



Grand New Party

How To Win The War On Crime

Reihan Salam, 04.27.09, 12:00 AM ET

One of my most vivid memories from childhood involves coming home from elementary school and finding that my family's VCR had been stolen. Even now, I'm not entirely sure how it happened, as there was no obvious sign of forced entry.

If I recall correctly, I told my father what had happened. Rather than report the crime to the police, he decided to purchase an identical VCR so that we could replace the stolen one without alarming my mother or my sisters. At the time, my father sensed that a visit from the NYPD would cause a lot of angst and anxiety, and that the psychic costs outweighed the psychic benefits. He knew that there was no prospect of retrieving the VCR, and also that it was unlikely that the robber would ever be apprehended.

And given the climate of the time--this was in the late 1980s, in the middle of the crack epidemic that made New York palpably more dangerous than it's ever been before or since--I can't say he was obviously wrongheaded. Yes, there's no denying that my father's decision was in some sense fatalistic. Yet it also reflected his view that even the happiest life brings with it a series of unanticipated disasters, and the best thing you can do is not live in fear of them.

Back then, crime felt very much like a natural disaster. Between 1960 and 1991, the number of violent crimes per 100,000 Americans ballooned from 161 to 758. Between 1991 and 2007, that number has declined to 467, a still appallingly high number. This never-ending crime wave has exacted a catastrophically high price, most obviously in the form of hollowed-out cities. As Mark Kleiman of UCLA has noted, 46,000 Americans die every year on the highways. In contrast, 17,000 die from criminal violence. Granted, emergency medicine has had a big impact on the number of people who die from criminal violence, but the same can be said of highway deaths.

In some sense, the decision to avoid crime by fleeing cities in favor of auto-dependent suburbs is irrational: The move actually *increases* your chances of dying prematurely. That crude calculation ignores the angst and anxiety that my father had in mind when he told his white lie. No one wants to live in fear. And for any number of reasons, the fear of an impersonal auto collision can't match the fear of the indignity of being mugged, or for that matter being stabbed or shot dead. The millions of middle-class Americans who fled inner cities were fleeing this psychic turmoil, and it's hard not to sympathize with them. This fear also led to an explosion in the ownership of personal firearms and a climate of political and cultural polarization that is still with us.

But what if crime isn't a natural disaster? What if it is a problem that we've made worse through wrongheaded policies?

Consider the urban neighborhoods where crime rates are at their highest. Kleiman notes that victimization is itself criminogenic, i.e., the victims of crime are more likely to become perpetrators, perhaps sensing that in a dangerous environment, one has to choose between being a wolf or a sheep. A new and dangerous equilibrium emerges in these neighborhoods, where children turn to a tough demeanor to protect themselves against victimization. The tough demeanor, of course, has to be defended when challenged. Gang membership is another way to protect yourself.

What's worse is that above a certain level, and we appear to have long since passed that level, higher incarceration rates are themselves criminogenic. When the proportion of young men who wind up incarcerated passes a certain point, the stigma associated with doing a bid starts to go away. And because most crime happens in a handful of neighborhoods, those same neighborhoods are overwhelmed by a huge number of ex-offenders every year.

Not surprisingly, these men have a hard time finding and holding jobs. Habits formed in prison cut against the habits necessary to flourish in the world of work. The crime-fighting regime starts to lose its legitimacy. Far from a fair and reasonable system designed to protect law-abiding citizens, it looks like a racist plot to a lot of inner-city residents, not least those with brothers and fathers and spouses in the system.

For the last 20 years, Kleiman has been struggling to find the right approach for breaking out of this destructive trap. His solutions, which he outlines in his brilliant forthcoming book *When Brute Force Fails*, involve paying careful attention to the balance between deterrence and straightforwardly punitive measures. It turns out that less punitive measures applied more swiftly and more reliably can be more effective than more punitive measures applied slowly and unreliably, the latter being a pretty good description of the

status quo in most of our criminal justice system.

Another approach that works is focusing our limited crime-fighting capabilities on those who are most likely to commit crimes, particularly probationers. One of the most promising programs was launched by Judge Steven Alm of Hawaii, who created a program called Hawaii's Opportunity Probation with Enforcement, better known as HOPE. In the past, probationers would regularly violate the terms of their probation with impunity. Probation officers had to prepare onerous paper work to put probationers away, and minor offenses invariably went unpunished.

Alm recognized that the key was to keep close tabs on probationers and thus minimize the minor offenses, like illicit drug use, that lead to major offenses. By subjecting probationers to a regimen of random drug tests, and by punishing them for all detected violations (including, by the way, not showing up for your drug test), HOPE has dramatically reduced crime by actually reducing the severity of punishment. Detected violations lead to a short stint in jail the first time--usually two days or so--that quickly escalates. The really miraculous thing is that there's only very rarely a need for escalation. HOPE's tight monitoring helps keep probationers in check.

There are already efforts to see how the HOPE model can be applied more generally. For example, are there effective ways to restrict the freedom of criminals short of incarceration--to keep offenders in the world of work while preventing them from committing crime? The answer, amazingly, appears to be yes. The person who stole the Salam family VCR was, I'm guessing, a contemptible thug, almost certainly addicted to drugs. Spare me the notion that he stole a VCR to feed his family. Even sandwiched between slices of wheat bread, VCRs are inedible. He had no regard for the fear he'd cause in a third-grader and his hard-working father, and it's easy to imagine that burglary was just one of the many crimes he'd commit over the course of his miserable life.

All the same, we can't vote such scoundrels off the island and be done with it, as in a reality TV program. We have to find some way to prevent crime from happening in the first place. And as much as it pains me to say it, that will involve being smart as well as tough.

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