Crime

Michael Tonry (2005)

In this article, Michael Tonry challenges us to think about crime, not simply as a series of "bad acts" committed by "bad people," but from a holistic, sociological perspective. He examines four of the many complex dimensions of crime: criminal harms, fear, victimization, and collateral costs.

Crime is a congeries of social problems that are best thought of together but generally are not. A short list would include criminal harms, fear of crime, victimization, and collateral effects. The meanings of the first three are self-evident. By "collateral effects," I mean the unintended or incidental effects of crime and punishment on offenders, victims, and their families; their immediate communities; and the larger community.

The crime-preventive effects of punishment are a good thing, but they are purchased at a high cost in state resources and human suffering and have many unintended and undesirable consequences. Many are collateral, such as the psychological effects on children of having their mothers sent to prison or the living-standard effects of the family's loss of an imprisoned parent's income. Some are direct, such as the multiple harms done to people sent to prison and to the people who work in them as guards and in other roles. Some are indirect, such as public goods foregone when, for example, a state spends money on prison operations rather than on higher education.

This is a handbook of "social problems." It may be useful if I spell out what I mean by that term. Among many possibilities, two primary conceptions contend. The first, top-down, latches on to "social" and focuses on the processes and meanings that cause some phenomena to be characterized as problems. This is not nonsensical. Homosexuality, drug use, prostitution, or heresy are in one sense "problems" only if that is how they are conceived, and whether and to what extent they are varies with time and place. However, that a practice such as prostitution is lawful or widely accepted as socially acceptable does not mean that it does not cause social harm. Alcohol use is an example of a lawful and socially accepted practice that nonetheless has behavioral, health, and economic consequences that are widely seen as harmful.

The second, bottom-up, conception focuses on "problems" and looks at harms or social disadvantages associated with social practices. It tries to measure them, understand their causes, and look for ways they can be eliminated, reduced, or ameliorated.

This top-down/bottom-up difference in conceptions can easily be overstated. Social problems necessarily are socially constructed. Nonetheless, for crime, at least, the bottom-up conception that begins with harms and disadvantages suffered by human beings is the more useful. Many forms of violence and takings of others' property are regarded as crimes in most societies. Focusing on them empirically and building understanding upwards sheds more light than does focusing on how and why particular behaviors come to be seen as problems.

This does not mean that the flowering of a set of harms into a "social problem" is not an important occurrence. Until recognition and description by doctors of the abused-child syndrome in the 1960s or the emergence of

heightened concern about violence against women in the 1970s, child and spousal abuse were regarded as small-scale problems but quickly came to be seen as vastly bigger. Whether they did become vastly bigger is an open question. Heightened attention led to creation of new reporting and data-recording systems, to changes in laws and practices in the criminal justice and social welfare systems, and to increases in the number and influence of advocacy groups.

These developments, among many other effects, led to vastly greater reporting and recording of information about possible or alleged incidents of abuse. Whether the steep increase in the 1980s and 1990s in official estimates of the number of incidents of child abuse resulted wholly from increased reporting is unknowable, but there is wide agreement that most of it did. Likewise for domestic violence. No one doubts that much of the apparent increase in the 1980s and 1990s shown by police data resulted from changes in citizen reporting and police recording of incidents.

The social construction of phenomena into social problems has important consequences. Whether or not child and spouse abuse became more common in the 1980s and 1990s, characterizing them that way led to enormous increases in political attention and investment of public resources in efforts to address them.

Nonetheless, to understand the dimensions of phenomena that are constructed into social problems, we need first to understand their prevalence and incidence. To understand crime-writ-large as a social problem, we need to see the subject whole—as criminal harms, fear, victimization, collateral effects, and state responses. Otherwise, a complicated set of interrelated harms and disadvantages disappears from view.

In the contemporary United States, for example, crime is conceived of primarily as criminal harms. This has had a number of unfortunate effects. First, crime is seen primarily as a problem caused by criminals who deliberately choose to harm others. So seen, it seems natural to focus policy responses on criminals' bad motives or characters and to punish them, and to base prevention approaches primarily on efforts to incapacitate and deter offenders. As a result, the severity of penalties and the prison population in the United States ratcheted up continuously for 30 years beginning in 1972. In most Western countries, imprisonment rates were broadly stable or grew a little during most of that period, followed by modest increases in a number of countries in the late 1990s. By 2000, the number of people in American prisons per 100,000 population (the rate was around 700 per 100,000) was 5 to 12 times higher than in other Western countries.

