THE AMERICAN PROSPECT | Dēmos

MASS INCARCERATION IN AMERICA

With American adults imprisoned at staggeringly high rates, we can no longer justify the cost or defer the moral and social consequences of our flawed system.

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A run-down neighborhood in Camden, New Jersey

Smarter Punishment, Less Crime

Why reducing incarceration and victimization should be complementary goals

BY MARK A.R. KLEIMAN

Despite the dramatic fall in crime rates since 1994, crime continues to impose massive social costs, strongly concentrated by race and class.

Crime-avoidance behavior does far more damage than actual criminal acts. When businesses flee high-crime neighborhoods, they leave behind reduced services, fewer opportunities for economic growth, and diminished social capital and political clout. Just as concentrated poverty breeds crime, high crime sustains concentrated poverty.

Poor African Americans suffer disproportionately from the costs of crime. Nearly a million black Americans are behind bars, and a black male high school dropout has a better than even chance of serving prison time before the age of 30. Since most violent crime is intra-racial, African American victimization rates closely track the incidence of serious offending among African Americans.

The criminal-justice system is stacked against minorities and the poor but not only in the ways usually portrayed: high arrest rates, high incarceration rates, overaggressive—sometimes lawless—policing, and the cultivation of an informant culture that destroys interpersonal trust. The system also discriminates by under-policing and under-punishing crimes committed against poor and black people, especially poor black people in neighborhoods defined by high crime and concentrated poverty.

Because criminal-justice resources of all kinds (police, prosecution, and jails) are less unequally distributed than is victimization, offenses in high-crime areas receive, on average, less attention than similar crimes in low-crime areas. In other words, the constitutional guarantee of "equal protection of the laws" is not being honored. Changing that ought to count as a central progressive demand.

Thus, the United States' criminal-justice system confronts not one massive problem but two: We have too much crime and too much (of the wrong kind) of punishment, both concentrated in poor, black neighborhoods. These problems need to be addressed in tandem by developing strategies of crime control that can replace mass incarceration both in punishing offenders' past crimes and in preventing future ones. The goal should be to return the incarceration rate to no more than 140 per 100,000 people—the peak rate observed between 1900 and 1975, but only a fifth of the current level—while continuing to drive down crime. The good news is that we now know quite a lot about how to accomplish this goal.

The general claim that undifferentiated increases in social-service spending can reduce crime is unsupported by analysis or evidence. Yet specific interventions outside of the criminal-justice system can substantially reduce particular kinds of crime and aggressive behavior.

For example, a classroom-management technique known as the "good-behavior

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game," in which a first-grade teacher divides students into teams that can win prizes if everyone behaves well, has been shown to reduce subsequent hard-drug use and conduct-disorder diagnoses by 50 percent, compared to randomly selected control groups. Though there is no published research showing crime-control benefits, conduct disorder is strongly correlated with crime.

Specific public-health measures can also reduce crime. Exposure to lead in early childhood has been linked to psychological impairments that can result in aggressive and criminal behavior as an adult. This has been demonstrated both by epidemiologist Herbert Needleman's studies of delinquent and non-delinquent children and by statistical analysis correlating the de-leading of gasoline in the 1980s to the drop in crime in the 1990s. Completely de-leading residential buildings, estimates the economist Richard Nevin, could result in a 5 percent reduction in crime, which would offset the cost of lead-removal and perhaps yield future savings.

In these examples, however, crime reduction resulted as an unexpected side effect of a program designed around other goals. Similar gains could be seen if school districts, health departments, housing agencies, and child-welfare offices designed effective crime-control programs, but they rarely set out specifically to reduce crime. Until the directors of these agencies start to think of crime reduction as part of their mission, we will continue to miss opportunities to drive down the crime rate.

Naturally, the institutions of criminal justice also have a role to play in crime control. Their activities remain excessively dominated by ideology, bureaucratic politics, and professional habit, but we now know the operating principles that allow us to squeeze more crime-control benefit out of a limited stock of enforcement and punishment resources: a focus on outcomes in the form of safer communities rather than outputs such as arrests, convictions, and sentences; strategic concentration of resources on high-crime locations, situations, activities, groups, and individuals; direct communication of credible deterrent threats about specific behaviors to selected offenders; and the substitution of swiftness and certainty for severity in assigning sanctions.

The most dramatic early application of these ideas was the campaign against the "squeegee men"—operators of a petty extortion racket masquerading as a windshield-washing service for cars stopped at traffic lights—in Manhattan in the early 1990s. The problem seemed intractable; the squeegee men routinely ignored the summonses that were issued to them.

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But when the New York City Police Department announced that all squeegee activity would lead to physical arrest and followed through on that threat, squeegeeing all but disappeared. Police time devoted to the problem went down. A few years earlier, the New York City Transit Police had achieved a similar success against graffiti writers by labeling the sides of a small percentage of subway cars as "clean." If vandalized, these cars would not leave the yard until graffiti had been removed. Taggers quickly learned that defacing a clean car was a waste of spray paint, because the tag would never be seen by an audience. The police then gradually increased the number of clean cars until they made up the entire fleet.

The central principle at work here is positive feedback. It's the sort of "tipping" model described by economist Thomas C. Shelling: Many crimes are attractive to offenders only when others are also doing them, diluting the risk of punishment. This creates a dynamic in which both high crime rates and low crime rates tend to be self-sustaining. It turns out to be possible to "tip" behavior from high-violation to low-violation without using a lot of punishment; the key is issuing specific and credible threats directly to the people whose behavior you want to change.

