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#### Recommended Citation

Hans Zeisel, "Limits of Law Enforcement, The," 35 Vanderbilt Law Review 527 (1982).

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# The Limits of Law Enforcement\*

Hans Zeisel\*\*

## I. INTRODUCTION

Americans, as all public opinion polls show, complain bitterly about the high level of crime in the United States, especially in the inner cities.<sup>1</sup> One can see the justification for the complaint by comparing crime statistics from America's largest city, New York, with two cities that are roughly comparable in size, London and Tokyo. In 1975 Tokyo, a city of 12 million people, had 174 homicides;<sup>2</sup> London, a city of 12 million, had 143 homicides;<sup>3</sup> New York, a city of 8 million, had 1,719 homicides.<sup>4</sup> Similarly, in 1975 Tokyo had 416 robberies<sup>5</sup> and London had 4,420 robberies,<sup>6</sup> whereas New York had 85,083 robberies.<sup>7</sup> Although the crime rate in New York is relatively high even by American standards, it is not significantly different from that of other major cities in the United States.<sup>8</sup>

Understandably, the country wants something done about the high crime rate, and, indeed, the politicians appear eager to respond—at least with words. Every presidential candidate will promise more and better law enforcement, and, after he becomes

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\* This Article is derived primarily from a forthcoming book of the same title, which the University of Chicago Press will publish in the fall of 1982. Many of the conclusions given here are based on studies that are described and documented more fully in the book.

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1. See, e.g., DEMOCRATIC NAT'L COMMITTEE, A SURVEY OF THE POLITICAL CLIMATE IN AMERICA AND VOTER ATTITUDES TOWARD THE 1982 ELECTION 5 (1982); LAW ENFORCEMENT ASSISTANCE ADMIN., U.S. DEP'T OF JUSTICE, PUBLIC OPINION ABOUT CRIME: THE ATTITUDES OF VICTIMS AND NONVICTIMS IN SELECTED CITIES (1977).

2. BUREAU OF STATISTICS, OFFICE OF THE PRIME MINISTER, JAPAN STATISTICAL YEARBOOK 630 (1977).

3. GREATER LONDON COUNCIL, [10] 1975 ANNUAL ABSTRACT OF GREATER LONDON STATISTICS, at 254 (1977).

4. FED. BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS: CRIME IN THE U.S. 77 (1976).

5. JAPAN STATISTICAL YEARBOOK, *supra* note 2, at 630.

6. GREATER LONDON STATISTICS, *supra* note 3, at 254.

7. UNIFORM CRIME REPORTS, *supra* note 4, at 77.

8. See, *The Plague of Violent Crime*, NEWSWEEK, March 23, 1981, at 52 (comparing the FBI figures for murder, rape, and robbery in eight major U.S. cities in the years 1972, 1975, and 1980) [hereinafter cited as *The Plague of Violent Crime*].

president, he will appoint a commission on crime that will make several proposals to improve enforcement of the criminal law.<sup>9</sup> Nevertheless, despite the laudable efforts of the most recent presidential commission and its many predecessors, the crime rate remains unaffected. Indeed, the thesis of this Article is that it is naive to believe improvements in law enforcement can have any significant impact on the appallingly high crime rate. The data presented below supports this proposition and thus buttresses the conclusion that Judge Bazelon and many others have been making for quite some time: street crime *cannot* be solved solely through the institutional mechanisms of the police, the courts, or the prisons; society must adopt a dual approach to crime that not only improves these institutional mechanisms, but also focuses on the underlying causes of crime.<sup>10</sup>

## II. OPERATIONAL LIMITS

### A. *Conviction after Arrest*

Any statistical account of the present crime rate must begin with the number of committed felonies. We find this number from the victimization surveys, in which a random sample of inhabitants and institutions are asked for their experiences as victims of crime. These surveys bring out the "dark" crime figures—those that never appear in crime statistics because they represent the crimes that, for one reason or another, are never reported to the police.<sup>11</sup> The reasons for this failure to report are manifold, but the primary cause stems from the victim's low expectation of satisfaction from the law, buttressed by the fear that he will encounter all kinds of bureaucratic unpleasantness.

