

Testimony of

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before the

Senate Judiciary Committee

Strategies for Combating Violent Crime

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Senator Leahy and members of the Committee:

Thank you for inviting me to testify at this important hearing. I am honored by the opportunity to appear before you today as you consider the various issues involved in the important question of combating violent crime and more generally how the Federal government can more effectively contribute to crime reduction and justice enhancement in a new Administration.

As background to my own involvement in the issues you are considering, I have engaged in a wide variety of criminological research since my involvement as Director of Science and Technology for the President's Commission on Law Enforcement and Administration of Justice in 1966. I have been involved in practical policy matters as a member of the Pennsylvania Sentencing Commission for ten years between 1987 and 1997, and I served for over eleven years from 1979 to 1990 as the chairman of the Pennsylvania Commission on Crime and Delinquency, the state's criminal justice planning agency, which manages Federal criminal justice funds in Pennsylvania. I have appended a short biographical summary at the end of my brief statement.

In my five minutes, I would like to address very briefly some background on trends in violence in recent years, including some of the important lessons learned, and then go on to discuss how I think the Congress could usefully address important concerns about violence, particularly from a Federal perspective.

Trends in Violent Crimes

I would like to focus on the two most serious and best measured violent crimes, murder and robbery. The attached figure shows their trends from 1970 to 2007. These two crimes have tracked each other rather closely. They reached a peak in about 1980, largely as the 1960 peak birth-cohort of the baby-boom generation started moving out of the high crime ages.

Crack began to be introduced as an important technological innovation in the early 1980s. It made the “pleasures” of cocaine accessible to those who could not afford the minimum available quantity of powder. That stimulated a vigorous competitive market, one in which violence was and still is the normal means of dispute resolution. That led Congress and many state legislatures to

seek means to address that violence. Unfortunately, their repertoire for doing so was quite limited, and almost totally limited to increasing sentences – either through requiring prison sentences rather than probation or by lengthening the sentences. Those legislative initiatives led to passage of a variety of punitive statutes keeping drug sellers in prison to the point where drug offenses are now the single largest offense type in prison – over 20 percent in state prisons and over 50 percent in Federal prisons. Between 1980 and 2000, we saw a 6-8% annual growth in state and Federal prison populations. That led to almost a quintupling of the nation’s incarceration rate from the levels that had prevailed rather stably for the previous 50 years. And those statutes are still on the books despite the passing of the widespread violence that characterized the crack markets. As pointed out in a recent Pew report, fully 1 percent of the U.S population is in prison or jail today. That makes us the world leader in incarceration rate, recently having passed the Russians.

Let me distinguish the effectiveness of incarcerating a pathological rapist compared to incarcerating a drug dealer. Locking up the rapist assuredly incapacitates his rapes by removing him from the community. Locking up the drug dealer stimulates the appearance or recruitment of a replacement as long as the demand prevails, and so those replacements nullify any incapacitative or deterrent effect of that incarceration. The locked- up drug dealers take up space and cost us money, but don't do much about reducing drug transactions.

One of the unfortunate and unintended consequences of the massive incarceration of drug sellers was the recruitment of replacements, primarily young African-American males. That recruitment didn’t start until 1985, several years after crack had penetrated the urban scene. Those young sellers had to carry guns to protect themselves against street robbers, and they were far less restrained in the use of their guns than the older sellers they replaced. Also, since young people are tightly networked, their pals in the street who were not even connected to the drug markets started carrying guns, and so we saw an escalating arms race in their neighborhoods. This led to a more than doubling of gun homicides for youth 18-24 and a quintupling of that rate for those under 18.

