The Accelerating Resurgence of the Threat of Public Disorder for Our Downtowns

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Many of today's downtown leaders and stakeholders have little knowledge or any memories of the public disorder and its associated fear of crime that was a major scourge of our downtowns from the 1960s through the 1990s. Downtowns during those years were at their nadir. Downtown pedestrian activity became excessively cautious and less frequent during the daytime, and disappeared after dark. Businesses left or stayed away. Concerns about crime and the fear of crime became prime considerations in business locational decisions. Physical decay often followed vacancies. Some downtowns turned into ghost towns. I came up in the downtown revitalization field during those years. I never want to see downtowns in that kind of situation again, but that possibility has reappeared.

Happily, from the late 1990s through just a few years ago, those problems eased significantly, especially because of the perception that order and stewardship had returned, and a growing number of downtowns prospered. As George Kelling noted, BIDs strongly contributed to this improved situation.(See: How New York Became Safe: The Full Story, City Journal, Special Issue 2009). At one point, the recovery seemed so strong that I was suggesting a new normal had emerged for our downtowns in which the problems of public disorder and the fear of crime were minimal. I even suggested that the sizes of downtown security forces might be reduced, and the financial savings put to more urgent uses.

However, over the past few years, public disorder again has been rearing its unwelcome head – and this time in a more complicated multi-dimensional form. Troubling, too, is that many downtown stakeholders, leaders and national organizations either are not aware of this resurgence or are again flummoxed about how to deal with it. Also, grappling with the problem today has often also taken on heightened political and/or ideological characteristics that make addressing it much more complex.

As a result, I am gravely concerned that many of our downtowns – even those now seen as superstars -- may again face the scourge of public disorder, especially since this time it is a more multi-faceted problem that will likely make coping with it far more difficult. Having witnessed how perceptions of public disorder can weaken downtowns and then thwart revitalization efforts for decades, I feel compelled to try to raise

awareness of its new manifestation and call for a concerted effort within the downtown revitalization community to address it.

PUBLIC DISORDER BACK IN THE DAY

When I first started working on revitalizing downtowns, back in the 1970s and early 1980s, time after time I would hear powerful city officials and downtown leaders lament, sometimes tearfully, how crime and the fear of crime were keeping customers away, encouraging existing businesses to leave, and discouraging firms from moving in. Yet credible research kept showing that actual crime rates in downtowns were usually significantly lower than the public thought or the news media suggested, and that the level of the fear of crime did not meaningfully correlate with the crime rates in a district. For instance, a 1984 study in Jamaica Center in Queens, NY found that while the district averaged about 1.7 reported street robberies per day, 73% of a survey's respondents thought there were more than 10. What then was causing this disabling fright?

To address this problem in the NY-NJ-CT metro area, Regional Plan Association created the Downtown Safety, Security And Economic Development Program (DSSED) in 1984 that was funded by the National Institute of Justice and major corporations located in the region. I designed and directed that program. Our research found that:

> "…the fear of crime downtown, which is often exaggerated, can be reduced by dense, compact, multi-use development as well as by police patrol tactics that emphasize citizen contact, and the control of quality of life crimes."

Each of these solution components was aimed at increasing the perception that public order is being maintained in the district. The important influence the perception of public order has on the public's fears of becoming a crime victim was famously put forward by George Kelling and James Q. Wilson in their article "Broken Windows: The Police And Neighborhood Safety." In that article, they argued that there are physical and behavioral signs of disorder such as broken windows, vacant buildings, graffiti and drug use and sale and prostitution that indicate no one is taking care of this area, and that makes people feel afraid.

The recommended compact multi-use development aimed at increasing potential downtown pedestrian flows because there is no better validator that an area is orderly and safe than a lot of people walking in it, nor is there a better indicator that people are feeling the area is safe than strong pedestrian flows. However, the DSSED's research found that these pedestrian flows can be thwarted when fear makes downtown workers, shoppers and residents restrict when and where they will walk. Other research has showed that an effective police foot patrol program can reduce such levels of fear. Research, by the DSSED and others, has also shown that the physical and behavioral signs of disorder can heighten such fears.

