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BOOK REVIEW

THE LIMITS OF CRIME CONTROL

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CRIME: PUBLIC POLICIES FOR CRIME CONTROL (JAMES Q. WILSON & JOAN PETERSILIA, EDS., OAKLAND, CA: ICS PRESS, 2002). 705 PP.

Crime: Public Policies for Crime Control is a superb collection of essays by a group of distinguished criminologists on what is known about policies and programs that do and do not appear to reduce crime and delinquency. Without exception, the authors' contributions are systematic, careful, timely, and thoughtful. They also betray a narrowness of vision that has both strengths and limitations. The most important strength is a resulting emphasis on public policies to control crime that are politically feasible. The basic weakness is that by delimiting crime-control policies to just those that are feasible, we are left with policies that are either unlikely to make a significant dent in the nation's crime problem, or would do so at the risk of sharply curtailing individual rights and liberties.

The constricted policy vision evident in this volume is the result of what the editors regard as "one of the most encouraging developments of the last four decades . . . the increased cooperation between social scientists and policymakers."¹ Whenever parties cooperate with one another, each gives up something of value in exchange for something of greater value. It is not immediately clear what policymakers have given up by cooperating with social scientists, but it is very evident what social scientists, specifically criminologists, have exchanged for greater access to and resources

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¹ CRIME: PUBLIC POLICIES FOR CRIME CONTROL 1 (James Q. Wilson & Joan Petersilia, eds., 2002).

from policymakers: serious attention to what used to be called the “root causes” of crime. This volume and the new realism in criminology that it so ably showcases represent something of a personal victory for James Q. Wilson, who three decades ago mounted a forceful case against root-cause explanations of crime as irrelevant to public policy.² In the mid-1970’s Wilson’s argument was highly controversial. Today it is a taken-for-granted fact of life in American criminology.

Generally speaking, the “root causes” of crime can be divided into those embedded in the social order and those embedded in individuals. Readers searching for explanations or policies linking crime to the basic social and economic arrangements of American society will not find any in this book. However, if your preferred root causes lie in the biological makeup of individuals, you will not be quite so disappointed.

Adrian Raine’s chapter on the biological basis of criminal behavior takes the reader on a readable and fascinating tour of recent research on the genetic, psychophysiological, brain-related, and biochemical sources of anti-social and criminal behavior. The clear winner in terms of research support, Raine reports, is chronic under-arousal.³ Persons with low resting heart rate are consistently found to display higher levels of violent and anti-social behavior than “normals.” The reasons appear to be that under-aroused individuals are less fearful and seek more stimulation than others. Under-arousal manifested in low resting heart rate is unrelated to any psychiatric disorder; it is unusual, according to Raine, in its “diagnostic specificity.”⁴ That is not to say that low resting heart rate is specific to sociopaths and criminals—far from it. It also characterizes “bomb disposal experts who have been decorated for their bravery” and “British paratroopers decorated in the Falklands War.”⁵

Can explanations of crime as deeply rooted as this one is in the internal workings of individuals have any meaningful connection to public policy? Certainly Raine thinks so. The biological bases of crime, he writes, are “amenable to change through benign interventions.”⁶ Some of the interventions he discusses, such as

² See JAMES Q. WILSON, *THINKING ABOUT CRIME* (1975).

³ Adrian Raine, *The Biological Basis of Crime*, in *CRIME: PUBLIC POLICIES FOR CRIME CONTROL*, *supra* note 1, at 43, 50.

⁴ *Id.* at 53.

⁵ *Id.* at 54.

⁶ *Id.* at 71.

better health care for poor mothers, are benign enough, as are nutritional enrichment and biofeedback for under-aroused children and adolescents, although some policymakers may wonder where the next generation of demolition experts and paratroopers will come from if such programs actually work. But the larger import of Raine's policy proposals is less benign. Abnormal individuals may have little control over the biological conditions that predispose them to commit violent and criminal acts, he observes, but they are responsible for knowing their "risk factors" and seeking treatment or taking other steps to prevent harm to others. If those actions are to be truly preventative, then they must occur *before* the harm is done, presumably at the point of diagnosis. Raine does not describe the system of medical surveillance and control necessary to detect and correct the biological risk factors for crime, nor does he describe the fate of basic legal rights, notably the presumption of innocence, were such a system implemented at the requisite scale. But, as Wilson pointed out long ago, proponents of root-cause explanations are characteristically unconcerned with the costly trade-offs that bedevil the policymaker.

