

**SENSE** and  
**ESNE SNON**  
about  
**CRIME**  
**A Policy Guide**



**Samuel Walker**

**SENSE** and  
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about  
**CRIME**  
**A Policy Guide**

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# FOREWORD

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The Contemporary Issues in Crime and Justice Series introduces important topics that until now have been neglected or inadequately covered, to students and professionals in criminal justice, criminology, law, psychology, and sociology.

The volumes cover philosophical and theoretical issues, and analyze the most recent research findings and their implications for practice. Consequently, each volume will stimulate further thinking and debate on the issues it covers, in addition to providing direction for policy formulation and implementation.

Opinion polls continue to indicate that crime control is one of the most pressing issues before the American public. During the last two decades, extensive changes in crime control policy have been suggested, first from a liberal perspective, and more recently from a conservative point of view. At the same time, the amount of sophisticated research into crime and the criminal justice system has increased dramatically. Because of these developments it now should be possible to take a "realistic" look at various crime control policies that have been developed and implemented by numerous criminal justice institutions. Of course, achieving a realistic view of such policies requires taking political ideologies into account. It is interesting and yet disconcerting that so little has been accomplished in assessing the actual impact of crime control policies in this country, either in reducing crime or in effecting policy changes. Without such an analysis, it is impossible to know how close we are to reducing and controlling crime, or to recognize where our efforts should be directed in the future.

In *Sense and Nonsense about Crime*, Sam Walker has taken the important step of offering us a comprehensive look at crime control from a "what works" perspective. This book offers a straightforward discussion of crime control practices that have not worked and continue to be unproductive (the "nonsense"), and of those that appear to be working or at least have some potential for success (the "sense"). Walker's careful analysis seriously challenges the effectiveness of many traditional and revered prescriptions for reducing crime: preventive detention, mandatory sentencing, the death penalty, removal of procedural restraints, more police, career criminal programs, abolishing insanity pleas and plea bargaining, diversion, decriminalization, and others.

By realistically assessing the value of major crime reduction strategies and allowing us to develop pragmatic expectations of the criminal justice system, Walker has made a significant contribution to the crime control literature. His work leaves little doubt that there is currently no effective crime-reduction program, and that continual tinkering with the system will not produce major reductions in the crime

rate. Instead, we are forced to realize that if we really wish to reduce crime substantially, we must develop and implement fair social policies and equal economic opportunities for all Americans. I hope this well-written and researched book will be as meaningful to policymakers in the field of criminal justice and to politicians in general as I'm sure it will be to the students and teachers.

Roy Roberg  
*San Jose State University*

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# PREFACE

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*Sense and Nonsense about Crime* is a critical review of current crime control policies. It is designed to weigh the effectiveness of strategies for reducing the "high fear" crimes of robbery and burglary. Each proposed policy is evaluated in the light of evidence drawn from the most recent published research in the field of criminal justice.

The book is divided into five sections. The first introduces some general points concerning the administration of criminal justice in the United States. The second and fourth sections, respectively, review conservative and liberal crime control proposals. The third section represents a middle ground, where both liberals and conservatives address the question of controlling guns and gun crimes. The fifth and final section summarizes the evidence and draws some general conclusions about crime policy. Organizing the proposals in this way, rather than along "system component" lines, highlights the assumptions they have in common with others of the same ideology. At the same time, it dramatizes the fundamental differences between the conservative and liberal perspectives.

Readers will undoubtedly note a certain imbalance in the material covered by the text. Far more space is given to conservative crime control proposals than to liberal proposals. This results from the fact that in the mid-1980s conservative proposals are in the political ascendancy. Preventive detention, selective incapacitation, and other conservative ideas currently dominate public discussion and are embodied in bills before federal and state legislatures. Had this book been written in 1967, when liberal ideas dominated politics, the imbalance would have been reversed.

*Sense and Nonsense about Crime* is a short interpretive book, designed to be used as a supplementary text in courses on introduction to criminal justice, public policy making, or the equivalent.

Many people provided tremendous help in completing and publishing this book. Roy Roberg sought me out and urged me to submit it to Brooks/Cole. Everyone there has been a pleasure to associate with. Henry Staat in particular was extremely encouraging and a wonderful person to work with. A number of people read early drafts of the manuscript, and their comments served to tighten up several weak spots. In this regard I would like to thank Timothy S. Bynum, Michigan State University; George F. Cole, University of Connecticut; Andrew Karmen, John Jay College of Criminal Justice; G. Larry Mays, New Mexico State University; Carl Pope, University of Wisconsin; Roy Roberg, San Jose State University; and L. Thomas Winfree, Louisiana State University.

Finally, this book does not carry the traditional dedication. It is, in a somewhat less conventional sense, written for and with the support of a small group of friends. But these names, as they say, have been changed to protect the innocent.

Samuel Walker

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*PART ONE*

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**THINKING  
CLEARLY  
ABOUT CRIME**

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# CHAPTER 1

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## A PLAGUE OF CRIME, A PLAGUE OF NONSENSE

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**W**hat to do about crime? Crime overwhelms us. As a daily reality it afflicts us like a plague, casting a pall over every part of our lives. It affects how we think, how we act, and how we behave toward one another. The fear of crime exerts a corrosive effect on interpersonal relations, cautioning us against small acts of friendliness toward strangers. Like creatures at the bottom of a terribly polluted lake, Americans have adapted to this environment. No other industrial society has crime rates that compare with ours. We murder each other eight to twelve times as often as do people in Europe or Japan. The figures for robbery are even more ghastly. The robbery rate for New York City is five times greater than London's and, incredibly, 125 times higher than that of Tokyo.<sup>1</sup>

Crime in America appears to have stabilized at a permanently high level. After the enormous increase between 1963 and 1973, the rates for major crimes have been virtually stable for the past ten years.<sup>2</sup> Even if we achieved a genuine 30 or 40 percent reduction in serious crime, a feat that no one realistically promises, our cities would still be unacceptably unsafe by international standards.

