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USING LAW AND LAW ENFORCEMENT TO PREVENT VIOLENCE AND PROMOTE COMMUNITY VIBRANCY NEAR BARS, CLUBS, AND TAVERNS

SHAWN MONTERASTELLI*

INTRODUCTION

Violence is more than a threat to community order. It is a threat to community health. It is the principal cause of death among young people and destroys important "quality years of life."¹ In this Note, I take the reader step by step through the problems with violence as viewed by current sociological literature and then describe effective strategies for tackling these problems in ways that not only prevent violence from occurring but also promote the overall vibrancy within the community. My goal in this Note is to provide city officials with a general framework that can be applied to any city should they recognize that violence is occurring in and around their bars, clubs, or taverns.

The following paragraph provides a brief outline of this Note. In Part I, I discuss the high and extensive costs of crime in a community. While many of these costs are readily apparent to most community members, the costs of violence reach far beyond the pocketbook. In Part II, I compare the public health and criminal justice models of violence prevention. City officials could best tackle their problems with violence if they pulled from the strengths of these approaches rather than placing them in opposition. In Part III, I explain why bars, taverns, and clubs play a significant role in violence in American cities. In Part IV, I discuss the integral part that the city must play in battling the national problem of violence. In Part V, I explain several effective programs in which the police themselves should participate.


* B.A., 1999, University of Missouri-Columbia, J.D. Candidate, 2002, Notre Dame Law School; Thomas J. White Scholar, 2000–2002. I dedicate this Note to the community where I will someday call "home." I am grateful for those people who have inspired me to look at life through the lens of faith and morality, and I appreciate the effort of the people who volunteered their time and talents in order to help me publish this Note.
While more police and more arrests may be a common sense reaction to violence, police should play an integral part in working with the community to prevent violence by focusing on "hot spots" of violence near bars, clubs, and taverns. In Part VI, I explain how city officials should use the law to target "hot spot" bars, clubs, and taverns. In Part VII, I explain that fear of violence displacement and weak research prevent cities from creating effective violence prevention programs. In Part VIII, I explain the importance of balancing regulation and enforcement with the desire to create vibrant communities and promote human dignity.

I. THE COSTS OF HEALING THE WOUNDS OF VIOLENCE

Violent crime wounds a community. Attackers both physically and psychologically wound the individual victims of violent crime. From bruising and bleeding to fear and distress, the victims of violence suffer from a very powerful trauma. The larger community suffers not only from the harm done to one of its members but also from the very infiltration of violence into their society. The community loses a certain amount of safety and peace, and such violence may damage the community's overall vibrancy.

The most damaging wound of violent crime is fear. Generally, the public finds crimes resulting in physical injury to victims worse and more reprehensible than those producing only property loss. One 1985 study, randomly sampling 60,000 Americans' responses to 204 various criminal scenarios, found that respondents believed that demanding $10 from a person and then shooting and wounding that person was almost 10 times as serious as breaking into a parking meter to steal $10 worth of

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2. For a more thorough analysis of many of the costs associated with violent crime, see Mark A. Cohen et al., The Costs and Consequences of Violent Behavior in the United States, in 4 UNDERSTANDING AND PREVENTING VIOLENCE 67, 67 (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993).

3. By violent crime, I am referring to homicide, rape, aggravated assault, battery, and robbery.

4. Mark Warr, Public Perceptions and Reactions to Violent Offending and Victimization, in 4 UNDERSTANDING AND PREVENTING VIOLENCE 1, 3 (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993) (citing PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY (1967) [hereinafter PRESIDENT'S COMMISSION] ("The most damaging of the effects of violent crime is fear, and that fear must not be belittled.").

5. See generally Warr, supra note 4 (measuring and quantifying the fear caused by certain crimes by analyzing several studies that demonstrate the perceived risk and perceived seriousness of those crimes).
nickels. Thus, even if the vandalism of parking meters occurs more often than a shooting, the shooting is more likely to have a greater impact on the community.

The media attention given to violent crime is another significant factor contributing to this unbalanced level of fear. The media provides one of our society's most important sources of our public information on crime. Because of the virtually unlimited supply of crime stories, reporters must choose which crime events to cover. The seriousness of the crime is an important standard in determining a story's newsworthiness. The story may be even more newsworthy because of its rarity. By using these standards, "the media are most likely to report precisely the crimes that are least likely to occur." Consequently, violent crimes receive higher ratings than the other various criminal scenarios in both perceived seriousness and perceived risk. Because of these perceptions, violent crimes are more likely to instill fear in a community than are property crimes.

Perceived risk of violence also affects a community's response to violent crimes. Community members tend to be more fearful of certain areas in a city. Certain areas may be plagued by acts of extreme violence or by higher proportions of violent crime than other areas. As these acts of violence are publicized either by the media or by word of mouth, the areas where the acts occurred come to be known as dangerous parts of the city.

6. See id. at 38-45 (citing M. E. Wolfgang, The National Survey of Crime Severity (1985), whose survey's results ranked all 204 offenses according to their level of perceived seriousness). The seriousness scale ranged from 72.1, for a person who plants a bomb in a public building that kills 20 people, to 0.2, for a person under the age of 16 playing hooky from school. Id. The parking meter crime received a 1.6, while the injurious $10 robbery at gunpoint received a score of 15.7. Id. at 40-45. Equally interesting, respondents believed breaking into a bank at night and stealing $100,000 was relatively as serious as the $10 robbery, receiving a score of 15.5. See id. at 40.


8. See id.

9. Id. at 16. Additionally, "[r]esearch that compares official rates of crime in a city with media coverage reveals that violent crimes, especially murder, are drastically overrepresented in media accounts, given their frequency of actual occurrence." Id. at 17.

10. See Wolfgang, supra note 6, at 40-45.

11. See id. at 15 ("There is strong evidence that people commonly perceive crime in geographic terms, meaning that they typify areas as dangerous or, alternatively, as safe zones.").
This localization of fear causes avoidance behaviors. "Avoidance behaviors are those actions 'taken to decrease exposure to crime by removing oneself from or increasing the distance from situations in which the risk of criminal victimization is believed to be high.'"\textsuperscript{12} In fact, spatial avoidance is among the most common responses to fear of crime in the United States.\textsuperscript{13}

This avoidance behavior can manifest itself when individuals avoid certain places or activities at particular times. For example, a person might take a taxi instead of riding the public transit, especially if the person is traveling at night. Such perceptions are also likely to deter individuals from coming out of their homes or taking late-night walks. "By avoiding physical contact with risky situations and risky people, individuals decrease their risks of criminal victimization . . . ."\textsuperscript{14} Such avoidance creates yet another "wound" of violent crime.

Healing these "wounds" of violence is an expensive part of the nation's overall health bill.\textsuperscript{15} In general, individual victims of violent crime pay expensive hospital bills, replace damaged property, and suffer lost wages or lost days in school.\textsuperscript{16} The larger community also pays for violent crime through increased costs for health and life insurance; criminal justice and deterrence measures; victim services; and crime and violence research programs.\textsuperscript{17} Indirectly, the community "pays" for violence by way of the increased fear for potential victims; lost freedom for offenders; trauma to victims and witnesses; indictment and possible conviction of innocent individuals; and a lost tax base for victims, offenders, and their families.\textsuperscript{18} Considering the high cost of healing the damage caused by violent crimes, Part II discusses two popular models of violent crime prevention.

\textsuperscript{12} Id. at 20 (quoting F. DuBow, Reactions to Crime 31 (1979)).
\textsuperscript{13} Id. at 21 (citing several studies where a significant majority of respondents reported that they avoid certain places in the city).
\textsuperscript{14} Miethe, supra note 7, at 22.
\textsuperscript{15} See Cohen et al., supra note 2, at 67–68. Despite limitations in retrieving actual aggregate costs of injuries from only and all violent crime, a 1989 study estimates the total costs of injuries, including the lifetime cost of treatment, rehabilitation, lost productivity, pain and suffering, and lost quality of life at $1.1 trillion. Id. at 90. These estimates do not include the mental health care costs due to post-traumatic stress disorder. See id.
\textsuperscript{16} See id.
\textsuperscript{17} See generally id. (discussing the specific cost of violence throughout the article).
\textsuperscript{18} See generally id.
II. CRIMINAL JUSTICE VS. PUBLIC HEALTH

High costs of violent crime contribute to the community's desire for prevention. The sociological community has developed two general approaches to crime prevention: the criminal justice model and the public health model. The criminal justice model of crime prevention focuses its attention on deterrence, incapacitation, and rehabilitation of the offender. Many criminal justice practitioners see the evil intentions of offenders as the primary empirical cause of violence. "In this view, if the offenders had not gotten angry, or if they were not so vicious and ruthless, the violent offenses would not have been committed." The criminal justice model, then, generally responds to these contributing factors by increasing the number of law enforcement officers, placing violent offenders in jail for longer periods, and attempting to temper the offenders' violent natures.

For example, the criminal law usually punishes violent crimes more harshly than property crimes. In 1996, the violent offenders received on average seventy-eight months of incarceration from state courts while property offenders received on average thirty months of incarceration from those courts. Even the lowest violent offenses category (aggravated assault) received a greater sentence, on average, than the highest property offenses category (burglary). "[S]o strong is the relation between preferred punishment and perceived seriousness that the two are sometimes regarded as substitutable if not outright identical variables." In this way, violent crimes, as compared to property crimes, are more likely to receive prison sentences and for longer terms.


20. MARK H. MOORE ET AL., DANGEROUS OFFENDERS 24-30 (1984) [hereinafter MOORE ET AL., DANGEROUS OFFENDERS]. While Moore concedes that "crimes may be caused by factors other than the evil intentions of bad people," his book focuses on the empirical theory that "dangerous offenders are a noteworthy component of the crime problem." Id. at 25.