As a result, between 1985 and 1993 we saw a 25% increase in murder, primarily young African-American males killing other young African-American males. By 1993, when the horrors of crack began to be widely recognized, we saw a major drop in demand by new users, and so the

young sellers were no longer needed, but the robust economy of the time was readily able to absorb them. By 1993, however, all ages of 20 and under experienced more than a doubling of the murder arrest rate compared to 1985, and that showed itself in a 25% increase in homicides. Interestingly, at the same time there was a 25% reduction in murder arrests for all ages over 30, presumably an incapacitation effect resulting from the growth in their incarceration. This makes it clear that prison can be an important instrument for controlling crime, but that requires that we think more carefully about how best to use it.

Following the peak in 1993, the nation experienced a decline of over 40% in murder and robbery, reaching a level by 2000 that had not been seen since the 1960s. Since 2000 those rates have been impressively flat, with murder rates oscillating between 5.5 and 5.7 per 100,000 and with robbery rates oscillating between 137 and 149, impressively narrow ranges for those two offenses. I should also note that the data for 2007 are still preliminary, waiting for final numbers in the next month or two – as we almost head into 2008. In contrast to most economic or other social accounting information, our crime data should become available much sooner, even as estimates.

Having noted that the national rates have stayed flat does not mean that that pattern prevailed in all cities. My earlier discussion about demographic trends and about the effects of the rise and fall of crack markets were based largely on widespread national phenomena. In contrast, the more recent trends have been driven much more by the specific situations in individual cities: some have been up, others have been down, some up-and-down, and others down and up. The patterns in the three largest cities, New York, Los Angeles, and Chicago, have been interesting because they have generally been steadily declining over this interval. That is probably because their managements are quite skillful and sophisticated, and they also have the resources to throw into a developing situation.

A number of the smaller cities have seen spikes of violence over a one to three year period. Those often result from one of two causes. One might be attributable to a spurt of conflict in drug markets, perhaps with former sellers coming out of prison and seeking to recover their former turf. The second is a phenomenon best described by Elijah Anderson in his *Code of the Street*. He describes urban inner-city areas as composed predominately of decent people but with groups of

what he calls “street people” who have little skills, little prospects for the future, and extremely sensitive egos such that any act of disrespect generates a compulsion to avenge that act. With the widespread prevalence of guns in those communities, probably left over from the days of the thriving crack markets, the results are much too often lethal. To the extent that these individuals aggregate into small gangs, this can lead to a sequence of retaliatory strikes against members of the opposing gangs. The larger cities have developed a variety of tactics for dealing with these problems before they escalate too far and for too long. That may be through recruiting former offenders who have credibility in these neighborhoods to detect the developing crises, to help mediate the disputes, and to call on police resources for intensive patrol and perhaps to extract the main leadership of these conflicts. In other cities, community-oriented policing could perform a similar function. In other cities, technology has been brought in to provide video surveillance of crisis neighborhoods or acoustic gunshot detectors to pinpoint the location of gunshots to permit rapid police response. An important tactic was developed in Boston in the 1990s when gangs were the major threat of violence. A team of criminal-justice practitioners (e.g., combining police and probation resources to complement each other’s rights and restrictions) contacted the individual gangs and made it clear to them that they had the information needed to impose lengthy incarceration if the gang persisted in violent activity, and that seemed to work in Boston.

Some Issues for Congress

It is clear that based on these aspects of recent activity that there is much that could be done to strengthen the ability of the medium-size cities (say 250,000 to 1 million in population) to respond to an outburst of violence. The Office of Justice Programs (OJP) could initiate a major program to analyze the approaches that have worked in a variety of places, to carry out an evaluation both to document the innovation in order to facilitate its replication elsewhere and to assess its contribution to a reduction in violence. It could then develop technical assistance teams who could travel to cities experiencing a spurt in violence and help them organize an appropriate response. They would have a toolkit of methods and approaches derived from their evaluation studies and, in conjunction with local knowledge and expertise, choose from that toolkit approaches that would work in that particular city. This agency could also organize a training program for police leadership in such cities. That would inevitably have to involve local political and police leadership from the affected communities to participate with the police in any such training activity.

The work of the National Institute of Corrections with its technical assistance function for the corrections community provides a reasonable model for this effort to help the police.