The crime problem overwhelms our thinking as well. Our crime policy is intellectually bankrupt. At present we have no credible set of policies to reduce our persistently high levels of crime. Instead we are offered a series of desperate nostrums promising quick and easy solutions. Virtually all of them won't work and many are positively dangerous. In the past fifteen years we have mounted two "wars" on crime, one launched by Lyndon Johnson and another equally unsuccessful venture led by Richard Nixon. Not only did these wars fail to reduce crime but they raised inflated expectations about the nature of the task. The net result has been an angry backlash by a frustrated public. We have lost the ability to think rationally about crime control.<sup>3</sup>

This book is about crime control policy. It is a search for sensible answers to an urgent question: what can we do to reduce crime? The inquiry that follows focuses on one simple question: *what works?* We will review all the major crime control proposals and weigh them against evidence of their effectiveness. Fortunately we have learned a lot about crime and criminal justice in the past fifteen years. The "research revolution" in criminal justice offers a substantial and growing body of literature on how the criminal justice system works. Implementation of many cur-

rently popular crime control proposals has in fact been attempted, and a number of those efforts have been rigorously evaluated. Most of that valuable evidence remains buried in obscure government reports and academic journals. This book presents the highlights of the best of the most recent research.

## The Ground Rules

Let us establish the ground rules for this inquiry. We will focus primarily on the crimes of robbery and burglary. These two predatory, "high fear" crimes are a major source of public concern. We do not underestimate the significance of other serious crimes. Murder takes over 20,000 American lives each year. Rape victims doubly suffer, since the brutal process of investigation and prosecution can result in a trauma as severe as that caused by the crime itself. And white-collar crime costs us at least ten times as much in pure dollar terms as robbery and burglary combined.

Concentrating on two crimes lends coherence to our inquiry, allowing us to compare systematically the impact of different crime control proposals. Debates over crime control policy often lose their emphasis because advocates of one policy or another shift the discussion from one crime to another. For example, liberals too often evade hard questions about robbery and burglary by digressing to so-called "victimless crimes" (gambling, marijuana use, unconventional sexual behavior, and so on). Conservatives often concentrate on special cases (particularly heinous crimes, or mass murders) and thus deflect attention away from the more routine felonies of robbery and burglary. The terms of the debate will not be allowed to shift in this inquiry.



"How about a crime control policy that works!"



From time to time, to illustrate particular points, we will discuss crimes other than robbery and burglary, and investigate how persons charged with those crimes fare in the criminal justice system. An entire section, for example, is devoted to drunk driving. We use this example to illustrate our discussion of deterrence as a crime control strategy. Another section addresses decriminalization, to show the relevance of that approach to the reduction of burglary and robbery.

We will focus almost exclusively on crimes committed by adults. Juvenile crime and delinquency are indeed serious problems and we do not mean to slight their importance. But the world of juvenile justice is a very special realm. It operates according to its own procedures and is subject to public attitudes about the handling of juvenile offenders. Juvenile justice deserves a separate critical inquiry.

A second ground rule involves a single-minded focus on crime control. By "crime control" we mean any policy or program aimed at reducing the level of serious crime. That includes programs designed to catch and punish more criminals, as well as those designed to reduce crime by rehabilitating offenders or reforming society.

Questions of justice, fairness, and decency form a third ground rule. While we are interested in the effective control of crime, there are limits to what a democratic society should do. Many crime control proposals are bandied about that would undoubtedly reduce crime, but only at an unacceptable price. We could, for example, summarily execute narcotics dealers. Or we could imprison all juveniles convicted of a felony. But these proposals shock the conscience of most Americans. Our third ground rule is that a valid crime control proposal must not violate fundamental standards of justice, fairness, and decency.

As our inquiry proceeds we shall set forth our major ideas in the form of concise propositions. The first of these establishes the basic thrust of our inquiry:

**PROPOSITION 1:**

***Most current crime control proposals are nonsense.***

Most of the crime control proposals advanced by politicians and criminal justice experts won't work. They fail to pass the simple test we have established: they will not reduce robbery or burglary. Crime control policy is largely wishful thinking. Many proposals are irrelevant: they cannot be implemented and would have no noticeable effect on crime rates. Some proposals entail serious risks. They might succeed in reducing crime, but only at an unacceptably high price. In a few of these cases the political price is high enough to guarantee that they will never be seriously tried in the first place. A number of proposals have merit, but for reasons unrelated to crime control: they might improve the quality of justice, an aim that, while important, is a different goal from controlling crime.

The more we have learned about crime and criminal justice in the past fifteen years, the more we have learned what *doesn't* work. In 1970 Norval Morris and Gordon Hawkins published a short book entitled *The Honest Politician's Guide to Crime Control*. They began with the confident assertion that "we offer a cure for crime—not a sudden potion nor a lightning panacea but rather a legislative and administrative regimen which would substantially reduce the impact of crime."<sup>4</sup> They would not make such a claim today, nor would any other sensible expert in