21. Moore, Approaches to Prevention, supra note 1, at 243.


23. Id. While burglary's average sentence was forty-one months, aggravated assault averaged forty-three months. Id. A contributing factor to this disparity in sentencing, other than perceived seriousness, may also be the increased ability to provide restitution for property offenses.

24. Warr, supra note 4, at 49 (citing several studies as authority for this position).
In contrast to the criminal justice model that focuses on attacking and removing each individual "virus" that has infected the community, the public health model of crime prevention focuses on reducing the external risk factors that create opportunity and capacity for violent criminal activity by preventing the "virus" from being able to attack the community in the first place. This model is based on four steps: 1) public health surveillance, 2) risk group identification, 3) risk factor exploration, and 4) program implementation and evaluation.

"Perhaps the most difficult step in this analytic process is the third: the search for potentially modifiable risk factors for intentional injuries." Such risk factors, known as "criminogenic features," include, among others, the presence and availability of guns and alcohol, crowded bars with minimal police presence, dimly lit areas around subway stops, and cash machines along a crowded street. The public health model even looks at young persons as a criminogenic feature, as they are more likely to be "nudged onto tracks that cause them to become youthful offenders or easy victims of others." Such features produce crimes "not only because they attract people who were already motivated to offend, but also because they facilitate the commission of crimes by people who were less committed to criminal offending."

Like the criminal justice model, the public health model of crime prevention also reacts to violence that has already occurred. Unlike the criminal justice model, the public health model focuses on healing the wounds of violence because of its perception that violence is a disease that is difficult to contain. In turn, the public health approach emphasizes the importance of healing the individual victim's physical and emotional wounds and reestablishing the victim's and offender's connection to one another and to the community. This approach is designed to

25. See Moore, Approaches to Prevention, supra note 1, at 244-45.
26. See Moore et al., Public Health Perspectives, supra note 19, at 183.
27. Id.
28. Id. at 190.
29. See Moore, Approaches to Prevention, supra note 1, at 246.
30. See id. at 189.
31. Id. at 245.
prevent the spread of more violence.\textsuperscript{33} As stated in Part I, violence causes fear and disconnection that in turn allows violence to spread more easily. This spread occurs because violence, particularly among strangers, spreads fear more widely as people generally have no control or knowledge of the strangers that pass in and out of their lives every day. Thus, the public health approach can be extended to include not only the reconnection of the victim and offender, as in the case of acquaintance crime, but the reconnection of all "infected" individuals\textsuperscript{34} to the community at-large. This reconnection not only reacts to the wounds of violence but also prevents future occurrences of the same.

Not only does the public health model seek to prevent violence by preventing the spread of the disease, but it also seeks to make individuals less susceptible to the occurrence of violence. In this way, the public health approach may also be more effective than the criminal justice model in preventing crime. Whereas the criminal justice model might prevent crime by putting more police in high crime areas, the public health model seeks creative solutions to reduce the opportunity and capacity of potential offenders to commit violent acts.

First, the public health approach seeks to prevent "first offenses." "Preventing a first offense may be important not only to avoid the loss to a victim but also to prevent an individual from becoming an offender."\textsuperscript{35} The public health approach seeks to interrupt the processes that produce offenders.

Second, the public health approach seeks to find simple technological manipulations that would make the person and the environment less vulnerable to violence. For example, the public health approach might attack violence in bars by substituting plastic cups for traditional bar mugs to reduce some of the damage that emerges from drunken fights.\textsuperscript{36} Other more expensive proposals to make cities more violence resistant include efforts to reduce population density, to reduce the overall number of bars and liquor stores in a community, or to create "defensible spaces" through more effective surveillance and response systems that mobilize police agencies.\textsuperscript{37} Using the basic theory of both violent crime prevention models, Part III discusses how

\begin{itemize}
  \item \textsuperscript{33} See Moore, Approaches to Prevention, supra note 1, at 241.
  \item \textsuperscript{34} These individuals include the victim, offender, families, friends, and any person whose fear and distrust of members of their community grows as a result of the violent act.
  \item \textsuperscript{35} Moore, Approaches to Prevention, supra note 1, at 251.
  \item \textsuperscript{36} Id. at 245.
  \item \textsuperscript{37} Id. at 253 (quoting \textsc{Oscar Newman}, Defensible Space: Crime Prevention Through Urban Design (1972)).
\end{itemize}
targeting areas around bars, clubs, and taverns can be an effective means to prevent future violent crimes.

III. THE SIGNIFICANCE OF BARS, TAVERNS, AND CLUBS

Both the public health and criminal justice models of crime prevention agree that attacking certain areas in a city is an effective way to prevent violent crime. Empirical evidence demonstrates that most crime is highly concentrated in and around a relatively small number of places, much like a disease attacks a body. Furthermore, numerous situational factors contribute to a high crime rate in a particular area. Specifically among drinking establishments, a national study concluded that most tavern-related violence usually occurs in only a few of a city's bars. In a localized case study of an area on the northside of Chicago, researchers found that "tavern density and proximity to mass-transit stops played roles in creating hot spots [of crime]." Unfortunately, many national and local criminal policies of law and prevention have yet to focus their attention on specific places and situations. Very little place-focused prevention research has been conducted by any organization to date. On the other hand, law enforcement agencies have recently paid more attention to places and "hot spots" of crime.

38. Just as the criminal justice model might have police patrol a certain "diseased" area in a city, the public health model might focus on reducing fear and disconnection in that area.

39. See Moore et al., Public Health Perspectives, supra note 19 at 189 ("Similarly, researchers and the police have discovered that criminal incidents tend to cluster in particular locations (defined in terms of both time and space).").


42. Taylor, supra note 40, at 10 (citing R.L. Block & C.R. Block, Space, Place, and Crime: Hot Spot Areas and Hot Places of Liquor-Related Crime, in CRIME PLACE 145 (J.E. Eck & D. Weisbud eds., 1995)).

43. Eck, supra note 41, at 7-2 ("[T]he Office of Justice Programs has funded very few explicit place-focused programs or tests of place-focused prevention.").

44. See Taylor, supra note 40, at 1. Also, the "Spatial and Temporal Analysis of Crime (STAC), developed by researchers at the Illinois Criminal Justice Authority, is probably one of the most widely used crime mapping programs, in part because it is free." Id. at 6.
“In 1996, Congress required the Attorney General to provide a comprehensive evaluation of the effectiveness of over $3 billion granted annually by the Department of Justice . . . to assist state and local law enforcement and community efforts in preventing crime.”45 “The Assistant Attorney General for the Office of Justice Programs asked the National Institute of Justice . . . to commission an independent review of the relevant scientific literature.”46 Of the ninety-nine site-specific intervention programs examined by the commission, thirty-one studies involved violent crime.47 From this research, the commission primarily concluded that “[s]ubstantial reductions in national rates of serious crime can only be achieved by prevention in areas of concentrated poverty, where the majority of all homicides in the nation occur, and where homicide rates are 20 times the national average.”48 At the same time, the report concluded that “[t]he effectiveness of most crime prevention strategies will remain unknown until the nation invests more in evaluating them.”49 Despite these limitations, the commission drew a few promising conclusions from their research.50

The 1997 Report found that preventing criminal opportunities is one of the most immediate ways to prevent crime at places:

If offenders pay closer attention to the situation immediately before them than to the uncertain long term risks of their behavior, then it is quite possible that prevention at places may have a greater impact on offending than

46. Id.
47. Eck, supra note 41, at 7-4, fig.7-1.
48. Sherman, Overview, supra note 45, at v.
49. Lawrence W. Sherman, Conclusion: The Effectiveness of Local Crime Prevention Funding, in Univ. of Md., Dep't of Criminology & Criminal Justice, Preventing Crime: What Works, What Doesn't, What's Promising 10-1, 10-1 (1997). Because Congress only allowed nine months for a comprehensive scientific review of crime prevention programs, the report relied heavily on its review of other recently completed reviews that the committee found to be generally reliable. Primary evaluation was reserved for only the highest priority program areas. In secondary reviews, the commission reviewed the studies sample size, presence of comparison groups, use of control variables, variable measurement, control for effects of attrition from study, post-treatment measurement period, use of statistical significance tests, and overall evaluation methodology. See Lawrence W. Sherman & Denise Gottfredson, Appendix: Research Methods, in Univ. of Md., Dep't of Criminology & Criminal Justice, Preventing Crime: What Works, What Doesn’t, What’s Promising A-1, A-1 (1997).
50. See generally Eck, supra note 41.
increases in penalties or less tangible increases in risks (e.g., decreases in police response time, increased police presence, or greater numbers of arrests and convictions). 51

In this way, violence prevention programs that focus on "places" or "situations" assume that "offenders are rational, motivated by potential benefits, are aware of likely crime costs and recognize opportunities for getting away with a crime." 52 Like washing your hands before eating dinner to prevent bacteria from being ingested and causing sickness, opportunity blocking is an effective means to eliminate the temptation for potential offenders to commit violent crimes.

Bars, clubs, and taverns are especially vulnerable to criminal opportunity. The patrons of such businesses are likely to be carrying cash and may also be intoxicated. Researchers in Cleveland found that "items of value . . . can become available, visible, and accessible as individuals are going to or from such businesses and their inertia in terms of resisting crime or escaping may [be] lowered." 53 Intoxicated individuals also have weaker internal social controls that may contribute to the ease by which they get into an argument that escalates into some kind of physical altercation. 54

The businesses themselves are also likely to have "cash on hand and have desirable goods, which can be consumed directly or easily sold." 55 These businesses are often accessible to the general "of age" public and attract the potential patrons with large, glowing signs. 56 They also draw their patrons from areas outside of the immediate neighborhood. With the presence of more people, most of them strangers, the anonymity of the area may increase and "result in people ignoring or less effectively performing the guardianship activities that they might undertake in less busy areas." 57 Like a cold traveling through an elementary school, bars, clubs, and taverns are attractive places for potential offenders.