The felonies reported to the police contribute the first step in the law enforcement process. The expected next step is an arrest. In a study that the author made in New York City in 1973, the highest arrest rate was for the crime of homicide—approximately sixty percent.<sup>12</sup> This figure was much higher than the average fel-

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9. U.S. DEP'T OF JUSTICE, ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME: FINAL REPORT (1981) [hereinafter cited as TASK FORCE REPORT].

10. See, e.g., Bazelon, *The Crime Controversy: Avoiding Realities*, 35 VAND. L. REV. 487 (1982); Bazelon, *The Morality of the Criminal Law*, 49 S. CAL. L. REV. 385 (1976).

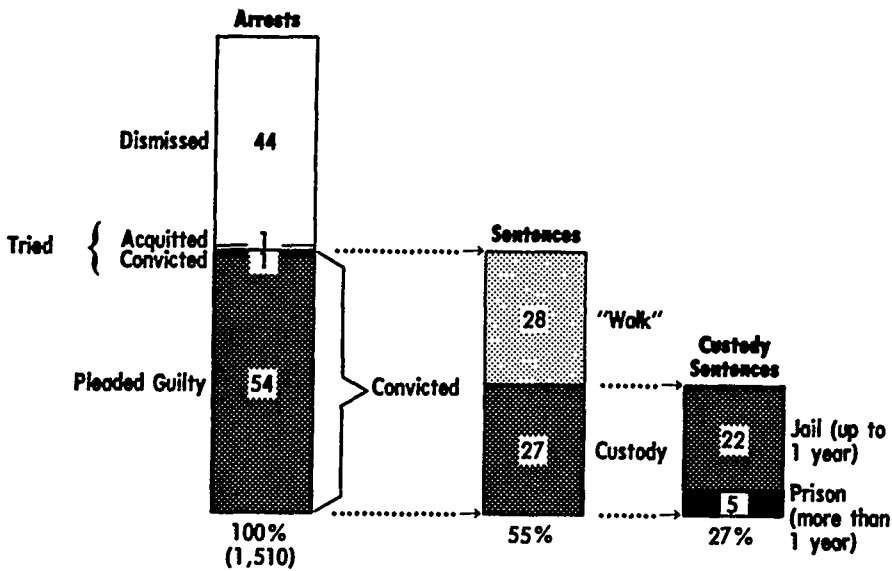
11. See LAW ENFORCEMENT ASSISTANCE ADMIN., U.S. DEP'T OF JUSTICE, CRIMINAL VICTIMIZATION IN THE UNITED STATES (1978) (only 30% of crimes are reported). This type of survey has proved to be one of the pioneering achievements of American criminology and has served as an example for many other countries.

12. These and the following data are derived from the author's study of the law en-

any arrest rate—though not surprisingly so. Since most murderers know their victims, they are easier to apprehend than criminals who commit other felonies. The highest rate for homicide in New York did not affect significantly the aggregate arrest rate because homicides account for less than one percent of all felonies. The arrest rate for robbery was considerably lower—below twenty percent—and the rate for burglary was lower still—approximately three percent. Overall, the average arrest rate for all felonies examined in this study was twelve percent.

The next question is: what is the ultimate disposition of these few successful felony arrests? Figure 1, which is set out below, shows what happened to those people who were arrested in New York City in 1973.

**FIGURE 1**  
**DISPOSITION OF FELONY ARRESTS IN THE**  
**NEW YORK CRIMINAL COURT SYSTEM**  
**1973**



A surprisingly large proportion of the arrests, forty-four percent, resulted in dismissal. Fifty-four percent of the arrested of-

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forcement process in New York City. This study was funded by a research grant from the Law Enforcement Assistance Administration of the United States Department of Justice and was conducted by the author and several research associates. The study analyzed nearly 2,000 New York City Police Department felony arrest records for 1973 [hereinafter cited as ZEISEL STUDY].

fenders pleaded guilty; only two percent pleaded not guilty and were brought to trial. Roughly one-half of these trials—about one percent—ended in acquittal.<sup>13</sup> Thus, fifty-five percent of all arrested felony offenders eventually were convicted.