Second, if the crime problem is understood primarily as the immoral behavior of individuals, there is little reason to invest heavily in treatment programs. Criminals don't deserve to have their immoral behavior rewarded. And in any case, there's no reason to suppose that treatment programs will prevent crime any better than do deterrent and incapacitative strategies. As a result, rehabilitation programs withered away in prison and community settings beginning in the mid-1970s, and probation and parole redefined their core missions from treatment and support to control and surveillance. Many Western governments, especially in Germany, the Netherlands, and Scandinavia, make much larger investments in treatment and educational programs for offenders than occurs in the United States. There is ample evidence that many well-run programs can reduce future offending so the American failure to invest in them means that less crime is prevented that at reasonable expense could be and that victims and offenders both suffer unnecessarily.

Third, if crime is primarily the result of criminals' immoral choices, there's little reason to invest in crime prevention efforts outside the criminal justice system. Most Western countries, including notably Belgium, Denmark, England, France, the Netherlands, and Sweden, have established major crime prevention agencies that develop programs of developmental, community, and situational prevention. There is no comparable American agency.

Failure to invest more money and energy in prevention is unfortunate because there is substantial evidence that many developmental and situational crime prevention programs are effective. Developmental prevention programs identify factors in children's lives that put them at particular risk of becoming involved in crime, drug use, or other forms of antisocial behavior, and attempt to reduce the influence of those factors. Situational prevention programs attempt to redesign products, buildings, and processes to make them less vulnerable to crime. Cost-benefit analyses show that developmental programs in particular are considerably more cost-effective crime preventatives than are harsher punishments.

Fourth, if policymakers focus primarily on offenders, there is little reason to think about victims or others who are affected by crime and responses to it. Victims' rights and interests, for example, received little attention in the United States until the 1980s, and even today, the principal programs for victims are funded not from general government revenues, but from fines and other financial penalties paid by offenders. And programs remain much less comprehensive than in other countries. In England, for example, a state-funded program

called Victim Support has since the 1960s organized visits and support from volunteers for most victims of nontrivial crimes.

But other people who are affected by crime and its consequences have also been overlooked. These include offenders, who are stigmatized when they are convicted or sent to prison. Offenders sent to prison may lose their jobs or families, become socialized into deviant values, and emerge from prison with a shorter life expectancy and lower annual and lifetime earnings than other people. If a large proportion of young men are sent to prison, they aren't available as partners for young women or as workers. Partners and children are affected by what happens to offenders, and if offenders are concentrated, as they are, in particular neighborhoods, then the neighborhood will be damaged as a functioning social organism.

So, those are some reasons why, if we want to understand crime as a social problem, we need to look at it as a whole and not simply in terms of bad acts of bad people. This is not a new idea. More than 200 years ago, Jeremy Bentham, the utilitarian theorist, argued that the only justifiable policies for dealing with crime were those that minimized human suffering or maximized human satisfaction, taking everybody, including offenders, into account. He concluded that punishments cannot be justified if on balance they cause more harm than they prevent.

Criminal Harms

Crime is a pervasive phenomenon in industrialized Western societies. A core set of behaviors—killings (murders and manslaughters), inflicting significant injuries (various kinds of assaults), forcible or abusive sexual relations (rape), stealing (theft or larceny, and if by force or threat of force, robbery), serious cheating (fraud), entering property with bad motive (burglary)—is everywhere counted as serious crime. Drug dealing and trafficking are regarded as serious crimes in most places, as is procuring for prostitution. Behaviors commonly regarded as less serious crimes include shoplifting, drug use and possession, gambling, prostitution, and driving under the influence of drugs or alcohol (DUI). In this chapter, I attend almost exclusively to the core set of commonly recognized serious crimes, and I don't discuss organized crime, transnational crime, or gangs. What distinguishes these groups is not the kinds of crimes they commit—garden variety violent, property, and drug crimes mostly—but the threats that their organizations present. I also don't discuss white-collar crime or political crime.

In most Western countries, violent and property crime rates have been falling or stable from the early 1990s through the beginning of the new century. Figure 25.1 illustrates this for the United States. It is based on data collected from police departments and published by the Federal Bureau of Investigation (FBI) in the Uniform Crime Reports (UCR). It shows reported crime rates for 1960 through 2000 for murder, rape, robbery, burglary, and motor vehicle theft. Because my interest here is in crime trends rather than in absolute levels, some rates have been multiplied or divided by 10 so that they can all be shown in one figure. Rates for all offenses peaked around 1980 and again in 1990, and since then have fallen steadily.

