latino men are put into the criminal justice system for mouthing off in class, taking up two seats on the subway, and possessing marijuana. In some neighborhoods over 50% of young men are caught up in the criminal justice system. It is a system that drives them from school, undermines future employment prospects, and immerses them in a world of gangs and violence.

## **Broken Windows is the ideological justification that allows aggressive policing as the solution for all problems, reinforcing and maintaining social exclusion and iniquity**

Ben **Bowling**, professor of criminology and criminal justice at King's College London, **and** James **Sheptycki**, professor of criminology at York University, **2011**, "Policing Globopolis," *Social Justice* Vol. 38 No. 1/2 : Policing the Crisis—Policing in Crisis, <https://www.jstor.org/stable/23345531> (accessed 4/13/20)

Empire City also provided the centerpiece of global policing rhetoric in the form of the "New York Miracle." Zero tolerance policing (ZTP) subsequently set the benchmark for urban policing around the world. Making the miracle possible was James Q. Wilson and George Kelling's famous parable of "fixing broken windows," which was first told in the Atlantic Monthly in 1982. Briefly, Wilson and Kelling asked the reader to consider a building with a few broken windows. If the windows are not repaired, they suggested, the evident neglect attracts the attention of vandals who wreak further damage. Squatters may move in. The locale in which the building sits begins to suffer. Increasing incidents of minor crime send signals that delinquent behavior is tolerated and the incidence of more serious crimes escalates. Social malaise sets in followed by a downward spiral of decline. The cure is to "fix the broken windows" and crack down on the low-level "quality of life offenses." This made suitable dinner party conversation in Manhattan and Brooklyn Heights when William Bratton took command of the New York police Department in 1994. It was a polite way of talking about tearing up the social contract. The metaphor of fixing broken windows covered up the reality of the practical idea being pursued. A closer reading of Bratton's policing philosophy reveals that it was the subcultural "common sense" of the rank-and-file police themselves. Bratton's policing philosophy was that of the enforcer. The broken windows metaphor made polite talk about hard-fisted policing possible. By making plausible a "developmental link" between minor disorder and serious crime, its logic mandated sweeping and aggressive law enforcement as the most appropriate one for all societal ills. In a society ostensibly dedicated to democratic and egalitarian ideals, it requires persistent, systematic, and widespread cultural and institutional hypocrisy in order that policing reinforce and maintain an existing exclusionary and iniquitous social structure. That about sums up the New York Miracle. The plausibility granted to zero tolerance policing and war on crime rhetoric reveals a fundamental repression of democratic political ideals in the service of particular interests. The parable of broken windows is a self-serving fantasy that benefits the few at the expense of the many. Further, likening Globopolis to a person, we would suggest that this act of repression is the source of a variety of psychosocial tensions, about which more momentarily.

## The ideology of punishment behind Broken Windows forecloses poverty alleviation

Bernard E. **Harcourt**, Isidor and Seville Sulzbacher Professor of Law at Columbia University, **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," University of Chicago Law School, [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2471&context=journal\\_articles](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2471&context=journal_articles) (accessed 4/7/20)

Foucault's genealogy of the prison addresses both strands of Durkheim's analysis. With regard first to the categories, Foucault's discussion of the role of the delinquent in the modern carceral society illuminates, by analogy, the role of the disorderly in the social influence conception of deterrence. The delinquent and the disorderly have much in common and it is, for this reason, crucial to rehearse Foucault's analysis. But the categories are also different in important ways. Whereas delinquency correlates with treatment, psychotherapy, and correction, the category of the disorderly is more closely associated with a militaristic method of rectification. The broken windows theory by no means advocates the more rehabilitative or psychotherapeutic remedies that characterize certain of the institutions described in Discipline and Punish. The broken windows theory borrows instead from the classical method of deterrence through excessive punishment, as well as the drill sergeant model of discipline. For this reason, the category of the disorderly offers an opportunity to refine Foucault's diagnosis of the modern carceral society. Insofar as we are living today -inescapably, at present - within a paradigm of the penitentiary, the differences between the delinquent and the disorderly open a window into the different subtypes of possible disciplinary practices. The social influence theory attempts to normalize the offender along the axis of order and disorder. However, if there is no evidence to support this axis of normalization, then it might be better to reform along a different axis, such as, for instance, poverty or stability. By refining Foucault's analysis, we may be able to draw its policy implications.

