

Deterrence and Crime Prevention

Reconsidering the prospect of
sanction

David M. Kennedy

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First published 2009
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
270 Madison Avenue, New York, NY 10016

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2009 David M. Kennedy

Typeset in Times New Roman by
Taylor & Francis Books
Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Kennedy, David M., 1958-

Deterrence and crime prevention : reconsidering the prospect of
sanction / David M. Kennedy.

p. cm.

Includes bibliographical references and index.

1. Crime prevention. 2. Punishment in crime deterrence. 3. Sanctions,
Administrative. I. Title.

HV7431.K448 2008

364.601-dc22

2008008369

ISBN 978-0-415-77415-4 (hbk)

ISBN 978-0-203-89202-2 (ebk)

"It is perhaps once in a generation that a book is published that changes the way we think about a major area of public policy. This is one such book. It is both readable and scholarly; theoretical and practical. It is the only academic book I have ever read that I would describe as a page turner. It will be on the 'must read' list of crime scholars for years to come."

Gloria Laycock Professor of Crime Science University College
London Jill Dando Institute

"David Kennedy demonstrates an encyclopedic command of the deterrence literature. More important is his balanced and insightful analysis of the promise and limits of deterrence for preventing crime. This book is a must read for students of deterrence and practitioners who can affect the way the punitive powers of the police, courts, and corrections are used to prevent crime."

Daniel S. Nagin Teresa and H. John Heinz III University
Professor of Public Policy and Statistics,
Carnegie Mellon University

“By the thoughtful application of focused deterrence strategies our community has become a safer place. Our neighborhoods have been freed from the terror of violence associated with overt drug markets. The teamwork that took place between the police and our citizens to make this happen has actually been healing to the relationship between the police and our African-American citizens in particular. We should never again have to admit that we cannot work together successfully due to the baggage of misunderstanding. The ability to produce sustained reductions in violent crime in our most troubled neighborhoods has been achieved. We now enjoy the ability to effectively combat violent crime in a manner that does not produce unintended harm to our relationships within the very community that needs our help so desperately. This book chronicles the path, from the theories to particular application, to achieving long awaited success in this arena.

My sincere gratitude goes to David Kennedy for showing us the way.”

Jim Fealy Chief of Police High Point, NC

“Practitioners, policy makers, and scholars should make room for *Deterrence and Crime Prevention* on their special bookshelf reserved for often-used guides to their thinking and practice. This fresh look at deterrence is theoretically sound and empirically based. Most importantly, it heavily relies on Mr. Kennedy's ‘on the ground’ pathbreaking work in violence prevention and drug market control. My prepublication copy is dogeared already.”

George L. Kelling Professor, School of Criminal Justice, Rutgers University; Senior Fellow, Manhattan Institute

“The book succeeds brilliantly at two levels: it reformulates deterrence theory for criminologists and, for law enforcement, it shows how focused partnerships with communities and other agencies can reduce even very serious crime.”

Ronald V. Clarke University Professor School of Criminal Justice
Rutgers University

“Academic books tend to be written for other academics – this is an exception. It rightly challenges many of our assumptions about the fundamentals on which policing is based. It goes on to suggest some powerful ways in which we can rethink our approaches to the most intractable problems facing policing today – drugs, gangs, guns and violence. I thoroughly commend it to colleagues across the world.”

Paul Stephenson Deputy Commissioner of the London
Metropolitan Police

“David Kennedy’s wise book is a must-read for all policy-makers, practitioners and researchers working in criminal justice. It contains the most imaginative, informed and wide-ranging discussion of deterrence as a means of crime control that is yet to appear. The argument is highly accessible and reflects not only Kennedy’s fine scholarship but also his wide experience in working with the police and their partners to develop and implement effective crime control strategies.”