Scientific studies confirm these common sense notions of the susceptibility of violent crime in these places. In 1989, a group of researchers published a report of their analysis of data

51. Id. at 7-2.
52. See Taylor, supra note 40, at 15.
53. Dennis W. Roncek & Pamela A. Maier, Bars, Blocks, and Crimes Revisited: Linking the Theory of Routine Activities to the Empiricism of "Hot Spots," 29 CRIMINOLOGY 725, 726 (1991). This is a follow-up study to an earlier report that was published in 1981.
54. See id.
55. Id.
56. See id.
57. Id.
concerning 4,589 residential blocks in San Diego, California to
determine the effect that taverns or bars had on a block.58 The
researchers found that for approximately every bar on a block,
another crime, especially a violent one, during the year would
occur.59 Strikingly, a block with at least one bar was five times
more likely to have a violent crime on it than blocks with no
bars.60

Additionally, a study of all residential blocks in Cleveland
from 1979 to 1981 revealed that "areas with recreational liquor
establishment have substantially more crime than areas without
them."61 Specifically, they found that "the amount of crime of
every type was significantly higher on residential blocks with tav-
erns or lounges than on others."62 In their evaluation of their
own findings, the researchers concluded that this high crime rate
is "more productively viewed in the context of routine activities
of individuals" rather than effects due to the use of alcohol.63
While this research cannot be generalized to every city, city offi-
cials should use this information and the information they gather
in their own city areas in order to determine whether some of
their city’s violent crime is linked to the presence of bars, clubs,
and taverns. Part IV considers why the city government should
gather and use this information to protect its own city blocks.

58. Dennis W. Roncek & Mitchell A. Pravatiner, Additional Evidence that
Taverns Enhance Nearby Crime, in 73 SOCIOLOGY & SOC. RES. 185, 185 (1989). In
this study, the researchers used multiple regression analysis of data gathered in
1970 to determine their findings. Very little recent research has been con-
ducted concerning crime and place. Sociologists and politicians are only
recently beginning to make this topic a part of their dialogue in the United
States, Australia, and the United Kingdom. For recent discussions in the House
of Commons in London, England, see Liz Blackman, Licensed Premises, 363 HAN-
htm#L.

59. See id. at 187 (The amount of crimes is about “one violent crime per
block if it has a bar on it. Two bars bring about two extra crimes, and three bars
about three . . . . . Net of the other variables, each bar increases the violent
crime risk about sixty percent.”).

60. Id. The researchers admit that their study had weaker regression
results than a 1981 Cleveland study because San Diego had far less crime on par
than did Cleveland. Id. Generally, blocks with higher crime were also nearer to
San Diego’s downtown. Id.

61. Roncek & Maier, supra note 53, at 728. In their analysis of 4,396 indi-
vidual blocks, the researchers used multiple regression and tobit analysis to
control for variables like age, origin, overcrowding, and certain housing
characteristics.

62. Id. at 747.
63. Id. at 749.
IV. The City's Unique and Paramount Role in Violence Reduction Around Bars, Clubs, and Taverns

The available resources and particular values each community wishes to promote will shape the way each community uses the information it gathers to respond to violent crime. Even though both national and local research on the effectiveness of risk-reducing programs remains weak and inconsistent, the cities have three key assets "to prevent and control violence: a new platform for observation and intervention into the problem; new data and analytic capabilities; and, most important, a new and powerful constituency for acting on the problem." Consequently, each community must be individually responsive and creative in its approach to reduce its rates of violence if it wants its prevention programs to be successful.

In 1993, the National Research Council and the Kennedy School of Government held a conference to discuss how to mobilize a response to violence in urban America. Their recommendations were based on four assumptions, one of which was that "[v]iolence control initiatives must be as varied as the contexts from which violence arises, and they must exploit the strengths and address the needs that citizens recognize in their own communities and families." The participants in the conference also appeared to follow the effective approach of treating violence like a disease. The participants' recommendations were based on the assumption that "[b]ecause there are few antiviolence interventions that have

64. See Moore, Approaches to Prevention, supra note 1, at 238.
65. See discussion infra Part VII.B.
66. Moore, Approaches to Prevention, supra note 1, at 256-57.
67. For a summary of the conference, see NATIONAL RESEARCH COUNCIL, VIOLENCE IN URBAN AMERICA: MOBILIZING A RESPONSE (1994).
68. Id. at 6. These four assumptions include:
1. Reducing violence is a national priority not only because violence injures and kills, but also because it imposes other high costs on American society. . . .
2. Responding effectively to violence requires recognizing and also responding to the anger, fear, and despair it produces. . . .
3. Violence control initiatives must be as varied as the contexts from which violence arises, and they must exploit the strengths and address the needs that citizens recognize in their own communities and families. . . .
4. Because there are few antiviolence interventions that have proven consistently effective in reducing violence, prudent public officials must respond to violence more like medical researchers following promising leads in a search for a cure than like physicians confidently prescribing a proven therapy.

Id. at 5-9.
proven consistently effective in reducing violence, prudent public officials must respond to violence more like medical researchers following promising leads in a search for a cure than like physicians confidently prescribing proven therapy." Given the state of our knowledge of the causes of violent crime, city officials must realize that an "infected" community needs to consider trying various kinds of medicine, administered in various ways, in order to determine the most effective treatment.

Among the conference participants' seven objectives in creating a plausibly effective response that mixed immediate, short-term, and long-term efforts were (1) the mobilization of neighborhoods to cooperate with police, (2) the reduction of violence hazards, and (3) the promotion of a pro-social culture. The participants reported that these objectives could be met by creating opportunities for police-community collaboration in identifying "hot spots" for violence, diagnosing the underlying problems, and solving the problems by reclaiming public spaces from people who create social disorder and violence.

Reclaiming areas overcome by such disorder is an important step in removing the temptation to commit violent acts and in promoting a pro-social culture. In conjunction with the fear that violence creates, social and physical disorder cause businesses to close and law-abiding people to avoid those areas thereby creating a social and economic vacuum. Once the vacuum has been created, much like a weakened and malnourished body being more susceptible to sickness, individuals in such places are likely to react with more violence because of the structurally imposed conditions of social disorganization. Reclaiming these areas,

69. Id. at 8–9.
70. See id. at 10. These seven objectives include:
1. promote a more effective criminal justice response to violence;
2. mobilize neighborhoods to cooperate with police in violence prevention;
3. reduce violence hazards in communities;
4. strengthen supports for children and their families;
5. reduce violence in the home, which is both a problem in itself and contributes to violence on the streets;
6. rebuild human and financial capital in communities weakened by violence; and
7. promote a prosocial, less violent culture.

Id.

71. See id. at 19–24.
72. Id. at 21.
73. See Sampson & Lauritson, supra note 32, at 63 (citing R. Kornhauser, Social Sources of Delinquency 20 (1978)). In a bar in Chicago's South Side, residual values associated with deviant subcultures existed. These values included "toughness," "getting big money," "going for bad," and "having fun."
then, reduces violence by blocking the opportunity for the violence to occur in the first place.

The cities themselves play a crucial role in reducing the nation's overall rate of violence through their use of the law and law enforcement. In addition to using the assets described earlier in this section, every city can, and should, use the law and law enforcement to creatively attack violent crime and reclaim public places that tend to encourage violence. "[T]he law is often an important instrument of education as well as a device for authorizing state intervention and control."74

Opportunity blocking, as described in Part III, can be achieved by making changes to the place, by changing the situation, or by building the changes into the targets themselves. This approach is best achieved through local efforts. For example, a city council could focus on the "place" by passing an ordinance to criminalize the serving of alcohol past a certain time but allow the bars to stay open for a few more hours in order to prevent crowds from leaving at the same time.75 The city could then pass an ordinance to force drinking establishments to train their employees how to recognize and respond to the use of a fake personal identification in order to renew their liquor licenses. The city, as opposed to any kind of federal program, must use its regulatory power, along with its direct research and enforcement capabilities, to diagnose its problem areas, to prescribe an effective treatment, and to heal the wounds caused by the disease of violence.

The police, like a properly used antibody, are also an important part of any city's prescription. Part V explains possible ways the city could effectively use law enforcement officers as a treatment against violence.

V. POLICE INTERVENTION PROGRAMS

A. More Police and More Arrests?

Police could be used in several ways to prevent future crime. Arguably, however, no one way has proven consistently effective for all cities across the nation. The density of the population, the

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See id. at 62 (citing E. Anderson, A Place on the Corner 129–30, 152–58 (1978)). In this area, violence was expected and tolerated as a fact of life. See id. at 62 (citing Anderson, supra, at 134).

74. Moore et al., Public Health Perspectives, supra note 19, at 205–06.

75. The state government could also play an important role. It can focus on the person by printing holograms and other devices to prevent the opportunity for underage individuals to use fake personal identification to get into the bar in the first place.
amount and density of violent criminal activity, the legitimacy of the police within the community, the kinds of crime targeted, and the targeted locations can all determine police effectiveness. The city that chooses to use police in its violent crime prevention strategy should determine the city’s unique criminal environment through the information it gathers before allocating resources to reduce violent crime.

Some cities may be able to effectively reduce violent crime by increasing the number of police, especially if they target certain areas of the city. While evidence has been relatively weak, some evidence demonstrates that increasing the number of police officers causes reductions in crime the following year. Increasing the number of police, however, is more effective in large cities. Whereas twenty-four crimes were prevented annually for each additional officer in a big city, only four crimes were prevented for each additional officer added throughout a state. Increasing the number of police, therefore, may not be an efficient strategy for every city. Each city should determine how each new officer could be used and in what areas in order to effectively reduce violent crime.

