



Incarceration and Crime: A Complex Relationship

“Increasing incarceration while ignoring more effective approaches will impose a heavy burden upon courts, corrections and communities, while providing a marginal impact on crime.”

This report was written by Ryan S. King (Research Associate), Marc Mauer (Executive Director) and Malcolm C. Young (Executive Director, 1986–2005) of The Sentencing Project.

Graphic Design by Michael T. Powell.

The Sentencing Project is a national nonprofit organization that works for a fair and effective criminal justice system by promoting alternatives to incarceration, reforms in sentencing law and practice, and better use of community-based services and institutions. To these ends, it seeks to recast the public debate on crime and punishment.

Funding for this project was provided by the JEHT Foundation, the Open Society Institute and individual donors to The Sentencing Project.

Copyright © 2005 by The Sentencing Project. Reproduction of this document in full or in part, in print or electronic format, only by permission of The Sentencing Project.

For further information: The Sentencing Project, 514 10th Street N.W., Suite 1000, Washington, D.C. 20004. Telephone: 202-628-0871.

www.sentencingproject.org

email: staff@sentencingproject.org

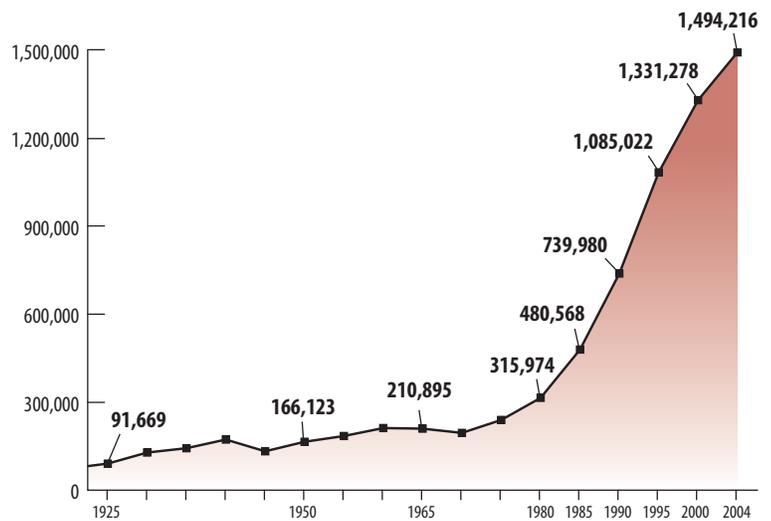
Incarceration and Crime

Over the past thirty years the United States has experienced an unprecedented rise in the use of incarceration, with the number of people in prisons and jails increasing from 330,000 in 1972 to 2.1 million today. This trend is in sharp contrast to that of the preceding fifty years, during which time there was a gradual increase in the use of incarceration that was commensurate with growth in the general population. Between 1920 and 1970 the overall population nearly doubled, while the number of people in prison increased at just a slightly higher pace. However, between 1970 and 2000, while the general population rose by less than 40%, the number of people in prison and jail rose by more than 500%. Potential explanations for this dramatic change in policy have included changing crime rates, politics, demographics, and cultural shifts.¹

The record decline in crime during the 1990s has added an additional element to the discussion. Advocates of increased use of incarceration have contended that the significant growth in incarceration has been the primary factor responsible for this reduction. The two-pronged approach of tougher sentences and restrictive release patterns are the primary cause, proponents claim, of this sustained crime drop. Nowhere has the adoption of tougher sentencing rules and release policies been more evident than in the federal system, where mandatory minimums, sentencing guidelines, and the abolition of parole have combined to create an extremely punitive

system. The Department of Justice, in supporting this approach, has stated that “tough sentencing means less crime,” and that “[t]he Sentencing Guidelines have helped reduce crime by ensuring that criminal sentences take violent offenders off the streets, impose just punishment and deter others from committing crimes.”² Despite these assertions by the Department of Justice, such a direct link is far from an accepted fact. As policymakers consider responses, including the adoption of a host of additional mandatory minimums, to the Supreme Court’s 2005 remedial ruling making the federal guidelines advisory in *U.S. v. Booker*, it is important to assess what is actually known about the impact of imprisonment on crime control.

