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## A Better Approach to Violent Crime

If we're going to end mass incarceration in the U.S., it will mean figuring out better ways to prevent violent crimes and to deal with those who commit them



PHOTO: GETTY IMAGES

By JOHN PFAFF

346 COMMENTS

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In our politically fractured age, the problem of mass incarceration is one of the very few issues that brings liberals and conservatives together. The shocking facts of our criminal justice system are surely one reason for this. The U.S. is home to 5% of the world's population but **25% of its prisoners**. Our incarceration rate is 19% higher than Turkmenistan's, 36% higher than Cuba's and 57% higher than Russia's—all repressive regimes. No other liberal democracy has an incarceration rate anything like ours, which is more than 370% higher than the U.K.'s and almost 800% higher than Germany's.

In recent years, a bipartisan coalition of politicians, think tank scholars and reformers has sought to rein in and reform the worst excesses of our system. Liberals often approach mass incarceration as a problem of injustice and structural racism, while conservatives frequently see it as one of government overreach and overspending. These reformers have focused most of their efforts on changing state laws, since **almost 90% of all prisoners** are incarcerated by the states.

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Their accomplishments so far have been commendable but slight. After rising by more than 495% between 1978 and 2009, the prison population in the U.S. fell by about 5%

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than 40% between 1970 and 2009, the prison population in the U.S. fell by about 5% between 2010 and 2015, according to data from the federal Bureau of Justice Statistics. It's a decline, to be sure, but a small one—and almost half that drop occurred in California alone. By comparison, violent and property crime rates have been cut by more than half since peaking in 1991. The U.S. crime rate is about the same as it was in 1970, but our incarceration rate is nearly five times higher.

Declines in the prison population have been small primarily because most reforms focus on the wrong causes. Those on both the left and the right have bought into a conventional wisdom that emphasizes drug offenses over violent crimes. The left—citing the work of writers such as Michelle Alexander, author of “The New Jim Crow: Mass Incarceration in the Age of Colorblindness”—tends to overstate the impact that the war on drugs has had on incarceration, while the right resists reforming severe sanctions for violent crimes.

The result is that almost all recent reforms aim to reduce sanctions for people convicted of nonviolent crimes, drug offenses in particular. Unfortunately, reducing sanctions for drug offenses and other nonviolent crimes won't lead to the dramatic declines in prison populations that many hope for.

Most Americans believe that a majority of those in prison are serving time for drug offenses, but the reality is that only about 200,000 of the 1.3 million people in state prisons—under 16%—fall under that heading. (The proportion is only slightly higher if we also include the much smaller federal prison system.) By contrast, more than half of all inmates in state prisons—over 700,000 people—have been convicted of violent crimes.

For all the attention that the media has paid to people given drastic sentences for drug crimes, almost everyone in prison serving long terms has been convicted of a violent act, often a serious violent crime. Even if we released every single person convicted of a drug crime from state and federal prisons, the U.S. would still have over 1.25 million people locked up—a rate of incarceration more than four times higher than in 1970.

If we are serious about ending mass incarceration in the U.S., we will have to figure out how to lock up fewer people who have committed violent acts and to incarcerate those we do imprison for less time.

There is an obvious rejoinder, of course: Don't we need to keep people convicted of violence locked up for long periods? Isn't this how we've kept the crime rate down for so long?

The answer to both of those questions is, “No, not likely.” Simply put, long prison sentences provide neither the deterrence nor the incapacitation effects that their proponents suggest. (There may be moral arguments for long sentences, but that is a separate issue from public safety.)

Consider deterrence. It seems logical that long sentences would scare people away from committing crimes. But a [long line of studies](#) makes it clear that longer sentences don't really deter would-be criminals. Those contemplating crime often don't know how long sentences are, or even that sentences have gotten longer.

More important, those who are most likely to engage in violence and antisocial behavior tend to be very present-minded. They don't think a lot about tomorrow. What really deters them, if anything does, is the risk of getting caught in the first place: policing and arrests, not prison sentences.

But our policies generally get this backward, emphasizing punishment over police work. Even as states have passed tougher and tougher sentencing laws, the rates for solving crimes have remained low, even for serious offenses. In 2015, around 60% of murders resulted in an arrest (down from over 80% in 1970). Police made arrests in only half of all serious assaults that year, and in about a third of all robberies and forcible rapes.

Even if longer sentences don't deter, however, perhaps they are effective at incapacitating people who pose serious risks? At one level, this is inarguably true: As long as someone is in prison, he cannot hurt someone else (at least no one outside of prison).

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*‘There are real costs to keeping people locked up too long.’*

But if incapacitation is the goal, our policies should detain someone only as long as necessary but no longer. The U.S. spends about \$200 billion a year on criminal justice, and about \$80 billion just on corrections. There are real costs to keeping people locked up too long

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and admitting too many people to prison in the first place.

“Violent offender” is a common term in the criminal-justice debate, but it points to a deep problem in how we approach incapacitation. Calling someone convicted of a violent crime a “violent offender” suggests that this identity is who he is: He is a violent person. But, with very few exceptions, this is incorrect.

Violence is a phase, not a state. People age into violent behavior and age out of it: A 24-year-old is more violent than a 7-year-old or a 60-year-old. It’s true that some people are more prone to violence than their peers, but almost everyone exhibits some sort of [bell-curved trajectory](#) of violence over their lives. Young men are simply more prone to violence than any other demographic group.

It is almost impossible, however, to predict how violent a young person will be in the future. Imposing harsh sanctions for a first violent act needlessly detains many people who are not serious future risks. In addition—and somewhat counterintuitively—by the time a person in his 30s has generated a long criminal history suggesting that he poses a continuing risk, he is likely to have started “aging out” of crime, violent behavior in particular.

