

VILLAGE VIEW

ANDREA LEONARD

In a recent local widely-publicized criminal court case, a judge handed down a couple of unprecedented sentences to a couple of young male offenders. "Let the word go out," the judge said, "that criminals will not be coddled when brought before this bench."

The public applauds his position and endorses his sentiments. People are angry, frustrated, and have had enough of being victimized by thugs, hoods, punks and vandals.

In contrast, even more recently, a Nantucket judge dismissed a case against a young man accused of dozens of housebreaks to which he pleaded guilty. Islanders are incensed.

How do the police feel? "I've been in police work for 17 years," says one, "and it's time the public woke up to what's going on in some of the courts. It's sickening. The judicial process stinks. And we, as police officers, can't correct it by ourselves."

How do citizens feel? "It makes no difference that thieves and murderers are children," says one, "the results are the same." And another says, "Deal firmly with your first offenders, no matter what the age; then there won't be nearly as many second offenders." A third offers an even more drastic solution: "All crime in the United States could be stopped in thirty days with a firing squad every morning."

Almost all law-abiding citizens believe sixteen-year-old punks are not children and should be held responsible for their actions.

At the highest level of our judicial system, Supreme Court Chief Justice Warren Burger has called for a fresh examination of the conditions under which people charged with serious crime are released on bail. His concern results from the "startling increase" in the number of new street crimes the accused commit as soon as they hit the streets. His concern may well extend to parolees and probationers who frequently also return to lives of crime.

There are, of course, those who sympathize with youthful offenders, those who believe prison and punishment are ineffective deterrents to crime, that society creates anger and resentment, that until society takes responsibility for the underprivileged crime rates will continue to rise.

Several recent studies and programs for crime reduction indicate the progressive criminological attitude that an unhearing and uncaring society is responsible has no basis in fact. The conclusion reached by these studies is that crime rates are significantly reduced by increasing the probability and severity of punishment.

At the State University of New York in Buffalo, Professor Isaac Ehrlich has compared crime rates and punishment levels in several different states. In the category of crimes against persons (murder, rape, assault) a 10 percent increase in the probability of imprisonment reduces the crime rate by 8 percent; a 10 percent increase in the severity of imprisonment reduces the crime rate by 5 percent.

In the category of crimes against property a ten percent increase in the probability of punishment reduces crime by 8 percent and a 10 percent increase in severity of punishment brings a 9 percent reduction in crime. Yale University's Professor K. Wolpin, using British data, came up with similar results.

Evidence now indicates the criminal makes an individual choice rather than responding to habitual behavior patterns; he responds to measurable opportunities and incentives, taking into consideration his chances not only of apprehension but also of having to pay a price for his criminal behavior.

Latest studies examine costs vs. gains, prices vs. rewards, in the same ways that economists and sociologists examine the behavior of individuals who pursue legitimate or socially approved activities.

These studies reveal that practices of leniency appear to encourage increases in crime by reducing the cost to the criminal. Between 1960 and 1975 the probability of conviction for burglary, if apprehended and charged, dropped from 52.7 percent to 26.7 percent. For auto theft the probability dropped from 53.6 percent to 20 percent. When you consider that few offenders are brought to trial in the first place, perpetrators of crimes against property run little risk of punishment.

In short, crime today pays far better than it did twenty years ago. It seems only logical, then, that the notion that crime is a treatable illness must be abandoned, and that the notion that crime is a result of society's illness must also be abandoned.

How can the judicial system be changed and how can current practices of leniency be reversed? First we must ask ourselves what incentives lie within the judicial system to suit the punishment to the crime. Do judges or parole boards suffer any personal costs for crimes committed by released criminals? If there is no incentive, what motivation exists in the judicial system to protect the public from criminals?

Should legislation make it possible for victims of crime to sue judges and parole boards for malpractice- in the same way a patient can sue a doctor- accountability would be introduced into the system. An incentive would exist for crime deterrence.

Local programs to reduce crime can often be effective if police and citizens can be persuaded to work together and communicate with one another. In Hartford, Connecticut, a section of the city with a high crime rate experienced sharp reduction when traffic in the neighborhood was reduced by dead-ending some streets in a residential area. People felt more in control and less threatened; increased police protection was provided, and neighborhood councils were formed. Residents and police cooperated and the public came to understand some of the problems police officers face.

As a result, burglaries reported dropped by 42 percent; street robberies decreased 27 percent, and police records indicate a marked decrease in prostitution. Those close to the program believe that more important than the physical changes in the neighborhood is the cooperation between police and residents.

Some communities are attempting to rehabilitate older juvenile delinquents with established patterns of kid-crime who progress to more serious offenses. Programs requiring juvenile offenders to make restitution to their victims, it is hoped, will provide the troubled juvenile with an opportunity to learn respect for other people's property through working long hours to replace what he so casually and quickly destroyed or stole.

The problem of crime is complex and will not be easily solved; prisons are inadequate in number and inadequate as facilities for housing inmates. Reforms intended to make prisons less harsh have permitted inmates to prey upon one another. Legislators are loathe to appropriate tax dollars for new prison facilities or to upgrade old ones; voters show little enthusiasm for providing prison inmates comfortable, or even decent, living quarters.

Crime prevention programs may or may not be effective; effectiveness is immeasurable because comparisons with control groups is not practicable. Sociological studies have yet to prove that higher living standards for underprivileged families result in lower crime rates.

Such drastic measures as firing squads on a daily basis could conceivably accomplish the desirable solution to crime in the United States, but such measures would at the same time turn our nation into a police state and reduce every citizen to slavery to the judicial system.