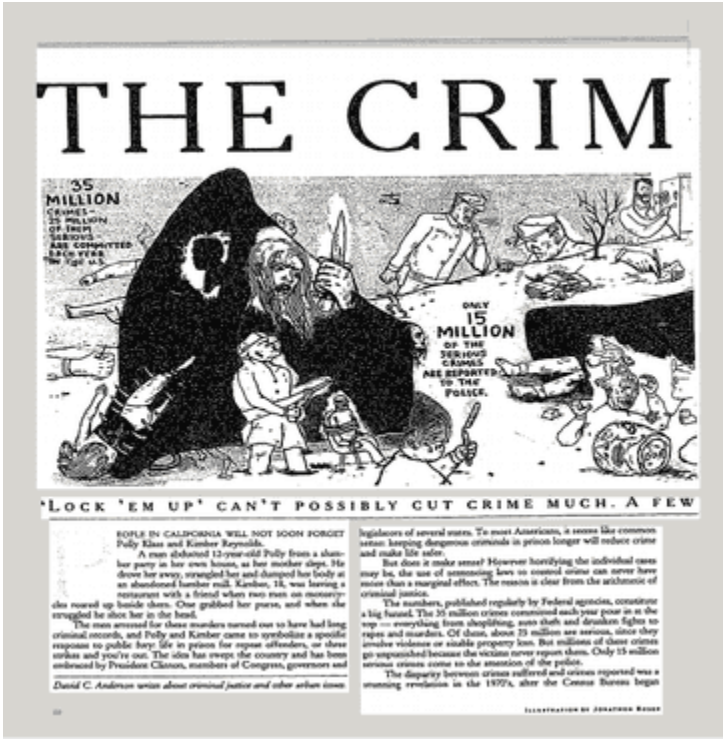
The Crime Funnel

By David C. Anderson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35 MILLION CRIMES — 35 MILLION OF THEM SERIOUS — ARE COMMITTED EACH YEAR, THE FBI U.S.

DAILY 15 MILLION OF THE SERIOUS CRIMES ARE REPORTED TO THE POLICE.

'LOCK 'EM UP' CAN'T POSSIBLY CUT CRIME MUCH. A FEW

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A man abducted 12-year-old Polly from a slumber party in her own house, as her mother slept. He drove her away, strangled her and dumped her body at an abandoned lumber mill. Kimber, 18, was leaving a restaurant with a friend when two men on motorcycles roared up beside them. One grabbed her purse, and when she struggled he shot her in the head.

The men arrested for these murders turned out to have had long criminal records, and Polly and Kimber came to symbolize a specific response to public fury: life in prison for repeat offenders, or three strikes and you're out. The idea has swept the country and has been embraced by President Clinton, members of Congress, governors and legislators of several states. To most Americans, it seems like common sense: keeping dangerous criminals in prison longer will reduce crime and make life safer.

But does it make sense? However horrifying the individual cases may be, the use of sentencing laws to control crime can never have more than a marginal effect. The reason is clear from the arithmetic of criminal justice.

The numbers, published regularly by Federal agencies, constitute a big funnel. The 35 million crimes committed each year pour in at the top — everything from shoplifting, auto theft and drunken fights to rapes and murders. Of them, about 15 million are serious, since they involve violence or sizable property loss. But millions of these crimes go unpunished because the victims never report them. Only 15 million serious crimes come to the attention of the police.

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David C. Anderson writes about criminal justice and other urban issues.

ILLUSTRATION BY JONATHAN ROSEN

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The numbers, published regularly by Federal agencies, constitute a big funnel. The 35 million crimes committed each year pour in at the top -- everything from shoplifting, auto theft and drunken fights to rapes and murders. Of these, about 25 million are serious, since they involve violence or sizable property loss. But millions of these crimes go unpunished because the victims never report them. Only 15 million serious crimes come to the attention of the police.

The disparity between crimes suffered and crimes reported was a stunning revelation in the 1970's, after the Census Bureau began polling the general public to come up with estimates of crimes committed. Year after year, the number of crimes people said they had experienced far exceeded the crimes they reported to the police.

A subsequent survey for the National Institute of Justice explained the discrepancy. Victims told researchers they didn't consider the crimes important enough to report or they involved matters to settle privately. Many saw little chance the culprits would be arrested or lost property recovered, so why hassle with the cops?

That's the first narrowing of the funnel. The next comes at the point of apprehension. Each year, the police make arrests in only 21 percent of the 15 million most serious crimes -- homicides, rapes, robberies, aggravated assaults, burglaries, larcenies and auto thefts. As a result, 3.2 million criminals are turned over to the courts for prosecution.

Why does only one serious reported crime out of five lead to an arrest? In millions of cases, arrests are made but disposed of as misdemeanors. Hundreds of thousands of other cases are turned over to the juvenile-justice system. In many urban neighborhoods, the police are simply overwhelmed by the volume of crime and can't hope to investigate each case aggressively. Millions of burglaries and auto thefts are reported for insurance purposes -- not because anyone expects the police to make an arrest.

Further winnowing takes place in courthouses, as cases are dismissed for lack of evidence, because witnesses disappear or refuse to cooperate or for other technical reasons. Of the 3.2 million criminals arrested, 81 percent are actually prosecuted; prosecutors obtain convictions of 59 percent, or 1.9 million.

Now their fate is up to judges, who follow sentencing laws that vary considerably from state to state. Nearly everywhere, judges consider prison space a precious commodity to be used only when it makes obvious sense. Younger criminals convicted of their first or second offenses commonly get off with probation or suspended sentences. In the end, about 500,000 of the 1.9 million convicts are sent behind bars, a trickle from the funnel's stem compared with the flood of 35 million at its mouth.