The growth of BIDs during the 1990s did much to reduce the fear of crime in our downtown. Their "crime and grime" programs were visible proof that some organization was trying to take care of the area, i.e., it was trying to maintain order. Moreover, many other BID programs such as business recruitment, façade improvements, concerts and other public entertainments also helped establish that order was being maintained and the area was being improved. The resulting heightened downtown visitation rates and stronger pedestrian flows also made people feel the districts were safe day and night.

PUBLIC DISORDER TODAY

I think there are four parts of the public disorder problem downtowns are now facing. Some are strongly interrelated. Some have been brewing for several years, while others are either of recent vintage or have been heightened by recent events e.g., the Covid19 pandemic and recent protest violence.

The Impacts of Covid19. Fear is again a factor, though the cause is not a fright about being the victim of a crime, but of a disease. Moreover, the pandemic is influencing our perceptions of public disorder in two ways, not one. One is through the person to person transmission of the harmful virus via aerosolized droplets. Those individuals who do not engage in the necessary precautionary behaviors – masking and especially social distancing – can be seen as disrupting the public order, as can the businesses that do not require these behaviors. On the other hand, these precautionary behaviors can severely disrupt the ways that our downtowns and the organizations within them operate, and be perceived by those more concerned about economic and quality of life concerns as disrupting the public order. The public seems to be badly split about these vying concerns about growing pandemic induced public disorder, a split reinforced by political affiliations. Combined, there is a huge proportion of the public who are now concerned about public disorder, one way or another, because of Covid19.

Regarding the precautionary behaviors, there is little doubt that fear of the virus is keeping downtown visitation levels to exceptionally low levels by workers, shoppers and tourists. Also, luxury retailers are more apt to provide and require these protections than those dealing with mass markets. Small merchants often either cannot open legally, or lack the skills and funds to implement needed protections, or just do not believe in the need for them.

There's a need for trusted toolbox of protective measures businesses can deploy that are effective against the virus, affordable, and allow the merchants to make money. IDA, National Main Street Center and IEDC have all provided information about possible components of this toolbox, but issues about their efficacy, transferability and affordability often remain. However, more comprehensive programs such as the one instituted by UC-Davis that covered the university campus, downtown and whole city

should also be looked at. It seems to allow for both the adoption of precautionary behaviors and businesses to stay open and to do more than just survive.

With the use of effective vaccines and therapeutics, the pandemic hopefully will abate significantly sometime later this year. The question then will be: will elements of the concerns about public disorder the pandemic sparked continue on into the future? Crises have been known to spark trends and changes in mass behavior that are continued well into the post crisis years for reasons unrelated to those that strengthened them during the crisis. For example, Covid19 induced a huge surge in remote work, but many of those workers will continue to work remotely well into the future because of quality of life preferences.

Physical and Behavioral Signs of Disorder. These were the problems that largely defined public disorder in the 60s to the 90s. Many large downtown district leaders in recent decades felt they had these problems under control, that they knew how to cope with them. Yet at the same time, the use of methamphetamine and certain prescription drugs were growing in smaller communities across the nation. This should have raised more flags since perceived drug use and sale can substantially raise fears of becoming a crime victim while downtown. The DSSED's survey research, for example, showed that perceived downtown drug use and sale was the strongest variable for explaining respondents' fears of being assaulted in the district.

By the year before the appearance of Covid19, drug use and sale had again become a major problem in many of our largest and most successful downtown districts. By 2019, for example, mangers of several BIDs in Manhattan were reporting that it was their major problem. This resurgence was powered by the cheapness and strength of the drugs being sold.

The homeless also have long posed an important and complex challenge for downtown leaders and stakeholders. They are obviously people who are in severe need, and a very high proportion are either mentally disturbed or suffering from some sort of addiction. Others suffer from unfortunate life events such as being fired or an apartment lease being terminated, or the lack of affordable housing in the area. Recent research by Zillow shows that when the costs of housing in an area surpass one-third of household incomes homelessness will increase.

The response of Americans to the homeless is complicated. They do want to help the homeless. A national survey in 2017 found that 60% of the respondents wanted to aid the homeless and 65% wanted to subsidize their housing. But they oppose homeless behaviors that signal public disorder, that no one is taking care of this place. That same survey found that 47% of its respondents favored banning panhandling, with 29% opposing it, and 44% favored banning sleeping in public, while 36% opposed.

