

## The Media

### Crime in the Mass Media: Some Critical Views

- The mass media's images of crime are almost never objective. When social life is routine and orderly there is little news. Nothing sells like **violence and sex**.
- The media feature unusual events rather than representative events. They emphasize the **sensational** rather than the mundane.

### Crime in the Mass Media 2

- In modern societies everyday images of crime tend to be filtered through the self-interested and often distorted lenses of the mass media
- Our **image of the typical criminal**—a sick degenerate, violent person who preys on the innocent and the vulnerable. **Often a racial or ethnic minority.**
- Our obsession with crime is seldom based on rational reflection

### Crime in the Mass Media 3

- **Murder** constitutes only **0.2 percent** of all crimes recorded by the police but in a 1980 study murder composed over **26 percent of newspaper entries about crime.**
- The media distort the incidence of nonviolent crime. Whereas nonviolent crimes like theft compose 47 percent of all crimes reported to police, such crimes constitute only 4 percent of all crime item in newspaper.

### Crime in the Mass Media 4

- Crime consumes an enormous chunk of dramatic and informational space in the media.
- A UCLA report indicates **33 percent of total TV** program time in the U.S. is devoted to crime or law-enforcement shows with a concentration at prime time.
- TV news and newspapers conveniently convey to us the images of the amount of crime.

### Crime in the Mass Media 5

- A high percentage of stories in the evening and late-night local news programs concerns crime, as do their lead items.
- Crime and justice topics occupy **10-13 percent of all national TV news**, 20 percent of local TV news, and as much as 25 percent of all newspaper news space.

### Crime in the Mass Media 6

- The media are preoccupied with **violent crime** rather than other forms. Approximately 80 percent of all TV programs contain violence including 90 percent of children's cartoon shows.
- In the news there is a **strong bias** toward coverage of **murder, sexual crimes** and other forms of violence, often coupled with **drug abuse**.

### Crime in the Mass Media 7

- The enormous volume of crime-related items in the media creates the **mistaken image of a society with an enormous amount of violent crime**.
- *Time* and *Newsweek* cover stories in the past have misrepresented the problem of crime as primarily a problem of urban African Americans.

### Crime in the Mass Media 8

- Media incentives for violent crime coverage on TV includes first and foremost **ratings**, the need to fill space when other news is ordinary (akin to poker tournaments on sports channels) and the ease of immediate feeds and coverage via on the scene reports nationally and from around the world. **A daily violent murder or sex crime is guaranteed.**

### Crime in the Mass 9

- Dowler in a thorough and complex analysis concludes:
- Regular **viewers of crime shows are more likely to fear crime**. The strength of this finding was minimal or weak. Crimes on TV shows and films tend to overemphasize crimes of violence (murder and robbery) and **offenders are often portrayed as psychopaths that prey on weak and vulnerable victims** or as businessmen that are shrewd, ruthless and violent.
- Crime shows rarely focus on mitigating issues. Greed, revenge and mental illness are the basic motivation and offenders are "different" or "monsters" to be feared.
- Dowler also concluded that **crime show watching was not related to punitive attitudes or perceived police effectiveness**.

### Crime in the Mass Media 10

- We have a long history of crime stories in the tabloids.
- Many of the viewing habits of Europeans and a heavy emphasis on murder mysteries and crime shows is on a par with the US. Many of the better shows originate in England and other European countries.

### Sexual Crime and the Media 1

- Intense interest by the media **especially with respect to children**. **Result has created the perception that it is a wide spread problem and that there has been a major increase in sexual crime**. Good article by Radford provides a reality check.
- If you believe the near-daily news stories, sexual **predators lurk everywhere: in parks, at schools, in the malls—even in teens computers**. A few rare (but high profile) incidents have spawned an unprecedented slate of new laws enacted in response to the public's fears.
- Every state has notification laws to alert communities about released sex offenders. Officials in Florida and Texas plan to ban convicted sex offenders from public shelters during hurricanes.

## Sexual Crime and the Media 2

- A few myths: If a child is missing, chance is good it is a sexual offender. Fact: Sex offender is actually among the *least* likely explanations, far behind runaways, family abductions and the child being lost or injured.
- **The news media emphasizes the dangers of Internet predators, convicted sex offenders, pedophiles and child abductors. Fact: there have been almost no or relatively few instances and there is little hard data on Internet predators.** In a 2001 Dept. of Justice study of 1,501 teens not a single one reported a solicitation that led to any actual sexual contact or assault. About 3 percent received a request for a telephone number or to meet somewhere but the requests were mostly from other teens.

