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HAVING YOUR CAKE, AND EATING IT TOO!

Two noted economists say we can reduce imprisonment and crime. But what kind of crime?

By Julius (Jay) Wachtel. In these days of shrinking budgets who wouldn't want to take a bite out of crime while reducing prison populations at the same time? Think it's a pipe dream? In "[Imprisonment and Crime: Can Both be Reduced?](#)", the lead article in the February 2011 issue of *Criminology & Public Policy*, economists Steven Durlaf and Daniel Nagin argue that old-fashioned deterrence, if done right, can minimize the need to punish and incarcerate and save bucketfuls of cash along the way.

What "done right" means we'll get to later. First let's look at deterrence. Criminologists claim that punishment can deter two ways, by the *severity* of sanctions, and by the *certainty* that they will be imposed. Durlaf and Nagin are skeptical about severity. For one thing, criminals aren't particularly known for their long-range thinking. For another, three-strikes and "truth in sentencing" laws have already cranked up sentence lengths to stratospheric heights. Even if severity deters, additional increases in sentence length would yield only marginal benefits.

On the other hand, they suggest that there's plenty of room left to tweak certainty. Who's best to do it, and at the least cost? It's not corrections. To be sure, offenders can be sent back to prison should they violate the terms of their release. Hawaii's [Project HOPE](#), which gets a lot of favorable mention in the article, discourages probationers from crossing the line by promptly jailing them for a few days whenever they goof. But such programs are expensive and only affect persons already in the system. What Durlaf and Nagin are angling for is a way to scare potential offenders straight without laying a hand on them. How to do it? Let's let them say it:

If one takes the total resources devoted to crime prevention as fixed, then our conclusions about the marginal deterrent effects of certainty and severity suggest that crime prevention would be enhanced by shifting resources from imprisonment to policing.

Durlaf and Nagin dismiss the deterrent effects of regular patrol and detective work. Instead, they suggest that the answer lies in targeted law enforcement. They seem particularly fond of [hot-spot policing](#), mentioning several studies that found it reduced crime without incurring displacement costs. They also support efforts that target offenders. Among the examples cited are Boston's Project Ceasefire and Project Exile, which used Federal laws to impose harsh sentences on criminal gun possessors. Durlaf and Nagin admit that the evidence about targeted strategies isn't conclusive, and that the observed effects are uneven, but they're nonetheless convinced that these approaches can deter offenders without making it necessary to process them in the first place. (Click [here](#) for a posting about hot-spots. Click [here](#) for a posting that summarizes studies of Ceasefire and Exile.)

We've argued in these pages that police count, so quarreling with academics who agree that cops are important might seem small-minded. But before one guzzles the Kool-Aid of harsh policing there are many concerns to sort through. Considering the criticality of police-community relations, it might seem

paradoxical to enthusiastically endorse aggressive practices, which have in fact become *de rigueur* in many communities during recent years. In passing, Durlaf and Nagin concede that harsh strategies such as stop-and-frisk can create citizen blowback. As those of us old enough to be retired from law enforcement well know, aggressive cops have also provoked riots. (For a discussion of New York City's stop-and-frisk campaign click [here](#). For accounts and news links to intensive policing projects around the U.S. click [here](#).)

That's not to say that there's no place for hard-nosed policing. Surveillance and undercover work has been used to address open-air drug and sex markets for decades, usually at minimum inconvenience to the law-abiding. Such efforts, which continue under the rubric of [problem-oriented and hot-spot policing](#), can clearly drive down offending, at least while cops are watching. Yet there's little or no evidence that these strategies offer a beneficial collateral effect on assaultive crimes. Admitting as much, [Sacramento police](#) are set to test the idea of using hot-spots, not to counter violence per se but to reduce the number of routine calls for service. That, in turn, should supposedly give officers more time to devote to serious crime. Of course, whether such an indirect approach can produce results is open to question.

Looking to hot-spots and the like to deter violence may be unwise. Many, perhaps most shootings and killings aren't resolved until detectives process crime scenes, interview witnesses and conduct follow-up investigations. Indeed, a proven way to boost homicide clearances is to increase, even temporarily, the number of investigators. If it's true, as Durlaf and Nagin insist, that deterrence is best served by certainty of arrest, one can hardly think of a better way to deter violence than to deploy more detectives.

A time-tested approach to preventing violence is to target violent people. In [Project Exile](#), police and Federal agents identified convicted felons who carried guns, the goal being to send them to prison for prolonged periods, under the reasonable assumption that they would otherwise be committing serious crimes. A well-regarded evaluation concluded that the program reduced violent crime. But such projects go against the grain of Durlaf and Nagin's approach. Determined at the outset to "restrict our attention to changes in sanction policy that have the potential to reduce both imprisonment and crime," they explicitly reject the most straightforward preventive tool in the criminal justice arsenal:

...we note that our analysis does not address incapacitation effects, which constitute a logically independent way of reducing crime from deterrence. We recognize that the possibility that incapacitation effects are large represents a potential challenge to our objective of reducing crime and imprisonment....

Durlaf and Nagin expend pages of effort to rebut evidence that three-strikes and truth-in-sentencing laws reduce crime. (For a previous posting on point click [here](#).) We'll leave that quarrel for econometricians. It's not that the authors claim that incapacitation has no value. Their objections are more nuanced. Imprisonment has reached its maximum form, so its potential to further improve things is at its limit. Incarceration makes offenders worse off. It's difficult to predict who ought to be incapacitated, and for how long. Indications that it reduces crime can't be trusted, as many other variables are at work. (Of course, that's also true for deterrence.) And so on.

One would have more confidence in the authors' conclusions had they analyzed the effects of incapacitation rather than merely taken shots at studies that conclude it works. Durlaf and Nagin's skepticism about the benefits of imprisonment is evidenced by their concern about its criminogenic

effects. Apparently, they're unconcerned about the criminogenic effects of leaving a criminal free to ply his trade. Really, where does more learning take place – in prison or on the street?

In the next few weeks we'll be parsing sixteen reaction essays to "Imprisonment and Crime." We'll also be examining two recently-released reports on criminal justice policy, one by the [Smart on Crime Coalition](#), which addresses a variety of punishment-related topics, and another by the [Justice Reinvestment Project](#), which suggests risk-assessment and supervision practices that purportedly reduce imprisonment and recidivism.

Stay tuned!