

The Crime Conundrum

*Policing is tougher, jails fuller, and crime is at a 30-year low.
Have we finally found the weapons to win the war on
lawlessness? The jury is still out.*

By Michael A. Fletcher

Why is crime down in America?

The drop in crime is one of the great successes of the 1990s, every bit as welcome, unforeseen and important as the skyrocketing stock market. Serious crime has fallen for more than seven years in a row, to the lowest level in a quarter century. Robbery is at rates last achieved in the 1960s. And murder has declined a third since 1993, and now stands at levels not seen in more than three decades.

The benefits of the decline are plain. Corporate America is discovering the nation's inner cities. Starbucks is on Harlem's 125th Street. New movie theaters have opened for the first time in a generation in places like Chicago's South Side and Jamaica, Queens. In-town apartments from New York to Los Angeles are at a premium. There are fewer hollow-eyed crack heads and more tourists prowling the streets of the nation's biggest cities. And some even say that the drop in crime is eroding poverty, even if there are those who argue that it is the decline in poverty that is eroding crime.

There is no consensus on why crime has declined so swiftly and steeply, although theories abound. Is it the booming economy, whose benefits are now trickling even to the poor and undereducated? Are longer prison sentences and record incarceration rates to be credited? With nearly 2 million convicts behind bars, America is home to a quarter of the world's prison inmates, and that's not counting 4 million plus who are on probation or parole.

Is it the declining popularity of crack? Smarter policing? Or is it the sheer number of new cops on the nation's streets? Might it be a demographic quirk, a benefit reaped by a nation with fewer adolescents and young men in their peak crime years? Or is it a statistical gift, a return to a less extreme level of mayhem after a crazy spike sent crime rates careering off the charts?

Much of the evidence offered to support these theories is, the end, contradicted by history or otherwise unraveled. Yes, the economy is better. But it also boomed during the 1960s, when crime began its steep upward march. Not only that, but in the past, crime has waned during economic downturns, most notable during the hardscrabble years of the Great Depression.

The fact that more people are in prison offers an appealing theory but, if that is the case, why then are crime rates often worst in places where the incarceration rates are the highest?

More and smarter police makes some sense as an explanation, but why then has crime also declined where police forces are generally thought to be inefficient? And why has crime been high in places with relatively large numbers of police officers? Washington, with its high number of officers and declining but still sky-high crime rate, offers stark evidence of that.

Likewise, crime has historically gone both up and down as the youth population has fallen. And despite the much-publicized decline, crime remains at levels much higher than the 1960s.

Inhibition and Incarceration

Typically, what one believes about what is driving crime down is linked to what one believes lies at the root of crime in the first place.

Are criminals natural-born? Are they bred by genetics, bad parents or dire social conditions? Are their choices rational, or are they driven by blind economic desperation? Does race somehow predispose people to crime?

Those who pin crime on social factors believe that if society can amend those conditions, then crime will decline. Others believe that crime will decline only if we take enough criminally inclined people off the streets and inhibit those remaining with the prospect of harsh punishment if they transgress.

It is a debate that has raged in one way or another since criminology emerged as a discipline more than a century ago. And it continues to underlie the theories of those whose opinions help craft contemporary crime policy.

Robert E. Moffit is the scion of a family of Philadelphia police officers, and his plaid sports coat and demonstrative manner make him come off more like a cop than the professional policy wonk he is. The former Reagan administration official and director of domestic policy at the

conservative Heritage Foundation believes criminals make rational choices about their line of work. They commit crimes because they weigh their chances and decide it is worth the risk.

As a result, he says, the answer to decreasing crime is simple: The criminal's calculus must be altered; police and prisons must raise the price of crime by making apprehension sure and punishment swift and severe. That way, fewer people will see crime as a good choice. And while he acknowledges that economic factors play a minor role in reducing crime, Moffit is convinced that smart policing and tougher prison sentences are far more important.

That view has proven persuasive in Congress and many state legislatures that have imposed mandatory criminal sentences and appropriated money to hire tens of thousands of new police officers and prison guards over the past decade.

For years, criminologists have warned of the perils of "hot spot" crime areas, habitual felons and the corrosive and dispiriting effects of allowing small violations of the law to go unpunished. What's changed, Moffit says, is that police and policymakers are finally listening and gearing their efforts accordingly.