Also, in the last few years I have seen claims in the media that an effective community solution to homelessness has been found that provides housing and a mix of needed supportive services. Yet, during this same period, the number of homeless in our downtowns seems to have substantially increased, and downtown managers were again reporting they were a significant problem. Furthermore, many large cities are spending large amounts of money on this problem. NYC spent $3.2 billion on the homeless in 2019, according to the WSJ.

In some cities, the behaviors of the homeless have become far more aggressive. Along the west coast, there are reportedly informally organized bands of homeless that travel from city to city and take over downtown sidewalks and public spaces. They then often block pedestrian traffic, panhandle very aggressively, and leave urine and feces on the sidewalks. I've been told that, within San Francisco's culture, such behavior does not signal public disorder, just a different lifestyle that should be tolerated. On the other hand, I've seen claims that those behaviors are helping to convince a significant number of residents and firms to move away.

Some observers believe the heart of the problem in San Francisco is not that people are homeless and deserve assistance, but that elected officials fail to be concerned about public disorder, let alone actually doing something about it. As Bret Stephens has noted in the NYT: "In San Francisco, District Attorney Chesa Boudin has championed the calls for decriminalizing prostitution, public urination, public camping, blocking sidewalks and open- air drug use."

Plainly more cities implementing the effective program to deal with the homeless would reduce their negative signaling of public disorder, while producing a meaningful improvement in their quality of life. But, until that happens, appropriate order maintenance programs, ones that are both constitutional and humane, are needed.

If our public officials, elected and appointed, do not work to maintain public order, then a Hobbesian state of nature can emerge where life is "nasty, brutish and short." Contrary to juvenile wisdom, freedom does not mean the absence of rules. True freedom can only occur within the context of appropriate rules. Rules mean order.

Community Mistrust of the Police. Effective community policing was a key element among the solutions developed by large cities to the high crime rates and levels of fear of the 1980s and 1990s. As its name implies, this policing strategy is based on the finding that police are significantly more effective in maintaining perceptions of public order when they build strong relationships with members of the communities they are patrolling. Community policing was a return to many of the policing principles promulgated by Sir Robert Peel when he established the first modern police force in London in 1829. One of those principles is:
> "To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police,

the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

At the same time, it has been axiomatic since polities appeared thousands of years ago that legitimated power and its authorized use of force can be abused. Consequently, some degree of police abusing their privileged use of violence is to be expected. In well tasked and managed departments the level of abuse will be nil or exceedingly low, and publicized examples are treated as evidence of the police properly being accountable, not of the police habitually violating citizen rights and liberties.

Today, across the nation, there is widespread mistrust of the police, with many believing that they do habitually violate citizen rights and liberties. Some even advocate defunding the police. Such high levels of mistrust hinder the ability of the police to function effectively, and to maintain public order. It also raises the fears of growing public disorder among those who still trust the police, that weakened police will mean greater lawlessness.

Mistrust of the police in the US has long been influenced by our nation's centuries old slavery/racial discrimination problem. Blacks have long been more frequently stopped by the police and the victims of police brutality. Black parents have felt the need to specifically advise their children about how to behave if stopped by the police. What has made the current high levels of mistrust of the police so potent are:

- The abusive riff on proper community policing tactics known as "stop and frisk" that antagonized many members of minority communities. Police tactics meant to help assure public order were thus turned into tactics that instead distanced the police from the citizens they were meant to serve and protect
- The too numerous fatal uses of force, e.g., the death of George Floyd, across the nation that were caught on cellphones and police cameras. They thus gained media and public attention as never before
- The increasing political power of minorities and the emergence of protest organizations such as Black Lives Matter
- Police unions, and state and local laws that make disciplining bad police officers excessively difficult. They make it really hard for large departments to hold themselves accountable, thus increasing the demand for external entities to do so.
- The Blue Wall. More and more policemen live in an enclosed subculture with its own values and rules. It is thus harder and harder for the police to be the public, as Peel suggested. Anyone who has tried to influence a police department knows what I am talking about here. This insularity is too often ignored. One consequence is a total resistance to non-police individuals participating in police disciplinary actions or planning. Another is the question: are the police really like us? Still another is that it leads police officials to often make bad decisions. For example, police departments understand programs aimed at reducing crime that

focuses on criminals and arrest stats, but as Kelling confirmed to me in a conversation, they do not know how to really deal with trying to reduce the fear of crime that involves the attitudes and behaviors of the public.