FIGURE 1
INCARCERATED PERSONS IN STATE AND FEDERAL PRISONS, 1925-2004



Note: Figures do not include persons in local jails.

¹ For a discussion of the possible explanations for this shift in incarceration policy, see Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.

² Prepared Remarks of Assistant Attorney General Christopher A. Wray, Response to *Booker/Fanfani*, January 12, 2005.

Analyzing the Relationship Between Incarceration and Crime

The relationship between incarceration and crime is complex. Researchers have struggled to quantify accurately the degree to which crime reduction is attributable to imprisonment. Among the many challenges associated with the issue are the following: distinguishing between state and national trends; differing measures of crime and victimization; and, assessing various time frames for analysis. In addition to incarceration, studies have identified a range of factors which may affect crime, including general economic trends, employment rates, age, demographics, rates of drug abuse, and geographic variation. This briefing paper provides an aid to policymakers and the public by reviewing what is known about the effects of incarceration on crime.

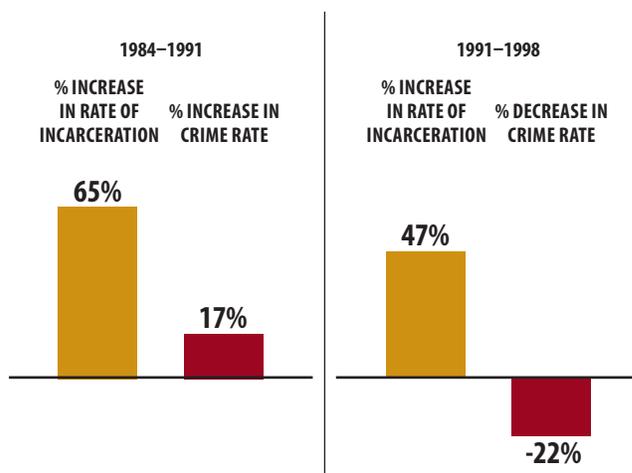
Differing Methods of Measuring Crime Rates and Victimization

There are two primary measures of crime used in the United States. The Uniform Crime Reports (UCR) produced annually by the FBI measure crimes reported to the police. The UCR Index Crime measure is a composite of eight serious violent and property offenses, and is commonly

referred to as the “crime rate” in the media. Victimization studies conducted by the Department of Justice measure crime through surveys of households, asking occupants about crimes committed against them and whether or not they reported them to the police (less than half of all serious crimes are reported to the police). Each means of measurement has its advantages. The victimization studies provide a broader view of total crime because they account for the many crimes not reported to the police, while the UCR provides a better sense of trends in the most serious crimes. Trends in the two measurements have been inconsistent in some time periods, but they match up about 60 to 75% of the time, depending on the type of crime measured.³ However, most popular discussion of crime rates relies primarily on UCR data because of its focus on serious crime.

Neither of these crime measures incorporate any assessment of drug offenses, since personal drug use or drug sales, apart from those resulting in arrests, are not reported to the police or as victimizations. The proportion of arrests, convictions, and persons incarcerated for drug offenses has increased dramatically in the past two decades.⁴ Accordingly, this absence of data greatly obscures the overall number of people engaged in illegal activity and skews the national perception of actual trends in criminal activity.

**FIGURE 2
DIVERGENT TRENDS IN
INCARCERATION AND CRIME RATES**



Apparent Trends Depend Upon Time Frame Examined

While there has been a great deal of discussion and speculation regarding the crime decline since the early 1990s, a focus on this period risks employing an overly narrow view of the relationship between incarceration and crime. To be more completely analyzed, this relationship should incorporate an assessment of the unprecedented increase in imprisonment since 1972. From a combined inmate

³ Rand, M.R. and Rennison, C.M. (2002). “True Crime Stories? Accounting for Differences in our National Crime Indicators,” *Chance*, Vol. 15 (1), p. 47-51.

⁴ Bureau of Justice Statistics, *Drug & Crime Facts*, <<http://www.ojp.usdoj.gov/bjs/dcf/contents.htm>>. Accessed August 29, 2005.

population of about 330,000 in prison and jail in 1972, there has since been a five-fold increase to a total of 2.1 million as of 2004.