The other contributors to the volume are mindful of the legal and political implications of their proposals to reduce crime. They tend to focus as a result on the more proximate conditions associated with criminal activity and on actual interventions that have survived more or less rigorous evaluation. Even the contributors who address early-childhood and family interventions, the effects of which on serious delinquent or criminal behavior cannot be known until years later, are careful to distinguish the programs with the strongest and most consistent effects from those promising efforts showing mixed or ambiguous results. A surprisingly large number of early interventions do show benefits in the form of reduced childhood misconduct and later-life criminal behavior. The most effective interventions include nurse home-visitation programs for "at-risk" mothers, parent training, bullying prevention, life-skills training in early adolescence, family therapy, mentoring, and conflict management. Moreover, some of the programs, although quite expensive to deliver, are cost effective in terms of forgone or reduced expenditures on problem youth by schools and juvenile justice agencies.

As Peter Greenwood points out, the days when criminologists wrung their hands in frustration over not knowing "what works" with children, youth, and families are gone. We do know a great deal about what works, with whom, under what circumstances, and what

does not work. The same applies to school-based initiatives. In a thorough and discriminating review of evaluation research on school programs to prevent delinquency and substance abuse, Gottfredson, Wilson, and Najaka find consistent evidence for the effectiveness of cognitive-behavioral instructional approaches (role-playing, rehearsal, reinforcement) and organizational changes that clarify and reinforce behavioral norms and expectations. Cullen's assessment of the rehabilitation literature, the source of Robert Martinson's oft-quoted "nothing works" critique of prison programs,⁷ also concludes that cognitive-behavioral and social learning techniques are more effective than other treatment approaches in reducing recidivism. And what does not work? Peer-group interventions, boot camps, and instructional programs such as Drug Abuse Resistance Education (DARE) which do not incorporate cognitive-behavioral devices.

We also seem to know enough to know with some precision what we still must learn. David Farrington proposes that more longitudinal investigations are needed to disentangle the causal mechanisms linking family processes to delinquent and criminal outcomes.⁸ Patrick Tolan suggests that we do not know enough about how to translate carefully designed and effective family interventions into broad-based service-delivery systems,⁹ a concern echoed by Gottfredson and her colleagues regarding school-based programs¹⁰ and Cullen with respect to the most successful rehabilitation programs.¹¹ Wilson's treatment of this theme in the conclusion to the volume highlights the key policy issue: How do we move from small, carefully designed interventions that change the behavior of individuals to large programs that lower the crime rate?¹² His answer is that we do not know.

During the 1990's, when most of the research summarized in this volume was conducted, crime rates in the United States fell steadily

⁷ Robert Martinson, *What Works—Questions and Answers About Prison Reform*, 35 THE PUB. INT. 22, 49 (1974).

⁸ David P. Farrington, *Families and Crime*, in CRIME, PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 129.

⁹ Patrick Tolan, *Crime Prevention: Focus on Youth*, in CRIME, PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 109.

¹⁰ Denise C. Gottfredson et al., *The Schools*, in CRIME, PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 149.

¹¹ Francis T. Cullen, *Rehabilitation and Treatment Programs*, in CRIME, PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 149.

¹² James Q. Wilson, *Crime and Public Policy*, in CRIME, PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 537.

to levels not seen in two or three decades.¹³ There is no telling what effect any of the “effective” family, school, or corrections programs might have had on the crime drop, not simply because they are limited in scope, but because, with few exceptions, their outcomes cannot be meaningfully linked to changes in *populations*. “Behavior” is a characteristic of an individual. A crime rate is a characteristic of a population. The interventions discussed thus far are meant to alter behavior.

A strong individualistic bias runs through criminology, perhaps owing to the religious roots of the discipline. The late Leslie Wilkins once asked an audience at a meeting of the American Society of Criminology to consider how an economist and a criminologist might try to get Americans, notoriously poor savers, to put more money in their bank accounts. The economist, Wilkins said, would increase the savings rate by raising the interest rate. The criminologist would enroll people in savings rehabilitation programs. The economist seeks to alter the characteristics of populations by changing the incentive structure of presumably rational individuals, or enough of them to matter. The criminologist tries to make individuals rational, one by one. The present point is not that one approach is more effective than the other, although Wilkins’ preferences should be clear enough, but rather that the economist’s strategy has a transparent connection to the state or trait of a population, and the criminologist’s strategy does not.