The process that reduces flood to trickle costs taxpayers some $74 billion annually. The part that has changed most dramatically over the years is the number of people actually locked up. In 1980, the figure was about 200,000. During the next decade, states and the Federal Government embarked on a historic prison expansion binge. They spent more than $90 billion to triple the total amount of prison space. That boosted the annual operating cost to about $25 billion -- a third of all the money spent to deal with crime.

Americans may think that the crime rate is worse than ever, but it actually fell somewhat during the 1980's. Violent offenses per 1,000 people declined from 33.3 in 1980 to 31.3 in 1991. Was that because of the big prison buildup? That's hard to believe, considering the difference in magnitude between a few hundred thousand criminals and tens of millions of crimes. Even after the prison buildup, only 1.4 percent of crimes result in imprisonment, only 2 percent of serious crimes. More likely, crime has fallen because of change in the structure of the population. During the 1980's, the number of young people -- who commit the most crimes -- declined as the median age of Americans rose from 30 to 33.

Even so, when frustrated, fearful Americans hear about Polly Klaas and Kimber Reynolds, they like the sound of prison as a way to give criminals what they deserve. Tough sentencing sounds like strong medicine, even if its effects are often illusory.

Three strikes and you're out? In truth, such a law will probably have no more than a slight effect on public safety. For one thing, the plea bargaining that dominates criminal justice eats deeply into the certainty the law seems to promise. And even if it should be widely applied, a three-strikes law offers no hope for immediate relief. It could not be applied retroactively to the existing population of convicted felons sentenced to terms far shorter than life and likely to be paroled over the next several years.

Still, state legislators and members of Congress, reactive as ever, are desperate to appease public fear and outrage. They have little patience with troublesome facts and reach for comforting illusions. But to what end?

Suppose the current political mood generates a new round of sentencing laws tough enough to boost the number locked up each year to more than 1 million. That might cost taxpayers about $150 billion over a decade, or $15 billion a year. But it is very unlikely that an expansion of that magnitude would be enough to change the shape of the crime funnel. Even if crime continued its gradual decline to, say, 30 million a year, the new prison construction would raise the number incarcerated to only about 3 percent of the number of offenses.

These numbers are often seized upon by old liberals who never liked the idea of building prisons. Why pour more money into steel and concrete that don't do much for crime control, they say, when schools, health care and other social programs go begging? Yet politicians know that the public wants a more direct response to crime. For now, three strikes looks as good as any. And that is where the discussion usually ends.

But take another look at the funnel. Its sharply angled shape raises an obvious question: Why just tinker with the stem? Why not see what might be done at earlier levels of the process? For the sake of argument, consider different ways to spend the $15 billion a year now likely to be spent on new prisons. It could, for instance, be divided among three practical measures that are widely accepted as sound ways to reduce crime: SPEND $5 BILLION TO HIRE MORE OFFICERS FOR COMMUNITY POLICING.

Most police work is reactive -- responding to calls for help. Not surprisingly, that hardly serves as a deterrent to criminals. Studies show remarkably little connection between levels of crime and levels of traditional police activity. So why spend money for more cops?

Community policing provides an answer. Gaining popularity with police managers across America, this approach sends officers out to work together with communities to attack crime problems. Are landlords profiteering, for example, by renting to drug dealers? Dispatching cops to arrest the dealers, the traditional response, doesn't work. More dealers quickly move in. To get landlords to evict the dealers and to stop renting to other dealers, community police might help the neighbors challenge the landlords in court, or lodge complaints with a city housing agency or fire department, or even picket the landlords' homes in the suburbs.

Many communities attest to the success of this approach. But implementing it well requires more officers than most departments have to spare. The police still must respond to 911 calls even as they do more creative work

with neighborhoods. And some tradition-bound cops resist the idea. But a big infusion of Federal money -- $5 billion would pay for 100,000 police -- might change that in a hurry. SPEND $5 BILLION ON DRUG TREATMENT.

Surveys of people arrested show phenomenal rates of drug use. In 1990, more than 66 percent of men charged with robbery and 68 percent of those charged with burglary tested positive for drugs. Those who undergo treatment and recover from their addictions are likely to commit fewer crimes. The long-term prognosis for them is better than for those who spend a few years in prison without drug treatment.

Americans have known for years how to treat drug addiction effectively. Yet addicts seeking treatment are often put on waiting lists. A 1989 study found that 79,072 people appeared on such lists nationwide. That figure understates the unmet demand, since treatment programs rarely market their services.

Five billion dollars would pay for about two million new treatment slots a year, nearly quadrupling the existing capacity. With the number of people needing treatment now estimated at three to four times the number receiving it, that could make a dent in the problem. Expanded capacity might also give more judges the option of sentencing drug-related offenders to treatment programs, on pain of imprisonment if they fail to participate. INVEST $5 BILLION TO IMPROVE PROBATION.

There are more than twice as many convicts on probation -- released to the community under court supervision -- as in prison. Yet for the majority, supervision is a joke. Probation departments are so understaffed that a probation officer may have more than 100 cases at a time. A few states and cities have spent money to reduce individual caseloads to 25 or so and establish a number of "intermediate sanctions" -- electronic monitoring, drug testing and treatment, boot camps -- that combine social services with various levels of control. The concept permits courts to intervene at an early stage with younger offenders, creating the real possibility, now all but nonexistent, that criminal justice could actually turn their lives around.

Community police, drug treatment and probation are not the only possibilities. Some of the $15 billion might be invested in continued research and evaluation of other crime reduction measures. But there is no arguing with the basic shape of the crime funnel -- or the idea that a shift in emphasis from bottom to top would gain much and risk losing very little. The point of such a strategy would be to stop crimes by the million, rather than lock up criminals by the thousand -- to shrink the mouth of the funnel instead of spending mindlessly to slightly widen its stem.