

Police Dilemma on Restaurant Row

By TODD S. PURDUM

On Restaurant Row, as on hundreds of other blocks around the New York City, successes in the struggle against drugs have come to seem so rare and the scourge so relentless that citizens are increasingly turning to private patrols to supplement or supplant a criminal justice system that seems unable to cope.

News Analysis
To police officials, criminologists and civil libertarians, the Guardian Angels' patrol of Restaurant Row, on West 46th Street between Eighth and Ninth Avenues, is a telling illustration of both the problems that prompted the restaurants to recruit them and the pitfalls of such a response.

Plagued by crack dealers in doorways and a decline in business of up to 20 percent, the restaurant owners asked the Angels, a volunteer group of teen-agers, to patrol last week. Since then, the owners say, conditions on the street have improved markedly.

But a 16-year-old member of the Angels was critically injured in trying to stop a street fight Saturday night, and two others were arrested Sunday night, accused of harassing a neighborhood man whom the Angels suspected of being a drug dealer.

Officials Are Embarrassed

For city officials, the embarrassment of having the Guardian Angels patrol such a high-profile thoroughfare is a bit like having to turn to Donald

'You can't just go in and bust people up' near Times Square.

sentenced only to the time they spent in jail between their arrests and guilty pleas.

'I Feel Ashamed'

Thomas Repetto, president of the Citizens Crime Commission and generally a strong supporter of the police, said the problem on 46th Street was government's responsibility.

"As a citizen of New York, I feel ashamed that we have a 16-year-old kid doing what the city government should do," he said. "We have three police departments, 35,000 cops, a \$2 billion budget. If we don't have enough cops, then the Mayor and the Police Commissioner should tell us how many we need to run the drug dealers off the streets in every neighborhood. Maybe it's 50,000, and then we'll figure out what has to be done."

Mayor Koch, somewhat testily, said last week that the restaurants should have asked him for help. Yesterday, at a United States Conference of Mayors session in Utah, he said he planned to meet with the owners on his return to City Hall.

"We don't approve of people hiring vigilantes," Mr. Koch told reporters in Salt Lake City. "They're going to have to rely on the cops or accept responsibility for illegal actions if illegal actions were to occur."

One restaurant owner, Joe Allen, said yesterday that a group on the block, the Broadway stagehands union, had written the Mayor last October. The Mayor, Mr. Allen said, answered promptly, saying he had referred the complaint to the police. Mr. Allen said the restaurateurs had repeatedly discussed the problem with the police. But, he said, the police lack the resources.

"In their paranoia and their bruised egos, they feel we think they're not doing their job," Mr. Allen said. "The Guardian Angels' presence here only suggests to me that the police don't have the resources. It's not that they're not trying. The other team has more players."

Fewer Officers on Streets

In fact, police patrol strength is barely holding steady in the face of recent city spending cuts after last fall's Wall Street collapse. In the Midtown North precinct that surrounds Restaurant Row, as in most other precincts around the city, there have been fewer officers on the streets in recent months.

Still, the police presence is substantial. Besides the more than 500 officers on regular duty in the two midtown

precincts, there are 100 extra officers every Friday and Saturday night in the area from 40th to 50th Street between the Avenue of the Americas and Ninth Avenue. There are also 15 officers and a sergeant whose sole duty it is to be on hand when the Broadway theaters let out each night.

Weeks ago, Chief Walsh said, he asked the Manhattan District Attorney, Robert M. Morgenthau, for help in seeking stiffer sentences for repeat offenders in the area, on the grounds that the whole of their crimes were greater than the sum of the parts. Mr. Morgenthau's office is now developing such a list of recidivists.

But criminologists say moving drug dealers off the streets is a particularly dangerous and difficult endeavor and one that risks simply pushing the criminals from neighborhood to neighborhood.

The 'Hydraulic Theory'

"It's called the hydraulic theory of law enforcement," said James Q. Wilson of Harvard University. "You put pressure one place, and the problem reappears somewhere else."

Professor Wilson said the theory did not always hold true, as when the New York police disrupted drug trafficking on the Lower East Side in Operation Pressure Point several years ago. That problem did not reappear elsewhere, he said, because the dealers had established networks in the neighborhood and did not feel comfortable moving.

"In the Times Square area, apparently anybody can feel comfortable except ordinary, middle-class people," Professor Wilson said.

But even when eradication efforts are successful, as they were in Washington Square Park last year, they require a large, sustained uniformed police presence to deter street dealers,



Police officers standing on West 46th Street as Guardian Angels, right, patrolled Restaurant Row.

backed up by skilled undercover investigations to arrest major suppliers and broad community support.

The police note that such an operation is particularly difficult in an area like that near Restaurant Row, which is filled with a huge transient population and has long been home to some of

the poorest inhabitants of New York.

Rob Levy, a staff lawyer with the New York Civil Liberties Union, said private patrols raised troubling questions. "In a free society where individual rights are protected by the Constitution, there cannot be a delegation of government authority to private

groups which would somehow enable those functions to be performed without constitutional safeguards," he said.

For example, he said, "we wouldn't tolerate the police telling people they shouldn't be on the street simply because they don't fit the profile of restaurant-goers."