But perhaps it is unfair to fault programs that, after all, are designed to change individuals for being “individualistic.” Several chapters in the volume consider the consequences for crime control of changes in situations, communities, regulatory regimes, law enforcement, and criminal justice practices. However, they do not come much closer to demonstrating a connection between interventions and crime rates. Robert Sampson calls for an emphasis on “places” rather than “people” in community crime prevention through targeting crime “hot spots,” reducing public drinking, erasing graffiti, cleaning up trash, enforcing zoning codes, rehabbing low-cost housing, building new scattered-site low-income housing, and maintaining municipal services in poor neighborhoods.¹⁴ In addition to ameliorating some of the proximate conditions that breed crime, Sampson argues, these actions both require and would strengthen

¹³ Richard Rosenfeld, *Crime Decline in Context*, 1 CONTEXTS 25, 26 (2002).

¹⁴ Robert J. Sampson, *The Community*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 225.

neighborhood social organization, which is the fundamental precondition for maintaining low crime rates over the long term. Ralph Taylor's discussion of crime prevention through environmental design draws similar conclusions.¹⁵

What impact such activities, in isolation or in combination, might have on local crime rates is difficult to say. However, even if they were shown to be highly effective, community-crime prevention shares with people-based interventions an implementation strategy of saving one place (one building, one block) at a time. What prevents more comprehensive implementation of research-based community programs that work? Sampson anticipates the answer in his comment that, "given the nature of American society,"¹⁶ much of the investment in crime prevention will have to come from poor communities themselves. What precisely is it in the nature of American society that places the burden of crime prevention on people with the weakest political and economic capacity to carry it? Neither Sampson nor the other contributors to this volume will say.

In their review of research on labor markets and crime, Bushway and Reuter pursue the same non-universalistic policy logic by excluding from consideration "general macroeconomic policies,"¹⁷ over which the poor have little influence, in favor of "community and individual programs"¹⁸ targeting high-risk people and places. They describe the fundamental labor market transformations over the last half century that have resulted in high rates of structural unemployment in poor and minority communities, and then methodically document the dismal crime-prevention record of enterprise zones, community-development grants, and "Weed and Seed" ("weed" the area of drug dealers and other criminals and then "seed" it with development opportunities). Tellingly, the programs that do appear to have beneficial effects are those offering poor families the opportunity to move out of high-crime neighborhoods into low-crime, non-poor areas. But such housing-dispersal programs are "not likely to be politically feasible on a large scale."¹⁹ Evidently, we are stuck with labor-demand programs like enterprise

¹⁵ Ralph B. Taylor, *Physical Environment, Crime, Fear, and Resident-based Control*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 413.

¹⁶ Sampson, *supra* note 14, at 252.

¹⁷ Shawn Bushway & Peter Reuter, *Labor Markets and Crime*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 191, 192-93.

¹⁸ *Id.* at 193.

¹⁹ *Id.* at 206.

zones that do not work and supply-side programs such as the Job Corps that are somewhat more promising but also expensive, and therefore limited in scope. In the area of employment, we have pretty much exhausted existing person- and community-based policy options to control crime.

For somewhat different reasons, I draw the same conclusion from Boyum and Kleiman's insightful discussion of drugs and crime.²⁰ Policymakers oppose universalistic strategies of proven effectiveness, such as methadone maintenance for heroin addicts, because they seem to condone drug use. Meanwhile, popular but ineffective community programs such as DARE persist. Any policy or program that so much as hints at rational self-management or controlled use is politically verboten. Boyum and Kleiman argue convincingly that if "drug abuse control policy were made primarily for practical reasons and primarily with an eye to the control of predatory crime, the result would probably be a substantial reduction in crime."²¹ Their conclusion regarding drug policy also applies to gun control. Cook, Moore, and Braga write: "Even a definitive empirical demonstration that a gun control measure would save lives will not persuade someone who believes in an absolute individual right to keep and bear arms."²² Such practical considerations are of secondary importance in the making of crime-control policy in the United States, and therefore in criminological research with a prayer of achieving the prized imprimatur: "policy-relevant."

