

# SENSE and NON- SENSE

about  
CRIME, DRUGS,  
AND COMMUNITIES

samuel  
WALKER



# Sense and Nonsense about Crime, Drugs, and Communities

SEVENTH EDITION

SAMUEL WALKER

University of Nebraska at Omaha



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**Sense and Nonsense about  
Crime, Drugs, and  
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# Sense and Nonsense about Crime, Drugs, and Communities

SEVENTH EDITION



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## Foreword

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

It is, therefore, with extraordinary pleasure that I welcome the Sixth 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 readers 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 do better than the one you are now holding.

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 is still the most effective) book written to point that out. The book provides a masterful critique of the American penchant for short-sighted, metaphorical strategies to prevent 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 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 willingness to show evenhandedly how favorite strategies of diverse political agendas have as their foundation some degree of “nonsense.” If there is a lesson that this book brings to us repeatedly, it is that cherished images of crime and justice are flawed, inaccurate, and doomed to fail for particular reasons of the more or less well-known facts that we so often want to ignore 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 frequently inadvisable pet ideas about crime and crime fighting.

You want your police to be tough, to chase dangerous criminals, to 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 acting in this way, and even when they do, not much in the way of crime control 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 counterproductive. 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. But Walker is willing to tell us what makes “sense” as well. Big proposals lack much support, and politically popular proposals may be downright silly. But there are smaller, less ambitious ways in which we can contribute to a safer society, and we can do so without suspending our constitutional rights or giving up our public freedoms. One way we have learned to be smarter about crime is through the philosophy of evidence-based practice. This approach asks hard questions about criminal policy, seeking to base crime strategies on established studies that show those policies will work. Professor Walker applies the evidence-based criterion to his review of crime and justice policy: what emerges is a powerfully dispassionate analysis that gives us a carefully crafted challenge to start “making sense” in the way in which we talk about crime and 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 knowledgeable 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

The Seventh Edition marks the twenty-fifth anniversary of *Sense and Nonsense about Crime*. Much has changed over that quarter of a century, in American society and in criminal justice. It has been an exciting challenge to keep pace with those changes and make sure that this edition is relevant to current developments.

When the first edition appeared, crack was just beginning to appear on the streets of America. One result was an epidemic of gun violence among young men. Some criminologists predicted that youth homicides would continue to soar. They didn't. Instead, serious crime, including homicide, began a completely surprising decline that is unprecedented in America. In New York City and other cities, violent crime has dropped to levels not seen since the early 1960s. Keeping track of these changes, and attempting to explain them, has been an important but necessary task. When the first edition of this book appeared, policymakers and criminologists were in the midst of a fierce debate over "career criminals." The questions of the day were how to identify that small group of offenders and what would be the impact of different policies that targeted them. You don't hear much about career criminals today, however. Policies that were hot new ideas twenty-five years ago did not work out, criminological research undermined most of the underlying assumptions, and the policy debate has moved on.

The Seventh Edition of *Sense and Nonsense* has a new subtitle, *Crime, Drugs and Communities*. This is the second change in the subtitle since the First Edition, as I have attempted to keep the book relevant to a changing world. The focus on communities began with the Sixth Edition and is now incorporated into the subtitle. As you will learn in this edition, the most important innovations in crime policy have a community focus: community policing, community prosecution, and prisoner reentry programs that look at the environment to which people leaving prison return.

The new edition continues the “nonsense” theme of the First Edition. We continue to have crime policies that are not supported by empirical evidence and which, in many cases, only make matters worse. Chapter 7 has a new section on sex offender registration and notification laws, which often include restrictions on where sex offenders can live. As you will learn, these requirements cover many offenders who are not going to be dangerous predators; As a result, law enforcement and corrections officers carry huge caseloads and struggle to focus on the few offenders who really do pose a possible risk to the community.

At the same time, the Seventh Edition is somewhat different from earlier editions because it puts a greater emphasis on the “sense” theme. There is growing evidence that some programs actually do work, in large part because they are solidly rooted in the best criminological research. People often ask if academic research ever makes a practical contribution to crime policy. The answer is that yes, some of it does. As you will learn, there is an emerging consensus that some—but not all—problem-oriented policing programs, drug courts, and community prosecution programs can be effective. Most interesting, as you will learn in Chapter 6, is that some of the programs may actually make deterrence work in ways that traditional programs have not.

This is an exciting development, and future editions of this book will assess whether this promise is fulfilled in practice.

New elements in the Seventh Edition include the following:

- Chapter 1 discusses the resource crisis in criminal justice, where the economic recession of 2008–2010 has cut government budgets and made it difficult for agencies to either maintain their current programs or develop innovative ones.
- Chapter 2 discusses the horrific Garrido kidnapping and rape case in California, which raises serious questions about the effectiveness of sex offender registration laws and the capacity of the system to identify and monitor repeat predators.
- Chapter 2 also discusses the parole crisis in California, which involves a hidden system of “back-end” sentencing where more people enter California through parole revocation than a court sentence.
- Chapter 3 has new material on wrongful convictions.
- Chapter 4 replaces the outdated emphasis on career criminals with a more relevant focus on the prediction problem in criminal justice.
- Chapter 5 has brand new material on closed circuit television (CCTV) cameras as a crime prevention tool. They are presented here as a form of police “patrol.”
- Chapter 6 has an important new discussion of how some problem-oriented policing programs may deliver a message of deterrence far more effectively than traditional programs.
- Chapter 7 has new material on sex offender notification and registration laws, with special emphasis on how they deliver a false promise of security to the public.

- Chapter 8 examines the impact of plea bargaining reforms and looks at whether they really change anything.
- Chapter 9 has a revised discussion of the failure of states to implement their own victim's rights laws, with reference to the discussion of the courtroom work group in Chapter 3.
- Chapter 10 includes a discussion of the Supreme Court decision in *District of Columbia v. Heller* that declared the Washington, DC, ban on guns unconstitutional, and how the decision affects other gun control efforts.
- Chapter 11 has a greatly expanded examination of drug courts, and a discussion of why they are often more effective than other treatment programs.
- Chapter 12 offers new evidence for the growing interest in procedural justice and whether it can reduce crime by getting more people to obey the law.
- Chapter 13 includes new material on the impact of the Mexican drug cartels on crime and violence in the United States.
- Chapter 14 continues and expands the discussion begun in the Sixth Edition that ties together promising new developments in different areas of the criminal justice system.

## ANCILLARIES

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## DEDICATION

I would like to dedicate this book to Mary Ann Lamanna, who has been a wonderful companion over the past quarter of a century. As I am completing this Seventh Edition, she is working on the Eleventh Edition of her book (so I guess I have some work to do). But despite the demands of publishing deadlines, she knows that there is always time for a movie.

## ABOUT THE AUTHOR

Samuel Walker is Isaacson Professor of Criminal Justice at the University of Nebraska, Omaha, where he has taught for over thirty years. He is the author of thirteen books on policing, criminal justice history and policy, and civil liberties. His most recent books include *Police Accountability* (Wadsworth, 2001) and *The New World of Police Accountability* (Sage, 2005). His current research involves police accountability, focusing primarily on citizen oversight of the police, and police early warning (EW) systems. Professor Walker currently serves on the Panel on Policing of the National Research Council of the National Academy of Sciences.

Samuel Walker



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