Pursuing such proactive approaches makes so much more sense than the typical political response of simply increasing sentences. That certainly works under some circumstances, but also can be seriously counterproductive. Many states that are facing serious budget pressures are very actively rethinking the sentencing policies they adopted over the past 30 years that have imposed serious cost burdens, that has contributed to some degree of crime reduction but not necessarily efficiently, and in some cases have directly contributed to worsening the crime problem as was the case in the late 1980s and early 1990s. More community-based supervision, particularly by exploiting GPS capability for tracking the more serious offenders, can provide valuable relief.

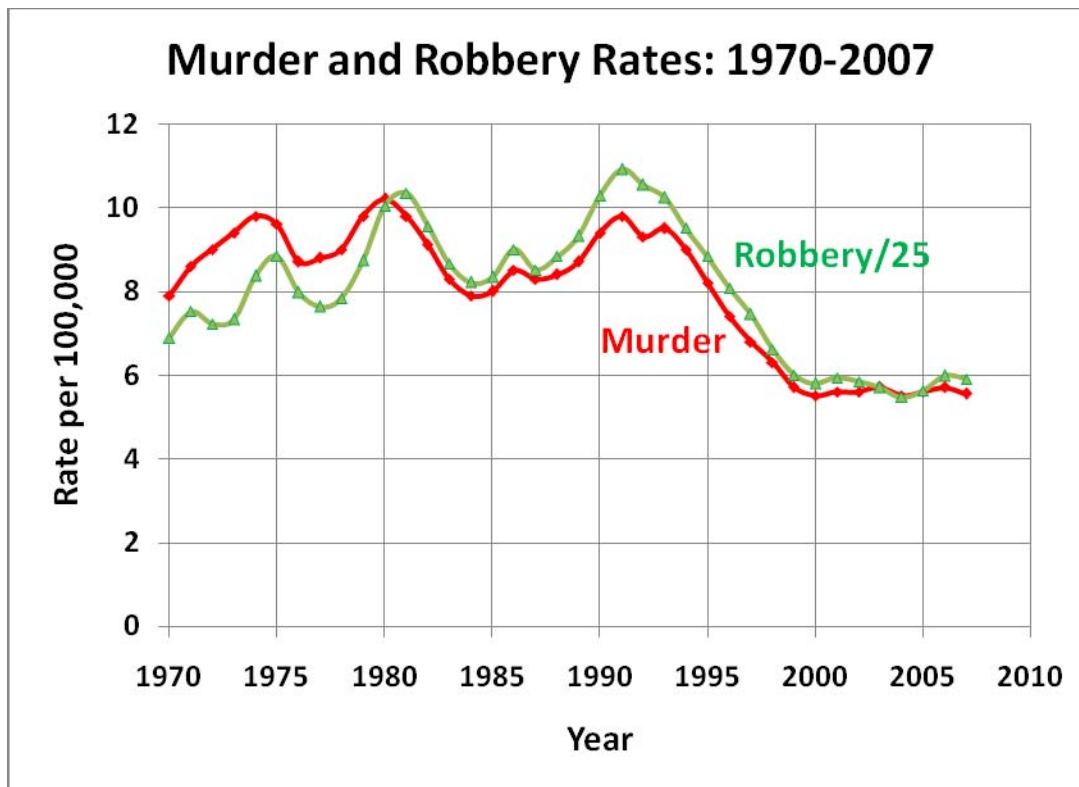
While we are thinking of ways to target resources more efficiently, it is also important to recognize that resources directed at early childhood development in the high risk families or neighborhoods could be far more efficient at reducing crime than an immediate response. The problem, of course, is that those benefits will not accrue for another 10 years or more - on someone else's watch. And those suggestions are not likely to be entertained at a time when crime rates are very high. But this time, when crime rates are quite low, might be an ideal time to initiate such efforts as part of an overall long-term violence reduction strategy.