An effective police force is needed to maintain public order. However, a police force cannot be effective without the cooperation of the communities they are patrolling, Plus many minority neighborhoods have high crime rates that require a lot of police attention to protect their citizens. We cannot do without a well-ordered police force or a citizenry that trusts and cooperates with it. That trust and cooperation cannot be created on the terms demanded by just one of these parties.

A very hopeful note: A growing number minority communities have organizations that are very concerned about maintaining and expanding public order in their neighborhoods. Patrick Sharkey has written a terrific book about them, "Uneasy Peace: The Great Crime Decline, the Renewal of City Life, and the Next War on Violence." These neighborhoods also often have cornerstone organizations such as hospitals, colleges/universities, and major corporate facilities that extend their concerns about disorder and their security operations out into the surrounding neighborhood. These organizations may represent viable channels for rebuilding trust and cooperation between minority communities and the police. Getting local community organizations, cornerstone organizations and the local precinct's community policemen to work on a more integrated and cooperative level may be where the future of successful policing is located.

 Protester Violence and Vandalism.
The Urbans Riots of the Late 1960s. Few of today's downtown mangers and stakeholders have knowledge or awareness of the urban riots of the 1960s: e.g., the 1965 Watts riots in Los Angeles, the Newark and Detroit riots in the summer of 1967, the unrest in many major American cities after the assassination of Martin Luther King Jr. in 1968. I was living in Columbus OH in 1967 and 1968. I felt that from what I was seeing on local news programs, hearing from my students and colleagues at OSU, and what my neighbors were telling me that the riots were having a big impact on how white people were perceiving Black people and dense urban areas. Given the de facto residential and occupational segregation that characterized most of our nation, one might expect that whites already had some "fear of strangers," of people who were not like them. The urban riots of the 60s seemed to both reinforce existing misperceptions that Blacks were lawless and dangerous, and make them more frequently voiced.

Moreover, these riots followed the inauguration of LBJ's Great Society programs in 1964 that were aimed at improving the lives and opportunities of the poor and minority groups. In some minds the riots evidenced the need for such programs, for others the programs were seen as a means to prevent such riots. The riots definitely resonated politically and hardened and polarized political differences. Nixon's campaign leveraged off of them.

Notable was how the attitudes of people who had not been in the cities where the riots or public unrest occurred were still being strongly influenced by them.

Of course, the corollary was that the areas in which Blacks lived, worked, shopped and played were also seen by many whites as lawless and dangerous. That was strongly demonstrated to me when I worked for Ohio DECD between 1974 and 1977 putting together a 16-city public management technology transfer network. I worked with a number of exceptionally competent city managers, mayors and department heads. In every city there was a deep concern about their decaying downtown, and the growing fear of crime. I very often heard how the urban riots had badly hurt the public's image of downtowns in general, and theirs in particular. Of course, their downtowns then were also hurting from the nation's massive rush to the suburbs, and the ensuing white flight of residents, customers and businesses left downtown vacancies that often were filled by people of color. For insightful research on the riots see: Peter Henri Rossi, David Boesel, (Eds), Cities Under Siege: An Anatomy of the Ghetto Riots, 1964-1968, Center for Urban Affairs (Baltimore, Md.), Basic Books, 1971, and The Kerner Report, National Advisory Commission on Civil Disorders, https://belonging.berkeley.edu/1968-kerner-commission-report.

The urban riots of the 1960s plainly did not create whites' fear of Blacks, but it certainly strengthened it, and made overcoming or avoiding that otherness more difficult. It also certainly reinforced white flight from our cities. The fact that the attitudes of white people with no direct experience of the riots were being impacted suggests that they cannot be treated as isolated uninfluential events. Their geographic influence shed can be very large and densely populated. Even though their number over a specific time period may be few, their potential influence can still be very substantial both geographically and over time.