The federal government has been helping cities by funding a national program to increase the number of police officers throughout the nation. Under Title I of the Violent Crime Control and Law Enforcement Act of 1994, the federal government allocated money to pay for 100,000 new “community” police officers through the year 2000. The bill was amended in 1997 and 1998. Those amendments did not impact the overall funding for the program. See 42 U.S.C. § 3793 (1994 & Supp. 2001). New appropriations for additional police officers were signed.

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76. See Thomas B. Marvell & Carlisle E. Moody, Specification Problems, Police Levels and Crime Rates, 34 CRIMINOLOGY 609 (1996). Marvell and Moody studied fifty-six cities with populations over 250,000 people each in forty-nine states over a twenty-year period. They then used the Granger test to analyze their results, determining that more police, especially in higher crime cities, equals less crime.

77. Marvell and Moody surmise that more police are effective in larger cities because greater population and crime density in cities might make changes in police presence more efficacious; criminals might be more likely to substitute crime types outside cities; enlarging noncity forces, but not city forces, prompts more complete reporting of crime; or perhaps criminals move their crime activity out of town when police are added. See id. at 631.

78. These crimes included criminal homicide, forcible rape, robbery, assault, burglary, larceny-theft, motor vehicle theft, and arson.

79. Id. at 632.

became known as the COPS program when the U.S. Department of Justice created the Office of Community Oriented Policing Services (COPS) to administer and fulfill the mandated objectives of Title I. The Act not only provided for more police, but it also required cities to include, in their application for the grant, "a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy . . ." In July of 2000, Vice-President Al Gore proposed to increase the Clinton Administration's current program funding from 100,000 to 150,000 new community police officers. After significant debate and delay in Congress, Congress finally extended funding of the COPS program until the year 2007. The 1994 Act, former Vice-president Gore's proposal, and the new appropriations for the COPS program suggest that additional police alone are not an effective means to reduce violence.

In addition to more police with a plan for prevention, police officers can target certain petty disorders to reduce potential violence. In James Q. Wilson and George Kelling's article Broken Windows, they espoused the now popular belief that increased arrests for petty disorder will reduce the amount of serious crime. This zero tolerance approach was used successfully, but not perfectly, in New York City in the 1990s. "Serious crime in New York City has declined dramatically since 1990, and the decline has accelerated since the introduction of a set of new police strategies beginning in 1994. The number of civilian com-

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plaints against the police, however, rose dramatically after 1993, remaining 40 percent above the 1993 level in 1998.\footnote{86}

Other researchers have also supported the "broken windows" theory: "[D]isorder undermines the processes by which communities ordinarily maintain social control. Where disorder problems are frequent and no one takes responsibility for unruly behavior in public places, the sense of 'territoriality' among residents shrinks to include only their own households."\footnote{87} Additionally, "areas that tolerate (or cannot effectively counter) rowdy taverns . . . , public drinking . . . , and similar disorders will certainly be plagued by crime."\footnote{88} On the other hand, police, by themselves, are unable to effectively reduce the extent of petty disorder simply by enforcing the current laws.\footnote{89} In Subpart B, I explain how police officers need to work closely with the community in order to monitor, identify, and appropriately respond to disorder when and where policing would be most effective.

### B. Community Policing

Because police have moved from the era of the well-connected "beat cop" to the more efficient yet disconnected system today, police must solicit the help of the community if they are to attack disorder effectively.\footnote{90} Without a more direct connection to the citizens and their neighborhoods, police are unable to

\footnote{86. See Roundtable, Law and Disorder: Is Effective Law Enforcement Inconsistent with Good Police-Community Relations?, 28 FORDHAM URB. L.J. 363, 367 (2000). These words were quoted by Ronald Tabak, the moderator of the roundtable, from a March 1999 report of the Vera Institute of Justice, entitled Respectful and Effective Policing—Two Examples in the South Bronx. Mr. Tabak quoted:

These two trends . . . have led many to speculate that the inevitable price of the dramatic drop in crime is an aggressive police force that generates more anger and resentment. This study by researchers at the Vera Institute of Justice refutes such speculation, showing that police commanders in at least two neighborhoods have been able to reduce complaints against their officers below the 1993 levels while experiencing the same dramatic decline in crime characteristic of the city as a whole. The study shows that large reductions in crime can be achieved while practicing respectful policing.

Id. at 367-68.}

\footnote{87. SKOGAN, supra note 85, at 10.}

\footnote{88. Id.}

\footnote{89. Police had significantly lost their power, by the mid-1970s, to make "suspicious" arrests or freely pick up vagrants and loiterers. See id. at 87. In addition, the Supreme Court recently struck down a municipal ordinance that allowed police to arrest suspected gang members and their friends for not dispersing when ordered off of street corners. See City of Chicago v. Morales, 527 U.S. 41 (1999).}

\footnote{90. For a more complete historical account of the gradual disconnection of police from the community, see SKOGAN, supra note 85, at 85-89.}
observe and enforce petty disorder violations.\textsuperscript{91} Even if they arrest a person for such a petty crime, "[t]he effects of an arrest experience over a minor offense may permanently lower police legitimacy, both for the arrested person and their social network of family and friends."\textsuperscript{92} In this way, arrestees and their social networks may become more defiant.\textsuperscript{93} In order to prevent this defiance, police must substantially invest resources to regulate public behavior in a polite manner that fosters rather than hinders police legitimacy.\textsuperscript{94}

This "radical departure from the era of 'professionalism' in policing"\textsuperscript{95} is marked by the idea that police are less effective, although possibly more efficient, when they claim a "monopoly on the responsibility for crime control."\textsuperscript{96} Community policing, in contrast, is a new professionalism in which "police serve, learn from, and are accountable to the community. Behind the new professionalism is a governing notion: that the police and the public are co-producers of crime prevention."\textsuperscript{97}

Community policing arose from the crisis of police legitimacy after the urban race riots of the 1960s. Several reports claimed police had lost contact with minority group residents, both by changing from foot patrols to radio cars and by taking a more legalistic approach to law enforcement.\textsuperscript{98} Citizen groups urged the police to increase their contact with citizens in more positive settings rather than merely respond to emergencies.\textsuperscript{99}

Today, the goal of community policing is to reduce crime by increasing the quantity and quality of police-citizen contact.\textsuperscript{100} Community policing focuses on opening informal communication channels between police and citizens in order to understand

\textsuperscript{91} See id. at 87.
\textsuperscript{93} See id. (citing Lawrence W. Sherman, Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction, J. RES. IN CRIME & DELINQ. 445 (1993)).
\textsuperscript{94} See id. at 8-25.
\textsuperscript{96} Id.
\textsuperscript{97} Id. (quoting JEROME H. SCOLNICK & DAVID H. BAYLEY, THE NEW BLUE LINE: POLICE INNOVATIONS IN SIX AMERICAN CITIES 212-13 (1986)).
\textsuperscript{98} Sherman, Policing, supra note 92, at 8-5 (citing PRESIDENT'S COMMISSION, supra note 92; NATIONAL ADVISORY COMMISSION ON CIVIL DISORDER, REPORT 1968).
\textsuperscript{99} See id.
\textsuperscript{100} See id. at 8-27, fig. 8-7.
the problems and concerns in each particular neighborhood.\textsuperscript{101} The police then encourage citizens to play a more active role in promoting public safety.\textsuperscript{102} San Diego is one city that has successfully used a community policing strategy to reduce crime rates:

The police have been reorganized along neighborhood lines. They also use a system of problem-solving policing and have community groups that identify problems. The police, with the community groups, explore what law enforcement means might be used to solve the identified problems. This might include civil remedies, such as trying to take control of a crack house as a nuisance. . . . [T]here are much better police-community relations [in San Diego]. San Diego also uses a system that maps the crime in the various districts.\textsuperscript{103}

In this way, community policing shifts the focus from crime fighting to problem solving.

The federal government encouraged investment in community crime prevention programs by allocating $6.1 billion for programs proposed by cities that applied between 1994 and 2000.\textsuperscript{104} One U.S. Attorney stated that the funding for community policing efforts was one of the more positive provisions of the Act.\textsuperscript{105} "Community policing is the way to go. Not only do you get more officers, you get to see them . . . . To get control of violent crime, you have to get more people and more families involved."\textsuperscript{106}

Despite these efforts by police, getting the community actively involved in crime prevention can be extremely difficult for city leaders and the police. In a study by the Vera Institute of Justice evaluating Innovative Neighborhood-Oriented Policing (INOP) programs, the researchers found that all eight urban and suburban cities that received INOP grants from the Bureau of Justice Assistance in 1990 experienced extreme difficulty in get-

\begin{footnotes}
\footnote{101. See Skogan, supra note 85, at 91–93.}
\footnote{102. Sankar Sen, Community Cop-I, Statesman (India), June 6, 2000, available at 2000 WL 22267838.}
\footnote{103. Roundtable, supra note 86, at 366.}
\footnote{104. See Violent Crime Control & Law Enforcement Act of 1994 §§ 1701–1709, 42 U.S.C. §§ 3796dd–3796dd-8 (1994 & Supp. 2001). On May 12, 1999, the White House announced that the goal of funding 100,000 police officers had been reached. Studies estimate that a total of $5.387 billion had been awarded to innovative program support in order to reach this goal. See Jeffrey A. Roth et al., National Evaluation of the COPS Program—Title I of the 1994 Crime Act 9 (2000).}
\footnote{105. Stapleton, supra note 80, at 1.}
\footnote{106. Id.}
\end{footnotes}
ting the community involved in their efforts to prevent crime.\textsuperscript{107} The study found that most of the community members lacked sufficient knowledge about the programs initiated in their own cities.\textsuperscript{108} Not only must police and community leaders do a better job of disseminating information about their programs, they must also make efforts to determine whether or not the community wants to be in partnership with the police. "Data collected from the eight INOP sites strongly suggest that community residents generally have no interest in becoming involved in community policing efforts."\textsuperscript{109}

One of the reasons for the community's resistance to being more actively involved in crime prevention programs stems from the theory that some members of communities may often be skeptical of calls from police for cooperation. "According to a large number of community residents [in minority communities], a major reason why residents do not involve themselves with community policing projects or are hostile to a police initiative, is the historically poor relationship between the police and the residents of poor, minority communities."\textsuperscript{110} In order to win the community's confidence and trust, "the police have to demonstrate that they are sincere about seeking the community's help in combating crime and disorder."\textsuperscript{111} While most citizens are not opposed to law enforcement, they can resent partisan law enforcement, especially if members of their social network are being arrested for petty crimes.\textsuperscript{112} Citizens in this kind of situation need assurance that enforcement is justified in particular circumstances.