A similar pattern, though typically with the peak slightly later, characterizes most Western countries. This can be shown using official police data from individual countries, but it is difficult to make cross-national comparisons. That is because offenses are defined differently in different countries and statistical recording systems vary substantially. Consequently, when official data from two countries are compared, it is very difficult to know whether the same things are being measured in both. To remedy this, the International Crime Victims Survey (ICVS) is administered approximately every 4 years in a sizeable and increasing number of countries. Because the ICVS uses the same questions, the same definitions of crimes, and the same data collection method in each country, it is the most credible source of comparative knowledge of victimization trends.

This section discusses the harms caused by major categories of crime and recent trends in their occurrence. Harms vary from clear and unambiguous to unclear and disputed.

The harms caused by violent crimes, and therefore why they are everywhere taken seriously, are self-evident. They cause or threaten death, pain, or sexual violation and attendant adverse consequences to their victims, and vicarious suffering for victims' loved ones.

The harms caused by property crimes are sometimes more uncertain. Many losses suffered by businesses from shoplifting or other thefts are regarded as costs of doing business and are taken into account in setting prices. A business that experiences less theft than it expected will, in a sense, receive a windfall. It has made customers pay more than they otherwise would have had theft losses not been overestimated. An insured private citizen may benefit from losing property in a theft. Many insurance policies provide "replacement cost coverage," which means that theft of a two-year-old television will result in purchase of a new one. This may provide a collateral benefit to the economy since it provides demand

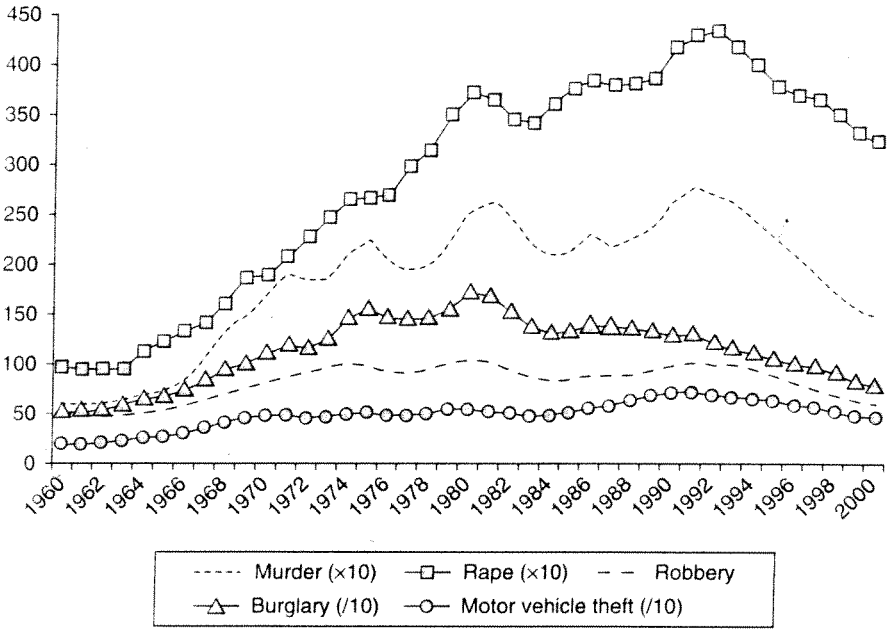

Figure 24.1 Reported Crime Rates, United States 1960–2000 (per 100,000 Population), Murder, Rape, Robbery, Burglary, and Motor Vehicle Theft

for new products, and since insurance premiums are actuarially calculated, the cost of the new television has been taken into account in setting the premium. Many victims, of course, lack insurance or have policies that make them pay part of the loss. There are also ancillary harms caused by thefts such as the inconvenience of being without something and having to take the time to replace it. Finally, thefts are unethical acts and undermine people's senses of confidence and security.

The harms caused by other crimes are even harder to characterize. For drug crimes, for example, it is hard to know whether drug use or drug law enforcement causes the greater harm. Many argue that the effects of use of drugs other than alcohol are relatively modest—some adverse health effects, some reduction in workforce participation, and some reductions in responsible parenting and citizenship—compared with the effects of drug law enforcement. Because drugs are illegal, they must be purchased from people willing to accept the risks of breaking the law, and prices are much higher as a result. Illegal drugs must be purchased under dangerous circumstances, and there are no assurances that they are what they are represented to be or that they are not contaminated. Many addicted users sell drugs, work as prostitutes, or commit burglaries or street crimes in order to buy drags at artificially high prices. Police tactics in drug law enforcement raise difficult civil liberties questions. And the police, court, and correctional costs of handling drug offenders in the United States total many billions of dollars. Many people, however, think of drug use primarily as a moral issue and that the kinds of costs and consequences described above are regrettable, but in the end necessary.