"The notion that a police commander in the 1950s, 1960s would listen to a Harvard professor would have been crazy," Moffit says. For years, he says, police departments did not operate scientifically; instead they were guided largely by intuition. Where police themselves once argued that crime rates were largely a product of demographics or social factors out of their control, they now increasingly rely on computer analysis of where, when and what kinds of crimes are committed, then attempt to keep a step ahead by deploying forces finely tuned to disrupting existing criminal patterns.

Police are also expending more money and energy to target minor crimes, not primarily for their own sake, but as an aid in stamping out serious ones. This approach, argued most memorably by criminologists George Kelling and James Q. Wilson, is rooted in the belief that going after even petty crimes will create an atmosphere that makes all crime less likely.

"We are not dealing with a sociological phenomenon that is beyond our control," Moffit says. "The problem is in fact solvable."

Like others who credit police and the criminal justice system with reducing crime, Moffit offers the experience of New York City as Exhibit A.

There, the city's top police officials have adopted the policing techniques of the moment, both targeting major crime trends proactively and aggressively going after petty criminals - subway fare beaters, loiterers, those who drink or urinate in public. Moffit says not only does that approach make New York a less menacing and more livable place, but it also nets many serious criminals. In 1991, one out of every six fare beaters carried a weapon or was wanted on an outstanding warrant.

Overall, New York's approach coincides with astounding results. Crime has dropped 55 percent in the past six years in that once famously unruly city. And even after a slight increase last year, murder is down almost 70 percent since 1990.

New York's success has given considerable ammunition to those who argue that there is a direct link between policing and crime. But what happens after the cops are finished also attracts their attention: Criminals are going to jail in record numbers. In fact, the nation's crime reduction has come after more than a decade of spiraling incarceration rates. The number of people in the nation's prisons and jails has nearly quadrupled since 1980, and is projected to surpass 2 million early this year. Moffit sees the huge incarceration rate as the unfortunate price of fighting crime, and an important reason why we now appear to be winning. It is a proposition put in stark terms by William P. Barr, the Bush administration attorney general who said that the country had a "clear choice"-- build more prisons or tolerate higher rates of violent crime.

Or as Moffit says: "The thug in prison can't shoot your sister. That makes sense."

Rehabilitation and Education

Moffit's admonition certainly resonates. Recent Justice Department surveys found that a third of the suspects arrested for violent felonies were on probation or parole, or free on bail.

And there is little question that the public is cheering the hard-liners. In New York, Mayor Rudolph Giuliani is riding his crime-fighting success into front-runner status in that state's U.S. Senate race. Baltimore Democrat Martin O'Malley was swept to election as mayor largely on his promise to institute "zero tolerance" policing in a city demoralized by crime. In Virginia, former governor George Allen is touting his leadership in abolishing parole and thereby lengthening prison sentences as a central theme of his Senate campaign. Virginia also is among some two dozen states that have imposed mandatory sentences for repeat offenders or eliminated parole in attempts to reduce crime.

"If anybody says the police are not a part of this, they are intellectually dishonest," Moffit says.

Then there is the "but": But if tough policing and longer prison sentences are what really stops crime, then why did crime continue to rise in the late 1980s and early 1990s, when incarceration rates were growing most rapidly? In fact, incarceration rates were rising for 19 years before crime spiked in 1992 and began to decline. Did it really take that long for the benefit to be realized? And what is going on in a place like San Francisco, where both crime and incarceration rates are down?

Those questions fairly jump from James Austin, a George Washington University criminologist who is convinced tough policing and imprisonment policies are relatively minor factors when it comes to reducing crime.

Between 1995 and 1998, violent crime declined 33 percent in San Francisco, a reduction greater even than New York experienced in that period. More stunning is that the city reduced crime while simultaneously slashing the number of people it sent to prison -- from 2,136 in 1993 to 703 in 1998, according to a recent study.

While New York City's hard-line approach to fighting crime grabbed international headlines and praise, San Francisco has quietly employed an approach that stresses alternative sentences and education for offenders and community involvement -- strategies that long ago were dismissed in some quarters as ineffective.