My suggestion of providing technical assistance to police is an important means of implementing our current and accumulating knowledge of what works in at least some circumstances. But as with any uses and development of improved methods, it is essential that there be a strong and effective research and development program to build that capability for the future. It is distressing to note how minuscule the Federal commitment to building that capability is. The Federal agency responsible for building that knowledge base is NIJ. Its budget is something under \$50 million to help fix the entire criminal justice system. Compare that to almost \$400 million committed to the National Institute of Dental Research.

In its wisdom, the Congress saw fit to insulate NIJ and BJS from the political environment of the Department of Justice by giving their directors sign-off authority on grants and contracts and

on publications. This independence was necessary to ensure the quality and the integrity as well as the credibility of those two important knowledge-generating agencies. That independence was surreptitiously removed by an obscure clause incorporated in the Patriot Act passed after 9/11. That change has certainly led to diminished performance by NIJ. I would hope that the Congress would give serious attention to rebuilding the statistics, research, and development efforts of these agencies by ensuring their independence and enhancing their budget levels. While providing Federal funds and technical assistance to state and local governments are indeed important, it is hard to identify any role that is a more central Federal responsibility than maintaining a strong statistical system and research and development efforts that serve the nation as a whole. I could provide you with a long list of individual projects that I would like to see supported, but the important message is to re-build the capability that has decayed in recent years.

Thank you very much for your attention. I would be pleased to elaborate for the Committee on any of the issues I have raised here.



ALFRED BLUMSTEIN

ALFRED BLUMSTEIN is a University Professor and the J. Erik Jonsson Professor of Urban Systems and Operations Research and former Dean (from 1986 to 1993) at the H. John Heinz III School of Public Policy and Management of Carnegie Mellon University.

He has had extensive experience in both research and policy with the criminal justice system since serving the President's Commission on Law Enforcement and Administration of Justice in 1966-67 as Director of its Task Force on Science and Technology.

Dr. Blumstein was a member of the National Academy of Sciences Committee on Research on Law Enforcement and the Administration of Justice from its founding in 1975 until 1986. He served as Chairman of that committee between 1979 and 1984, and has chaired the committee's panels on Research on Deterrent and Incapacitative Effects, on Sentencing Research, and on Research on Criminal Careers. He was a member of the Academy's Commission on Behavioral and Social Sciences and Education from 1994-2000. In 1998, he was elected to membership in the National Academy of Engineering.

On the policy side, Dr. Blumstein served from 1979 to 1990 as Chairman of the Pennsylvania Commission on Crime and Delinquency, the state's criminal justice planning agency. He served on the Pennsylvania Commission on Sentencing from 1986-96.

His degrees from Cornell University include a Bachelor of Engineering Physics and a Ph.D. in Operations Research. He was awarded an honorary degree of Doctor of Laws by the John Jay College of Criminal Justice of the City University of New York.

He was President of the Operations Research Society of America (ORSA) in 1977-78, he was awarded its Kimball Medal "for service to the profession and the society" in 1985, and its President's Award in 1993 "for service to society." He was president of the Institute of Management Sciences (TIMS) in 1987-88 and was President of the Institute for Operations Research and the Management Sciences (INFORMS) in 1996. He is a Fellow of the American Association for the Advancement of Science (AAAS) and INFORMS, and he served as President of COSSA (the Consortium of Social Science Associations) in 1998-2000.

Dr. Blumstein is a Fellow of the American Society of Criminology, was the 1987 recipient of the Society's Sutherland Award for "contributions to research," and was the president of the Society in 1991-92. At the 1998 meeting of the ASC, he was presented with the Wolfgang Award for Distinguished Achievement in Criminology. He was awarded the 2007 Stockholm Prize in Criminology.

His research has covered many aspects of criminal-justice phenomena and policy, including crime measurement, criminal careers, sentencing, deterrence and incapacitation, prison population, demographic trends, juvenile violence, and drug policy.