The second bar in Figure 1 denotes the sentences that the court imposed on these convicted offenders. Roughly one-half of them were given a "walk" sentence<sup>14</sup>—typically probation, while the other half were sentenced to jail or prison. The division between jail and prison sentences, which is set out in the third bar of Figure 1, indicates that about four out of every five custody sentences are jail terms of up to one year, while only one out of five convicted offenders who receive a custody sentence goes to prison. In sum, out of every 100 offenders whom the police arrest for a felony, only about five go to prison for more than one year.<sup>15</sup>

The most remarkable loss in these disposition statistics is the proportion of cases that are dismissed—forty-four out of every 100 arrests. At first glance one might suspect that a loss of this magnitude is found only in New York City. Corresponding dismissal rates in other American jurisdictions, however, show that the loss is of approximately the same magnitude in the rest of the country. In the State of California, for example, the loss rate was fifty-five percent,<sup>16</sup> and in Washington, D.C. it was fifty percent.<sup>17</sup> Apparently, then, a high dismissal rate is not a phenomenon that is limited to New York City, but one that affects the whole United States.

At this point one might consider the high dismissal rate a peculiarly American institution to be blamed on the constitutional restraints that are placed on the law enforcement officials who attempt to obtain criminal convictions. Comparable figures from Europe, however, contradict such an interpretation. Indeed, the startling similarity among all these loss rates leads to the inevitable

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13. This statistic happened to be the figure for New York City during the year these statistics were collected; normally, the proportion of acquittals in criminal jury trials is roughly one-third of all cases. See H. KALVEN, JR. & H. ZEISEL, *THE AMERICAN JURY* 58 (1966).

14. A walk sentence typically is defined as any punishment other than a custody sentence—for example, probation, community service, or a fine.

15. See also Van Dine, *The Incapacitation of the Dangerous Offender: A Statistical Experiment*, 14 *J. RESEARCH CRIME & DELINQUENCY* 22, 31 (1977).

16. DIV. OF LAW ENFORCEMENT, CAL. DEP'T OF JUSTICE, *ADULT FELONY ARREST DISPOSITIONS* (1979).

17. Telephone interview with Brian Forst, Institute of Law and Social Research (IN-SLAW) (Apr. 9, 1982).

conclusion that under western standards of justice, the difference between proof of probable cause, which suffices for an arrest, and proof beyond a reasonable doubt, which is required for a conviction, will yield a dismissal rate of somewhere between thirty-five and sixty percent of the prosecutions. This conclusion does not mean that the loss rate cannot be reduced through more careful police work. The comparable figures from Austria and Germany, however, where fewer constitutional restraints are imposed on policemen and prosecutors, suggests that only minor advancement may be expected from an improvement in evidence gathering.

### *B. Increasing the Arrest Rate?*

Since, it seems, we cannot convict a much larger proportion of the arrested offenders, one might consider the possibility of arresting more offenders—that is, of increasing the arrest rate from its average of twelve percent.<sup>18</sup> Unfortunately, this suggestion also possesses little more than superficial appeal. To understand why this would be so difficult, one must examine how felony arrests typically are made. In New York City, approximately eighteen percent of all felony arrests were primarily the result of the policeman's accidental presence at or near the scene of the crime.<sup>19</sup> The bulk of arrests occur when a citizen notifies the police that a crime is being or has been committed, and the police hurry to arrive at the scene in time. If they appear when the offender is still at or near the scene, then they can arrest him. If he is gone, however, the police typically can make the arrest only if an eyewitness can identify the offender. If an unknown offender escapes from the scene of the crime, only a small chance exists that he will be apprehended. Detective work plays a relatively small role in the apprehension of criminals.<sup>20</sup> Compared to its chances of success, detective work, as a rule, is too costly and thus a waste of resources.

The police could increase two types of arrests at will: arrests for assaults in a domestic setting and arrests of drug vendors. The former are not pursued in most cases because fighting family members or lovers are likely to forget their quarrels and thereby make criminal prosecutions difficult. Increasing the number of arrests of drug offenders, on the other hand, would require a considerable

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18. See *supra* FIGURE 1 and accompanying text.