## **Poverty limits agency, multiplying the impact of all rights losses. We control the internal link to oppression.**

Kathleen **Ho**, masters scholar in human rights at the University of Essex, September **2007**, “Structural Violence as a Human Rights Violation,” Essex Human Rights Review vol. 4 no. 2, p. 9 (accessed 6/14/17)

Poverty consists of a systematic or structural denial of basic freedoms, as articulated by Sen, resulting in agency constrained to the extent that individuals are unable or lack the ‘capability’ to meet their basic needs. The denial of one freedom amplifies or multiplies the denial of other freedoms, rendering the poor disproportionately vulnerable to a whole array of violations. Poverty not only means lack of money; it means a concomitant impairment of access to adequate healthcare, water, shelter, etc. In terms of de facto and de jure rights, the poor clearly experience a different de facto realization of human rights...those living in poverty, on balance, have less access to the kind of economic resources that are necessary for adequate healthcare, education and welfare services, which may in turn effect the degree to which they enjoy their civil and political rights.<sup>34</sup> Poverty, therefore, constitutes a structural violation of human rights. There are systemic reasons that explain why the poor bear a disproportionate burden of rights violations. In this sense, Farmer’s assertion rings eerily true: Human rights violations are not accidents; they are not random in distribution or effect. Rights violations are, rather, symptoms of deeper pathologies of power and are linked intimately to the social conditions that so often determine who will suffer abuse and who will be shielded from harm.<sup>35</sup> Furthermore, poverty, although it has an irreducible economic connotation does not necessarily imply the primacy of economic factors in the causation of poverty. For example, when discrimination based on gender, ethnicity or any other ground denies a person access to health-care resources, the resulting ill-health is clearly a case of capability failure that should count as poverty because the lack of access to resources has played a role.<sup>36</sup> The social factors, such as sexism and racism, also represent additional instances of structural violence that constrain agency.

## Moving away from Broken Windows style policing opens up alternatives to arrests

Bernard E. **Harcourt**, Isidor and Seville Sulzbacher Professor of Law at Columbia University, **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," University of Chicago Law School, [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2471&context=journal\\_articles](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2471&context=journal_articles) (accessed 4/7/20)

The mayor of Bogota, Columbia, Antanas Mockus, hired mimes to follow and imitate jaywalkers crossing the street in an effort to curb jaywalking.<sup>377</sup> Mockus also gave motorists "cards with a thumb-downs sign that they could hold up, like soccer referees, to signal that another driver had committed a foul.'<sup>378</sup> It's a different approach, but the point is, even if we set out to create order, we should consider how we are going to go about it. We need to critically examine what effect the policies will have on individuals in society, how the policies construct the subject and how that construction reinforces the very strategies we are justifying.<sup>379</sup> The issue is not just social influence on behavior. The pertinent questions are, first, how do our strategies of policing and the mechanisms of punishment transform the subject? Second, how does our understanding of the subject influence the policing strategy under consideration? And third, how do these effects relate to the goal of reducing crime? The answer, in the context of order-maintenance policing is that the quality-of-life initiative creates the disorderly, which in turn reinforces the policing strategy and overshadows the costs of that strategy, without sufficient evidence that the order-disorder axis affects crime.

## Advantage Two: Black Lives Matter

### Broken Windows conditions police see broad swaths of the population as inherently criminal along racial lines

Sarah **Childress**, Senior Editor & Director of Local Projects, June 28, **2016**, “The Problem with “Broken Windows” Policing,” PBS Frontline, <https://www.pbs.org/wgbh/frontline/article/the-problem-with-broken-windows-policing/> (accessed 3/30/20)

Some policing experts say that Broken Windows is a flawed theory, in part because of the focus on disorder. Kelling argues that in order to determine how to police a community, residents should identify their top concerns, and police should — assuming those issues are legitimate — patrol accordingly. But disorder doesn't look the same to everyone, Harcourt said. “Definitions about what is orderly or disorderly or needs to be ticketed, etc., are often loaded — racially loaded, culturally loaded, politically loaded,” he said. He cited New York's recent decision to crack down on subway performers, who are often young black men, as an example. Giving police discretion to enforce public order laws, he added, “becomes extraordinarily problematic because of racial, ethnic and class-based biases, and including implicit biases” that can come into play. Linking disorder and crime can also change the way officers perceive residents, by creating the assumption that those committing minor offenses may do something worse if they're not sanctioned, said David Thacher, a criminologist and professor at the University of Michigan. “Broken Windows frames trivial misbehavior as the beginning of something much more serious,” Thacher said. “And I worry that that encourages the police to see a broader and broader swath of the people they're policing as bad guys.”