This escalating growth over a 30-year period has been accompanied by sharply divergent trends in crime rates. We can see this clearly in looking at the 14-year time frame of 1984-1998. During this period, incarceration rates rose consistently, by 65% in the first seven-year period of 1984-91, and then by 47% from 1991-98. Yet crime rates fluctuated in this period, first increasing by 17% from 1984-91, then declining by 22% from 1991-98. (See Fig. 2).

There were also divergent trends in crime rates among the states during the crime decline period of 1991-1998. A number of states with large increases in incarceration experienced smaller drops in crime than did states that increased their use of imprisonment at a lower rate. For example, Texas, with a 144% increase in incarceration and California, with a 52% increase, experienced considerable declines in crime (35% and 36% respectively), but New York experienced a 43% decline in crime despite an increase in incarceration of only 24%. An overview of changes in incarceration and crime in all 50 states reveals no consistent relationship between the rate at which incarceration increased and the rate at which crime decreased.

These inconsistent trends over time and among the states do not necessarily suggest that incarceration has no impact on crime, but they inform us that incarceration does not always have a uniformly positive impact on reducing crime and that, therefore, other factors significantly affect crime trends.

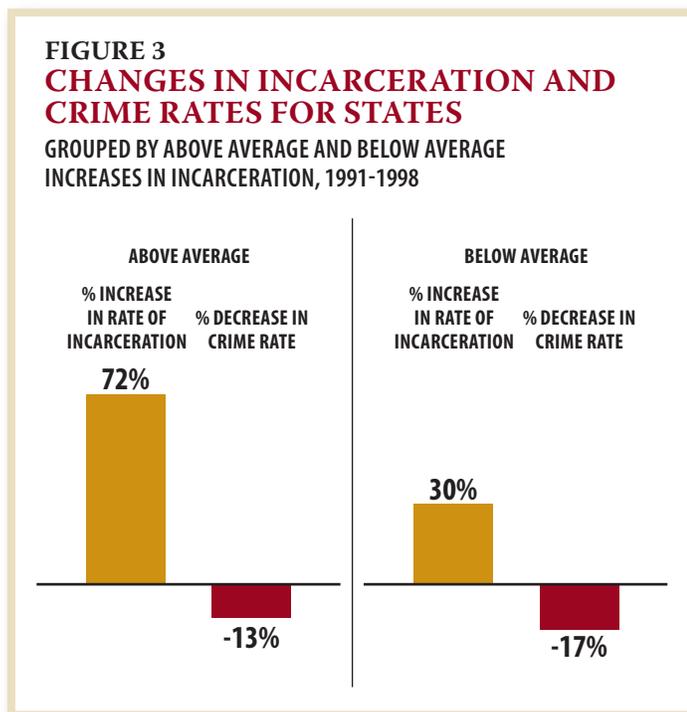
While the nation celebrates a reported crime rate that is near a 40-year low, it is instructive to note that despite the addition of more than one million persons to the prison population (excluding jail inmates), crime rates are only at the level at which they were at a time when the number of prisoners was just a fraction of the total today.⁵

⁵ Historical rates from Tonry, M. (1995). *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford University Press. Pp. 22-23; current rates from Federal Bureau of Investigation. *Crime in the United States, 2003*. Washington, DC.

The Crime Decline of the Past Decade

Nationally, violent crime has declined by 33% and property crime has decreased 23% since 1994. During the same period incarceration rates rose by 24%. Some commentators draw upon these two trends to support the conclusion that incarceration “works” to reduce crime. The reality is far more complex.

References to national data alone obscure the significance of the experience in the states as they utilize different strategies and achieve different results. A recent study that analyzed state prison and crime data revealed that there was no discernible pattern of states with higher rates of increase in incarceration experiencing more significant declines in crime.⁶ Between 1991 and 1998, those states that increased incarceration at rates that were *less* than the national average experienced a *larger* decline in crime rates than those states that increased incarceration at rates higher than the national average (See Fig. 3).



⁶ Gainsborough, J. & Mauer, M. (2000). *Diminishing Returns: Crime and Incarceration in the 1990s*. Washington, DC: The Sentencing Project. (p. 10).