What is very interesting were the public's contrasting reactions to the numerous anti-war student riots that burst forth on college campuses across the nation in 1970. Certainly a major segment of the public rejected the lawlessness of these events, but perhaps because they were confined to the campuses and not racial in character, the perceptions of disorder did not generate a widespread fear of any particular group. Spotting students did not spark people to engage in avoidance behaviors. Among my non-academic acquaintances in Columbus, the rioting students at OSU were seen as youthful, heroic, forgivable miscreants by sympathizers, and lawless spoiled brats by opponents, but not as fear engendering strangers.

The major takeaway from this discussion is that violent protests/riots can have very strong negative impacts on racial and political polarization, and how our urban areas are perceived as places of disorder. This impact can be felt even if people do not live or work near where the riots/protests occur. The legacy of the riots helped keep the public's image of downtowns negative for decades.

<u>Recent Violent Protests</u>. In 2018, John Lewis famously tweeted: "Never, ever be afraid to make some noise and get in good trouble, necessary trouble." He was very much in line with the non-violent protest strategy that the civil rights movement has relied on for several decades – and many would say with good effect, if much still remains to be done.

Unfortunately, and contrary to Lewis's admonition, recent years has seen a wave of violent protest. Moreover, these recent violent protests also are structured by racial and political factors as were those in the 1960s that are probably compounded by underlying economic factors. Protests on behalf of both right and left wing causes have turned violent, at times involving violent conflict between the two. They tend to occur in temporal clusters responding to events such as elections and instances of police brutality. Downtowns are often convenient, logical or targeted places for them to occur. Their leaders and stakeholders need to be concerned about and prepared to cope with these events, yet the resources needed to do so are probably well beyond their means and available legitimate actions. Actors at various levels of government will need to be involved and coordinated with individual businesses and downtown organizations. However, Trump's sending federal personnel into several cities, such as Portland OR, to quell their urban disorders did not have salubrious results, and demonstrates that bringing in such potential partners must be done carefully.

Recent violent events have shown that it is hard, if not impossible, to put a viable protective plan together in the midst of them. The visual messaging of public disorder sent out by rioting crowds, killed or injured people, and vandalized stores, parks, cars, etc., obviously are not conducive to the health and well-being of any downtown. The downtowns of leaders who are unprepared are likely to be vulnerable to a whole lot of hurt. Moreover, when violence marks the interactions of police and protesters the trust of both parties in the other can be significantly eroded, with important ripple impacts on disagreements between the police and minority populations.

There is no better example of the growing wave of violent protest than the storming of the Capitol on January 6, 2021 that resulted in several deaths, and 100+ injuries. It also threatened our entire constitutional order. Former President Trump, as I write this, is being tried by the US Senate for provoking and inciting an insurrection. The event was overwhelmingly political, but a very heavy underlying racial component was also motivating the riot's participants. Many of them want to halt the changing socio-political order in which they see white people becoming the minority and having less economic and political power. Research by the Washington Post suggests there also may be a strong underlying economic factor: "Nearly 60 percent of the people facing charges related to the Capitol riot showed signs of prior money troubles, including bankruptcies, notices of eviction or foreclosure, bad debts, or unpaid taxes over the past two decades, according to a Washington Post analysis of public records for 125 defendants with sufficient information to detail their financial histories."

https://www.washingtonpost.com/business/2021/02/10/capitol-insurrectionists-jenna-ryan-financial-problems/

That insurrectionary event was preceded by increasingly aggressive activities by militia, neo-fascist, neo-confederate, and white supperracist groups across the nation in recent years. In 2017, they held the violent Unite the Right rally in Charlottesville, VA, that grabbed national attention and added to our political and racial polarization. Post the 2020 election armed groups tried to intimidate the counting and reporting of voting returns in several states such as MI and AZ.