One last crime, DUI, illustrates why many crimes raise difficult policy dilemmas. No one questions that alcohol is much the most costly abused drug in the United States. Its abuse causes hundreds of thousands of deaths of users per year, leads to billions of dollars per year in lost economic productivity, and contributes annually to tens of thousands of motor vehicle accidents each year that lead to hundreds of thousands of injuries and 10,000 to 20,000 deaths. Yet alcohol use and sale remain legal, and the criminal justice system response is a combination of mass media consciousness-raising campaigns, small-scale mandatory jail term policies for DUI recidivists, and (usually, though not always, short) prison sentences for DUI-caused deaths. Americans clearly feel much more ambivalently toward alcohol than toward marijuana, heroin, or Ecstasy.

The differing kinds of harms that various crimes threaten illustrate why scholars study the social construction of crimes. For some kinds of property crimes, for example, plausible arguments exist that they cause relatively little economic harm, and yet they are everywhere made criminal. Conversely, plausible arguments exist that many violations of environmental laws cause very great

social and economic harm, and yet they are seldom criminally prosecuted and less often result in prison sentences. The different ways the criminal law and the criminal justice system handle alcohol and marijuana provide even starker examples of how historical, economic and social class, and ideological influences shape how America addresses objectively parallel social problems.

Victimization

The data on American crime trends shown in Figure 24.1 are from the UCR that the FBI annually compiles. The FBI data have been available since the late 1920s. There are, however, a number of well-known problems with police data. They are underinclusive. Many crimes are never reported to the police, often because they are not serious or because victims believe the police can do nothing about them. Some crimes are reported to the police, but they do not enter the FBI data because the police do not record them; sometimes because they don't believe the crime occurred; sometimes because they don't think it was serious; and sometimes for reasons of inefficiency or official policy.

Victimization surveys were invented in the 1960s to serve as a second source of crime trends and to learn about crimes that are either not reported to the police or are not recorded by them. Since 1973, the U.S. Bureau of the Census, on behalf of the U.S. Bureau of Justice Statistics (BJS), has surveyed 40,000 to 60,000 households every six months to learn about crimes committed against household members. The sample of households is selected so that it is representative of the overall U.S. population. The survey is called the National Crime Victimization Survey (NCVS).

Police data on recorded crimes and victimization data are not exactly different measures of the same thing. Partly this is because many events that people consider crime victimizations are never reported to the police. More important, though, it is because many crimes do not have easily identifiable individual victims. This is true not only of white-collar and organized crime but also of drug crimes, many "morals" crimes (prostitution, illegal gambling, pornography), traffic crimes, and vandalism. Such actions are defined as crimes because legislators believe they cause damage to the community. In addition, businesses are the victims of many property crimes, including shoplifting, burglary, and embezzlement. Not having individual victims, none of these categories of crime are measured by victimization surveys.

Figure 24.2 shows NCVS victimization rates for six crimes for the period 1980 through 2000. As in Figure 24.1, some rates have been divided by 10 so they can all be shown in one figure. The patterns parallel those from UCR data shown in Figure 24.1. Reported victimization for all six offenses declined from around the early to mid-1990s, some from peaks (e.g., auto theft and assault), and others as extensions of long-term downward trends (e.g., rape, burglary, theft).

Victimization surveys can be done in many ways, including face-to-face interviews, telephone interviews, Internet questionnaires, and self-completed paper questionnaires. Each has advantages and disadvantages. In the NCVS, most interviews are face-to-face or by telephone. In the ICVS, most are by telephone.

Having one-on-one encounters, whether in person or over the phone, provides the opportunity to ask not only about crime but also about other subjects. The NCVS confines its questions to crime victimization and very closely related subjects, such as fear of crime and whether and why crimes are reported to the police. The ICVS and the British Crime Survey (BCS), the largest national victimization survey outside the United States, ask questions about a much wider range of subjects, including confidence in the police, courts, and other agencies; opinions about sentencing; and actions taken to prevent crime, such as installation of burglar alarms, staying in at night, and other self-protective measures. The next section discusses fear of crime. This one mentions a few other findings.

First, the BCS and the NCVS show that crime victimization is not equally spread. In English-speaking countries, men are more likely to be victimized by crime than are women, blacks than whites, Hispanics than non-Hispanics, and city dwellers than suburbanites and people living in small towns and rural areas. These patterns hold true overall and are even more pronounced for violent crimes.

Second, victimization is not randomly distributed by age. Both for violent crime and for theft, the most common property crime, in the United States, 16- to 19-year-olds have the highest victimization rates, followed by 12- to 15-year-olds and 20- to 24-year-olds.