## Sexual Crime and the Media 3

- **Most of the concern is from the perception that if an offender has committed one sex offense, they are almost certain to commit more.** Therefore sex offenders more than murders or armed robbers should be monitored and separated from the public once they are released from prison.
- Fact: a Dept. of Justice study of 10,000 men convicted of rape, sexual assault and child molestation had recidivism rates 25 percent less than for all other criminals. **Two other studies indicated that only 3 to 5 percent of sex offenders committed another sexual crime within three years of their release.** Studies also suggest that sexual offenders living near schools are no more likely to commit a sex crime than those living elsewhere.

## Sexual Crime and the Media 4

- A tragic result of the myths is that the panic over sexual offenders distracts the public from **a far greater threat to children: parental abuse and neglect.** The vast majority of crimes against children are committed by the victims own family and family friends. The National Center for Missing and Exploited Children indicates “based on what we know about those that harm children, **the danger to children is greater from someone they or their family knows than from a stranger**”. A Wisconsin study reported this was the case for 90% of the molestation cases. Of the 35% involving family members, fathers or stepfathers were responsible for half. The rest involved cousins, brothers, uncles and grandfathers. Of the molestations by family friends (47%) half involved the mother's live-in-boyfriend.

## Innocence Commission

- Book by Jon Gould, professor GMU and attorney. Jon was chair of the ICVA (Innocence Commission of Virginia).
- Wrongful convictions have been with us for years.
- Virginia has a well earned reputation as the cradle of the confederacy and whose criminal justice system has been lambasted as one of the most needlessly severe in the country. A “political museum piece” in the first half of the twentieth century. Penal institutions reflected “isolated, fragmented and generally racist, sexist, and repressive forms of social control.”

## ICVA 1

- 2004 report by the ABA found that Virginia ranked among the worst states in providing quality legal representation to indigent defendants.
- Virginia also known for its enthusiastic endorsement for the death penalty. From 1608 to 1972 Virginia executed 1,277 people, the most of any state in the union. From 1976 to 2006 they are second only to Texas.
- Virginia earned the ignominious label in legal circles as “the worst state in the union for both unfair trials and lack of due process protection—even when considerable doubt concerning an inmate's guilt is found. “After conviction, innocence is irrelevant.” Mary Sue Terry, Attorney General

## ICVA 2

- Gould draws upon various studies to argue that the “true” rate of erroneous felony convictions is less than 5 percent but could be 1 or 2 percent.
- One of the worst cases was that of Earl Washington, Jr., African American, I.Q. 69 who came within 9 days of execution after 17 years of incarceration for allegedly committing rape and murder. Investigator Curtis Reese Wilmore “deliberately fabricated” the evidence against Washington. The State eventually paid a civil rights judgment of 1.9 million plus legal cost estimated at over a million in prosecuting, incarcerating and defending Washington's conviction.
- Virginia has made modest improvements in recent years.

## ICVA 3

### Why wrongful convictions:

- Mistaken identification of defendants
- Suggestive identification procedures
- "Tunnel vision" by police officers and detectives
- Antiquated forensic testing methods
- Inadequate, if not ineffective, defense counsel
- Failure to disclose exculpatory reports to the defense and in some cases the prosecution
- Interrogations involving suspects with mental incapacities.
- Inconsistent statements by defendants (often under pressure)
- The unavailability of adequate post conviction remedies to address wrongful convictions once they have occurred.
- High pressure interrogations. False confessions.
- Testimony by questionable informants. False accusations for revenge, jailhouse snitches, etc.
- Misconduct by investigative personnel. Rare but does occur.

## REFORM 1

- Broader observations and suggestions
- Bierne and Messerschmidt conclude they can do no better than the reform recommendations of Currie that follow.
- The recommendations have more to do with social conditions than specific criminal justice issues.

## Reform 2

- Exploration and development of intensive rehabilitation programs for youthful offenders, preferably in the local community or in a supportive institutional milieu
- Community-based, comprehensive family support programs, emphasizing local participation and respect for cultural diversity

## Reform 3

- Improved family planning services and support for teenage parents
- Paid work leaves and more accessible child care for parents with young children, to ease the conflicts between child rearing and work
- High-quality early educational programs for disadvantaged children

## Reform 4

- Expanded community dispute-resolution programs
- Comprehensive, locally based services for domestic violence victims
- Intensive job training, perhaps modeled along the lines of supported work, designed to prepare the young and displaced for stable careers

## Reform 5

- Strong support for equity in pay and working conditions, aimed at upgrading the quality of low-paying jobs
- Substantial permanent public-private job creation in local communities, at wages sufficient to support a family breadwinner, especially in areas of clear and pressing social need as public safety, rehabilitation, child care and family support

### Reform 6

- Universal—and generous—income support for families headed by individuals outside the paid labor force
- In summary, all we need is the utopia of the American dream.