Nick Tilley Visiting Professor at the Jill Dando Institute of Crime
Science, University College London

"After years on the periphery of crime policy, 'deterrence' can now take center stage. David Kennedy's new book, inspired by his path-breaking work to reduce gang violence in Boston and close drug markets in High Point, North Carolina, illuminates the breadth and power of deterrence as a crime prevention tool. His discussion of the benefits of direct communication with likely reoffenders, the effectiveness of informal sanctions (such as family disapproval), and the ways in which enforcement can unintentionally undermine deterrence should interest any practitioner who seeks to prevent crime, and not simply react to it. Kennedy's work has the potential to reframe our discussion, and practice, of crime control policy."

Paul Seave Director, Governor's Office of Gang and Youth Violence
Policy, Sacramento, California

"This breakthrough book introduces a fresh and hopeful voice to our rancorous debates over crime policy. Blending insightful contributions to deterrence theory with lessons from a decade of street-level innovation, David Kennedy convincingly points the way toward a visionary, yet pragmatic, new direction for the nation. The book prompts an inescapable and stunning conclusion: if we follow Kennedy's lead, we can simultaneously reduce violence, abate drug markets, slow the growth of incarceration, and promote a much-needed racial reconciliation between the police and minority communities. Let's hope policymakers heed Kennedy's advice."

Jeremy Travis President, John Jay College of Criminal Justice

“This is the best book we have had on the subject of deterrence since Zimring and Hawkins. It represents a great advance over that classic text in that it incorporates a huge amount of the new empirical evidence about deterrent effects, and brings in many more nuanced concepts of deterrence. Beyond the idea of deterrence, however, this book raises important questions, and offers some intriguing evidence about new ways we can conceptualize and respond to crime problems throughout the country.”

Mark Moore Hauser Professor of Nonprofit Organizations
Center Faculty Chair, Hauser Center for Nonprofit Organizations,
Harvard Kennedy School of Government, Harvard University

“Deterrence – or the threat of sanctions for violation of rules – is a complex concept but an inherent part of any crime-control strategy. David Kennedy has thought long and hard about the complexities and has worked directly with law enforcement and communities in developing innovative deterrent strategies and tactics. In this wide-ranging exploration of the many facets of deterrence, Kennedy draws heavily on his involvement with real-world crime prevention to develop new frameworks to make sure that deterrent threats are framed to do the job.”

Alfred Blumstein Heinz School, Carnegie Mellon University

Deterrence and Crime Prevention

Deterrence is at the heart of the preventive aspiration of criminal justice. Deterrence, whether through preventive patrol by police officers or through stiff prison sentences for violent offenders, is the principal mechanism through which the central feature of criminal justice, the exercise of state authority, works—it is hoped—to diminish offending and to enhance public safety. And however well we think deterrence works, it clearly often does not work nearly as well as we would like—and often at very great cost.

Drawing on a wide range of scholarly literatures and real-world experiences, Kennedy argues that we should reframe the ways in which we think about and produce deterrence. He argues that:

- many of the ways in which we seek to deter crime in fact facilitate offending;
- simple steps such as providing clear information to offenders could transform deterrence;
- communities may be far more effective than legal authorities in deterring crime;
- apparently minor sanctions can deter more effectively than draconian ones;
- groups, rather than individual offenders, should often be the focus of deterrence;
- existing legal tools can be used in unusual but greatly more effective ways;
- even serious offenders can be reached through deliberate moral engagement;
- authorities, communities, and offenders—no matter how divided—share and can occupy hidden common ground.

The result is a sophisticated but ultimately commonsense and profoundly hopeful case that we can and should use new deterrence strategies to address some of our most important crime problems. Drawing on and expanding on the lessons of groundbreaking real-world work such as Boston's Operation Ceasefire—credited with the “Boston Miracle” of the 1990s—*Deterrence and Crime Prevention: Reconsidering the Prospect of Sanction* is required reading for scholars, law-enforcement practitioners, and all with an interest in public safety and the health of communities.

David M. Kennedy is the Director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice in New York City.