The elderly, though the group most fearful about crime, have much the lowest likelihood of victimization.

Third, there are pronounced income patterns in crime victimization. Victimization risks are inversely correlated with income. The NCVS, for example, divides its respondents into seven household income bands from under $7,000 to over $75,000. The risk of violent crime

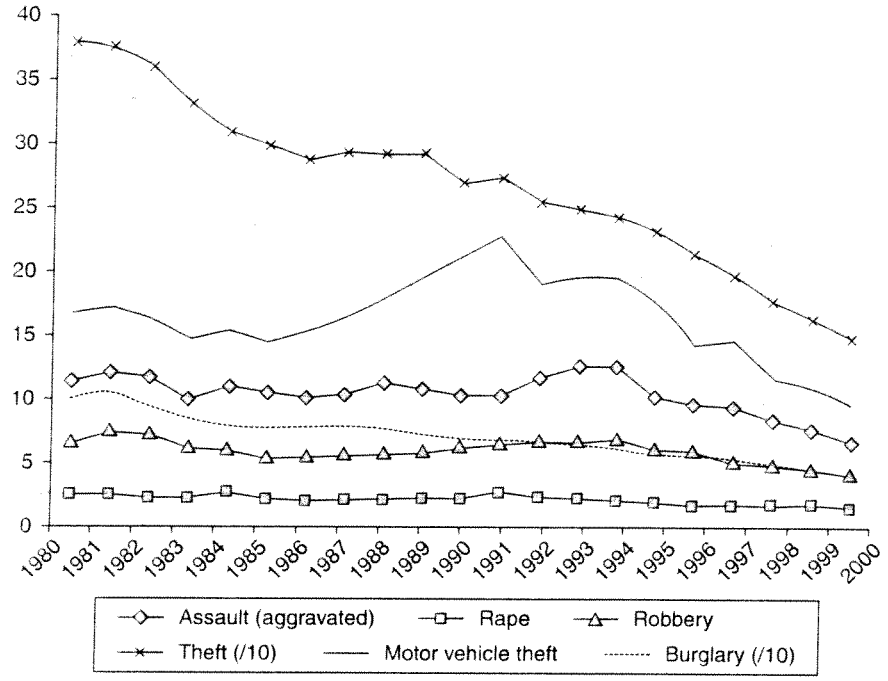

Figure 24.2 NCVS Crime Estimates, 1980–2000

victimization is highest for the lowest-income group and drops successively in each higher band. The violent risk for the lowest income group (7 percent are victimized) is 2.5 times that of the highest group (3 percent). For theft, victimization rates are highest for the lowest-income group and then decrease through the fifth group, after which they stabilize.

Fourth, approximately half of all crimes are reported to the police. Though the broad patterns of findings from all representative victimization surveys are similar, I use ICVS results for illustration. Results from a 1996 survey of 11 industrialized countries showed that, on average, 50 percent of victimizations were reported to the police. Swedish and Swiss respondents were at the high end, reporting 57 to 58 percent of victimizations to the police, and France and Northern Ireland were at the low end, reporting 47 to 48 percent. There were three principal reasons why crimes were not reported. Much the most common was that the crime wasn't serious enough or nothing was lost. The second most common was that people "solved it themselves" or it was otherwise just not appropriate to call the police. The third was that the "police could do nothing." The three most common reasons for not reporting in the United States in 2001 were similar: "reported to another [that is, not police] official," "private or personal matter," "object recovered; offender unsuccessful," and "not important enough."

American crime reporting rates are somewhat lower. In 2001, NCVS respondents indicated that they had reported 49 percent of violent crimes to the police and 37 percent of property crimes. Ordinary theft was the least likely crime to be reported (30 percent of the time), and auto theft the most likely (82 percent). Violent crimes, depending on what they were, were reported to the police 40 to 55 percent of the time.

Fear

Fear of crime in recent decades has worried policymakers almost as much as crime itself. There are several reasons for this. First, public opinion research in the 1990s showed that fear of crime remained high even though crime rates fell steadily. Ordinary citizens cannot be presumed to know much about crime statistics, but in the 1990s, the decline in crime rates was so great and received so much attention in both newspapers and television news shows that few people could not have heard. Why might fear of crime have remained persistently high? One reason might be that rates, though lower, remained above some absolute level that causes widespread fear. Another might be that politicians often in the 1980s and 1990s ran on "tough on crime" platforms, and

the campaigning and related media attention created a false impression of a growing crime problem in people's minds. Whatever the reason, if citizens are fearful, policymakers are concerned that voters will hold them responsible.