"This study debunks the notion that longer and more punitive sentences are the most effective ways to fight crime," says Khaled Taqi-Eddin, a policy analyst for the Center of Juvenile and Criminal Justice who studied San Francisco's crime drop.

It is the kind of argument Austin has been making for years. Now he is working on the third edition of his book "It's About Time: America's Imprisonment Binge," an academic tract that criticizes the nation's reliance on prisons to fight crime.

In the book, he and co-author John Irwin, an ex-con turned PhD and San Francisco State professor, argue that the prison population's rapid growth is creating a crippling financial burden that is diverting billions of dollars from educational and other programs that offer lasting solutions to crime.

"If it is true that incarceration rates are what dictate crime rates, how do you ever explain the fact that the highest crime rates are in places with high incarceration rates?" Austin says.

Rather than being the product of tough law-and-order policies, Austin calls the declining level of crime a happy result of the confluence of several factors: a robust economy; declining drug and alcohol use, which experts call a response to lower unemployment rates and better drug education; and the fact that young males between 15 and 24, the most crime-prone demographic group, are a smaller portion of the nation's overall population.

Also, after decades of spiraling crime increases, he says, we are seeing something of a "regression to the mean," which means crime is sliding back after hitting an unusual peak that was largely due to the nation's crack epidemic.

Only grudgingly does Austin acknowledge that the larger prison population could play more than a minor role. In an earlier edition of his book, Austin stated flatly that "there has been no increase in public safety produced by the imprisonment binge."

Now he amends that slightly. With more than 3 percent of the nation's adults under supervision of the criminal justice system, a percentage that has nearly tripled since 1980, he says, "you do have more people than ever being watched closely. That has some effect."

Juggling the Numbers

Reared in bucolic Wheaton, Ill., Austin got his first up close experience with prison when he took a job with the Illinois corrections system after graduating from Wheaton College. He worked for four years as a counselor in the notorious prisons at Joliet and Statesville -- a job he now dismisses as nothing more than "window dressing for rehabilitation" but one that helped shape his view of crime.

Initially, Austin says he was anxious about working around so many convicted criminals. But that quickly changed. "The thing that I never will forget is just how normal people were in prison," Austin says. "When you think of a criminal you think of someone plotting 24 hours a day to commit crimes. But the reality is much different."

As Austin sees it, criminals are mostly desperate losers who end up behind bars because they have few options. In his book, he cites surveys showing most prison inmates were convicted of petty crimes -- ones that did not involve significant amounts of money or injury to others.

"Offenders appeared to have taken foolish risks for very modest potential gain," he says.

It is a view that contrasts sharply with more popular and fearsome notions of criminals. In a collection of essays he edited along with former attorney general Edwin Meese III, Moffit points to one study that found that over an 11-year period, 240 criminals had committed 500,000 crimes - an average of about 190 crimes per criminal per year.

"I have no problem with the point of view that there are a number of people who need to be incarcerated for a long period of time," Austin says. "But that is not everyone in prison. That is maybe 15 to 20 percent of the [prison] population."

As so frequently happens in this debate, those who disagree with Austin also disagree with his numbers.

Moffit believes that the factors controlling crime come down to a matter of family values: broken homes, abusive parents and plain moral failure are what cause people to break the law, he says. Unfortunately, he argues, these are not things we know how to fix effectively. Anti-poverty efforts, social programs and educational opportunities appear to make little difference. Here Moffit quotes Sen. Phil Gramm (R-Tex.): "If social spending stopped crime we would be the safest country in the world."

Racism, Crime and Injustice

That bottom-line way of viewing crime prevention reached something of a zenith in a report released last year by two leading economists, the University of Chicago's Steven D. Levitt and John J. Donohue III of Stanford Law School. The nation's crime drop, they argued, is the result of an increase in abortions following the Supreme Court's 1973 decision establishing a constitutional right to the procedure. Fewer crimes are being committed now, the authors concluded, because many unwanted children who might have grown up in bad households and in conditions that often lead to criminal lives were never born. Interestingly, it was 19 years after the abortion ruling -- which would have put the generation-that-wasn't in the midst of its high-crime years -- that crime began its rather steep descent.