19. ZEISEL STUDY, *supra* note 12.

20. These observations are based on interviews with arresting police officers in New York City.

increase in invested police resources for only a temporary and nominal benefit. Since over ninety percent of the illegal drugs that are consumed in the United States come from abroad,<sup>21</sup> the most effective avenue through which to reduce drug-related offenses is on the federal—and not on the local—level.

In many cities the police have tried to increase their arrest rates either by attempting to expedite their arrival at the scene of the crime, or by shifting police power from patrol cars to foot patrolmen.<sup>22</sup> None of these efforts, however, has resulted in a substantial rise in the arrest rate.<sup>23</sup> Thus, the conclusion is inescapable that short of an expansion in the police by a magnitude that is politically and financially unrealistic, the number of arrests—the foundation of the law enforcement process—cannot be increased significantly.

### C. Increasing Sentences

If we can neither arrest nor convict more offenders, we can increase the sentences the courts impose on the convicted offenders. Many states have taken precisely this step<sup>24</sup> in the forlorn hope that more severe sentences will reduce the alarmingly high crime rate. Some of these states have legislated higher sentences; in some states the existing laws give the judge sufficient discretion to increase a sentence if he believes that such a step is necessary. As a result of this national concensus, more convicted offenders are now being sent to jail or prison—often also for longer periods of time.<sup>25</sup>

Of course, these changes have some effect on the crime rate by taking more offenders off the street for a longer time and keeping them—at least for that period—from plying their nefarious trade. The effect of this incapacitation, however, is smaller than one might think. The best estimate is that a doubling of the duration of all the custody sentences that we currently are imposing would

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21. TASK FORCE REPORT, *supra* note 9, at 28.

22. See POLICE FOUNDATION, POLICE PRACTICES 9-12 (1978 study of the Kansas City, Mo., police department).

23. *Id.* See POLICE FOUNDATION, PROGRESS IN POLICING: ESSAYS ON CHANGE (Staufenberger ed. 1980).

24. See A. LIPSON & M. PETERSON, CALIFORNIA JUSTICE UNDER DETERMINANT SENTENCING: A REVIEW AND AGENDA FOR RESEARCH (1980).

25. *Id.* See MANAGEMENT INFORMATION SECT., BD. OF PRISON TERMS, STATE OF CALIFORNIA SENTENCING PRACTICES UNDER THE DETERMINATE SENTENCING LAW (1982); Casper, Brerton & Neil, *Implementation of the California Determinant Sentencing Law* (Nat'l Crim. Just. Reference Serv., 1982).

result in only a thirteen percent reduction in the number of robberies and a three percent reduction in the number of burglaries.<sup>26</sup>

The hope, however, of those who recommend higher sentences goes in another direction. They expect that such doubling of the sentences will have a larger if indirect effect on the crime rate by increasing the deterrent threat of the criminal law. Once again the evidence does not support the expectation of these theorists. The deterrent effect of increased sentences, of course, is difficult to measure. Nevertheless, two particularly applicable examples have been measured with great care: the dramatic increase in the prison sentences for drug related offenders in New York State under former governor Nelson Rockefeller, and the increase in the sentence for murder from life imprisonment to death.

The 1973 New York drug law<sup>27</sup> was a political reaction to the growing national concern about drug abuse in the late 1960's. For many years, New York had been directing low-level users of illegal drugs into drug treatment programs on the theory that this remedy would be more effective in limiting drug traffic than invoking criminal penalties. By the early 1970's, however, people generally agreed that this approach was not working.<sup>28</sup> The new drug law, therefore, had two main objectives: to deter drug users and dealers from engaging in their trade and to reduce the number of crimes such as robbery, burglary, and theft that commonly are associated with drug addiction.<sup>29</sup> The New York law imposed stringent mandatory minimum sentences on those offenders whom the police caught selling or in possession of illegal drugs,<sup>30</sup> and, as a result, it became known as the "toughest drug law in the country."<sup>31</sup>

Shortly after the 1973 legislation went into effect, The Association of the Bar of the City of New York and the Drug Abuse Counsel jointly organized a committee to evaluate the effectiveness

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26. ZEISEL STUDY, *supra* note 12.

27. N.Y. PENAL LAW §§ 220.00-60 (McKinney Supp. 1974-75). See also *id.* at § 10.00 (McKinney 1975) (related sentencing provisions). For significant subsequent amendments, see 1975 N.Y. LAWS chs. 785 & 832, and 1976 N.Y. LAWS ch. 424.