This historically poor relationship between the police and the community further demonstrates the need for the police to begin and continue to make positive contacts with the community. In general, community policing attempts to transform police officers from being agents of the law to being upholders of community values.\textsuperscript{113} While the 1997 Crime Prevention

\begin{itemize}
  \item \textsuperscript{107} Grinc, \textit{supra} note 95, at 170.
  \item \textsuperscript{108} \textit{Id.} at 172–76.
  \item \textsuperscript{109} \textit{Id.} at 177.
  \item \textsuperscript{110} \textit{Id.} at 180.
  \item \textsuperscript{111} Sen, \textit{supra} note 102.
  \item \textsuperscript{112} Other universal barriers to community policing include: high levels of fear, skepticism that community policing will be anything but another short-lived police program, the heterogeneous populations and disorganization that often characterize communities, and intragroup conflict among community leaders and residents. For a more detailed discussion of these barriers, see generally Grinc, \textit{supra} note 95.
  \item \textsuperscript{113} Sen, \textit{supra} note 102.
\end{itemize}
Report before Congress stated that neighborhood watches had failed, the report stated that the most effective police-citizen contacts included door-to-door police visits in priority settings used to seek information, give out information, and promote police legitimacy. Community policing gives police the opportunity to take action while responding to the community’s values, minimizing police over-reaction, reducing the fear of dealing with the community in unfamiliar conditions, and enhancing police responsiveness.

1. Problem-Oriented and Problem-Solving Policing

Community policing also incorporates the use of problem-oriented policing. Because of accusations that problem-oriented policing is not “real” police work, possibly because of its widely used fluffy acronym (POP), the rhetoric of “problem-solving policing” now dominates. Problem-oriented or problem-solving policing focuses on the hypothesis that “[t]he more accurately police can identify and minimize proximate causes of specific patterns of crime, the less crime there will be.” Currently, problem-oriented policing focuses on separating potential victims and offenders and removing criminogenic substances like guns, cash, and other movable property.

In order to effectively remove victims from offenders and their criminogenic substances, police must determine where they are located. While police may be able to map the “hot spots” after several acts of violence have occurred and been reported, they may not be able to effectively prevent violence before it occurs without the help of the community’s citizens. In other words, “community defined hot spots may be quite different from police defined hot spots.” Community members are valuable resources who are intimately connected to the area and

114. See discussion of report supra Part III.
115. See Sherman, Policing, supra note 92, at 8-19.
116. Roth, COPS Program, supra note 81, at 200.
117. Sherman, Policing, supra note 92, at 8-32.
may be more aware of certain criminogenic substances that could inevitably lead to violent crime.

The 1997 Crime Prevention Report stated that an effective community policing program requires a clear focus of the city's crime risk factor objective.\(^{120}\) Once the objective is clear, the police would need to enlist the help of small businesses, social organizations, community groups, and non-criminal justice public agencies to craft problem-specific solutions to crime problems which would have the effect of democratizing crime prevention.\(^{121}\) The more precisely patrol presence is concentrated at the "hot spots" at "hot times" of potential violent activity, the less violence there will be in those places and times.\(^{122}\) Unfortunately, police chiefs may face enormous resistance from police unions in changing work assignments to concentrate police in high crime areas during normally high crime times from 7:00 pm to 3:00 am during the week and all times during the weekend.\(^{123}\)

In addition to focusing on times and places, directed patrols and programs targeted at removing criminogenic substances like alcohol and guns can be effective in attacking crime hot spots.\(^{124}\) One popular hypothesis about the declining homicide rate in the United States is that police have become more effective at deterring illegal gun-carrying in public places.\(^{125}\) Whether or not this theory is true, police must reach out to the community to effectively prevent violence in each of their unique situations.

In addition to allowing the citizens of the community to take a more active role in violence prevention, "people addressing crime problems at places must know how to go about identifying problems, analyzing the causes of the problems, crafting feasible solutions, and determining if the problems have declined."\(^{126}\) A manager of a local bar, for example, would need to be given the appropriate means to gain such information for herself. She would then need knowledge about what place-focused prevention programs have been tried and which have been found to be effective. She may decide her bar could sacrifice a little of its

\(^{120}\) See Sherman, *Policing*, supra note 92, at 8-38.

\(^{121}\) See Eck, *supra* note 41, at 7-45.

\(^{122}\) Sherman, *Policing*, supra note 92, at 8-14, fig. 8-4.

\(^{123}\) See id. at 8-44.

\(^{124}\) Id. at 8-38.


\(^{126}\) See Eck, *supra* note 41, at 7-45.
class and switch, during certain times, to serving drinks in plastic cups instead of glass.¹²⁷

The next section provides one successful example of how the police used the citizens of the community to help them through the process of effectively crafting solutions that actually prevented future crime. While the specifics of the program will certainly differ in each city, the example demonstrates how important community policing can be when used properly.

2. An Example of Community Policing¹²⁸

Denver, Colorado is one city that allegedly has effectively addressed their problems of youth violence through community policing. "McGruff, the well-known crime prevention spokesdog," recently "commended the police and citizens of Denver for their outstanding crime prevention efforts."¹²⁹ A metro-wide advisory committee was established to plan local training, identify additional needs, evaluate the effectiveness of effort, and determine the standards for annual allocation of $1 million. The advisory committee "updated its police officer evaluation standards to focus on problem identification and solving ability as well as their ability to adhere to basic tenets of community policing."¹³⁰ In addition to police efforts, "the city introduced the SafeNite Curfew and Diversion Program in 1994 to reduce the number of youth perpetrators and victims."¹³¹ In this program, police take youth violating the citywide curfew to a SafeNite location where they are ticketed by police and required to meet with a counselor and parent or guardian.¹³² Once the ticketed youth completes a diversion program, the ticket is dismissed.¹³³ "Since the implementation of the curfew, the number of crime victims where the suspect was a juvenile dropped by 40 percent."¹³⁴ Along with the Diversion and Curfew program, Denver "introduced a program to award $1 million grants to community orga-

¹²⁷. For a list and analysis of other problem-solving tactics, see Roth, COPS PROGRAM, supra note 81, at 203–14.
¹²⁸. For specific analysis of specific tactics used in problem-solving and implementing community policing, see WESLEY G. SKOGAN ET AL., PUBLIC INVOLVEMENT: COMMUNITY POLICING IN CHICAGO (2000); WESLEY G. SKOGAN ET AL., PROBLEM SOLVING IN PRACTICE: IMPLEMENTING COMMUNITY POLICING IN CHICAGO (2000).
¹³⁰. Id.
¹³¹. Id.
¹³². Id.
¹³³. Id.
¹³⁴. Id.
organizations and individuals who provide prevention services aimed at reducing youth crime and violence." By 1998, these programs "served more than 6,000 youths and 10,000 families, and the city witnessed a 27 percent decrease in juvenile arrests in the first three years of the program." A major tenet of the Denver program was to give the police authority to prevent crime through the power of the law. Part VI discusses several ways the law can be used to provide the appropriate individuals with the appropriate power to prevent future violent crime.

VI. USING THE LAW TO PROBLEM-SOLVE

Social scientists often claim that "police make only minimal contributions to crime prevention in the context of far more powerful social institutions." Lawmakers, however, make up a powerful institution that can play an active role in preventing violence. This Part discusses four ways the city's lawmakers could attack and prevent violence.

In Subpart A, I suggest that lawmakers could zone an undeveloped area in such a way so as to limit the number of bars in a predominantly residential neighborhood or encourage the concentration of bars in an entertainment district. If an area has already been developed, lawmakers either could refuse to issue a building permit if such refusal was based on a legitimate interest sufficiently linked to the refusal of the permit or could force businesses to relocate to another part of town.

In Subpart B, I suggest that lawmakers could use certain mechanisms to induce the bar owner to undertake relevant prevention measures if violence is already occurring in and around a certain bar. One such inducement is nuisance abatement. "Nuisance abatement provides a threat in order to compel the installation of prevention." In Macon, Georgia, a local newspaper reported that "a club owner [could] be taken to court after ten illegal acts of physical violence against persons or property on the premises within a three-month period," if the "owner [has]

136. Id.
137. Sherman, Policing, supra note 92, at 8-1.
138. Id. See also Stringfellow's Ltd. v. City of New York, 694 N.E.2d 407 (N.Y. 1998) (holding, among other things, that statute requiring adult business to relocate if they are within 500 feet of another adult business is constitutional under both state and federal constitution (citing Young v. American Mini Theatres, 427 U.S. 50, 52 (1976))).
139. See Eck, supra note 41, at 7-45.
not made any reasonable attempt[s] at prevention."¹⁴⁰ Local councilpersons in Macon would like to reduce this number to two such acts and adjust the penalties to include fines and/or license suspension.¹⁴¹

In Subpart C, I suggest that lawmakers could close certain streets in order to lessen traffic and prevent easy "get-aways" for future violent offenders. Such street closures would require extensive community involvement in order to best determine the most effective strategy.

