

# EXECUTIVE SUMMARY

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## I M P R I S O N M E N T   A N D   C R I M E

# Overview of “Imprisonment and crime: Can both be reduced?”

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### **Research Summary**

*This study argues that it is a realistic possibility that crime, prison costs, and imprisonment numbers can be reduced simultaneously if policy makers shift from a primary reliance on severity-based policies, mandating lengthy prison terms, to a more effective use of police to make the risks of crime clearer and the consequences of criminal activity faster and more certain. We make the following basic claims:*

1. *The marginal deterrent effect of increasing already lengthy prison sentences is modest at best.*
2. *Increasing the visibility of the police by hiring more officers or allocating existing officers in ways that heighten the perceived risk of apprehension seems to have substantial marginal deterrent effects.*
3. *The experience of imprisonment seems to be criminogenic.*

### **Policy Implications**

*With respect to broad conclusions, we believe that it is reasonably clear that lengthy prison sentences particularly in the form mandatory minimum-type statutes such as California’s Three Strikes Law are difficult to justify on a deterrence-based, crime-prevention basis. They might be justifiable based on either incapacitation benefits or along retributive lines. Although we do not survey the evidence on incapacitation, we are skeptical of the incapacitative efficiency of incarcerating aged criminals.*

*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. In 2006, nationwide expenditures on police and corrections totaled \$168 billion, with policing receiving 59% of this total. Our analysis does not provide specific guidance on how much the police share should be increased, but it is a realistic possibility that even a modest shift in resources away from imprisonment could reduce both crime and imprisonment. Another possible candidate beneficiary beside the police for a crime-reducing resource shift would be enhanced probation and parole supervision services along the lines of Project Hope.

However, even such apparently self-evident conclusions might be difficult to translate into a defensible operational plan beyond a strong recommendation against any additional escalation of sentence length for initially high sentences. Our recommendations leave open many questions about the way resources should be used to enhance certainty-based policies. The statistical literature on police resources and crime rates provides little guidance on how those resources should be used. Likewise, no demonstration has been given that probation/parole-monitoring systems designed along the lines of Project Hope are generalizable to other jurisdictions.

Our caveat on the difficulty of providing general policy advice from the existing literature is no deeper than the recognition that the details matter for any policy changes that simultaneously reduce sentences and shift the resource savings to policing, probation, and parole supervision. We conclude by laying out a research program for addressing these important details. Key elements of the plan include the following:

1. We are skeptical that large numbers of high-crime-reduction, severity-based policies exist. In contrast, we believe that the empirical evidence indicates that opportunities for devising high-impact, certainty-based policies are far more abundant, particularly involving the strategic deployment of police. The identification of such police deployment strategies should be a top priority because high-impact policies are those that can reduce imprisonment and crime simultaneously.
2. Evidence of severity and certainty effects needs to be extrapolated beyond the current dimensions of the U.S. sanction regime. Sentence lengths in Western European countries are much shorter than in the United States. Research based on European data on the deterrent effect of shorter sentence length should be a priority.
3. More research is needed on the process by which individuals near the margin of choosing to commit a crime perceive sanction risk and severity. For the criminally inclined, we suspect that risk must be learned from experience or from word of mouth. A small amount of literature examines the updating of sanction risk perceptions based on experience with detection and non-detection for crimes committed. This work is important and should be extended. Likewise, a small body of research examines how criminal opportunity characteristics affect sanction risk

perceptions. This type of work should focus particularly on how police deployment tactics affect perceptions of apprehension risk.

4. Research on the deterrent effect of sentence length, in particular, and on the effects of changes in sentencing statutes on crime rates and imprisonment rates, in general, is hampered seriously by the lack of data on the distribution of sentence lengths and time served by different types of offenders across states. Prison census data should be expanded to include all 50 states and should be made available in an easily accessible and flexible format.
5. The effects of imprisonment on the imprisoned are, in our view, much under-researched. We are concerned particularly with the possible criminogenic effects. Imprisonment means that an individual's labor market connections are attenuated and that human capital stock is likely to depreciate. Furthermore, postrelease, ex-convicts might find labor market possibilities attenuated because of stereotype effects. The possibilities need to be quantified.
6. A final area in which more research is needed concerns the sanction effect we largely do not address—incapacitation. As we repeatedly emphasize, deterrence effects are necessary for a sanction policy to reduce both crime and punishment. This conclusion, however, does not imply that incapacitation does not have a role to play in crime-control policy. Our claims are perfectly compatible with a policy that incapacitates incorrigible offenders; the key to our argument is to isolate these types from the rest of the population of offenders. To our knowledge, no proven technology exists for the ex ante identification of high-rate offenders with acceptable false-positive rates. Thus, we also recommend that more research be done on developing this prediction capacity.

The agenda that we outline is ambitious and will require the type of sustained, substantial, and coordinated resource commitment that only the federal government can provide. The National Institutes of Health are the model we have in mind for the way this research program should be administered. The obvious candidate for taking on this responsibility is the National Institute of Justice (NIJ). However, for the NIJ to manage such a research program effectively along the lines of an NIH institute, it is incumbent that it adopt the reforms outlined in the recently released National Research Council report *Strengthening Scientific Research and Development at the National Institute of Justice*. We, thus, lend our full support to the report's recommendations.