Trends between 1998 and 2003 at the state level continue to demonstrate no significant impact of increased incarceration rates on reducing crime. Since 1998, 12 states experienced stable or declining incarceration rates, yet the 12% average decrease in crime rates in these states was the same as in the 38 states in which rates of imprisonment increased. If incarceration was having the impact on crime that proponents suggest, then those states with higher increases in incarceration rates should have experienced more substantial declines in crime rates.

Economist Steven Levitt has identified the growth in the use of incarceration as one of four primary factors leading to

“About 25% of the decline in violent crime can be attributed to increased incarceration.

While one-quarter of the crime drop is not insubstantial, we then know that most of the decline — three-quarters — was due to factors other than incarceration.”

the decline in crime during the 1990s.⁷ In a 1996 article looking at the impact of prison on crime rates, Levitt argued that each incarcerated person results in the prevention of approximately 15 crimes.⁸ However, Levitt’s model predicts that the majority of crime that is prevented by incarceration is comprised of “less socially costly property crimes.”⁹ Does this approach necessarily represent the

most efficient allocation of resources? Levitt seems to think not, stating that “the social benefit of radically expanding the prison population through the incarceration of increasingly minor criminals is likely to be well below the estimates presented here.”¹⁰ Levitt’s analysis suggests that about 80% of the crime prevented by the incarceration of each additional prisoner is for non-violent offenses. In a recent article, he notes that “it seems quite plausible that substantial indirect costs are associated with the current scale of imprisonment,” including the impact on the African American community, and that “further increases in imprisonment may be less attractive than the naïve cost benefit would suggest.”¹¹ This most recent caveat acknowledges the limited role of incarceration as a strategy to address crime, and recognizes the complexity of trying to base policy decisions solely on financial costs.

More recent analysis of the contributing factors to the crime decline of the 1990s suggests that about 25% of the decline in violent crime can be attributed to increased incarceration.¹² While one-quarter of the crime drop is not insubstantial, we then know that most of the decline in crime — three-quarters — was due to factors other than incarceration. Several factors stand out as key in this regard:

Growing Economy – The relatively strong economy of the 1990s produced jobs and opportunity, particularly for lower-wage workers. One study estimates that this factor was responsible for 30% of the decline in crime.¹³

Changes in Drug Markets – The crack cocaine epidemic of the late 1980s, combined with the availability of guns in many communities, was a significant

⁷ Levitt, S.D. (2004). “Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six That Do Not,” *Journal of Economic Perspectives*, Vol. 18 (1), 163-190.

⁸ Levitt, S.D. (1996). “The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Litigation,” *The Quarterly Journal of Economics*, Vol. 111 (2), 319-351. (p. 345).

⁹ Ibid.

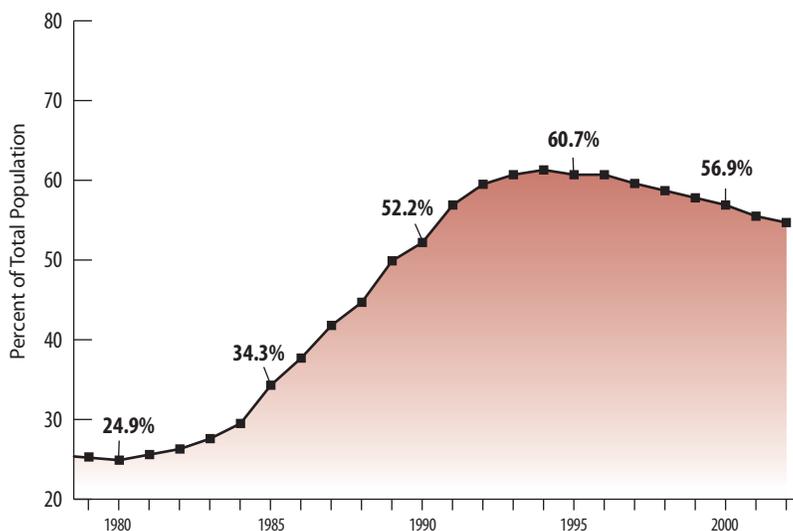
¹⁰ Ibid, p. 347.

¹¹ Levitt, 2004, p. 179.

¹² Spelman, W. (2000). “The Limited Importance of Prison Expansion,” In Blumstein, A. and Wallman, J. (Eds.), *The Crime Drop in America*. Cambridge, UK: Cambridge University Press. (pp. 97-129).