## Broken Windows gives police unlimited license to stop, ticket, and arrest people of color

Andrea J. **Ritchie**, Black lesbian police misconduct attorney and organizer, July 6, **2016**, “Black Lives Over Broken Windows,” Political Research Association, <https://www.politicalresearch.org/2016/07/06/black-lives-over-broken-windows-challenging-the-policing-paradigm-rooted-in-right-wing-folk-wisdom#sthash.AbQkjVoW.dpbs> (accessed 4/2/20)

Key to implementing broken windows policing is the proliferation of “quality of life” regulations, which criminalize an ever-expanding range of activities in public spaces, including standing or walking (recast as “loitering”), sitting, lying down, sleeping, eating, drinking, urinating, making noise, and approaching strangers, as well as a number of vaguer offenses, such as engaging in “disorderly” or “lewd” conduct. This broad range of potential offenses gives police almost unlimited license to stop, ticket, and arrest. According to one researcher, enforcement of such low-level offenses has become the “most common point of contact between the public and the criminal justice system.”<sup>35</sup> Of course, what conduct is deemed “disorderly” or “lewd” is more often than not in the eye of the beholder, informed by deeply racialized and gendered perceptions. Where offenses are more specific, they criminalize activities so common they can’t be enforced at all times against all people. When I speak publicly about broken windows policing, I often ask how many members of the audience have ever fallen asleep on a train or ridden a bicycle on a sidewalk at some point in their lives. Dozens of hands shoot up. When I ask how many have ever been ticketed or arrested for it, almost all hands come down—that is, unless I am at a drop-in center for homeless youth or adults, or in a low-income Black neighborhood. There, many hands remain in the air. As former Yale law professor Charles Reich notes, “Laws that are widely violated...especially lend themselves to selective and arbitrary enforcement.”<sup>36</sup> As a result, both vague and specific “quality of life” offenses are selectively enforced in particular neighborhoods and communities, or against particular people, by officers wielding an extraordinary amount of discretion, largely unrestrained by constitutional protections. As legal scholar Dorothy Roberts notes in “Race, Vagueness, and the Social Meaning of Order-Maintenance Policing,” over the last several decades, conservative commentators have called for a relaxation of legal doctrines disfavoring vague offenses and reining in police discretion in the name of “law and order” agendas.<sup>37</sup>

## **Broken Windows is social cleansing that has created a lost generation of young men of color to enact a racist revenge policy**

Corey **Dolgon**, professor of sociology at Stonehill College, **2017**, “Junk Freedom, Broken Windows, and Black Lives Matter,” Kill it to save it: An autopsy of capitalism’s triumph over democracy, Bristol University Press, <https://www.jstor.org/stable/j.ctt1t89656.15> (accessed 4/9/20)

This description suggests a collaborative effort between police and residents to maintain order while acknowledging certain liberties and even allowing small transgressions. Over time, however, these collaborations devolved into practices that encouraged beat cops to arrest primarily young men of color for the most minimal infractions. Exported around the country, a war on “quality of life” crimes combined with the 1980s and 1990s War on Drugs and effectively sent what some have called a “lost generation” of young men of color to prison. How did this happen? With great fanfare, New York City Mayor Rudolph Giuliani and top cop William Bratton adopted “broken windows” in 1993. But as geographer Neil Smith (2001) explained, operationalizing “broken windows” became a “zero-tolerance” policy driven by a revanchist (revenge) and racist framework regarding who did and didn’t belong in 21st century America. He wrote: The founding document of the new U.S. revanchism is undoubtedly the innocuously named Police Strategy No. 5 bearing Giuliani’s and Bratton’s names. ... “A decent society is a society of civility,” it begins, and then lists a litany of people and “behaviors” that have stolen the city [emphasis added] from its rightful citizens: street peddling, panhandling, prostitution, squeegee cleaners, boom boxes, graffiti, public drinking, loud clubs, speeding cars, litter louts, public urination, street artists, and “dangerous mentally ill homeless people.” (The latter euphemistic convolution was forced by the fact that although homelessness is not a crime, homeless people, number perhaps 100,000 in the early 1990s, were the first targets of the new revanchism). The documents subtitle tells the strategy: “Reclaiming the Public Spaces of New York.” Less formally, Giuliani and Bratton vowed to “clean the city” of the “scum” that apparently “threatened” decent people walking down the street. Zero tolerance was passed off as an anticrime program. Actually, it is a social cleansing strategy.