The limits of politically palatable crime-control policy are illustrated throughout the volume. Economist Steven Levitt, who does appreciate the centrality of crime rates to a discussion of crime reduction, speculates in his review of research on deterrence that deterrence policies likely account for no more than a quarter of observed variation in crime rates across place and time. "Nonetheless," he concludes, "to the extent that deterrence is a factor that can be readily influenced by public policy through changes in the criminal justice system, it may represent the quickest and most efficient way for government to influence criminal activity in the short run."²³

The criminal justice system is the arena in which the United

²⁰ David A. Boyum & Mark A.R. Kleiman, *Substance Abuse Policy from a Crime-control Perspective*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 331.

²¹ *Id.* at 382.

²² *Id.* at 291.

²³ *Id.* at 450.

States does have something akin to universal crime policies. Every local community of any size has a police force and a prosecutor, and every state has a corrections system, which look a lot like the police, prosecutors, and prisons found elsewhere. Lawrence Sherman has been as successful as any criminologist in convincing local police departments to test new methods of patrol deployment and in transplanting best practices from one jurisdiction to another.²⁴ Alfred Blumstein²⁵ and Joan Petersilia²⁶ are responsible and savvy critics of current sentencing and corrections policy. Brian Forst presents a sound critique of the “one-case-in-a-vacuum” principle of prosecution.²⁷ But none of the sensible advice they offer in this volume is likely to change crime-control policy very much.

Crime-control policy *is* changing: it is becoming more punitive. Imprisonment rates have skyrocketed since the 1970's to levels not seen anywhere else in the world, except South Africa and Russia. Even when adjusted for arrests or convictions, according to James Lynch, the U.S. incarceration rate is higher than those in other developed nations for property and drug offenses.²⁸ Although the sharp growth in incarceration has begun to level off in recent years, and some states have begun to register small declines, over two million Americans now reside in prison or jail.²⁹ Meanwhile, more than twice that number are under some form of correctional supervision in the community, where new forms of surveillance, control, and punishment are emerging with little notice from researchers or even many policymakers. Petersilia points out that registration and public notification requirements, originally intended for serious sex offenders, have begun to spread to other crime types.³⁰ It should not be too long before community residents in some states are routinely notified of the presence of convicted burglars and

²⁴ Lawrence W. Sherman, *Fair and Effective Policing*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 383.

²⁵ Alfred Blumstein, *Prisons: A Policy Challenge*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 451.

²⁶ Joan Petersilia, *Community Corrections*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 483.

²⁷ Brian Forst, *Prosecution*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 509.

²⁸ James Lynch, *Crime in International Perspective*, in CRIME: PUBLIC POLICIES FOR CRIME CONTROL, *supra* note 1, at 5.

²⁹ Allen J. Beck & Paige M. Harrison, *Prisoners in 2000*, BUREAU OF JUST. STAT. BULL., Aug. 2001, at 1.

³⁰ Petersilia, *supra* note 26, at 500.

robbers in their midst, regardless of whether they have completed their sentences. Most states now use some form of electronic monitoring to manage offenders in the community, and some have begun to use Global Positioning Satellite (GPS) systems to track their whereabouts twenty-four hours a day. Sophisticated community-corrections technologies, according to Petersilia, “will accelerate in the coming years and allow community corrections the option of becoming more surveillance oriented.”³¹

Were such developments to be accompanied by increased treatment and rehabilitation services, and greater personal contact between parole and probation officers and their clients, one might worry less about their implications for personal rights and liberties. However, once again political realities prefigure the feasible policy options. Petersilia sees a ray of hope in a new willingness on the part of probation and parole agencies to form partnerships with other criminal justice entities. Nonetheless, she predicts fewer services for persons supervised in the community and continuing high recidivism rates, even as the electronic Panopticon widens.³²

Ironically, by accepting the limits of feasible crime-control policy, criminologists have abrogated the chief responsibility of the social scientist in a democracy: providing the knowledge and perspective needed for informed debate over public policy. Genuine debate has to be informed at some level by knowledge of the social origins of public problems. We need more criminologists able and willing to say *why* so many families require “intervention,” why so many students are alienated from their schools, why so few jobs are available to inner-city residents, why so many young adults are unfit for the available jobs, why Americans are so likely to use guns to settle disputes, and why we incarcerate such a large fraction of our population, even controlling for our high rate of gun violence. An informed democratic citizenry also needs research scholars able and willing to say why so many policymakers are indifferent or hostile to converting small-scale prevention successes into broad-based, practical crime policies. And the resulting research on the root causes of crime and crime control should demonstrate the same level of scientific rigor as the excellent policy-relevant studies in this volume.

³¹ *Id.*

³² *Id.*

