

Deter Crime With Certainty of Consequence

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Regarding William McGurn’s [“The Weekend Interview with George L. Kelling: The Idea That Made America’s Cities Safer”](#) (Dec. 29): The brilliance of “broken windows” isn’t in the number of arrests or in the numbers of those incarcerated in our city, county and state jails or prisons. Rather, it is in the fact that an intervention is taken regarding a crime, whether it is a serious one or a nuisance.

Jumping turnstiles, minor theft, minor vandalism, urinating in public and similar violations of the public order must be taken seriously. They require an intervention that doesn’t necessarily require an arrest, a criminal record and the sanction of incarceration. If no action is taken, the message that is given, in essence, is that these crimes don’t exist.

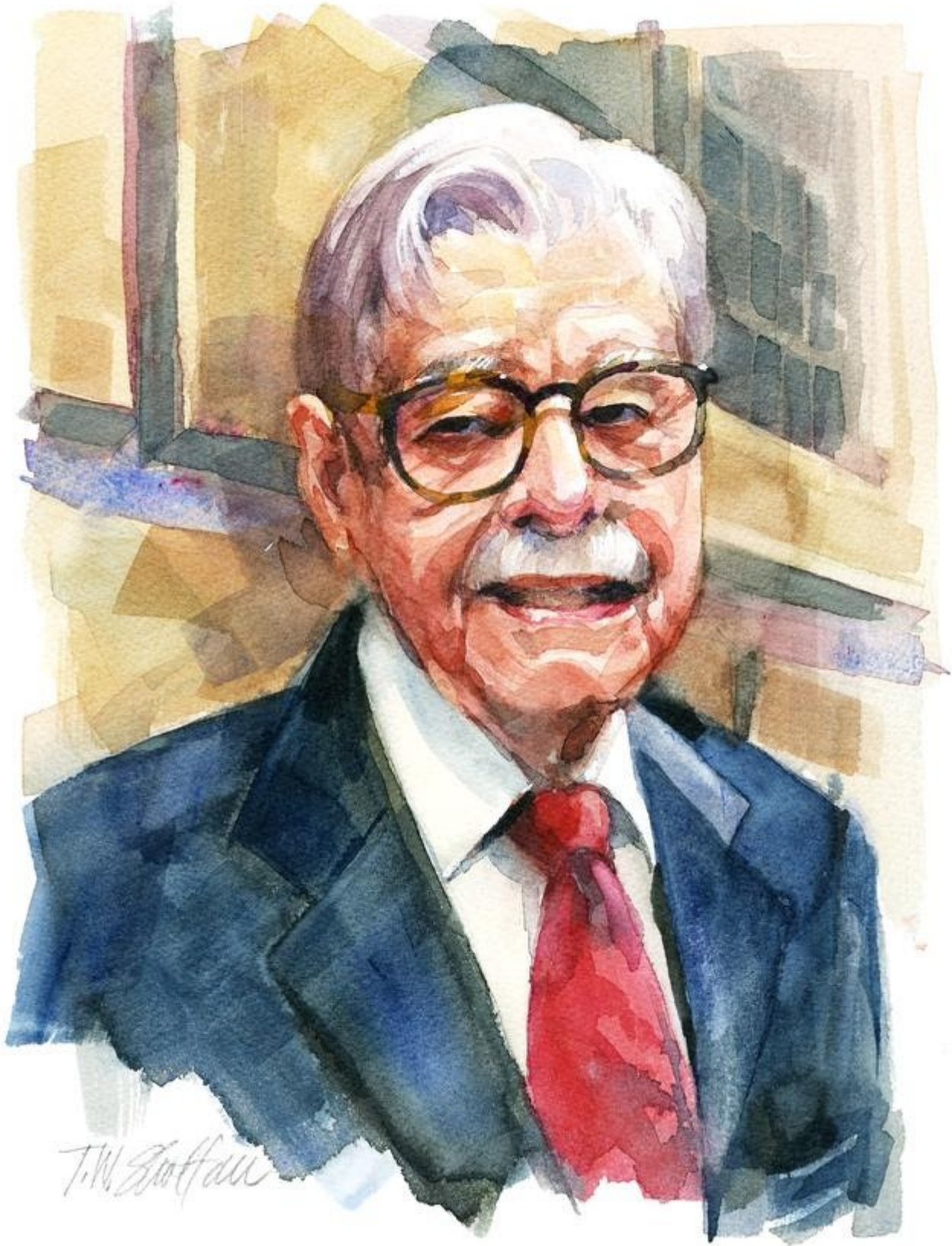


Illustration: Terry Shoffner

Therapeutic jurisprudence is a movement in criminal justice that suggests that for every crime there must be an appropriate response. Prosecutors have a responsibility to do justice in every instance. Which might require a response other than prosecution.

Many of those involved in nuisance crimes have serious substance abuse issues. Therefore, it might be most helpful to provide appropriate treatment and other related interventions.

On the other hand, a failure to participate fully in the intervention might then lead to the more formal criminal sanction. There must be accountability.

The federal government, with its First Step Act legislation, and many states with their similar interventions are moving forward a progressive era of hope which should be acknowledged and encouraged.

It is well past time to end excessive prosecution and incarceration which are costly and in the end don't make us safer.

Judge Eugene M. Hyman (Ret.)

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