¹³ Freeman, R. and Rodgers, III, W. (1999). *Area Economic Conditions and the Labor Market Outcomes of Young Men in the 1990’s Expansion*. Cambridge, MA: National Bureau of Economic Research.

FIGURE 4
PROPORTION OF FEDERAL PRISONERS
INCARCERATED FOR DRUG OFFENSES



contributor to rates of violence for several years.¹⁴ By the early 1990s, crack use began to wane, along with much of the associated violence of the drug market, and homicide rates for young African-American males in particular dropped significantly.¹⁵ These developments were similar to previous drug epidemics, which are typically of short duration.¹⁶

Strategic Policing – Law enforcement agencies in many cities adopted various forms of community policing in the 1990s. In at least some cities, these approaches are believed to have contributed to significant declines in crime. In San Diego, for example, a comprehensive model of community policing contributed to a greater than 40% decline in crime rates from 1990-1996.¹⁷ This was the second largest drop in the country, and it occurred not through the hiring of

additional officers, but by making better use of current staffing and instituting a problem-solving strategy. In Boston, a police-community partnership targeting the distribution of firearms contributed to a dramatic decline in youth homicides as well.

Community Responses to Crime – Witnessing the devastation wrought by drug markets and the “war on drugs” in a number of communities had a profound effect on young people in the 1990s. Seeing the impact of drug addiction on family and friends led a significant number of young people to choose to refrain from engaging in drug use or distribution in communities that had been plagued by narcotics. A study of a Brooklyn neighborhood noted that “the multiple threats of violence, crime, AIDS, and addiction” compelled many young people to “[withdraw] from the danger and [opt] for the relative safety of family, home, church and other sheltering institutions...”¹⁸

¹⁴ Levitt, 2004, pp. 179-181.

¹⁵ Ibid.

¹⁶ Musto, D.F. (1999). *The American Disease: Origins of Narcotic Control*. New York: Oxford University Press.

¹⁷ Eck, J.E. & Maguire, E.R. (2000). “Have Changes in Policing Reduced Violent Crime?: An Assessment of the Evidence,” in Blumstein, A. and Wallman, J. (eds.). *The Crime Drop in America*. Cambridge: Cambridge University Press. (pp. 207-265).

¹⁸ Curtis, R. (1998). “The Improbable Transformation of Inner-City Neighborhoods: Crime, Violence, Drugs, and Youth in the 1990s,” *The Journal of Criminal Law and Criminology*, Vol. 88, (4), p. 1263.

Limits of Incarceration's Impact on Criminal Behavior

For many people, the relationship between incarceration and crime rates seems intuitive. "If you lock people up, they can't commit more crime." However, the dynamics of both crime and imprisonment challenge this seemingly commonsense notion. Among the reasons for incarceration's limited impact on crime rates are:

Diminishing Returns – Expanding the use of imprisonment inevitably results in diminishing returns in crime control. This is because high-rate and serious or violent offenders will generally be incarcerated even at modest levels of imprisonment, but as prison systems expand, new admissions will increasingly draw in lower-rate offenders. This growth in lower-rate and lower-level offenders shifts the cost-to-benefit ratio, as an equal amount of resources are spent per offender, but the state receives less return on its investment in terms of declining crime rates. We have seen this trend most acutely in the federal system, where the pursuit of drug offenders has resulted in a growing proportion of low level offenders. More than half (56%) of federal drug offenders sentenced in 2002 were in the lowest criminal history category (Category I), and nearly 9 out of 10 (87%) had no weapon involvement.

Limited Drug Offender Effects – Drug offenders have represented the most substantial source of growth in incarceration in recent decades, rising from 40,000 persons in prison and jail in 1980 to 450,000 today. Compared to other offenses, the effect of sentencing and incarceration on drug offenses is quite limited since drug selling is subject to a "replacement effect." For example, if an armed robber is convicted and sentenced to prison, the effect of incapacitation removes that person's crime potential during the period of imprisonment. But street-level drug sellers are often replaced quickly by other sellers seeking to make profits from the drug market. As criminologist Alfred Blumstein has noted, "... drug markets

are inherently demand driven. As long as the demand is there, a supply network will emerge to satisfy that demand. While efforts to assault the supply-side may have some disruptive effects in the short term, the ultimate need is to reduce the demand in order to have an effect on drug abuse in the society."¹⁹

There are a number of ways to measure the prevalence of drug use, including national household survey data. Despite the fact that the number of persons in prison or jail today for drug offenses is more than ten times the number in 1980, drug use rates remain substantial, with data indicating a

“Expanding the use of imprisonment inevitably results in diminishing returns in crime control.

