

1. Crime

STATE and local officials are the front-line forces making America safer, implementing effective policies to get violent criminals off the streets and behind bars. Combined with aggressive and intelligent local police methods, these efforts are helping to reduce crime across America. However, Members of Congress should affirm the proper division of authority between the federal government and the states in combating violent crime by reducing federal intrusions into state and local crime-fighting activities. Federal officials have enough to do in fighting international terrorism and providing homeland security without taking on street crime.

by *David B. Muhlhausen, Ph.D.*

Recommendations

1. Have state and local officials, not the federal government, take the lead in preventing and suppressing gang-related street crime.

While the President is right to acknowledge community and faith-based groups' roles in helping to prevent gang membership, the federal government's track record suggests that it should stick to helping local jurisdictions handle tasks they cannot do by themselves, such as coordinating the flow of information among federal and local law enforcement agencies. In September 2004, the National Gang Intelligence Center was created at the Federal Bureau of Investigation to do just that.

2. Eliminate the remaining grants under COPS that exist almost entirely of pork barrel projects that are not awarded on a competitive basis.

Congress and the Administration were correct to end the remaining wasteful and ineffective police officer hiring grants administered by Community Oriented Policing Services (COPS). Eliminating funding for the COPS hiring grants was supported by well-founded observations. The COPS program did not meet its goal of placing 100,000 additional officers on the street. The program is ineffective as a crime-reduction policy, and there is little evidence to suggest that it significantly advanced the community policing movement, which began several years before the creation of COPS.

3. Encourage state and local officials to continue the trend of keeping violent criminals incarcerated.

Over the past decade, America has experi-

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enced an unprecedented drop in crime. In terms of public policy, a major factor contributing to falling crime rates was the increased use of incarceration. After controlling for socioeconomic factors that may influence crime rates and observing trends in multiple jurisdictions over several years, research indicates that incarceration reduces crime significantly.

4. Support the death penalty. Federal, state, and local officials need to recognize that the death penalty saves lives and, where appropriate, remove unnecessary barriers to its timely implementation. While constitutional protections, such as due process and equal protection of the law, need to be rigorously upheld in the criminal justice system, the criminal process should not be abused to prevent the lawful imposition of the death penalty in appropriate capital cases.

5. Decriminalize socially and economically productive conduct. Adopting new criminal penalties in an effort to control productive social and economic conduct, such as employment or production, is not a costless exercise. Using criminal penalties inappropriately undermines the moral authority of the criminal law and, as a practical matter, over-deters productive economic conduct at a real cost to society. The creation of new federal crimes should be resisted.

6. Redirect funding away from federal crime grant programs if less than 10 percent of the money is earmarked for scientific evaluations of effectiveness. For more than four decades, Congress has enacted numerous social programs aimed at crime prevention. Congress should review these programs and require their directors to present impact evaluation data on effectiveness. No congressional funding for any federal crime prevention program should be appropriated without also funding rigorous program evaluations. Anecdotal examples are not sufficient direct evidence that a program has reduced crime.

Facts and Figures

■ Gang suppression programs that rely on multi-agency and multi-strategy approaches show promise in reducing gang-related violent crime. As demonstrated by Boston's Operation Ceasefire, enforcing existing laws through collaborative efforts of various criminal justice agencies can be more effective than passing new laws that may threaten civil liberties. As a result of these collaborative efforts, Operation Ceasefire coincided with a 63 percent decrease in monthly youth homicides and a 25 percent drop in gun assaults.

■ Federal gang prevention programs such as Gang Resistance Education and Training (GREAT) do not have demonstrable track records

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of success. GREAT used uniformed police as instructors in middle-school classrooms to teach students about the negative consequences of gang participation, yet a 2001 evaluation found no statistically significant impact on gang membership, drug use, or self-reported delinquency.

■ Programs such as COPS that have a long history of poor performance are prime candidates for elimination because they not only have failed to achieve their goals, but also have assigned to the federal government functions that fall within the expertise, jurisdiction, and constitutional responsibilities of state and local governments. COPS, which directly subsidizes the routine operational expenses of police departments, is not an efficient use of limited federal resources intended to protect homeland security.

■ Professor Joanna M. Shepherd of Clemson University found that truth-in-sentencing laws, which require violent felons to serve up to 85 percent of their sentences, reduced violent crime rates. These laws reduced county murder rates by 1.2 incidents per 100,000 residents.

■ In a 1994 study of 49 states' incarceration rates from 1971 to 1989, Thomas B. Marvell of Justec Research and Carlisle E. Moody of the College of William and Mary found that for each additional prisoner put behind bars, about 17 crimes (mainly property crimes) were averted.

■ A Justice Department study of state prisoners released in 1994 found that two-thirds were rearrested within three years. After release, these offenders generated over 744,000 arrests, including 2,871 for murder, 2,362 for kidnapping, 2,444 for rape, 3,151 for other sexual assaults, 21,245 for robbery, and 54,604 for assault.

■ A study of murder rates in 3,054 counties from 1977 to 1996 by Hashem Dezhbakhsh and Paul H. Rubin of Emory University and Joanna M. Shepherd of Clemson University found that for every execution, on average, 18 fewer murders occurred. Similarly, H. Naci Mocan and R. Kaj Gittings from the University of Colorado at Denver found that for each additional execution, approximately five murders were prevented.

■ One recent example of the results of unchecked prosecutorial discretion saw a Honduran exporter and two American importers sentenced to eight years imprisonment for importing a shipment of spiny lobster in plastic bags instead of cardboard boxes. These draconian sentences were made possible because the individuals were charged with "laundering" the proceeds of their crime by depositing the sales amounts into their bank accounts.

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■ The Constitution provides for only three federal crimes: piracy, counterfeiting, and treason. Today, there are more than 3,000 federal criminal laws—so many that the Congressional Research Service cannot count them all. More than 40 percent of these were passed since 1970, and there are more than 10,000 separate regulations (estimates run as high as 300,000) that carry criminal penalties.

This chapter can be read online at issues2006.org/crime.

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Additional Reading

Stephen Johnson and David B. Muhlhausen, Ph.D., “North American Transnational Youth Gangs: Breaking the Chain of Violence,” Heritage Foundation *Backgrounder* No. 1834, March 21, 2005, at www.heritage.org/Research/UrbanIssues/bg1834.cfm.

David B. Muhlhausen, “Why the Bush Administration Is Right on COPS,” Heritage Foundation *Backgrounder* No. 1647, April 23, 2003, at www.heritage.org/Research/Crime/bg1647.cfm.

Paul Rosenzweig, “The Over-Criminalization of Social and Economic Conduct,” Heritage Foundation *Legal Memorandum* No. 7, April 17, 2003, at www.heritage.org/Research/LegalIssues/lm7es.cfm.

David B. Muhlhausen, “Do Community Oriented Policing Services Grants Affect Violent Crime Rates?” Heritage Foundation *Center for Data Analysis Report* No. CDA01-05, May 25, 2001, at www.heritage.org/Research/Crime/CDA01-05.cfm.

Gareth Davis, David B. Muhlhausen, Dexter Ingram, and Ralph A. Rector, Ph.D., “The Facts About COPS: A Performance Overview of the Community Oriented Policing Services Program,” Heritage Foundation *Center for Data Analysis Report* No. CDA00-10, September 25, 2000, at www.heritage.org/Research/Crime/CDA00-10.cfm.