28. LAW ENFORCEMENT ASSISTANCE ADMIN., U.S. DEPT OF JUSTICE, THE NATION'S TOUGHEST DRUG LAW: EVALUATING THE NEW YORK EXPERIENCE 3 (1978) [hereinafter cited as THE NATION'S TOUGHEST DRUG LAW].

29. *Id.*

30. For example, the possession of one ounce or the sale of one-eighth ounce of marijuana was a Class A felony. Conviction of a Class A felony resulted in a mandatory minimum sentence of six years in prison. N.Y. PENAL LAW § 220.18(1) (McKinney Supp. 1974-75).

31. Colangelo, *Recent Trends in State Drug Legislation*, 1976 AM. SURV. OF AM. L. 343, 352.



of the law. Since New York was the only state to take such a strongly deterrent stance on drug-related offenses, it provided a good opportunity to study this approach. When the New York legislature significantly amended the 1973 law in 1976, the committee decided to complete its work and announce its findings. The complex report of the committee is summarized in the simple statement that during the period in which the law was in effect, "[n]either heroin use nor drug-related crime declined in New York State."<sup>32</sup>

The deterrent effect of the death penalty has been a topic of considerable debate for many years.<sup>33</sup> With one subsequently discredited exception,<sup>34</sup> all efforts to discover a deterrent effect of the death penalty over the alternative—the sentence of life in prison—have failed. The following two graphs illustrate this failure. Figure 2, which is set out below, compares the number of criminal homicides per 100,000 people between 1960 and 1969 in states that actually imposed the death penalty with states that either did not levy that sanction or had not executed anyone since 1948.

32. THE NATION'S TOUGHEST DRUG LAW, *supra* note 28, at 7.

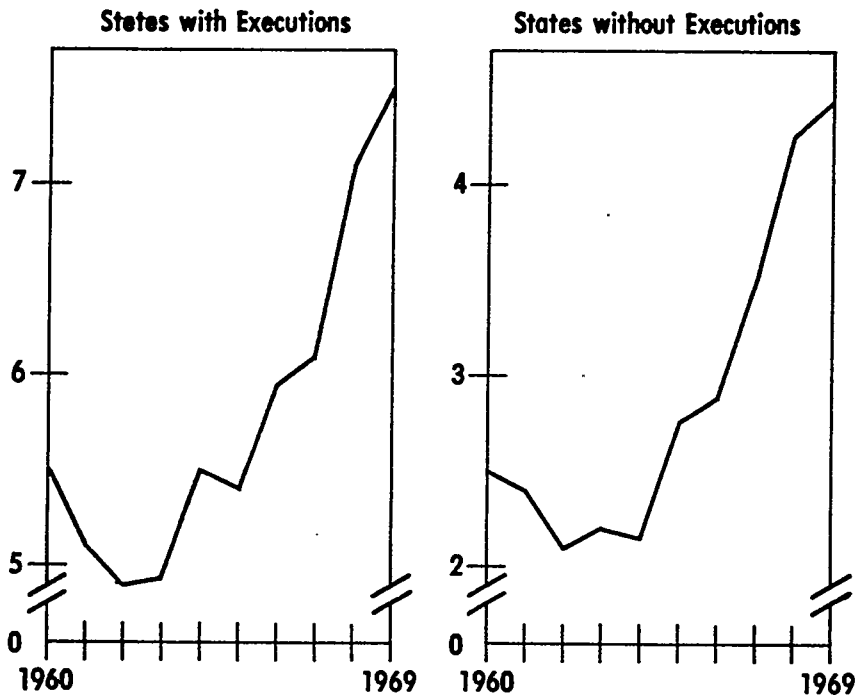
33. See, e.g., F. CARRINGTON, NEITHER CRUEL NOR UNUSUAL (1978); R. CLARK, CRIME IN AMERICA 330-46 (1970); Forst, *The Deterrent Effect of Capital Punishment: A Cross-State Analysis of the 1960's*, 61 MINN. L. REV. 743 (1977); Passell, *The Deterrent Effect of the Death Penalty: A Statistical Test*, 28 STAN. L. REV. 61 (1975).