In Subpart D, I suggest that lawmakers could require certain amounts of lighting in certain "hot spots" of the city that contain many criminogenic substances. Such specification may also benefit from extensive community participation.

A. Zoning

Zoning laws can be an effective means of controlling the risk factors associated with violence. "Generally, zoning is a planning tool for city government's management and control of growth within its borders."¹⁴² Specifically, zoning laws serve to limit the owners' use of property.¹⁴³ Justice Marshall once observed, "[Zoning] may indeed be the most essential function performed by local government, for it is one of the primary means by which we protect that sometimes difficult to define concept of quality of life."¹⁴⁴ Depending on a city's needs and particular characteristics, city officials could, for example, limit bars to a few areas in the city that can be effectively policed, or they may decide to limit the density of bars and taverns in certain areas.

Municipal zoning is an exercise of the state's police power through the state's enabling act.¹⁴⁵ After New York enacted the first comprehensive zoning program in 1916, the Advisory Committee on Zoning, under Herbert Hoover, responded by issuing

¹⁴³. Id. at 232.
the Standard Enabling Act [Standard Act] in 1922. All fifty states, at one time or another, adopted the Standard Act. The Standard Act empowers municipalities, along with other powers, to "regulate and restrict . . . the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land . . . ." The Act also requires:

[T]he regulation be "made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare . . . . Such regulations shall be made with reasonable consideration, among other things, to the characteristic of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality."

The Act then gives the municipality the power to enforce their zoning ordinances by issuing misdemeanors, punishable by fine or imprisonment, as well as through the use of civil penalties.

Not only are zoning ordinances limited by the power authorized by the enabling statute of the state, the Constitution also places limits on the municipality's power to police its city. In 1922, the municipal government of Euclid, Ohio, zoned its city into "six classes of use districts, denominated U-1 to U-6, inclusive." In Euclidean zoning, U-1 districts allowed uses like single-family dwellings and public parks. As the district number increased, the uses were extended to places like restaurants, as in the case of U-4, and manufacturing operations, as in the case of U-6. Even though the Village of Euclid's zoning code withstood Fourteenth Amendment Due Process and Equal Protection attacks in Village of Euclid v. Ambler Realty Co., the Supreme Court recognized that a generally valid provision of an ordinance could be held invalid under the Fourteenth Amendment if

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146. See id. at 571.
147. Id. at 960. The text goes on to explain that the Standard Act is still in effect, with modification, in many of the states. Tailor-made statutes, however, have been enacted in California, New Jersey, and Pennsylvania.
148. Id. at 961 (reprinting central sections of the Standard Act).
149. Id. (citing § 3 of the Standard Act).
150. Id. (citing § 8 of the Standard Act).
152. Id. at 380. For a complete list of uses by district, see id. at 380.
applied unreasonably and arbitrarily. The Court further held that the application of zoning ordinances might be upheld if such application substantially relates to the health, safety, and welfare of the city.

In 1986, the Supreme Court held that zoning laws might also be successfully attacked on First Amendment grounds if they are a pretext for preventing free speech or any other First Amendment right. Even a restriction that has such a pretext can be upheld as long as it is a "content-neutral time, place, and manner restriction" that serves a substantial governmental interest and provides for reasonable alternative avenues of communication.

Two traditional ways of zoning to prevent harmful secondary effects include dispersal zoning and concentration zoning. In New York City, the city passed and the courts upheld its Zoning Resolution Amendments N 950384 that forbid adult businesses within 500 feet of a school, church, residential district, or other adult business. Such dispersal has been found to be an effective means of reducing crime, increasing property values, and preventing urban blight that occurs when adult uses concentrate. At this point, however, research on the effects of dispersal zoning in New York City is unavailable.

Concentration zoning, on the other hand, has been used to limit adult uses to certain areas of the city in order to prevent the proliferation of small red-light districts all around the city. Such zoning, arguably, allows the police and the community to focus energy on a well-defined area of potential crime. Unfortunately, this "combat zone" approach has proven to do more harm than good in Boston where crime rose and property values

154. 272 U.S. at 395.
155. Id.
156. See City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 54 (1986) (holding that zoning laws restricting the location of movie theaters do not violate the First Amendment unless they are a pretext for preventing free speech). In addition to this holding, the Court left it to the factfinders to determine whether zoning regulations are prompted by legitimate or improper factors.
157. See id. at 47 ("On the other hand, so-called 'content-neutral' time, place, and manner regulations are acceptable so long as they are designed to serve a substantial governmental interest and do not unreasonably limit alternative avenues of communication.").
160. Id. at 245.
Only recently has Boston been able to redevelop these areas and force the adult businesses to other locations. The City of Boston has had to buy up and outbid adult businesses for the property and refuse entertainment licenses to new adult businesses. Boston is now focusing its redevelopment efforts on creating areas with a mix of office, housing, hotel, and retail establishments.

Palm Beach, Florida, is one example of a city using its zoning ordinances to constitutionally control violence. Its zoning codes restrict restaurants and bars to commercial areas. In these areas, "bars and lounges cannot be within 600 feet of a residential area unless commissioners grant a permit following a public hearing." Unfortunately, the zoning ordinances do not provide measures to control nightclubs. Recent violence and residential complaints have increased around the nightclubs that dot the city's landscape. "By creating a zoning classification for nightclubs, city officials could prevent such problems and lessen nearby residents' complaints . . . . [N]ightclubs likely would have rules similar to adult entertainment establishments, which are not allowed within 1,000 feet of a residential area or place of worship." Whether an additional 400 feet will prevent any violence has not been determined. Businesses and local governments need scientific information about the effectiveness of crime prevention programs in order to make effective prevention decisions.

Zoning boards should also ensure that safety, rather than prejudice, motivates their decision to zone the city in a certain way. Under the Equal Protection Clause of the Fourteenth Amendment, the Supreme Court held that plaintiffs may be able to successfully challenge zoning ordinances by showing that racial prejudice at least partially motivated a zoning decision. Courts in such cases often apply strict scrutiny in considering the

163. Id.
164. Susan Colavecchio, Boynton to Create Nightclub Definition, PALM BEACH POST, Sept. 5, 2000, at 1B.
165. Id.
166. Id.
167. See Village of Arlington Heights v. Metro. Housing Dev. Corp., 429 U.S. 252, 271 (1977) (holding that the plaintiff has the burden of demonstrating race as a motivating factor of the zoning decision; once proven, the burden shifts to the defendant to prove that the same decision would have been reached without such a motivating factor).
validity of the zoning ordinance where the burden shifts to the
defendant to show that such ordinances are "suitably tailored to
serve a compelling state interest."\textsuperscript{168} In addition to racial
prejudice, plaintiffs have also successfully challenged zoning
ordinances on Equal Protection grounds where socioeconomic
reasons are the basis for the specific zoning decisions.\textsuperscript{169}

In a recent law review article challenging governmental
restraints as specifically and directly harmful to black leisure and
reinforcing social inequality, Regina Austin confronts the use of
laws, regulations, and governmental actions that privatize public
space.\textsuperscript{170} She argues that "governmental restraints very often
ignore the significance of public leisure to blacks and underesti-
mate the harm restraints cause."\textsuperscript{171} For example, Austin points
out that "bars, clubs, and restaurants that are black-owned or that
cater to a black clientele have allegedly been denied licenses to
operate, forced to close because of license infractions, or sub-
jected to extraordinary police surveillance under circumstances
that proprietors believe are motivated by discriminatory hostility
to black leisure pursuits."\textsuperscript{172} While these attacks are easily over-
come in a court of law by research that demonstrates safety and
breach of peace reasons, a city should be aware of the stereotypes
that may subconsciously affect zoning decisions and the potential
long-term adverse side effects of restraining blacks from their
traditional leisure activities. Austin argues that governmental
entities should balance their restraints with the creation of alter-
native programs and facilities for leisure and recreation.\textsuperscript{173}

\textsuperscript{168.} See City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 440
(1985):

These factors are so seldom relevant to the achievement of any legiti-
mate state interest that laws grounded in such considerations are
deemed to reflect prejudice and antipathy—a view that those in the
burdened class are not as worthy or deserving as others. For these
reasons and because such discrimination is unlikely to be soon recti-
fi ed by legislative means, these laws are subjected to strict scrutiny and
will be sustained only if they are suitably tailored to serve a compelling
state interest.

\textit{Id.}

\textsuperscript{169.} Marcia Ann Johnson, \textit{Converting Walls to Bridges: A Review of the Pro-
posed Zoning Ordinance for the City of Houston}, 18 T. MARSHALL L. REV. 231,

\textsuperscript{170.} See generally Regina Austin, "Not Just For the Fun of It": Governmental
Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space, 71

\textsuperscript{171.} \textit{Id.} at 670.

\textsuperscript{172.} \textit{Id.} at 675.

\textsuperscript{173.} \textit{Id.} at 677.
Along with zoning, a city may be able to require bars to comply with certain management and employee training in order to renew their liquor licenses. Subpart B explores such an option.