It is possible, for example, to break up crime-creating street drug markets by identifying and preparing prosecutable cases against every dealer in an area and then simultaneously warning all of them that anyone who continues to deal faces certain prison time; those who cease dealing at once are not prosecuted. In High Point, North Carolina, and East Hempstead, New York, such "low arrest" crackdowns permanently closed long-standing drug markets quickly and with a small number of actual prosecutions. The result was to decrease not only non-drug crime and disorder—returning the neighborhood to its residents—but also the number of hours officers devoted to policing the drug markets.

The biggest opportunity to achieve less crime and less punishment is in community corrections. We can let people out of prison—or not put them there in the first place—without increasing crime only if we do a better job of supervising them when they're not behind bars. More than 40 percent of murders and robberies are committed by people on probation, parole, or pretrial release. Yet the community-corrections system might have been designed to maximize recidivism: It imposes too many rules, monitors compliance lackadaisically, and imposes sanctions rarely, almost at random, but with occasional ferocity.

Project HOPE (Hawaii's Opportunity Probation with Enforcement) in Honolulu demonstrates that swift and certain sanctions for probation violations can dramatically improve probationer behavior while also saving money. Its success among long-term methamphetamine users, surprising to some drug-treatment scholars, is just common sense. Project HOPE applies basic supervisory principles: clear rules, active compliance monitoring, and a quick, predictable, and unpleasant (but not drastic) consequence for every detected misstep. A first violation might draw 48 hours in jail, while a second violation might draw a week. The key is that the sanctions happen every time and right away.

In an experiment conducted by Angela Hawken of Pepperdine University, HOPE probationers had 80 percent fewer positive drug tests, 72 percent fewer missed appointments, 50 percent fewer new arrests, and 71 percent fewer probation revocations than an identical group of probationers assigned by lottery to probation as usual. Project HOPE is now being replicated in at least four other jurisdictions. The Sobriety 24/7 program in South Dakota, which requires twice-daily breath tests for repeat drunk-driving convicts, achieves similarly impressive results.

If drug testing alone, when backed with HOPE-style sanctions, can cut recidivism in half, adding position monitoring in the form of a GPS-enabled anklet to community-corrections practices should improve those results. Not only does position monitoring make it hard to commit a new crime without getting caught, it can be used to enforce a variety of restrictions, including curfews, stay-away orders, and requirements to appear for appointments. Hiring an ex-offender doesn't sound like a very attractive business proposition, especially when there are multiple applicants for every job; hiring an ex-offender guaranteed to show up for work sober and on time every day might have more appeal.

These programs are easier to sketch on paper than they are to carry out nationwide, but with the proof-of-principle already in hand, there is no excuse for not moving aggressively to replace incarceration with an effective community-based corrections system.

Our crime and incarceration rates are twin scandals—both disproportionately burden poor black neighborhoods. Since it is now possible to punish past crimes and prevent future crimes while drastically reducing the prison population, progressives can and should put an end to those two scandals. **TAP**

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On the Block

A pilot program in Oakland, California, combines community policing with social services and gets at-risk young men off the street.

BY CHRIS SMITH

It's been raining and the San Francisco Giants are on TV, so the streets are quiet. We're cruising through East Oakland, one of the most violent parts of a violent city. A knot of drug dealers loiters in front of a housing project, and crackheads sit in folding chairs on the sidewalk. Two teenagers in hoodies saunter by; another weaves back and forth on a small bike. Anthony DelToro gestures toward them: "When you see youngsters like that, all in black, the majority of the damn time they got guns." He pauses. "This is Oakland—everybody got a gun."

DelToro, a 24-year-old East Oaklander who wears an extra-large white T-shirt and a Giants baseball hat, knows of what he speaks. He grew up in a Norteño gang neighborhood, sold coke, heroin, and weed and served stints totaling two-and-a-half years in county jails. He now leads a Street Outreach team of locals in their 20s to 40s—some are ex-gang members and drug dealers, some have lost loved ones to violence. The common denominator is that they all command respect on the street.

They don white jackets (inscribed with the words "For a Safer Oakland") and walk through rough neighborhoods four nights a week. Crime drops when they're on the job: from 20 percent in an East Oakland hotspot to 32 percent in West Oakland, according to a study done for the city by an independent auditor. Statistics, however, don't measure everything the outreach workers do. They negotiate truces, act as mentors, and offer criminals a future—that doesn't involve prison or death—through jobs, counseling, or a face-saving way to return to school. "We may not have the answer," DelToro says, "but we can lead them to the people who do."

There are only a dozen Street Outreach workers, but they play an outsize role in the city's fight against crime. They're not cops—far from it. Still, they are an integral part of Oakland's Lifeline program, the local iteration of an innovative alternative-policing strategy that has cut down on arrests and decreased homicides by up to 50 percent in cities nationwide by combining iron-fisted law enforcement with old-school "root causes" measures such as wraparound social services.

As it turns out, in the most troubled neighborhoods, neither approach works well in isolation. Aggressive policing alienates the communities it aims to help, and the sheer level of dysfunction in places like East Oakland can frustrate even the best social programs. The success of Lifeline is that it joins these elements and ensures that each of the main actors (cops, community leaders, and service providers) reads from the same script. As Kevin Grant, an elder street statesman who spent over a decade in a federal prison for selling drugs and now coordinates the city's violence-prevention network, puts it, "It's a tag-team effort."

The model was test run in Boston in 1996, at the tail end of the nation's crack epidemic. David Kennedy, then a researcher at Harvard and now a professor at John Jay College of Criminal Justice, and two colleagues noticed that less than 1 percent of the population was responsible for the majority of violence in most cities. They decided to concentrate on these high-volume criminals, many of whom were gang members. They designed a program in which a coalition of authorities, both legal and moral, told these apparent