34. The exception was a study by Isaac Ehrlich in 1975. Ehrlich, *The Deterrent Effect of Capital Punishment: A Question of Life and Death*, 65 AM. ECON. REV. 397 (1975). Ehrlich's study received nationwide attention when the solicitor general of the United States, in the course of litigating the death penalty before the United States Supreme Court, put the findings of the study into his brief to show there was respectable opinion that the death penalty was a successful deterrent.

Because of its startling claim that every execution saved eight lives by deterring their murder, Ehrlich's study came under the close scrutiny of a number of scholarly investigations. See, e.g., Brier & Fienberg, *Recent Econometric Modelling of Crime and Punishment: Support for the Deterrence Hypothesis?* in U.S. DEP'T OF JUSTICE, JUDICATORS OF CRIME AND CRIMINAL JUSTICE: QUANTITATIVE STUDIES (1980) ("Ehrlich's affirmative conclusions regarding the deterrent effect of punishment on crime in general, and of capital punishment on murder in particular, do not stand up to careful scrutiny."); Klein, Forst & Flator, *The Deterrent Effect of Capital Punishment: An Assessment of the Estimates*, in NAT'L ACAD. OF SCI., DETERRENCE AND INCAPACITATION (1976) ("In short, we see too many plausible explanations for his finding . . . other than the theory that capital punishment deters murder . . . Ehrlich's results cannot be used at this time . . . to pass judgment on the use of the death penalty."); Bowers & Pierce, *The Illusion of Deterrence in Issac Ehrlich's Research on Capital Punishment*, 85 YALE L.J. 187 (1975) ("[W]e conclude that [Ehrlich] has failed to provide any reliable evidence that the death penalty deters murder. His data are inadequate for the purposes of his analysis and he misapplies the highly sophisticated statistical techniques he employs."); Passell, *supra* note 33, at 80 ("We know of no reasonable way of interpreting the [Ehrlich] cross-section data that would lend support to the deterrence Hypothesis.").

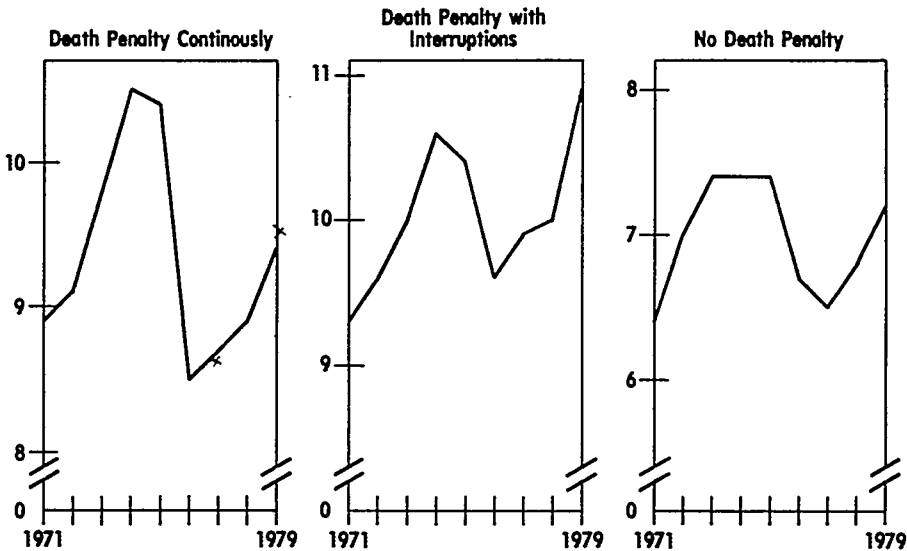
FIGURE 2  
HOMICIDE RATES, 1960-1969:  
STATES WITH AND WITHOUT EXECUTIONS

1960-1969



As is evident from the graphs, the homicide rate fluctuated in both groups of states in almost exactly the same pattern. Moreover, the findings for the second decade of the study, which are set out below in Figure 3 showed remarkably little change in the consistency of the results.

