

THE WADSWORTH CONTEMPORARY ISSUES IN CRIME AND JUSTICE SERIES

# **SENSE AND NONSENSE ABOUT CRIME AND DRUGS**

**A POLICY GUIDE**

**Fourth Edition**

**AMUEL WALKER**





# Sense and Nonsense about Crime and Drugs

A Policy Guide

Fourth Edition

**SAMUEL WALKER**

University of Nebraska at Omaha



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# List of 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 proposals rest on faith rather than on facts.
5. Most crime control ideas are based on false assumptions about how the criminal justice system works.
6. Adding more police officers will not reduce crime.
7. Limited and clearly focused police activities, directed toward specific problems, may be successful in reducing certain kinds of crime and disorder.
8. Faster response time will not produce more arrests or lower the crime rate.
9. More detective, 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 will not deter drunk driving.
14. Deterrence-oriented policies that rely exclusively on the criminal justice system will not reduce crime.

15. Preventive detention is not a realistic strategy for reducing serious crime.
16. Speedy trials can reduce pretrial crime while preserving constitutional rights.
17. Selective incapacitation is not a realistic policy for reducing serious crime.
18. Gross incapacitation is not an effective strategy for reducing serious crime.
19. Mandatory sentencing is not an effective means of 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 will not reduce serious crime.
28. Victim impact statements will not reduce serious crime.
29. Laws intended to get tough on crime will not help crime victims and may instead damage the justice system.
30. Attempts to ban all handguns, or certain kinds of guns, or bullets will not reduce serious crime.
31. Attempts to deny ownership of handguns to certain “bad” people are not likely to either limit ownership or reduce serious crime.
32. Bartley–Fox laws restricting the unauthorized carrying of handguns, if vigorously implemented, may help reduce gun violence.
33. Focused, proactive police programs to remove illegal guns from the streets may prove to be an effective way to reduce serious crime.
34. Trying to get tough on gun crimes, especially through mandatory sentences, will not reduce gun-related violence.
35. Diversion programs do not reduce serious crime.
36. Probation is an appropriate sanction for many offenders. Increased use of probation, however, is not likely to reduce serious crime.
37. Intensive probation supervision is not likely to reduce serious crime.
38. Intensive probation, electronic monitoring, boot camps, and other recent innovations will not reduce serious crime.
39. Changing or abolishing parole will not reduce serious crime.
40. Forms of restorative justice may prove to be an appropriate response to minor crimes by first-time offenders but are not likely to be an effective means of reducing serious crime.
41. Decriminalizing drunkenness, abortion, sex between consenting adults,

- and gambling will have no impact on serious crime.
42. Eliminating discrimination from the system will result in a fairer system of justice but will not reduce crime.
  43. Police crackdowns will not reduce 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 crime associated with drugs.
  46. No evidence indicates that drug education, including DARE, significantly reduces illegal drug use.
  47. Drug treatment serves the needs of individuals who have decided to end their drug use. But treatment, as a primary strategy, will not reduce the nation's drug problem.
  48. Legalization is a high-risk gamble that needs further discussion.



# Foreword

**E**ver wonder why we seem to make so little progress in dealing with the problem of crime? Sure enough, the latest statistics show that crime is down nationally, especially so in some of our largest cities. Murder rates are way down. This is very good news, of course, but some social scientists warn that this is a mere respite in a long-term upward trend. Others warn that we better watch out for “superpredators” who are beginning to arrive at the crime-prone years. Whether or not you agree with them, it is undeniable that America’s crime rates, especially violent crime rates, are very high. Why do we seem so incapable of dealing with crime?

The answer to this question is both complicated and simple. It is complicated in that some of our most cherished beliefs about crime and punishment in the United States are incorrect. They are based upon bad evidence, wrong facts, or just plain myths. The answer to our incompetence in the matter of crime is also simple: we keep taking approaches that are non-sensical. These are the profound and important conclusions of Professor Samuel Walker, presented in carefully documented and fascinatingly cogent detail in the chapters of this, the fourth edition of *Sense and Nonsense about Crime and Drugs: A Policy Guide*.

I am pleased to introduce this edition as the newest entry in Wadsworth’s Contemporary Issues in Crime and Justice Series. In many respects, this book is a prototype of the purposes of this series. We seek to discuss topics that are neglected by standard textbooks and to provide a more detailed treatment of new and emerging issues in justice studies. Our aim is to help the student of



crime and justice have a richer and deeper understanding of the critical topics our authors present.

In this addition to the books in the series, Professor Walker ably provides a comprehensive review of the broad and varied approaches we now take to deal with crime. His suggestions are stunning. Most of what we now do about crime is mistaken—based upon false assumptions or repeating policy mistakes that research has demonstrated in the past to be ineffectual. One of the remarkable aspects of this book is the way in which it exposes the emptiness of ideological strategies about crime. “Get tough” strategies, fondly embraced by political conservatives, are not likely to get us very far, according to the evidence Walker presents. Yet the traditional liberal strategies of gun control, rehabilitation, and drug decriminalization are also not very promising as solutions to crime, either. In fact, it hardly matters what your politics are; in this remarkable book, Walker gives everyone something to think about and provides even-handed challenges to just about anyone’s preconceived ideas about crime. The fact is, he argues, that there is not that much in the way of proven programs that can be done about criminal behavior.

It is not to say that “nothing works.” To the contrary, sprinkled in among the seemingly endless list of policy failures is the hopeful review of programs that have worked and strategies that promise to work even better. Ironically, these strategies often have little ideological “purity.” They work because they are based on what we know about crime and criminals. Walker makes the point that the search for effective crime policy is not a matter of ideology, but a matter of solid policy research, realistic expectations, and most of all, dealing with the social problems that lead to crime such as poverty, inequality, and family breakdown. The sad truth is that there is little the criminal justice system can do about these problems other than make them worse.

The fourth edition of this important book begins with the “good” news, that crime appears to be going down. It then analyzes this trend by uncovering its significance—does it mean we are finally getting smart about crime and developing good policies? Has the combination of community policing and get-tough punishment finally started to pay off? The answer, says, Walker, is “No.”

The details about why our crime policy is so flawed—and about how the most recent evidence about current programs confirms the point made in earlier editions—is a compelling and disquieting narrative that is one of the most important books ever published for classroom use on crime and justice. I commend it to you, the student, in the hopes it will help you become wiser and more sophisticated as an advocate for change in criminal justice policy.

*Todd Clear, Series Editor*



# Preface

**T**he world continues to change. Nothing stands still. And so it is with the subject of crime in the United States. Extraordinary changes have occurred just since publication of the third edition of *Sense and Nonsense About Crime* in 1994—to say nothing of the changes since the first edition in the mid-1980s.

Beginning around 1992, the crime rate in the United States began to decline. It appears that this is not an aberration. Crime has been falling steadily for several years, and with particularly significant reductions in big cities such as New York. Something positive is happening with respect to crime in this country.

As I explain in Chapter 14, this situation presents us with a serious paradox. The basic argument of this book, from the first edition to the present one, is that popular crime control policies 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. Yet, if they do not work, then how do we explain the reduction in crime? This is a serious question that demands an answer.

The purpose of this book is to explore the first half of that paradox: the ineffectiveness of most crime control policies. 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 fifteen 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 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 fourth 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.

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*Samuel Walker*





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