A prominent [study](#) of hundreds of at-risk men that tracked their behavior from ages 7 to 70, for example, found that most started to engage in crime in their late teens and began to stop in their mid to late 20s. Only about 10% continued to offend consistently into their 30s, and only about 3% did so at high rates.

California has tested this proposition. Since 2012, the state has granted early release to over 2,000 people convicted under its harsh three-strikes law, and their recidivism rate has been about a 10th of the state average (4.7% vs. 45%)—due in no small part to the fact that those released early are often in their 40s and 50s and thus no longer likely to offend.

Whether aimed at younger or older defendants, lengthy incapacitation often imposes substantial, avoidable costs—not just on prison budgets but on society at large, which loses many people who might otherwise be productive citizens. A long prison sentence also undermines someone’s ability to find the stabilizing influence of a job or a spouse, thus increasing the long-run risk that he will reoffend.

The good news is that a growing number of proven tactics can keep violent crime low, and perhaps reduce it even further, without relying as much on prison. If governments lock up fewer people for violent crimes, they can use some of the savings to help fund these alternatives.

One widely adopted approach is what experts call “focused deterrence,” which was first tried, with great success, in Boston in the mid-1990s. Aimed at reducing the violence associated with gang membership, the program brings gang members together with the police, social-service providers and respected members of the local community. They are told that if violence continues, the police will crack down quickly and severely. Those who agree to put violence behind them, however, are offered help with housing, education, drug and alcohol treatment and other services, and community leaders make a moral plea to them.

Such programs have had a [significant effect](#) on street violence in many places. Nine of the 10 high-quality studies that have been done on focused deterrence report strong impacts—a 63% decline in youth homicides in Boston, a 35% decline in murders among “criminally active group members” in Cincinnati and so on.

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A related but less conventional approach called “Cure Violence” has been tried in New York City and Chicago (and even as far afield as Rio de Janeiro and Basra, Iraq). This program treats gun violence as a public-health problem: If left “untreated,” a shooting will be transmitted to another victim, thanks to retaliation. The idea is to interrupt that cycle,

relying on people like former gang members (as opposed to the police) to help shooting victims and their friends and family find other, nonviolent ways to resolve the conflict.

Like focused deterrence, this approach also seeks to provide at-risk youth with access to

resources, ranging from housing to entertainment. In New York City, a study conducted between 2010 and 2012 found that areas where Cure Violence operated had experienced [20% fewer shootings](#) as compared with similar areas. Conversely, shootings in Chicago began to rise sharply shortly after a stalemate over the state budget resulted in a drastic cut in funding for Cure Violence in March 2015. The biggest increases in lethal violence occurred in those neighborhoods where the program had been used most widely.



Two officers talked with a member of the community as part of the Philadelphia Police Foot Patrol Experiment in Philadelphia, May 19, 2009. PHOTO: JERRY RATCLIFFE/TEMPLE UNIVERSITY

Another key tactic is “hot-spot policing.” Crime is generally concentrated in particular neighborhoods. Some studies have found that half of all urban crimes take place in [under 10%](#) of all city blocks. In Chicago, [nearly 45%](#) of the increase in murders between 2015 and 2016 occurred in only five neighborhoods, home to just 9% of the city’s population. Hot-spot policing identifies these high-crime blocks and significantly increases patrols and community involvement there.

It has produced significant results, even in nearby neighborhoods not subject to increased enforcement, which suggests that people are not simply changing where they commit crimes. The Philadelphia Foot Patrol Experiment, for example, identified 120 blocks that had high levels of violent crime and then assigned additional patrol officers to 60 randomly selected blocks for three months. Hot spots with extra patrols experienced a 23% drop in violent crime relative to those that didn’t. A [comprehensive review](#) of the hot-spot literature found that 20 out of 25 tests reported “noteworthy crime control gains.”

Finally, various forms of cognitive behavioral therapy, or CBT, often combined with mentoring programs, have also shown promise with young offenders. Much violent crime, especially physical violence like murder, is more the result of spontaneous outbursts of anger than of calculated planning. CBT tries to teach young people how to better regulate their emotions, so that an initial spark of conflict doesn’t flare up into something more dangerous.



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A wall at the Cure Violence headquarters in Staten Island, N.Y., June 8, 2016. PHOTO: SETH WENIG/ASSOCIATED PRESS

A review of 58 evaluations of the impact of such therapy on crime (most conducted in the U.S. but some in Canada, New Zealand and the U.K.) found that it reduced the risk of reoffending by about 25% on average—and by as much as 50% when conducted according to best practices. The results appeared to be strong even for those at high risk of reoffending.

Prison, in short, is by no means the only effective way to respond to violent behavior. In fact, compared with these programs, prison is likely one of the least efficient approaches that we have.

The declines in incarceration over the past six years are worth celebrating. But they are modest, in no small part because politicians are understandably afraid to confront a fundamental source of prison growth: our shortsighted policies on violent crime.

If we really hope to scale back our sprawling prison system, we must send fewer people to prison for violent crimes and keep those we do lock up for less time. Fortunately, we can preserve the tremendous reductions of violence we have experienced over the past 25 years with smarter, safer and more humane approaches.

*Dr. Pfaff is a professor at Fordham Law School. This essay is adapted from his new book, "Locked In: The True Causes of Mass Incarceration and How To Achieve Real Reform," which will be published by Basic Books on Feb. 7.*

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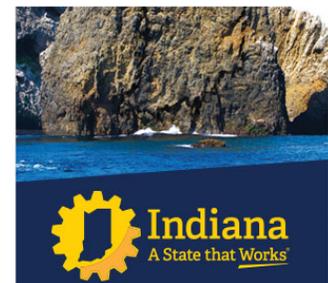
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