## Ending Broken Windows is crucial to combat and dismantle structural racism

Andrea J. **Ritchie**, Black lesbian police misconduct attorney and organizer, July 6, **2016**, “Black Lives Over Broken Windows,” Political Research Association, <https://www.politicalresearch.org/2016/07/06/black-lives-over-broken-windows-challenging-the-policing-paradigm-rooted-in-right-wing-folk-wisdom#sthash.AbQkjVoW.dpbs> (accessed 4/2/20)

Increasingly though, Black communities across the country are speaking for themselves, loudly and clearly, demanding safety from all forms of violence—including the violence of profiling, discriminatory enforcement, and police violence intrinsic to broken windows policing. They are resisting the false choices presented by broken windows proponents, demanding both authentic safety and an end to police violence, harassment, and surveillance, along with respect for rights and dignity. As the Malcolm X Grassroots Movement of New York City stated in the wake of Eric Garner’s killing, the “‘broken windows’ philosophy of policing, which purports that focusing resources on the most minor violations will somehow prevent larger ones, has consistently resulted in our rights being violated.”<sup>57</sup> They emphatically state that safety cannot come at the price of daily harassment, violation, and the taking of Black lives. Black voices and communities are articulating their own visions of safety through Black Youth Project 100’s Agenda to Keep us Safe <sup>58</sup> and Agenda to Build Black Futures, Campaign Zero, and demands articulated by Black Lives Matter<sup>59</sup> and Ferguson Action.<sup>60</sup> What ties many of these agendas together is the notion that the best strategy to promote safety in Black communities is to divest from policing and punishment and instead invest in and support Black communities, leaving no one behind. Together, they issue a clarion call to combat and dismantle systems of structural discrimination that foster violence while limiting opportunities and life chances of Black people—including “broken windows” policing.

## Advantage Three: Sex Work

### Broken Windows policing targets sex workers for arrest

**ACLU**, American Civil Liberties Union, September 12, **2016**, “Part of increase in aggressive enforcement of low-level offenses in Newark,” <https://www.aclu.org/press-releases/newark-arrests-targeting-sex-work-encourage-over-policing-and-threaten-public-health> (accessed 4/2/20)

“The Newark Police Department’s 13 arrests on charges related to prostitution over the weekend raise concerns yet again about Newark’s embrace of failed and destructive 'Broken Windows' policing strategies. Using our criminal justice system to harass, arrest and incarcerate consenting adults who agree to exchange sex for money is a poor use of the NPD’s limited resources. “These arrests harm public health by stigmatizing sex workers and making their lives more difficult and dangerous. These crackdowns harm public safety by stoking fear of police among sex workers, dissuading vulnerable communities from reaching out to police to report abuses. “The NPD’s renewed focus on aggressive enforcement of low-level offenses runs counter to community-oriented policing, which should rely on alternatives to arrest and prosecution for low-level offenses like these. We urge the City to explore harm reduction in the interest of public health and to reject failed approaches of criminalization.

### Broken Windows policing enforces the dehumanization and disposal of sex workers – abuse that is linked to other oppressions

Penelope **Saunders**, coordinator of the Best Practices Policy Project, **and** Jennifer **Kirby**, member of the Alliance for a Safe and Diverse D.C., **2011**, “Move Along: Community-based Research into the Policing of Sex Work in Washington, D.C.,” *Social Justice* Vol. 37 No. 1: Sexuality, Criminalization and Social Control Action Research, pp. 107-127, <https://www.jstor.org/stable/41336938> (accessed 4/9/20)