A second reason why policymakers worry about high levels of fear of crime is that it weakens neighborhoods and communities. If people are fearful, they won't go out as often or at particular times, for example, at night. If they are fearful in the communities where they live, they are likely to go elsewhere for recreation and shopping, and their own neighborhoods will deteriorate.

Researchers evaluating police-patrolling experiments in the 1970s (police in cars versus on foot, one- versus two-officer police cars, high-visibility versus low-visibility patrolling) found that most of the experiments had no effects on crime rates but that more visible policing, especially foot patrol, reduced fear of crime. If fear of crime undermines communities and neighborhoods, the lesson was that more visible policing will reduce fear and some of the time, at least, strengthen neighborhoods.

The NCVS does not devote much attention to fear of crime. The closest proxy questions ask people whether they believe crime is increasing, decreasing, or staying about the same. People who think crime is getting worse will be more likely to be fearful, or to be more fearful, than people who think crime is decreasing. The Gallup Poll asked a representative sample of Americans this in 2001, when American crime rates had been falling for a decade. Overall, 41 percent thought crime rates higher, and 43 percent thought them lower. The breakdowns, however, are striking. Women (49 percent) were much more likely than men (33 percent) to think crime rates were higher, blacks (56 percent) than whites (40 percent), high school dropouts (54 percent) than people with graduate training (16 percent), and people who earned less than $20,000 (57 percent) than people who earned more than $75,000 (24 percent). The ICVS shows the same patterns in other countries.

Fear is based on information, whether true or false, and therefore often on stereotypes. People know about society in general from the mass media but know about their own communities and neighborhoods from personal experience. One consequence is that we tend to think things are worse elsewhere than where we live. In 2001, for example, a representative sample of Americans was asked whether crime nationally was better, worse, or about the same. Forty-one percent said there was more crime, 43 percent said there was less, and 10 percent said about the same. When the same question was asked about "your own area," 26 percent said there was more crime, 52 percent said there was less, and 18 percent said it was about the same.

The ICVS asks more questions about fear than does the NCVS. Its data offer a fuller picture. There are substantial national differences in the pervasiveness of fear of crime. In the most recent (2000) survey, 35 percent of respondents from Poland and Australia said they felt unsafe on streets in their neighborhoods at night, compared with around 15 percent in Canada, Sweden, and the United States. The average rate for 16 countries was 23 percent. The cross-national fear-of-crime findings on men versus women, majority versus minority residents, and rural versus urban respondents parallel those for the NCVS. Probably not surprisingly, people who have been victims of violence or of burglary are more fearful on the streets and at home than are people who have not been victims.

Victims' Burdens

Only in the past 30 years have collateral effects of crime and punishment received much attention from policymakers, researchers, and policy analysts. State systems of prosecution, trial, and punishment began to take shape hundreds of years ago, in part to bring crime within the province of the organized state and thereby to forestall vigilantism and private revenge. Crimes came to be seen as offenses against the state. The victim might have an important role to play as witness, but the legal action set the state against the defendant. A widespread conceptualization formed that the fundamental issue in a criminal case is whether the state can satisfactorily demonstrate, usually by proof beyond a reasonable doubt, that the defendant committed a crime and accordingly that the state has authority to deprive him of life, liberty, or property.

That image, though it is fundamentally important in a society that values individual liberty, does not allow much of a role for the victim. As a result, few governments had programs to help victims of crime deal with physical, emotional, and financial consequences of their victimization. Because the trial pitted the state against the defendant, pretrial procedures and trials were organized around the interests and convenience of the lawyers and the defendant. Thus, if the trial were continued many times, the victim might time after time take a day off work to testify at a trial only to find that it had been rescheduled. Similarly, because the victim was not a party to the prosecution, courts generally lacked authority to order offenders to pay restitution to victims.

To remedy these things, beginning in the 1970s, a number of initiatives occurred. Initially in a small number of American jurisdictions, but by the 1990s in most jurisdictions, courts and prosecutors established victim and witness offices. Their job was to help victims understand the court process, notify them when they had to appear in court and of changes in schedule, and sometimes to help arrange transportation to the courthouse.

By the early 1980s, the "victims rights" movement took shape and pressed a variety of claims: for victim restitution as part of the offender's sentence, for a right to testify in trials and sentencing and parole hearings, for the preparation of a "victim impact statement" in every case, for a right to be notified when "their" offender had a release hearing or was released, and eventually for enactment of a "Victim's Bill of Rights" as an amendment to the U.S. Constitution. The constitutional amendment never passed, but many states enacted victims' bills of rights and established many of the proposed victims' policies.