Routledge Studies in Crime and Economics

Edited by Peter Reuter, University of Maryland, USA and
Ernesto U. Savona, University of Trento, Italy

1 Political Economy of Illegal Drugs

Pierre Kopp

2 Deterrence and Crime Prevention

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For Alison
I only wish it worked with the cats

Acknowledgments

This book is an intellectual project with unusually deep and wide roots. My foremost thanks go to Anne Piehl and Anthony Braga, my extraordinary university partners in the Boston Gun Project. None of this would have happened without them: We glimpsed the new possibilities together, worked out their first application together, and were astonished together at what seemed to be their power in the world. Both of them have continued their own work in this area. I only hope that mine meets with their approval.

Our practitioner partners in Boston showed us the real-world work that opened the door to a new way of thinking about deterrence. Paul Joyce, Gary French, Fred Wagget, Robert Fratalia, Timothy Feeley, Ted Heinrich, Hugh Curran, Tracy Litthcut, James MacGillivray, Teny Gross, William Stewart, and Richard Skinner—among others—were not only exceptionally serious and creative but exceptionally open to showing and sharing what they did. Once again, thank you.

At the Kennedy School of Government at Harvard University, Mark Moore and Frank Hartmann were unstinting supporters of this work in general and this book in particular. A long and fruitful conversation with Malcolm Sparrow, who has explored many of these themes in other settings, was a pleasure and a great help. A Kennedy School project on youth violence and the idea of criminal “epidemics,” led by Mark Moore and sponsored by the Alfred P. Sloan Foundation, contributed immeasurably to my thinking on what I here call “contingent nonlinear dynamics.”

Innumerable practitioners have made enormous contributions to my understanding of how crime-control work is in fact done, to its real dynamics in the community, and how both of those might change. I thank especially Ted Heinrich, Teny Gross, Mary Lou Leary, Susan Herman, Susan Ginsburg, Tyrone Parker, Rob Lang, Kristin Rosselli, and Elizabeth Glazer. In High Point, North Carolina, where the work, and our thinking about the work, has reached a new level, I bow to James Fealy, Marty Sumner, Jim Summey, and Larry Casterline: very special people doing the right things for the right reasons.

Innumerable scholars have offered encouragement and guidance and have done their best to protect me from myself. I thank especially Mark Kleiman,

Philip Cook, Daniel Nagin, Edward McGarrell, John Klofas, Jens Ludwig, John Eck, Gloria Laycock, Nick Tilley, Robert Garot, and Brandon Kooi. Several anonymous reviewers for the first National Institute of Justice (NIJ) draft of this work were of great help.

A work like this is a sobering reminder of the extent to which scholarship is a communal, cumulative enterprise. Every scholar owes special thanks to those stalwarts who, from time to time—in addition to their own original work—embrace a field, put it in perspective, and identify key issues and opportunities. In the modern era of deterrence scholarship, those honors are held by Franklin Zimring and Gordon Hawkins, Philip Cook, and Daniel Nagin. I benefited enormously from their yeoman labors.

Brian Welch provided heroic research assistance. Thank you, Brian.

Jeremy Travis, as Director of NIJ, took a risk on the field research that sparked this thinking, nurtured it when it showed promise, and supported the initial research that became this book. As President of John Jay College of Criminal Justice he has made it possible for me to continue both. He is a better colleague and friend than I have any right to.

The exhibits in Chapter 9 were provided by Dr. Eleazer D. Hunt of the High Point Police Department and are gratefully acknowledged.

Finally, and most deeply, I thank Lois Mock of the National Institute of Justice. Lois saw promise in the crude and odd ideas that led to the Boston Gun Project, created the conditions within NIJ that let Anne Piehl and myself apply for support for that research, shepherded us when we received that support, tirelessly championed the intellectual and operational framework that emerged from and followed on the Boston work, and oversaw the NIJ research that led to this book—all with her signature combination of relentlessness and tolerance. My debt to her is profound.

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1 Introduction

Deterrence is at the heart of the criminal-justice enterprise. Criminal sanctions are intended fill a number of functions—to punish, to fulfill justice, to express the public's standards and priorities, to incapacitate—but they are centrally designed to control: to shape, through the prospect of unpleasantness of various kinds, the behavior of offenders and potential offenders. Deterrence is particularly at the heart of the *preventive* aspiration of criminal justice. It is not the only such route; various facilitative and rehabilitative measures, such as job training through probation and drug treatment in prison, also hold out this hope. But deterrence, whether through preventive patrol by police officers or mandatory federal prison sentences for firearms offenders, is the principal mechanism through which the central feature of criminal justice, the exercise of state authority, works—it is hoped—to diminish offending and enhance public safety.