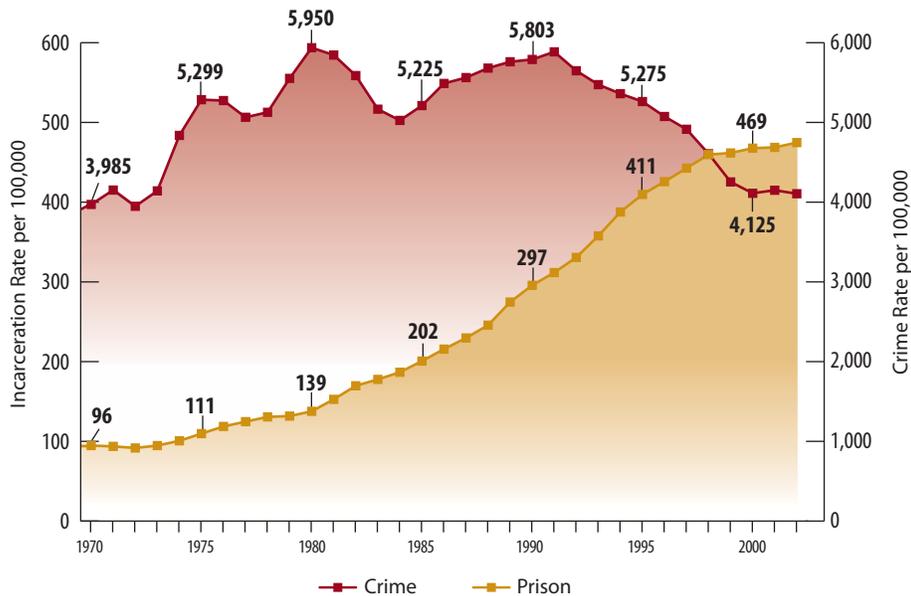
This is because high-rate and serious or violent offenders will generally be incarcerated even at modest levels of imprisonment, but as prison systems expand, new admissions will increasingly draw in lower-rate offenders.”

general increase over the past few years. Thus, during a period when the number of persons in prison for drug law violations was growing at a rate faster than other offense types, the underlying behavior appears to have experienced very little impact.

Limits of Federal Incarceration – The effect of incarceration on crime is even more limited in the federal prison system because of the offense characteristics of the federal prison population. As previously noted, the overall drop in crime was comprised

¹⁹ Blumstein, A. (1993). "Making Rationality Relevant – The American Society of Criminology 1992 Presidential Address," *Criminology*, Vol. 31, (1), p. 1-16.

**FIGURE 5
INCARCERATION AND CRIME RATES**



primarily of declines in violent and property offenses. However, only 13% of federal prisoners have been convicted of a violent offense, while 55% are incarcerated for a drug offense (an increase from 25% in 1980). In addition, federal drug offenders are increasingly low-level. Two-thirds (66.5%) of crack cocaine offenders sentenced in 2000 were either street-level dealers or couriers/mules, as were more than half (59.9%) of powder cocaine offenders. In both cases, these proportions represent a substantial increase from the proportion of low-level offenders in 1995 (48.4% for crack cocaine and 38.1% for powder cocaine).²⁰

Negative Impacts on Family and Community – The rapid growth of incarceration has had profoundly disruptive effects that radiate into other spheres of society. The persistent removal of persons from the community

to prison and their eventual return has a destabilizing effect that has been demonstrated to fray family and community bonds, and contribute to an increase in recidivism and future criminality.²¹ Moreover, these trends are exacerbated as prisoners are increasingly incarcerated in facilities hundreds of miles from their homes. Research by the Urban Institute in a number of cities indicates that a critical predictor of success for persons returning to the community is family connections, and prospects for employment are strengthened for persons who are able to maintain some degree of attachment to their former networks of contacts.²² However, as the use of incarceration continues to grow, there is a resultant decline in

²⁰ United States Sentencing Commission. *Report to Congress: Cocaine and Federal Sentencing Policy*. Washington, DC. May 2002.