The federal Victims of Crime Act passed in 1984 and set up a Federal Crime Victims Fund that receives moneys paid by federal offenders as fines and as explicit victim compensation penalties. It also receives money forfeited by federal offenders, and, as many white-collar and drug defendants forfeit large amounts, the fund in the 1990s contained hundreds of millions of dollars. Much of this is paid out to states according to formulas and is supposed to be spent to fund state programs that address crime victims' needs. Otherwise, crime victims receive only whatever services and funds are available under general state and federal welfare programs. These are typically not generous in the United States, and crime victims are treated no better than anyone else who qualifies for help.

Victims of crime in other countries benefit both from state-funded services and support, such as that provided by England's Victim Support, and also from general state welfare and medical programs. As these are typically more generous and better funded than such programs in the United States, victims in other Western countries are better treated.

Crime causes emotional and physical suffering for victims. It also imposes financial costs, including lost earnings, out-of-pocket expenditures for medical and mental health care, the value of lost money or property, and costs of replacement and repair of lost or damaged property. Some efforts have been made to estimate these things, among other costs of crime and punishment. I discuss this in the next section.

Collateral Costs

A cost-benefit literature on the costs of crime emerged in the 1980s. Much imagination was invested in calculating the costs of crime and the criminal justice system, but no one thought to take the offender and his costs and suffering into account. The principal aim was to calculate whether "prison works" in the sense that the economic value of crimes prevented through locking people up outweighed the costs of operating the criminal justice system, including the prisons.

The earliest article, by Edwin Zedlewski of the U.S. National Institute of Justice, concluded that for one average prisoner, "A year in prison [at] total social costs of $25,000" would produce a saving of "$430,000 in [reduced] crime costs." Zedlewski assumed that each person locked up would commit 173 crimes per year if at liberty. His article provoked a fierce response. Should the costs of the police be included in the calculation, since every society has a police force? Should crime prevention costs, from burglar alarms to private security firms' fees, be included? Were the estimates of the numbers of crimes prevented per locked-up offender accurate or even remotely plausible? Should both incapacitative and deterrent effects be predicted, or only incapacitative effects?

Gradually, over time, the estimation techniques improved, and general agreements were reached about what should be taken into account. The most striking development, and the most influential, was a series of estimates of victims' direct out-of-pocket expenses, their pain and suffering, and their risk of death that were provided by economist Mark Cohen. For most crimes, the intangible costs of pain and suffering and risk of death far outweighed out-of-pocket costs. For rape, direct costs totaled $4,617, intangible costs $46,441. For personal robbery, direct costs totaled $1,114, intangible costs $11,480; for assault, it was $422 and $11,606. Cohen developed these estimates by adapting data from jury awards in tort (accident) cases and applying them to economic analyses of crime.

This was a cockamamie thing to do. Only very serious accidents result in jury awards (most are settled), and he was thus using data on the most serious accidents to estimate the costs of average crimes. Jury awards are inflated to include attorneys' fees (a third to a half of the total). Cohen's inflated estimates, however, soon became widely used. This is probably because they were the only ones around.

Whether Cohen's estimates are plausible, however, is not the point. What is important is what is missing. Nowhere in this literature, including even in vigorous critiques of its quality and value, did anyone take account of offenders. A prison sentence entails pain and suffering by the offender. During the period behind walls, he is denied liberty, deprived of the company of loved ones, and exposed to the dangers and degradations of prison life. When he is released, he will be stigmatized and face numerous obstacles to resuming a normal life. These range from ineligibility for many professions, inability to vote, and employer resistance to employing ex-cons. He will after prison have lower life chances, life expectancy, and lifetime earnings than if he'd not spent time in prison. His family also will have suffered, economically, socially, and psychologically, if it survived intact.

Social scientists did little better than economists in relation to the effects of punishment on offenders. My 1995 *Malign Neglect* was one of the first calls for attention to collateral effects of imprisonment for prisoners, their families, and their communities. When, in 1997, I commissioned an essay from John Hagan and Robin Dinovitzer on the collateral effects of punishment, they had to report that the literature was fragmentary and fugitive, though they did their best to pull it together. On many important subjects—for examples, the effects of a parent's imprisonment on children's development and well-being or the effects of imprisonment on offenders' later health and life expectancy—there was no respectable social science literature. The inattention is beginning to end, and work is beginning to appear on the effects of imprisonment on prisoners' communities and on collateral costs more generally.

Social workers and health care workers, of course, have long known about the collateral effects of imprisonment for prisoners and their families. When parents who formerly supported the family go to prison, families must often apply for food stamps and income support. When caregivers, usually mothers, go to prison, child care agencies must arrange foster care or placements with responsible relatives. When children raised in broken and impoverished homes fail in school, participate in gangs or drug abuse, and manifest mental health problems, state agencies must respond. Such consequences were known and, however inadequately, addressed by care providers, however little systematic attention they received from academics.