"The brutal killing of George Floyd on May 25, 2020 in Minneapolis unleashed a wave of protests across the nation that was reinforced by other police caused deaths of Black people across the nation in cities such as Louisville, KY, and Kenosha, WI, where:
> "The demonstrations were marked by daily peaceful protesting followed by confrontations with law enforcement and rioting and arson at night. A state of emergency was declared on August 23, and the National Guard was activated the following day. Further confrontations arose when armed militia members, whom Kenosha County Sheriff David Beth described as 'like a group of vigilantes', arrived with the expressed intent of protecting businesses in the city." One militia member is accused of killing two protesters and injuring a third. https://en.wikipedia.org/wiki/Kenosha_unrest

In Manhattan, the protest resulted a number of commercial areas being vandalized. Clusters of luxury stores on Madison and Fifth Avenues and in Soho were targeted. Some reports claim that this was an intended outcome of protest leaders who felt that continued inadequate responses to the police brutality could not be tolerated and that vandalization of businesses in minority neighborhoods was misplaced and not putting sufficient pressure on municipal leaders to take the needed actions. If these reports are accurate, then successful downtowns can expect to be targets of similar vandalization if police brutality cases persist in their cities. New Yorkers were lucky that Kenosha-type vigilantes did not emerge to protect their endangered lux businesses, but looking to the future, that is a possibility that downtown leaders need to prepare for. There are also other reports that militia-type groups have intentionally infiltrated protests of police brutality to instigate violence and vandalism and hurt the image of the protesters.

In 2011, Occupy Wall Street occupied Zuccotti Park for several months campaigning for greater income equality. There is perhaps no stronger visual signal of public disorder as when a public space or building is "occupied" by protesters or a political movement. The legitimately tasked defenders of the public order are shown to be defeated. There is something of a political tradition for such occupations in the Bonus Marchers of 1932, and many of the student upheavals occupied university buildings in 1969 and 1970. The signaling of disorder is strong when the police withdraw from the area, even if they have strong tactical reasons for doing so. Recently, however, occupying public spaces and buildings has been a growing tactic for protesters.

The occupation of our Capitol Building, of course is one example. Protesters in Seattle to George Floyd's killing created The Capitol Hill Autonomous Zone. The zone was an informally organized area, with informal leadership, covering six city blocks and a local park. It was established after the Seattle Police Department vacated its local precinct building. Protester demands were: reducing the police department's $409 million budget by 50 %, shifting the funds to community programs and services in black neighborhoods, and not charging protesters with crimes.
https://en.wikipedia.org/wiki/Capitol_Hill_Autonomous_Zone

In Portland, the killing of George Floyd led to peaceful demonstration in various parts of the city, but a riot broke out in the downtown, where several fires were set, and the Justice Center was ransacked and set ablaze. The police voiced a desire to keep the demonstrations peaceful and engaged in negotiations with protesters, but actions and reactions by both sides soon led to a far more conflictual situation that has lasted for months. The police withdrew from the downtown. Trump's decision to send armed federal personnel in to quell the situation only complicated the situation. Federal interventions if done, must be done correctly and in harmony with local needs, interests and assets.

The negative impact on downtown businesses has been substantial. A survey done for an affiliate of the Portland Business Alliance in late 2020 found that "62% of downtown businesses owners said that the central city was no longer safe, a nearly threefold increase from when the survey was last conducted in 2018."
https://www.oregonlive.com/business/2021/01/majority-of-downtown-portland-merchants-say-city-core-is-unsafe.html

WHERE DO WE GO FROM HERE?

I cannot claim that I have any definitive ideas about how downtown management organizations and individual businesses should deal with the looming problem of increased public disorder. I do have some thoughts about how they might be identified and/or developed:

- We need to start talking much more about this problem and raise awareness about it. IDA, IEDC, NMSC and CNU have to look a whole lot more at it.
- We also need to properly scope out this problem, so we know what a solution(s) has/have to do.
- In looking for existing success stories we need to rigorously analyze how successful they really are, and how transferable they are to other locations.
- Many solutions will involve downtown organizations partnering with municipal, state and Federal agencies. If they are left to decide how they will act without strong responsiveness to local needs, interests and concerns, their actions are

likely to be ineffective. Relationship building will be required to assure timely downtown inputs.

- The search for solutions must start before a public disorder crisis appears; its completion would be preferable.
- We do not start without any arrows in our quiver. Downtowns were able to substantially decrease perceptions of public disorder in the past. Getting lots of people to walk on downtown sidewalks without feeling the need to take precautionary or evasive measures is still a strategically sound objective. Real community policing can reduce fears.
- There are important connections between many of the dimensions of this problem. Solving one dimension may significantly reduce the adverse impacts of others. For example, increasing trust in the police will depend a lot on how they deal with the behavioral signs of disorder and violent protests.