

Opinion | Cy Vance's Broken Window

William McGurn

5-6 minutes

Cy Vance Jr. just made it official: Broken-windows policing is dead.

Mr. Vance is district attorney for Manhattan, and broken windows is the theory of law enforcement that helped transform New York City from a murder-ridden metropolis to America's safest big city. George Kelling and James Q. Wilson laid out the principles in a 1982 [article](#) in the Atlantic, which emphasized the importance of maintaining order in a neighborhood's public spaces. "If a window in a building is broken and is left unrepaired," they wrote, "all the rest of the windows will soon be broken."

A window that remains broken, they wrote, becomes "a signal that no one cares"—and an invitation to break more windows and commit more-serious crimes. They could have been writing about Mr. Vance.

Earlier this month Mr. Vance declined to prosecute 26-year-old Yadir Avila Rosas for his involvement—along with two women caught on video—in defacing St. Patrick's Cathedral during the George Floyd protests. In addition to "BLM" for "black lives matter," St. Pat's was also spray-painted with the F-word.

The decision not to prosecute seems to stem from a new policy toward protest-related transgressions.

“The prosecution of protestors charged with these low-level offenses undermines critical bonds between law enforcement and the communities we serve,” Mr. Vance said in a statement. “Days after the killing of George Floyd, our nation and our city are at a crossroads in our continuing endeavor to confront racism and systemic injustice wherever it exists. Our office has a moral imperative to enact public policies which assure all New Yorkers that in our justice system and our society, black lives matter and police violence is a crime.”

One way to read this is as virtue signaling from an elected prosecutor who may be worried about a primary challenge from the left next year. Mr. Vance’s reputation has already taken a hit after he declined to bring charges against Harvey Weinstein until the #MeToo movement made the movie mogul the face of sexual misconduct. Mr. Vance’s office also argued in court for downgrading Jeffrey Epstein’s sex-offender status to the lowest level after he pleaded guilty in Florida to soliciting an underage girl for sex.

Mr. Vance’s message about not prosecuting protestors for certain crimes is a repudiation of the broken-windows idea that you sweat the small stuff so it doesn’t become big stuff. As his press release helpfully explains, “the D.A.’s Office declines to prosecute these arrests in the interest of justice.”

Against the backdrop of the lives and livelihoods lost in the unrest across America’s cities, an obscenity sprayed on a church

wall may seem relatively small. But the implications are large.

Start with New York's Jewish community, whose buildings have long been a frequent target of graffiti attacks. Does Mr. Vance's concept of racial justice mean it's now open season for defacing synagogues and yeshivas?

Today broken windows is associated, wrongly, with tactics such as stop-and-frisk or the mass incarceration of black men. In fact, broken-windows theory came out of meetings with people living in troubled communities. Most of the time, the residents' complaints weren't about grave felonies but the day-to-day disorders that make a neighborhood unlivable: homeless people taking over a street, aggressive panhandling, public drunkenness and urination, etc.

Against this is the assumption implicit in Mr. Vance's decision, and the many similar surrenders by authorities across America: Police and prosecutors—and citizens—must learn to tolerate more criminal activity from racial minorities, as well as higher crime rates in poor and minority neighborhoods. Few will say it that bluntly. But this was the model of policing that broken windows rejected.

Mr. Vance isn't alone, even in New York. Mayor Bill de Blasio entered office campaigning against police, and he has spent the past five years relaxing enforcement of the quality-of-life offenses at the heart of broken windows.

Back in the 1990s when broken windows was introduced in New York, what really changed, and what's at stake now, was the city's new commitment to providing those living in high-crime

communities the same level of police protection that more affluent citizens take for granted. Because of the demographics of these communities, sending cops to where the crime is inevitably means more interactions—and clashes—between police and young black men. It must be tempting for cops and prosecutors to ease off and avoid the problems altogether.

The highest price for yielding to this temptation would be paid by the law-abiding, largely black and Latino residents of the most vulnerable neighborhoods. When that happens, Messrs. Vance and de Blasio will have left far more lasting damage than the vandals who got away with spraying obscenities on a church.

Write to mcgurn@wsj.com.

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