The framework for deterrence is simple and familiar. Offenders and potential offenders, like other people, seek reward and seek to avoid loss. If particular acts carry penalties, then those acts will become less attractive. The stiffer, quicker and more reliable the penalty, the less attractive the act will be. This is, openly and frankly, the business of the socially sanctioned threat. There is a threatener; there is a proscribed act; there is a threat associated with that act; there is an audience for that threat. Get it right and the act is not carried out, or, at least, is carried out less often.

A great deal of scholarly attention has been devoted to the theory and practice of deterrence. It has focused on offenders and the central question of their rationality, on their perceptions of the risks they face and whether those risks influence their behavior. It has focused on particular sanctions and their efficacy. It has focused on the actual behavior of criminal-justice authorities, and on how that behavior is interpreted by offenders. The resulting literature is rich and diverse.

This book seeks to build on and expand that literature. It has its intellectual origins, in part, in concrete field experience—actual attempts to prevent and control crime. It is not an account of, or an evaluation of, those efforts: This is a work of theory, or at any rate aspires to be, and theory cannot rest entirely on any example or narrow set of examples. If we judge that the death penalty deters homicide, that does not mean that all attempts to produce

2 Introduction

deterrence work, or that the general ideas through which we understand and pursue deterrence are correct. If we judge that it does not, neither does that prove that deterrence does not operate in other cases, or that the general ideas through which we consider deterrence are wrong, or that the death penalty handled differently might deter. The work that provoked the explorations in this book is not a sufficient basis on which to ground those explorations; the explorations, in turn, go well beyond the work. So this is not a book about that work. At the same time, it may be useful to sketch that work and the initial questions it raised, at least in my mind, for deterrence theory, questions I hope this book will help address.

The work emerged from an attempt to address juvenile gun violence, which at the time was epidemic in the USA, through problem-oriented policing.¹ My colleagues at the Kennedy School of Government at Harvard University, Anne Piehl and Anthony Braga, and I set up in 1995 with a group of extraordinary practitioners in Boston: officers from the Boston Police Department's Youth Violence Strike Force, or gang unit; probation officers from Dorchester District Court; prosecutors from the district attorney and US Attorney's offices; fugitive apprehension officers from the Massachusetts Department of Youth Services; special agents from the Boston office of the Bureau of Alcohol, Tobacco, and Firearms; gang outreach workers attached to the city's Streetworker Program. They taught us that the gun-violence problem was almost entirely one of friction within and between small drug crews: "gangs," as our Boston partners called them.

I, at least, resisted what they knew. I was focused on much broader issues: gun availability and use, community-wide violence dynamics, that sort of thing. But they were entirely correct. Some sixty-one crews with something like 1,300 members were killing each other along quite clearly identifiable lines of rivalry and alliance. Most of the violence was personal—respect, boy/girl, Hatfield-and-McCoy vendetta—rather than about the drug business. Participants in the street action were extraordinarily active offenders; three-quarters of both homicide victims and perpetrators had criminal records and averaged nearly ten prior arrests apiece across a wide range of crimes: drug-dealing, drug use, disorder offenses, weapons, and more. Fully a quarter of known homicide offenders were on active probation status at the time they killed. And the issue we had entered focusing upon was mistaken: Juvenile gun violence was a relatively small part of the real problem, which involved young minority men up to, roughly, age twenty-five.

Our practitioner partners also showed us a commonsense but extremely unusual approach that they had used very successfully a number of times to stop the violence of particular drug crews at particular times: They lowered the boom on *all* crimes *every* member of the group was committing, while simultaneously telling them that the crackdown would stop when the shooting did and offering them social services of various kinds. Together we built that approach into something designed to stop the violence of all Boston's drug crews.