B. Management and Employee Training

As discussed in Part III of this Note, research literature consistently points to the relationship between the presence of bars and violent crime in the surrounding area. While most bars may be relatively crime free, a few bars may be hot spots of crime.174 "The behavior of bartenders and bouncers may contribute to violence in these places175 and changes in bar management practices (from server training to changes in the legal liability of bartenders) may reduce [violence]."176

Because research in the United States in this area of the law is practically non-existent, Australia's success in this area may serve as the best example to use in this country. At least two towns in Australia created agreements among pub managers, along with other tactics, to improve the training of bouncers, reduce crowds of youth, and improve relationships with police.177 One Australian program "evaluation examined serious assaults in downtown pubs for the year before and four years after the management accord, and compared these changes to the same period for six other cities in the same state. Serious assaults declined 40.5 percent in the target city but increased 14.3 percent in the control cities."178 City officials in the United States may be able to use their licensing power or other liquor and dram shop laws as leverage to require managers, servers, and

174. See discussion supra Part III and Eck, supra note 41.
175. Eck, supra note 41, at 7-20.
176. Sandra L. Putnam et al., Methodological Issues in Community-Based Program Effects, in 14 CENTER FOR SUBSTANCE ABUSE PREVENTION MONOGRAPH 31 (Thomas K. Greenfield & Robert Zimmerman eds., 1993). The researchers studied a community intervention program in Rhode Island where, along with other tactics, the city used economic incentives and disincentives through the use of dram shop legal liability as a lever for server training and responsibility. While alcohol arrests increased during the interventions, presumably from increased enforcement by police, assault injuries dropped twenty-one percent as compared to a four percent increase in the comparison communities. See id. at 36.
177. Eck, supra note 41, at 7-20 (citing Ross Homel et al., Preventing Alcohol-Related Crime Through Community Action: The Surfers’ Paradise Safety Action Project, in 7 CRIME PREVENTION STUD. (Ross Homel ed., 1997)).
178. Id. at 7-21 (citing Marcus Felson, et al., A Community Policing Initiative to Discourage Abuse of Alcohol, in 7 CRIME PREVENTION STUD. (Ross Homel ed., 1997)).
bouncers of certain "hot spot" bars, clubs, and taverns to complete similar training.

Along with regulation of the bars themselves, regulation of the streets surrounding these establishments may also provide an effective way to reduce the opportunity for violent crime. Subpart C explores how street closures around violent neighborhoods can serve as good examples for street closures around bars, clubs, and taverns.

C. Street Closures

City officials, with community support and involvement, may also be able to close certain high-traffic streets near bars, clubs, and taverns in "hot spot" areas to prevent future violence. Research concerning street closures in residential areas is fairly reliable and conclusive. "Research has suggested that areas with easy access have more crime than areas with street layouts that restrict access."179 In one neighborhood in Dayton, Ohio, the city officials subdivided streets into small areas so no one could drive directly through the area.180 Police-reported crime statistics showed that while crime in the surrounding city rose one percent, violent crime in the target neighborhood declined fifty percent.181 In addition to less violent crime, thirty-nine percent of the residents in the neighborhood said they knew their neighbors better and forty-five percent felt safer.182 Housing values also increased fifteen percent after having declined prior to the street closings compared to a four percent increase in the surrounding region.185

"In 1990, the Los Angeles Police Department installed traffic barriers on [fourteen] streets in a South Central Los Angeles neighborhood with a high level of drug activity, shootings and homicides."184 Using the surrounding neighborhoods as control areas, the researchers found that the net effect of the installation of the barriers was a sixty-five percent decrease in homicides.185

179. Eck, supra note 41, at 7-33 (citing Garland F. White, Neighborhood Permeability and Burglary Rates, in 7 JUST. Q. 57 (1990); Daniel J.K. Beavon et al., The Influence of Street Networks on the Patterning of Property Offenses, in 2 CRIME PREVENTION STUD. (Ronald V. Clarke ed., 1994)).


181. Id. at 55.

182. Id. at 55-56.

183. Id. at 55.


185. Id.
“Two years following the installation of these barriers, the barriers were abandoned and then removed as the police became embroiled in the controversy surrounding the Rodney King beating.”¹⁸⁶ Total violent crimes¹⁸⁷ declined eight percent during the first year and thirty-seven percent during the second year the barriers were in place.¹⁸⁸ Once the barriers were removed, homicides rose 800% compared to the surrounding neighborhoods.¹⁸⁹

Simply stated, street closures in residential neighborhoods are effective. The promising preventative power of street closures may be a result of the increased difficulty for escape. In the case of “prostitution cruising” and drive-by shootings, the offenders are also likely to use the easy access to streets by following circular patterns in their search for targets.¹⁹⁰

In contrast to homeowners welcoming reduced traffic in their neighborhoods, bar and tavern owners would likely resist street closings. Late-night leisure establishments depend on their ability to attract the public to their businesses. If receiving community approval is difficult, city officials may want to only close streets in entertainment districts where pedestrians can walk freely from club to bar and back. If the officials worked closely with bar owners in neighborhoods, they may also be able to limit traffic creatively and effectively without significantly reducing the establishments' profits. By blocking easy access and escape routes and thus making criminal activity more inconvenient, city officials may be able to reduce criminal activity, especially violent criminal activity.

D. Lighting

In the 1997 Crime Prevention Report, the commission concluded that the research and data were inconclusive as to whether street lighting was an effective approach in the reduction and deterrence of crime. The few studies found by the commission related to the effect of lighting on crime in London, England¹⁹¹ and Glasgow, Scotland.¹⁹² In addition to the studies

¹⁸⁶. Id.
¹⁸⁷. Violent crimes in this study include homicide, rape, street robbery, aggravated assault, and purse snatching.
¹⁸⁸. See Eck, supra note 41, at 7-35 (citing James R. Lasley, Using Traffic Barriers to "Design Out" Crime: A Program Evaluation of LAPD's Operation Cul-De-Sac (November 1996)).
¹⁸⁹. Id. at 7-34.
¹⁹⁰. Id. at 7-35.
¹⁹¹. Id. at 7-31 (citing Stephen Atkins et al., The Influence of Street Lighting on Crime and Fear of Crime, in Crime Prevention Unit Paper 28 (1991); Kate
being done in different countries with different criminal cultures, the research also lacked control groups to compare the drop in the levels of crime. The researchers were unable to conclude whether the lighting prevented or increased crime as offenders also used lighting to detect potential targets and assess low-risk situations.\textsuperscript{193} Despite the weak evidence related to lighting, city officials could explore the use of lighting and use their regulatory powers to require establishments in "hot spot" areas to install effective lighting fixtures.

Because lighting is not a proven treatment for the disease of violent crime, city officials must act more like medical researchers in their search for effective treatment. While all of these place-focused preventative measures may look appealing, each individual city may face certain unique obstacles in their efforts to reduce and prevent violent crime. Part VII explores how actual displacement and the fear of displacement may prevent lawmakers from making effective changes. Additionally, Part VII explores how limited scientific research prevents lawmakers from effectively persuading the community that any change would be beneficial.

VII. OBSTACLES TO PLACE-FOCUSED PREVENTION

A. Fear of Displacement

One reason for current community resistance to place-focused prevention is the fear of the displacement of crime from the target places to other, presumably safer, locations nearby. The 1997 Crime Prevention Report explained:

Displacement can take on a number of forms. Offenders can change locations. They can change the times of offending. They can change the target of their criminal behavior. They can adopt new behaviors to attack the same targets. And they can switch the type of crime they commit. Fear of displacement is often based on the assumption that offenders are like predatory animals

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\textsuperscript{192} Id. (citing Jason Ditton & Gwyneth Nair, \textit{Throwing Light on Crime: A Case Study of the Relationship Between Street Lighting and Crime Prevention}, 5 SEC. J. 125 (1994)).

\textsuperscript{193} Id. (citing R. Fleming & J. Burrows, \textit{The Case for Lighting as a Means of Preventing Crime}, RES. BULL., RES. & PLAN. UNIT, No. 22, 14 (1997)).

\textsuperscript{194} See Eck, \textit{supra} note 41, at 7-40.
While there is no evidence to suggest that these preventive programs actually increase overall crime by displacing it, the research suggests that some displacement does occur. However, the 1997 Crime Prevention Report noted that "[r]eviews of empirical studies examining place-focused prevention, police enforcement, and other preventative tactics in the United States, Canada, Great Britain, continental Europe and Australia find that . . . when displacement occurs, it does not overwhelm other gains from blocking crime opportunities." Additionally, one evaluation concluded that "[r]esearchers have documented that as a result of situational crime prevention initiatives less than one crime is displaced . . . for each crime prevented." Unfortunately, most preventative evaluations do not report possible displacement effects. "It is possible that more displacement would be found if evaluators were more diligent in their search for it."

On the other hand, some research shows that reduced violent crime in one area may also reduce crime in the surrounding area. "In some instances, adjoining areas may experience a diffusion of benefits . . . , enjoying enhanced safety only because they are near a prevention site." As broken windows and social disorder attract criminals, potential offenders around organized neighborhoods may be uncertain of the scope of prevention efforts and, hence, avoid both the blocked opportunities and the similar nearby unblocked opportunities.


196. Taylor, supra note 40, at 15.

197. See Eck, supra note 41, at 7-40.


200. See Newman, supra note 180, at 56. The immediate areas surrounding the intervention neighborhood also saw reductions in crime. The Dayton police explained that criminals and their clients knew that "the residents of Five Oaks [had] taken control of their streets, but because they did not know the neighborhood’s exact boundaries, they moved out of the surrounding communities as well." Id.
B. Limited Scientific Research

Another obstacle to creating place-focused prevention laws lies in the lack of scientific research in this area of the law. Despite the potentially effective measures described in Sections V and VI, these programs still lack a significant amount of scientifically valid information. "Any counting system involves some valuelative institutional processing of people's observations and reports of what they perceive as events. Any set of crime statistics, therefore, is not based on some objectively observable universe of behavior."201 Considering this limitation, city officials may not be able to apply another city's successful approach to their own because of each city's unique characteristics.