First, both quantitative and qualitative literatures show that imprisonment reduces offenders' job prospects and their average and lifetime earnings. Insofar as ex-prisoners support partners and children, they too experience reduced standards of living and often lesser life chances than they would otherwise have had. Reduced job prospects should be no surprise. Prisoners lose their jobs when they go to prison. When they come out, they bear the stigma of being ex-cons and find that many employers do not want to hire them at all, or only for low-pay dead-end jobs. Self-esteem and self-confidence plummet for many, and planning for the future becomes difficult. That family break-up, social failure, and mental health problems follow should be no surprise. These in their turn make prospects of good jobs and good earnings worse.

Second, as sociologist William Julius Wilson showed, though few researchers have followed this up, imprisonment impedes family formation and thereby undermines communities and increases the number of children raised in disadvantaged single-parent families. Wilson calculated, from census data, the number of "marriageable males" per 100 women of the same age and race in urban neighborhoods. By this, he meant employed men. He learned that the number of marriageable (employed) young black men for every 100 young black women had declined steadily throughout the 1970s and 1980s and was lowest for young blacks among all age-and-race combinations. A principal reason for this is that since the late 1980s, nearly a third of young black men are at any time in prison or jail or on probation or parole. In other words, because so many more black men were sent to prison in the 1970s and 1980s and suffered the stigma of being ex-convicts afterwards, there were simply fewer attractive potential marriage partners around for young urban black women than in earlier times. Chances of formation of two-parent families declined.

Third, sociologist Todd Clear and others have studied the effects on communities when large numbers of young men are removed and sent to prison. Clear found something surprising. That removal of young men reduces the number of potential partners for women and reduces the number of potential workers is not surprising. What Clear and his colleagues found, and more recently Jeffrey Fagan has confirmed, is that sending many young men to prison increases crime rates in the community. To laypeople, this should be counterintuitive. After all, people are sent to prison because they have committed crimes, so surely removal of criminals from a community should decrease crime rates. Instead, what Clear and colleagues and Fagan found, was that neighborhoods from which very large numbers of

offenders were sent to prison experienced higher crime rates. The reasons were that removal of so many young men fundamentally undermined community cohesion—things fell apart—and that above some critical number, men who amass criminal records become positive role models for youth when there are so few or no conventional role models at all. Stating the last point differently, when many or most men in a community acquire prison records, going to prison stops being stigmatizing and prison stops serving even potentially as a deterrent to crime. Crime rates rise in a community as a result.

Fourth, in the United States, a country in which many millions of people have been convicted of felonies, disenfranchisement laws have greatly reduced voting and other participation in democratic and economic institutions. These laws vary from state to state. In some, people are barred from voting while in prison. In others, though, they are barred if they've ever had a felony conviction. Thus, in the 2000 presidential election in Florida, which George Bush won by a whisker, hundreds of thousands of state residents, mostly black men, were unable to vote because of their felony convictions. Demographic voting patterns (black people and poorer people tend to vote for Democrats) suggest that Bush would have lost the Florida election and therefore the presidency if Florida had not had a felon disenfranchisement law.

Felons, however, are in many states disqualified from other activities open to other citizens. These include occupational exclusion laws that forbid felons from becoming lawyers, barbers, or teachers. And they include laws that make felons ineligible for some educational and social service benefits. And federal law makes many felons who are immigrants vulnerable to deportation.

Conclusions

Crime thus is not one social problem, but many. In this chapter, I have identified and discussed some of the effects of crime that most people would consider social problems. These include the suffering, economic costs, and undesirable collateral effects of crime for victims, offenders, and communities. That is phrased in general terms. When we become more specific, hundreds of social problems appear that warrant analysis, understanding, and policy solutions. Most of them damage people's lives in ways that could be avoided or ameliorated. The life chances of children are diminished when they lose their parents or when their material conditions of life greatly worsen. The life expectancies of adults are lessened when, because they are ex-prisoners, they cannot get good jobs or earn adequate incomes, and because of that their self-esteem and hopes for the future plummet, and with that their mental and physical health.

There are many ways to address social problems associated with crime. One is to establish policies and programs aimed at remedying direct and collateral effects of crime.

Victims' programs, social work programs aimed at disadvantaged households and at-risk children, and parenting skills programs in prison exemplify the wide range of possible remedies. Or we can reduce the intrusiveness and severity of American crime and drug control policies and thereby make many of the collateral effects of crime less common and less likely.