

## BRIEF ANALYSIS

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## Crime Is Down Because Punishment Is Up

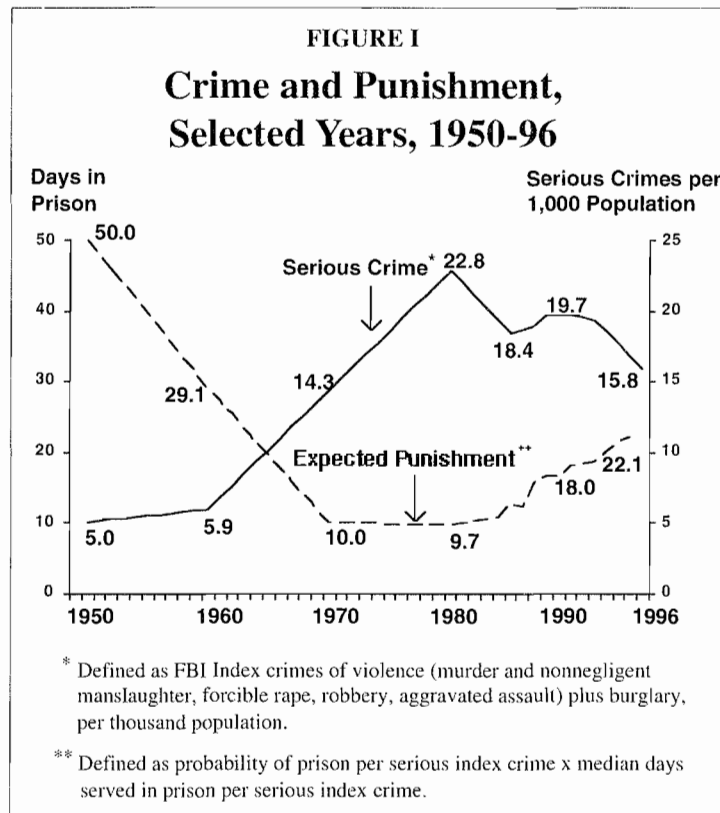
The amount of serious crime has decreased in most towns and cities across the country. New York City, for example, had fewer than 1,000 murders in 1996, the lowest number in nearly 30 years. Overall crime has dropped by half in Houston during the past six years, and violent crimes there are down by two-thirds. Between 1992 and 1996, the national murder rate fell 20 percent, the overall violent crime rate 16 percent and the reported burglary rate 19 percent.

The National Crime Victimization Survey, which is intended to estimate total crimes including those not reported to the police, shows a 10 percent decline in violent crime since 1994, after being essentially unchanged for the prior 20 years. Property crime continues its 16-year decline, according to the survey.

Why is there less crime? Dozens of solid empirical studies, mostly by economists, have concluded that offenders respond to incentives and that deterrence works.

**The Relationship between Expected Punishment and Crime.** The National Center for Policy Analysis has created an index of "expected punishment" to track the "price" of committing a crime. Expected punishment is based on the probability of arrest, the probability of conviction after an arrest, the probability of imprisonment after conviction and the average or median time served by those who go to prison.

Figure I graphically demonstrates the relationship between expected punishment and the serious crime rate. For example, between 1960 and 1980 the probability of imprisonment fell by more than half, the average sentence dropped more than 20 percent — and the rate of serious crime soared. Conversely, since 1980 the probability of imprisonment has almost doubled, the length of the average time served has increased by one-third — and as expected punishment has moved upward, the rate of serious crime has leveled off and then declined.



**The Breakdown of Punishment.** America's legal philosophy changed so dramatically during the 1960s that, while the annual number of violent crimes and burglaries tripled from 1 million to 2.9 million, the number of new commitments to prison by the courts for violent crimes and burglaries actually fell from 40,000 in 1960 to 37,000 in 1970. As a result:

- In 1950, for every 100 serious crimes reported 5.3 offenders were committed.
- In 1960, only 3.6 were committed.
- By 1970, only 1.3 offenders were committed.

- The commitment rate increased slightly by 1980 to 1.6 per 100 serious crimes, but expected punishment continued to drop because of early release policies and court-ordered prison capacity constraints.

With the reduction of expected punishment, serious crime exploded, rising from five crimes per 1,000 to more than 22, as shown in Figure I. By the time public policy turned around in the mid-1970s, crime was esca-

lating at such a rate that huge increases in prisoner populations — and, consequently, prison building— were required to raise expected punishment. Not until the mid-1980s did expected punishment for serious crimes begin to increase.

- By 1995, expected punishment had risen to 22 days from an early-1980s low of less than 10 days.
- In response, serious crime per 1,000 persons has decreased by 31 percent since its high point in 1980.

However, much of the reduction in serious crime since 1980 has been due to the fall in the burglary rate. Reported violent crime actually increased 31 percent between 1985 and 1990, although it has dropped 6.5 percent since then.

Even with the recent increases, expected punishments remain low. For the three crimes that carry the most punishment, as Figure II shows:

- The expected punishment for murder is 32.4 months.
- The expected punishment for rape is 116 days.
- The expected punishment for robbery is 46 days.

**Continuing the Success against Crime.** Public policy affects expected punishment at each stage of the criminal justice process. In some cities, community-oriented policing has restored bonds of trust between neighborhoods and police in some cities, and has led to more arrests. Similarly, aggressive enforcement of the laws against minor offenses like turnstile jumping and

public urination in New York City has allowed police to charge suspects with more serious crimes based on outstanding warrants for their arrest. More prosecutors backed by tougher laws have raised conviction rates and new prison construction has allowed the authorities to make convicts serve more of their sentence behind bars.

The impact of taking criminals off the streets and keeping them locked up longer has been noticeable in many cities, particularly New York. Yet while it raises the price of committing a crime and reduces the amount of crime committed, incarceration alone cannot carry

the whole load. Harvard economist Richard B. Freeman finds that church attendance is a better predictor of who escapes poverty, drug addiction and crime than family income, family structure and other variables. T. David Evans of the University of North Carolina at Wilmington and other criminologists find that even under poor social and economic conditions, churchgoing serves as “an insulator against crime and delinquency.”

These and other findings illustrate the importance of character formation

— teaching the difference between right and wrong and the value of morality. But a society must also have a justice system that treats criminals as fully responsible for the harm they do and exacts a proportionate price for that harm.

*This Brief Analysis was prepared by Morgan O. Reynolds, Director of the NCPA Criminal Justice Center and professor of economics at Texas A&M University.*