FIGURE 3  
HOMICIDE RATES, 1971-1979:  
STATES WITH AND WITHOUT THE DEATH PENALTY



Source: FBI Uniform Crime Reports

These observations lead to two fundamental conclusions. First, the homicide rate is determined by powerful causes that are deeply embedded in society and about which we have only dim knowledge. Second, the deterrent effect of the death penalty is clearly not one of these causes; otherwise, the curves for states that impose and carry out the death penalty would be different from the curves for states in which no threat of the death penalty exists.

Thus, in the two instances in which a drastic increase in the severity of punishment has been carefully observed, no deterrent effect has been found. There remains, of course, the incapacitation effect. Against this, one must consider that such an advantage would require a sizeable investment on the part of society which is even beyond what it now spends. At present, for example, each person who is incarcerated in a prison costs the taxpayer between \$10,000 and \$30,000 per year.<sup>35</sup> Moreover, because the prisons themselves are dangerously overcrowded,<sup>36</sup> construction of new cells is presently underway in forty-one states at an estimated cost

35. *The Plague of Violent Crime*, *supra* note 8, at 54.

36. TASK FORCE REPORT, *supra* note 9, at 76.

of \$70,000 per cell.<sup>37</sup> In addition, although the cost to society of ineffective rehabilitation efforts and intolerable prison conditions is hard to measure, it certainly is significant.<sup>38</sup> Thus, before society embarks on a course that would entail an ever increasing financial and political commitment, it should focus on who the offenders are and why they are offending.

### III. THE DUAL APPROACH TO CRIME

This brief examination of the law enforcement process has revealed the narrow operational limits of that process. Indeed, the fundamental flaw in any approach that focuses on increasing law enforcement is that the entire law enforcement process comes too late in two ways. First, the process becomes operational by definition only after it has failed and a crime has been committed. Second, law enforcement is applied too late in the lives of the offenders. Almost thirty-six percent of all felonies are committed by young men before they reach the age of twenty.<sup>39</sup> Since society—for good reasons—hesitates to exercise the full power of the criminal law on young offenders, that power intervenes at a point in the life of the offender when his criminal propensities have hardened.

If more and better law enforcement is unlikely to reduce crime, to where are we to look for help? To find the answer, we must reexamine the narrow, self-limiting scope of the criminal law. The fictional judge in Samuel Butler's novel *Erewhon* perhaps best alluded to this notion when he summarized the law's position before pronouncing sentence on a convicted defendant:

You may say that it is not your fault. The answer is ready enough at hand, and it amounts to this—that if you had been horn of healthy and well-to-do parents, and been well taken care of when you were a child, you would never have offended against the laws of your country, nor found yourself in your present disgraceful position. If you tell me that you had no hand in your parentage and education, and that it is therefore unjust to lay these things to your charge, I answer that whether your being in a consumption is your fault or no, it is a fault in you, and it is my duty to see that against such faults as this the commonwealth shall be protected. You may say that it is your misfortune to be criminal; I answer that it is your crime to be unfortunate. . . . I

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37. D. GORDON, DOING VIOLENCE TO THE CRIME PROBLEM: A RESPONSE TO THE ATTORNEY GENERAL'S TASK FORCE 7 (1981).

38. More than two dozen states are presently under court order to relieve overcrowding and improve living conditions in their penitentiaries. *The Plague of Violent Crime*, *supra* note 8, at 54.

39. FED. BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS: CRIME IN THE U.S. 200 (1980) (35.9%).

do not hesitate therefore to sentence you to imprisonment, with hard labor, for the rest of your miserable existence.<sup>40</sup>

While the law remains disinterested, we have become increasingly aware that crime—like everything else—has causes. The notion that crime might have identifiable causes is a relatively recent insight—barely older than 140 years. The first important commentator to explore the causes of crime was the French statistician Adolphe Quetelet.<sup>41</sup> Ever since, criminologists have been searching for the causes of crime. These causes are complex and difficult to determine. What we know now has been succinctly summarized by Judge Bazelon: "It is not news that almost all perpetrators of street crime come from the bottom of the socio-economic ladder—from among the ignorant, the ill-educated, the unemployed and the unemployable."<sup>42</sup> In our time these persons are more numerous among blacks and hispanics; a century or more ago, they were the Irish. According to the author's study of arrest rates in New York City, the number of felony arrests for young black men in the sixteen to nineteen year age bracket was sixteen percent annually, while it was only two percent for white males of the same age.<sup>43</sup> Thus, the relevant factor in the crime rate is not the offender's color, but being at the bottom of society.