²¹ Clear, T., Rose, D.R., Waring, E., and Scully, K. (2003). "Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization," *Justice Quarterly*, Vol. 20, (1), pp. 33-64.

²² See publications by the Justice Policy Center of the Urban Institute for coverage of the reentry issue. Available online at www.urban.org

these contacts, and a harmful impact on the individual, the family, and the community at large.²³

Impact of Incarceration Compared to Other Interventions

Estimates that about one-quarter of the drop in crime during the 1990s can be attributed to incarceration do not inform us about whether reliance upon incarceration was the *most* effective way to achieve these results. A variety of research demonstrates that investments in drug treatment, interventions with at-risk families, and school completion programs are more cost-effective than expanded incarceration as crime control measures. Regarding drug use, a RAND analysis concluded that the expenditure of \$1 million to expand mandatory minimum sentencing would result in a national decrease in drug consumption of 13 kilograms, while dedicating those funds to drug treatment would reduce consumption by 100 kilograms.²⁴ In another analysis, researchers concluded that shifting the federal drug budget to reduce funds earmarked for supply reduction by 25% and doubling treatment funding would decrease cocaine consumption by 20 metric tons and save over \$5 billion.²⁵ In addition, every \$1 invested in drug treatment returns more than \$7 in savings to society, as opposed to a net loss of nearly 70 cents for enforcement approaches.²⁶

In terms of prevention, an analysis of a wide range of national programs aimed at school completion and addressing the needs of at-risk youth found similar returns on taxpayer investments, in terms of increased productivity and decreased crime, as the RAND researchers

²³ For a discussion of the impact of incarceration on the family and the community, see Braman, D. (2004). *Doing Time on the Outside: Incarceration and Family Life in Urban America*. Ann Arbor, MI: University of Michigan Press.

²⁴ Caulkins, J.P., Rydell, C.P., Scwabe, W.L., Chiesa, J. (1997). *Mandatory Minimum Drug Sentences: Throwing Away The Key or The Taxpayers' Money?* Santa Monica, CA: RAND. (pp. xvii-xviii).

²⁵ Rydell, C.P. & Everingham, S.S. (1994). *Controlling Cocaine: Supply Versus Demand Programs*. Santa Monica, CA: RAND.

²⁶ Ibid.

discovered with drug treatment.²⁷ The combined approach of prevention for juveniles and treatment for adults continues to exhibit significant cost savings and remains a viable alternative to incarceration for many individuals.

Conclusion: Implications for a Responsible Public Debate

During the last 30 years of incarceration growth, we have learned a great deal about the financial and social costs and limited effectiveness of incarceration on crime rates. While incarceration is one factor affecting crime rates, its impact is more modest than many proponents suggest, and is increasingly subject to diminishing returns. Increasing incarceration while ignoring more effective approaches will impose a heavy burden upon courts, corrections and communities, while providing a marginal impact on crime. Policymakers should assess these dynamics and adopt balanced crime control policies that provide appropriate resources and support for programming, treatment, and community support.

FURTHER READING

Diminishing Returns:

Crime and Incarceration in the 1990s

www.sentencingproject.org/pdfs/9039.pdf

Distorted Priorities:

Drug Offenders in State Prisons

www.sentencingproject.org/pdfs/9038.pdf

Drug Policy and the Criminal Justice System

Facts About Prison and Prisoners

www.sentencingproject.org/pdfs/5047.pdf

The Meaning of "Life":

Long Prison Sentences in Context

www.sentencingproject.org/pdfs/lifers.pdf

Truth-in-Sentencing in the Federal Prison System

www.sentencingproject.org/pdfs/tis-federal.pdf

²⁷ Aos, S., Phipps, P., Barnoski, R., & Lieb, R. (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime*. Olympia, WA: Washington State Institute for Public Policy.

THE SENTENCING PROJECT

514 TENTH STREET, NW, SUITE 1000, WASHINGTON, DC 20004

WWW.SENTENCINGPROJECT.ORG