If the logic was compelling to some, it was infuriating to many others; there was no escaping the reality of the people whose abortions were being talked about: young black women. Any discussion of crime based on biological factors -- and nothing could be more biological than birth itself -- carries the specter of racism because of the disproportionate share of prison inmates who are African American. Not only is the desire to blame the imbalance on race highly inflammatory, but many would call the imbalance itself evidence of racism.

Blacks accounted for 31 percent of the nation's prison population in 1923, a time when they were arguably more oppressed than protected by the criminal justice system. Now, despite decades of civil rights reforms, the numbers have only grown more lopsided -- about half of the nation's prison inmates are black, even though black people account for only 12 percent of the country's population. (Hispanics, about 11 percent of the population, account for 15 percent of the prison population.)

Overall, blacks are more than 10 times as likely as whites to be incarcerated. Some studies say that 29 percent of black males born this year can expect to be imprisoned during their lifetimes.

Even some who ultimately found merit in the idea that there was a link between abortion and crime felt compelled to point out problems with the theory. Writing in the Los Angeles Times, Stanford Law School professor R. Richard Banks observed, "There is good reason to look with suspicion on any scientific finding that could be interpreted as evidence that yes, indeed, black Americans are inferior. One could view this as the latest in a long line of pseudo-scientific claims of black degeneracy, whose proponents invariably insist they lack any trace of racial bias, and are simple hard-nosed scientific investigators in single-minded pursuit of the truth, however uncomfortable or unpopular that truth may be."

The same can be said for other researchers who continue to cast about for crime's biological roots. They look to isolate genetic factors that may predispose people to crime and to develop ways to counter them. This small but resilient specialty continues despite being dismissed as a waste of time and money by many mainstream researchers, who point out the ludicrous and offensive history of that branch of research.

From the late 19th century, when Cesare Lombroso, an Italian who was considered the father of criminology, theorized that criminals were genetic throwbacks, complete with heavy jaws and cheekbones, unusually large or small ears, odd nose shapes, protruding lips and sloped foreheads, European researchers repeatedly confused racial stereotyping with meaningful analysis.

Some see a more subtle form of racism in the new enthusiasm for get-tough laws. While many in New York applaud the city's new smiling face, African Americans and Hispanics often seethe because they feel their communities bear the brunt of aggressive police practices, such as stopping and frisking "suspicious" people for weapons, and arrests for minor offenses.

And since they believe that purely economic factors are what drive crime--clearly crime is frequently highest in neighborhoods where opportunities

are the fewest-- they see waging war against crime mainly with police and prisons as a sure way to compound the existing injustices in society.

These concerns were amplified last month by the Milton S. Eisenhower Foundation, a private group that carries on the work of a presidential commission formed to probe the underpinnings of the social unrest of the late 1960s. It issued a report saying the recent decline in crime, which it ascribes to a range of factors from the booming economy to demographics, has been accompanied by a terrible development -- a high incarceration rate and the "criminalization" of a huge swatch of the population.

Also, the report warned, the crime drop may even be foisting a false sense of security on an unsuspecting American public that believes incarceration offers a lasting solution. But, the report points out, the vast majority of prisoners are eventually released -- and released each year in ever greater numbers -- no more able to build stable lives and neighborhoods than when they went in. As a result, the authors warned, when it comes to crime, the worst may be yet to come.

"While it is true that levels of violent crime have fallen since the early part of the 1990s, it is also true that violent crime in big cities is generally worse today... than when the Violence Commission drew its devastating portrait of our ravaged cities" in the 1960s, the report says. "We may be in a real sense losing the war on crime even as we have successfully hidden some of the losses behind prison walls."

But the safest prediction may well be that there is no way to know what will happen with crime rates, because the factors that influence them are too complex to understand.

In his new book, "Butterfly Economics: A New General Theory of Social and Economic Behavior," British economist Paul Ormerod argues that human behavior is essentially unpredictable, in large part because individuals are likely to be influenced by one another as they are by objective factors such as poverty or the police. Will crime rise or fall in the next generation? You can ask the same thing about hemlines with as much chance of accurately predicting the answer, he maintains.

"That is why there is this vast literature on criminology that often contradicts itself," he says. "But you have to think of this in a nonlinear sense, rather than in a traditional way. Human behavior is often self-reinforcing... and it can have inexplicable results."

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