Thus, we know with unusual precision where crime grows and whom it affects. All we have to do now is confront that knowledge and make proper use of it. Even though the approach clearly fails to produce tangible results, we hear little else but the proposals to solve the crime problem through more and better law enforcement. The only effective solution to the problem, however, is to supplement law enforcement which punishes crime with efforts that try to prevent it.

This dual approach—enforcement *and* prevention—has been implemented with considerable success in other areas. For example, death on the highway—deaths and severe injuries resulting from automobile collisions—has been a vexing problem for the last thirty years.<sup>44</sup> Many of these accidents are caused by lawlessness and careless or drunk drivers, and a natural reaction would have

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40. S. BUTLER, *EREWHON* 113 (1977).

41. A. QUETELET, *A TREATISE ON MAN AND THE DEVELOPMENT OF HIS FACULTIES* 82-96 (1842).

42. Letter from Judge David L. Bazelon to the *New York Times* (Oct. 19, 1980).

43. ZEISEL STUDY, *supra* note 12.

44. See, e.g., I F. HOBBS & B. RICHARDSON, *TRAFFIC ENGINEERING* 171-209 (1967); Mosher, *The Highway Environment and Safety*, in *TRAFFIC SAFETY: A NATIONAL PROBLEM* 69 (1967).

been to seek a solution by concentrating on more and better law enforcement on the highways. If this reaction had been the only response to the problems, the death toll from automobile collisions would be much higher than it is today. Instead, the major effort to curb the highway death toll has been through prevention.<sup>45</sup> The practice of medicine provides another analogy. Our medical doctors would be far less effective if their help only came after the damage is done; preventive medicine is an important branch of their efforts to keep us in good health.

If society is serious about reducing crime, it must cease its exclusive reliance on law enforcement and pay more attention to crime prevention. Some steps in that direction have been made, although they have been mostly on the mechanical level: better locks on cars and apartments; ineradicable automobile numbers; better street lighting; and the like. Moreover, if society were prepared to eliminate some of the fifty million handguns in the United States,<sup>46</sup> it could prevent even more crime.

We have utterly neglected the human dimension of the causes of crime, even though criminologists know with great precision who these perpetrators of crime are and where they are concentrated.

#### IV. CONCLUSION

Society will not be able to solve the crime problem before it has solved the problems of the ghettos. Such an undertaking is a big task, on which society thus far has worked with little diligence. Even if efforts are increased beyond their present level, the task will take a long time. Nevertheless, the question must be addressed, and the statistics point precisely to where the endeavor must begin. Crime typically starts early in life, therefore, radical efforts should be made to reach these crime-prone youths before their life style is fixed. One particular statistic illuminates the problem and suggests a point of access. In the New York City school system the average daily truancy rate in the alternative high schools was thirty-six percent for the school year 1980-1981.<sup>47</sup> Thus, the first and most essential step in a dual approach to crime

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45. *Id.* Studies have shown that the way a highway is built is linked inexorably to the number of deaths and injuries it will produce. Solid separation of the two traffic directions is the most effective life saver. Adding at least one passing lane, eliminating crossings through underpasses, reducing the steepness of curves, and providing long entrance lanes all reduce collisions. *Id.*

46. J. WRIGHT & P. ROSSI, *WEAPONS AND VIOLENT CRIME* (1981).

47. NEW YORK Bd. OF EDUC., 1980-81 ANNUAL REPORT.

is to reach these youths before they become habitual truants. Of course, this effort must begin at a much earlier age than it does today, and the teachers in the public school systems must act as admired role models for their pupils.

The ultimate question, however, is not *whether* these reforms in the ghettos can be effectuated; rather, the real issue is whether society is willing to make the necessary commitments to improve not only the criminal justice system itself, but also the societal conditions from which most criminal activity grows. Once society is serious about solving the crime problem, the obstacles to true reform will be reduced to only the ordinary difficulties inherent in any worthwhile endeavor.