

Sense and Nonsense about Crime and Drugs

A POLICY GUIDE

Samuel Walker



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A Policy Guide

Fifth Edition

Samuel Walker

University of Nebraska at Omaha

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Printed in the United States of America
6 7 04

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Library of Congress Cataloging-in-Publication Data
Walker, Samuel, [date]

Sense and nonsense about crime and drugs : a policy guide / Samuel Walker.—5th ed.
p. cm

Includes bibliographical references and index.
ISBN 0-534-55436-9 (alk. paper)

1. Criminal justice, Administration of—United States.
 2. Crime Prevention—United States.
 3. Drug abuse and crime—United States.
 4. Narcotics, Control of—United States. I. Title.
- HV9950.W35 2000
364.4'056'0973—dc21

00-039889

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Propositions

1. Most current crime control proposals are nonsense.
2. Waging “war” is the wrong way to fight crime.
3. Both liberals and conservatives are guilty of peddling nonsense about crime.
4. Most crime control ideas rest on faith rather than facts.
5. Most crime control proposals are based on false assumptions about how the criminal justice system works.
6. Simply adding more police officers will not reduce crime.
7. Carefully planned problem-oriented policing strategies, directed toward limited geographic areas and involving non-criminal justice resource, can be successful in reducing crime and disorder.
8. Faster response time will not produce more arrests or lower the crime rate.
9. More detectives, or other changes in detective work, will not raise clearance rates or lower the crime rate.
10. Repeal or modification of the exclusionary rule will not help the police reduce serious crime.
11. Repeal or modification of the *Miranda* warning will not result in more convictions.
12. The death penalty does not deter crime.
13. Enforcement crackdowns do not deter crime over the long term.

14. Deterrence oriented policies that rely exclusively on criminal law enforcement do not enhance the inherent deterrent effect of the criminal justice system.
15. Preventive detention will not reduce serious crime.
16. Speedy trials can reduce pretrial crime while preserving constitutional rights.
17. Selective incapacitation is not a realistic strategy for reducing serious crime.
18. Gross incapacitation is not a realistic policy for reducing serious crime.
19. Mandatory sentencing is not an effective strategy for reducing serious crime.
20. Three strikes and you're out laws are a terrible crime policy.
21. Career criminal prosecution programs do not produce either higher conviction rates or lower crime rates.
22. Abolishing or limiting the insanity defense will have no impact on serious crime.
23. Abolishing plea bargaining will not reduce serious crime.
24. Limiting habeas corpus appeals of criminal convictions will have no effect on serious crime.
25. With the possible exception of domestic violence shelters, social service programs for crime victims will not reduce serious crime.
26. Victim recontact programs will not reduce crime.
27. Victim compensation programs may help crime victims, but they will not reduce serious crime.
28. Victim impact statements will not reduce crime.
29. Policies intended to get tough on crime will not reduce crime, not help crime victims, and may instead damage the criminal justice system.
30. Attempts to ban hand guns, or certain kinds of guns, or bullets, are not likely to reduce serious crime.
31. Attempts to deny ownership of handguns to certain categories of "bad" people are not likely to reduce serious crime.
32. Focused, proactive enforcement strategies may be effective in reducing crime-related crime in targeted areas.
33. Trying to "get tough" on gun crimes, specially through mandatory prison sentences, will not reduce gun-related crime.
34. Diversion programs do not reduce serious crimes.
35. Probation is an appropriate sentence for many offenders, but there is not evidence that one kind of probation treatment is more effective in reducing crime than other kinds.
36. Abolishing parole will not reduce crime.
37. Boot camps do not reduce crime.
38. Intensive supervision, with either probation or parole, will not reduce serious crime.
39. Home confinement and electronic monitoring will not reduce crime.
40. The promise of restorative justice remains unproven in reducing serious crime.