Scientific research may also suffer other limitations. Determining whether injuries were actually due to "violent" behavior (rather than accidents), whether violent offenders are actually reported and arrested, and whether the same offender has been arrested more than once are important questions that research often fails to measure.202 Additionally, displacement and diffusion effects themselves may not be taken into account in violent criminal research. Scientific evidence is also limited by the lack of denominators (i.e., "this many" people were victims, but "how many" people in the place were not victims) and an inherent inability to link cause and effect.203

At this point, spending money to gather such information may be more productive than directly funding preventative programs. The research for such information must enlist the active participation of the people and organizations that own and control places. While some basic research can be undertaken using police records, public databases, and surveys, most systematic evaluations and experimentations involving changes to the characteristics of places will require the cooperation of the community's businesses, property owners, and other residents.

As community members begin to organize around common goals, the vibrancy of the community is benefited. Just as violent crimes act as a disease to the community, an active and pro-social environment can be the "boost" that promotes the community's health beyond simply getting rid of any disease. Part VIII further

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201. NATIONAL RESEARCH COUNCIL, UNDERSTANDING AND PREVENTING VIOLENCE 404 (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993).
202. See generally id. at 406-11. The editors describe one interesting example in the National Crime Survey where men and women respondents indicated that they did not regard simple assaults at home, at work, or in bars to be crimes. Id. at 420.
203. See id. at 417.
demonstrates the importance of the vibrancy of the community and of promoting the dignity of the human person as these values are balanced against whatever laws and law enforcement the city officials use to prevent violent crime.

VIII. IMPORTANCE OF A VIBRANT COMMUNITY AND HUMAN DIGNITY

The increased restrictions and enforcement described in Sections V and VI must be balanced with the city officials' desire to create a vibrant nightlife that encourages the community to interact and enjoy themselves and promotes the dignity of the human person. A recent statement of Catholic Bishops of the United States explained, "We believe the human person is social. Our dignity, rights, and responsibilities are lived out in relationships with others . . . ."204 Likewise, subsidiarity205 and solidarity recognize:

[Human dignity and human rights are fostered in community. Subsidiarity calls for problem-solving initially at the community level: family, neighborhood, city, and state. It is only when problems become too large or the common good is clearly threatened that larger institutions are required to help . . . . Solidarity recognizes that "we are all really responsible for all."206

In this way, preventing individuals from committing violent crimes where they may not have committed them if the situation was different promotes human dignity, vibrant nightlife, and safe community.

As stated in Part I, violent crimes cause individuals of a community to avoid perceived "hot spots." Not only will people avoid bars, clubs, and taverns (especially at night), but they will also limit their interpersonal relationships and communication patterns.207 This kind of avoidance results in a more disconnected community and damages its vibrancy.


205. See WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 2279 (1986) ("subsidiarity: . . . (2) a theory of sociology: functions which subordinate or local organizations perform effectively belong more properly to them than to a dominant central organization.")


207. Miethe, supra note 7, at 23.
Baltimore is one city that is trying to find the right balance of violence prevention and community interaction to create a safe and vibrant nightlife. "While party-until-dawn nightlife is reviving the travel industry in New York, New Orleans and Miami, several influential leaders [in Baltimore] say the city has been slow to recognize the trend, costing it 'tens of millions of dollars.' \textsuperscript{208} Some legislatures are preparing to push a two-pronged nightlife agenda through their city hall and state house.\textsuperscript{209} They would like to permit more after-hours clubs that charge admission and play music but do not serve alcohol. They would also like to permit alcohol to be served in certain downtown locations until 4 a.m., rather than the current 2 a.m. closing time. Currently, establishments that want to stay open during the early morning "must receive a 'conditional use' permit from the zoning board, which will be issued only if the club adheres to 'public health, security, general welfare and moral' standards."\textsuperscript{210}

In Seattle, Washington, neighborhood activists, city officials, and responsible nightclub owners are trying to work together to create a fair and formal process for allowing businesses to add entertainment to their normal business of providing food and beverage.\textsuperscript{211} "At the heart of the current debate are the more difficult questions of balancing rights with responsibilities, civil liberties protections[,] and crime prevention."\textsuperscript{212} Even after one year of study by a council-appointed task force, key issues still remain unresolved:

The council needs airtight language for identifying the nexus between club operations and behavior of its patrons. Overservice of liquor at a dance club that leads to drunken driving, fights[,] or gunfire is an obvious and direct effect of mismanagement. When the conduct of a business can be tied directly to an egregious pattern of illegal behavior, the grounds for punishing a club are clear.\textsuperscript{213}

City officials, however, may have difficulty revoking a license based on what a business fails to do near, but off of, its premises. Despite municipal ordinances of one city that require business owners to remove snow, ice, and other dangerous and hazardous


\textsuperscript{209} \textit{Id.}

\textsuperscript{210} \textit{Id.}


\textsuperscript{212} \textit{Id.}

\textsuperscript{213} \textit{Id.}
conditions from any public right of way adjacent to their property, the Court of Appeals in Washington found, "No authority declares that [the liquor license holder] had a legal duty, or even a legal right, to control third party conduct on city-owned property." The court, however, did not preclude the city from creating such a legal duty or right in the future.

Even if the city does not create such a duty, the city may be able to hold the owner of a bar, club, or tavern responsible for activities outside of the establishment if activities inside the establishment lead to the violence on nearby public areas. The language of the law must reasonably associate the problem behavior on nearby public streets with the entertainment activities in order to hold such owners liable for the violence. Whether drive-by shootings outside of the club or assaults in the back alley that do not involve patrons are suffering associated to the bar activity are issues the ordinance should address when determining which problem behaviors will count against the club owner. In this way, legitimate scientific research may provide the reasonable nexus to uphold such ordinances in court.

The Buckhead Village nightlife district in Atlanta, Georgia, is also facing problems of lawlessness and violence. "People are attracted by the concentration of clubs and restaurants, so entrepreneurs come along and open more. To a point, that’s good, because the variety of offerings keeps the area fresh and desirable. Beyond that point, however, things can get out of control." One editorial writer demands, "Club and restaurant owners should be responsible for maintaining order within their establishments . . . but only city police have the authority to enforce the laws on the streets and sidewalks outside."  

216. See Moreland v. Cheney, 479 S.E.2d 745 (Ga. 1997):
There was evidence presented to the trial court of numerous, pervasive problems that were generated by, and occurred in and around, the lounge. These problems included the illegal sale of alcohol to adults and minors; the illegal dealing of drugs; the outbreak of numerous fights, including gunfights; and the creation of significant traffic congestion, loud music, and littering. Having reviewed the record, we conclude that there was ample evidence presented to the trial court to authorize it to find that the Countdown Lounge constituted a nuisance.

Id. at 745–46.
217. See generally id.
218. Buckhead Needs Tighter Controls, ATLANTA CONST., Feb. 4, 2000, at 18A.
219. Id.
One urban planner and architect recently expounded on the need for increased connectivity, walkable communities, and sustained and mixed-use areas.\(^{220}\) "[He] advocates mixed-use and multi-used developments, where he said 'the diversity of uses is conducive to vibrant and mutually enhancing daytime and nighttime activities.'\(^{221}\) Boston is one major city that is currently focusing its efforts to reduce the violence in its "combat zone" with its focus on mixed-use areas. This diversity of uses generally includes three or more mutually supporting, revenue-generating uses, such as office, residential, retail, restaurants, hotels, and others; significant physical and functional integration, including 'pedestrianization'; and developed in conformity with a coherent plan.\(^{222}\)

Zoning bars, clubs, and taverns to create isolated and safe places for late-night leisure activities may also face the problem of its potential discriminatory exclusionary effects.\(^{223}\) In order to prevent such side effects, city officials should use their zoning codes to (1) allow the kind of leisure activities that thrive in certain neighborhoods and communities, (2) ensure that isolating leisure activities will not be so inconvenient for the communities to which they are geared that they will cease to be profitable, (3) be relatively easy and inexpensive to administer, to minimize the number of businesses that will be detrimentally effected by these changes, (4) socioeconomically integrate the already divided neighborhoods within the cities, and (5) facilitate the consideration of legitimate local concerns and police effectiveness.\(^{224}\)

Because of these considerations, zoning codes should be devel-


\(^{221}\) Id.

\(^{222}\) Id.

\(^{223}\) See discussion supra Part VI.A.

\(^{224}\) Marcia Johnson argues for the use of inclusionary zoning to counteract the damaging effects of exclusionary zoning in housing:

An effective inclusionary zoning program should address at least five goals: (1) it should create as much low and moderate or affordable housing as possible with a view toward meeting the city's need, (2) it should not give rise to counterproductive side effects, (3) it should be relatively easy and inexpensive to administer, to minimize delays and development costs, (4) it should socioeconomically integrate the suburban communities in the process and (5) it should facilitate the consideration of legitimate social concerns.

oped particularly for each community based on the assembled research.

CONCLUSION

Healing the wounds of violence and promoting the vitality of the community requires a community-specific diagnosis and a treatment that combines both the public health and criminal justice models of violence prevention. Effective prevention programs require the combined resources of citizens, governmental regulation, and law enforcement. Planning intervention strategies oriented toward bars, clubs, and taverns begins with an understanding of the risk factors in places in the general community.225 In general, institutional instability and the isolation of community institutions are key factors underlying the structural dimensions of social disorganization.226 City officials can promote community vibrancy and human dignity while reducing violence by reorganizing “hot spots” near bars, clubs, and taverns. If they utilize their community resources to first, determine the risk factors and workable solutions, and second, institute preventative measures, violence can be reduced and community vibrancy and human dignity can be improved.

225. NATIONAL RESEARCH COUNCIL, UNDERSTANDING AND PREVENTING VIOLENCE 146 (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993) (referring to intervention strategies to locations in general).