To understand the policing of sex work, especially in public spaces, two key issues clarify patterns. First, for police to act with impunity, societal perceptions must stigmatize and dehumanize the “prostitute” as a kind of trash, social blight, and/or threat to public safety and order. Second, the patterns of police abuse are not random. Rather, they depend on social tensions cohering to social groups that are relentlessly targeted (Ritchie, 2006). The dehumanization of the “prostitute” is linked to other social inequalities relating to class, race, migrant status, gender, sexual orientation, and age. Street sex workers, and people profiled by the police as prostitutes on the street, become evidence of social disorder in gentrifying communities policed by law enforcement bodies driven by the “broken windows” and “zero tolerance” approaches (Scraton, 2004). The professional and managerial middle class that is moving into working-class and low-income neighborhoods (Hamnett, 2003) view street sex workers as urban dirt that must be removed to protect their property values and safety. Along with business interests, they pressure local politicians and the police to act on the problem. Fears about the “prostitute” are often augmented by hysteria over the presence of people of color in public space who may be simultaneously eroticized, considered “dirty,” and security threats (e.g. “loitering” Latinos) (McArdle, 2001; Cleaveland and Kelly, 2008). Profiled as prostitutes with alarming frequency, transgender women of color are targets for arrest and harassment by police who act out societal stigma against gender-nonconformity (Amnesty International, 2005). Different frameworks can drive policing and surveillance of other forms of sex work, such as massage parlors. Police raids may be framed as “rescues” of trafficked women (Sex Workers Project, 2009), or they may be based on similar fears of congregating “illegal immigrants” who challenge public safety.”

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## **Criminalization of sex workers makes them more vulnerable to exploitation, sexual trafficking and violence**

Sonja **Dolinsek**, policy analyst, September 13, **2013**, "The German Prostitution Model: Reducing Violence Against Sex Workers," Fair Observer, <https://www.fairobserver.com/region/europe/german-prostitution-model-reducing-violence-against-sex-workers/> (accessed 7/8/19)

Second, abolitionism does not solve the problem of violence which, more often than not, stems from the criminalization of sex workers and migrants, and the lack of rights that goes with it. In fact, research has shown that criminalization of sex workers makes them more vulnerable to instances of abuse and exploitation, including human trafficking. Treated as criminals, victims of human trafficking for sexual exploitation risk remaining undetected and even further victimized by prison sentences. This has been the case in the recent FBI sting operation in the US where minors were arrested for prostitution. In the name of abolition, feminist and abolitionist organizations have supported police raids and police action in the fight against human trafficking. This is true even for those countries where the police is infamously corrupt and prone to abuse and sexually assaulting vulnerable populations such as sex workers, without ever being punished. Such policies hurt sex workers and victims of human trafficking alike. And, most certainly, they should not be called "feminist." By contrast, countries that treat sex work as legal labor have lower incidences of violence against sex workers. In these countries, sex workers' working and living conditions have generally improved. The best example is New Zealand, where even migrant sex workers are protected by law and where a liberal approach has neither increased the number of sex workers or victims of human trafficking. With the recognition of sex work as labor come many rights, such as access to health services, the social system and, in New Zealand, access to residence permits for migrant sex workers. Most importantly, decriminalization grants access to the legal system in case of rape or abuse by clients or the police.

## Ending Broken Windows policing is the first step to full decriminalization of sex work

Melissa Gira **Grant**, senior staff reporter, September 7, **2018**, “How decriminalizing sex work became a campaign issue in 2018,” The Appeal, <https://theappeal.org/senate-candidate-julia-salazar-sex-workers-rights-campaign/> (accessed 4/10/20)

“What is sex work?” That was the question sex worker rights activists were expecting to hear often as they canvassed Brooklyn voters one drizzly August Sunday. At a gathering of about two dozen canvassers in a Williamsburg park, after the pizza and before knocking on doors, the activists circled under some trees to talk through how to answer that question. It was the first time this group had canvassed voters on sex workers’ rights, to talk with voters about the enforcement of prostitution laws, like anti-loitering policing that targets women of color and raids on massage businesses predominantly staffed by immigrants. It was the first time these activists had a candidate they could canvass on these issues for. Julia Salazar, who is running for a New York state Senate seat representing north Brooklyn, arrived a few minutes later to send them off. She said sex workers—“my constituents”—are disproportionately criminalized in her district. Bushwick, for example, was among the top five New York City neighborhoods where police made “loitering for prostitution” arrests as of 2015. She referenced the Brooklyn courts, where 94 percent of those facing loitering for prostitution charges were Black. “That should disturb all of us,” she said. Salazar argued that sex work policing was a central part of a bigger problem with Brooklyn’s approach to criminal justice. “Criminalizing sex work is a form of broken windows policing,” she said. “We shouldn’t tolerate it when it is used against sex workers.” If police gave out tickets for prostitution-related offenses instead of arresting people, she said, “this would actually go a long way in New York state toward decriminalization—toward full decriminalization.”