41. Reducing discrimination, and the perception of injustice, may help to reduce serious crime.
42. With the possible exception of drugs (to be discussed in the next chapter), decriminalization will not reduce serious crime.
43. Police crackdowns will not reduce illegal drug use or serious crime associated with drugs.
44. Drug interdiction and eradication efforts are doomed to fail.
45. Tougher sentencing is not likely to reduce illegal drug use or serious crime associated with drugs.
46. There is no evidence that DARE or other drug education programs reduce illegal drug use.
47. Drug treatment can help individuals who have made a commitment to end their drug use. But there is no evidence that any treatment program consistently reduces drug use for all persons enrolled in the program.
48. The impact of legalizing drugs on serious crime is not known at this time.



Foreword

Shortly after its initial publication, Samuel Walker's *Sense and Nonsense About Crime and Drugs: A Policy Guide* was recognized as an important new book, a substantial contribution to the literature on crime and justice. Over the years, as he has reworked its themes and developed its arguments in four new editions (in the third edition updating the title to reflect an expanded discussion of drugs and drug policy), the field's appreciation of this book has only gotten better. Today, it is a mainstay text in the study of crime and justice; some would call it a nascent classic work in the field. It is a respected argument about our knowledge base for crime and justice and it is one of those rare books that is deeply respected by scholars and policy makers alike.

It is, therefore, with extraordinary pleasure that I welcome this, the Fifth Edition, to the Wadsworth Contemporary Issues in Crime and Justice Series. The series is devoted to giving detailed and effective exposure to important or emerging issues and problems that ordinarily receive insufficient attention in traditional textbooks. The series also publishes books meant to provoke thought and change perspectives by challenging us to become more sophisticated consumers of crime and justice knowledge. If you are looking for a book that will make you an informed student of crime and justice policy and practice, you could not find a better book than the one you are now holding in your hand.

Why is this book so important? There are two reasons. First, so much of what is commonly believed about crime—and so much of what shapes public policy on crime—is nonsense. Second, Walker's book was the first, and still the most effective, book written to point that out. This book provides a mas-

terful critique of the American penchant for short-sighted, metaphorical strategies about crime (boot camps are a good example) or feel-good rhetoric about crime priorities (end poverty, end crime) that have, over the years, not gotten us very far in our pursuit of a safer society. Today, we are enjoying a welcome, sustained, national drop in crime rates. But this drop still leaves us with higher rates of crime than we want and (perhaps more to the point) the source of the drop in crime is more of a mystery to us than a lesson in crime prevention policy.

The contribution of this book—what makes this book special—is its even-handed willingness to show how favorite strategies of diverse political agendas have, as their foundation, some degree of “nonsense.” If there is a lesson this book brings to us repeatedly, it is that cherished images of crime and justice are flawed, inaccurate, doomed to fail for particular reasons of (more or less) well-known facts that we so often want to ignore in order to sustain our favorite ideologies. This book challenges us where we need to be challenged: in our willingness to ignore reality in order to nurture our too-frequently inadvisable pet ideas about crime and crime-fighting.

You want your police to be tough, chase dangerous criminals, make life-saving arrests? Well, Professor Walker points out that you have to contend with the fact that police spend very little of their time taking these actions and even when they do act that way, not much in the way of crime controls seems to result. You want your judges to lock ‘em up and throw away the key? Walker shows all the ways that this belief is expensive and ineffective, even counter-productive. You think we need to save money through closer surveillance of the people convicted of crime? Make our lives safer by treating juveniles as though they were adults? End drug abuse through an all-out war on drugs? Here again, the book sheds cool light on hot emotions, showing how such strategies can backfire.

This book is not, however, just about nonsense in crime and justice. “Perhaps nonsense gets the majority of the attention, because so much of what we do is based on faulty thinking,” Walker is willing to tell us about what makes “sense” as well. Big proposals lack much support and politically popular proposals may be downright silly. But there are small, less ambitious ways we can contribute to a safer society and we can do so without suspending our constitutional rights or giving up our public freedoms. By the time Professor Walker completes his analysis, what emerges is a powerfully dispassionate analysis of today’s crime and justice policy. He gives us a carefully crafted challenge to start “making sense” in the way we talk about crime and the way we develop policies to cope with it.

If you are getting ready to read this book, chances are you are contemplating a career in the field of criminal justice. At the very least, you have an informed citizen’s interest in the problems of crime and justice. In either case, you have come to the right place to become more intelligent in your pursuits. After you read this book, you will join a large number of its alumni, dedicated to crime policies that make sense. I commend you.

Todd R. Clear, Series Editor



Preface

Completing the Fifth Edition of this book is an occasion to reflect on what has changed and what has not changed in the world of criminal justice since the First edition was published in 1985.

In that year, the drug crack had only just begun to appear on the streets of America. Community policing was still a new and untested idea. Boot camps were also just a new idea. Crime rates were high, and the juvenile homicide rate was about to soar even higher. I doubt that any knowledgeable professionals in the criminal justice field would have predicted that the then-already high American prison population would soar to its current level.

Much has changed since 1985. Indeed, there have been significant changes since 1991–92. Most importantly the crime rate has been dropping steadily for eight straight years. It now seems clear that this is neither a temporary dip nor a statistical artifact. The decline in serious crime has occurred in most (although not all) major cities. The number of murders in New York, San Diego, and some other cities has fallen to levels not seen since the 1960s.

Something very positive is happening in this country, and not just in the area of crime. Teenage pregnancies have also fallen. Unemployment is at record low levels. New AIDS cases are down. Across the board, social indicators have been moving in a positive direction.

This situation presents us with a serious paradox. The basic argument of this book, from the First Edition to the present one, is that crime control ideas that are popular with the public and criminal justice professionals do not work.

As the title of this book expresses it, they are nonsense. This is true for putting more police on the street, locking up more offenders, and implementing drug treatment and education programs. The point of this book, from the first edition to the present one, has been to present in an accessible form the evidence on these various policies. But if these policies do not work, how do we explain the reduction in crime? This is a serious question that demands an answer.

The First Edition was written primarily as a response to the conservative crime control agenda that dominated public policy at the time. This conservative agenda stressed crime control through tougher law enforcement policies, including exciting new policy initiatives using the concepts of incapacitation, deterrence, and programs targeting career criminals. The book examined these proposals in light of what was then known about the administration of criminal justice. In the interests of fairness, I subjected liberal crime control policies to the same critical scrutiny. I found them equally lacking in empirical support.

By the time of the Third Edition, the wheel of the policy debate had changed in one significant respect. The conservative/liberal dichotomy that provided the framework for the first two editions was no longer as clearly defined as it was originally. Basically, the liberal perspective had collapsed, and most politicians who defined themselves as liberals had adopted most of the traditional conservative policy agenda: more police, more imprisonment, and so on. Meanwhile, some prominent conservatives had embraced the idea of legalizing drugs, a traditional liberal proposal. In short, the world of criminal justice policy has become more complex than it was when the first edition of this book appeared.

Finally, the state of knowledge about crime and criminal justice continues to advance. We know far more about what works and what does not than we did eighteen years ago when this book was originally conceived. I have attempted to incorporate this new knowledge with each edition. One consequence of the advancing state of knowledge is that many issues that once seemed simple are now ambiguous. With the advent of problem-oriented policing and community policing, for example, it is no longer possible to say that police efforts have no effect on the communities they serve. The exact nature of those effects and their durability over time are matters of controversy, but we cannot simply declare that nothing works. Similarly, it is not necessarily true that all forms of mandatory sentencing are evaded by courtroom work groups. It appears that some mandatory provisions are not fully implemented, but many are.

The administration of justice is extremely complex. In this book I have attempted to capture some of this complexity while at the same time providing students with a clear sense of the general patterns of the administration of justice.

ACKNOWLEDGMENTS

This fifth edition represents a substantial revision of my understanding of crime and the administration of justice. I would like to give special acknowledgment to my colleagues in the Department of Criminal Justice at the University of Nebraska at Omaha for the atmosphere of collegiality that we have maintained. Whenever I have a question on a particular issue, I can always walk down the hall, engage someone in a conversation, and come away with a new insight or at least some useful suggestions on where I should look for the information I need.

I would also like to thank Steve Kline for his cartoons giving this edition a fresh look. For their help with various aspects of revising the manuscript and preparing it for publication, I would like to thank my graduate research assistants Carol Archbold and Leigh Herbst.

Samuel Walker



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