### Social Reforms

- The major social policy reforms suggested by Bierne and Messerschmidt may be difficult to achieve in the United States. It would take a dramatic change from current programs and policies by the federal government along with adjustments in state criminal justice systems. It may even be more difficult in Virginia.

### Reforms: Legalize Drugs

- Steadily eliminate the "War on Drugs" to one of taxation of drug sales and treatment of addicts along the same lines currently in place for tobacco and alcohol.
- Decriminalize possession and use of marijuana and harder drugs including cocaine and heroin.
- Utilize educational programs and counseling of youth regarding the medical aspects of drugs. Provide appropriate medical and additional support programs, community based treatment and access to approved quality controlled distributors for those that wish to use drugs. Make drugs available for medical use and treatment of pain.
- Minimize incarceration as a punishment for possession of drugs. Legalize distribution of drugs through private sector outlets under government regulation and control.

### Reforms 7

- Follow European principles of using custodial (incarceration) sentences only when necessary.
- Consider the Canadian requirement (also in use in Europe) that all prisoners being held for more than two years be assessed and a plan for programs and rehabilitation be implemented under the supervision of a case manager.
- Revoke denial of the vote to felons. Eliminate other forms of invisible punishment including loss of access to programs..

### Reforms 8

- Make punishment visible. Provide the same access by the media to the incarcerated as by the general public or families. This includes interviews, written communications, telephone calls and elimination of attempts by prison officials to squash stories regarding crimes, prison conditions, etc.
- Require truth in advertising the benefits of criminal sanctions including corrections. Virginia is a good example of the need.
- Require truth in legislating regarding the costs and alleged benefits of incarceration and other criminal sanctions.
- Truth in sentencing: Provide open information on criminal codes, sentences and any other sanctions including fines.
- Make criminal penalties proportional to the seriousness of the crime. Base fines on incomes and ability to pay.

### Reforms 9

- Return to individualized justice that provides judges with latitude for flexibility on sentencing, use of parole incentives and consideration of factors including the past record of offenders.
- Learn from the Europeans on milder sentencing and decriminalizing of victimless and non-violent events.
- Require and provide support for treatment, educational and other counseling programs.
- Fund and greatly expand research programs on criminal justice. Current efforts are pathetic in contrast to the cost of criminal justice systems.

## Reforms 10

- Recognize that research and reforms can be a threat to large vested interests or political points of view.
- Confront the debilitating pressure of fear. Provide objective information to the public.
- Recognize we cannot be society's wastebasket for conduct some people deem wrong. Do not overdo criminalizing actions that seem morally wrong.
- Completely reform drug laws, prostitution and other morally based laws.
- Recognize crime and crime response can lead to political exploitation, recognize and put into perspective the media adage "if it bleeds, it leads".
- To the extent possible employ judges and criminal justice professions through the civil service as opposed to elected officials.
- Look at the European models of cooperation between prosecutors, the legal profession and judges as opposed to our adversarial approaches to justice.

## Reform 11

- There is no reason our rates of incarceration cannot return to the levels of the 1880's to the 1950's or those of European nations.
- For the equivalent public expenditures we could improve our society through major reforms in our social programs and in criminal justice systems.
- Whether we have the interest and political will to make progress is very unclear. I would like to be optimistic.

## Reform 12

- The electoral dividends of appearing "tough on crime" have been more appealing to U.S. politicians than the long-term social dividends of flexible and reasonable criminal sanctions. Getting rid of the "war on drugs", revising sentencing guidelines to permit greater judicial discretion, eliminating mandatory minimum sentences for many offenses—these and other reforms will require real political courage.

## Reform 13

- On a local basis, the programs being utilized in Fairfax County including the work of Offender Aid and Restoration (OAR) hold promise.
  - Pre-release programs where inmates work regular private sector jobs and return to jail in their off hours.
  - Community service programs in lieu of incarceration for some non-violent offenders.
  - Transitional assistance such as bus tokens to shelter, clothing and assistance in locating jobs for newly released inmates.
  - Mentoring programs with inmates in jail if requested and resources permit.

## OAR Programs continued

- The provision of courses within the jail on topics such as computer skills, personal relationships, anger management, financial planning, impact of crime and violence with victims groups, fathering skill, life skills, personal behavior and after release issues.
- Alcohol and drug counseling outside the jail for low level offenders.
- Relatively new are peer groups comprised of ex-offenders counseling and mentoring inmates that are close to being released or have just been released.
- Programs from other providers include alcohol and substance abuse counseling, GED classes, employment skills and a number of counseling programs that focus on religion and values.

## Fairfax County Programs

- Funding is an issue. The OAR program is highly dependent on County funds for staffing supplemented with private donations and volunteer assistance.
- The proportion of those inmates with access to OAR programs is small. OAR programs do reach a sizable number of persons on the outside and help lower incarceration rates.

## Other Reforms

- Consider “getting soft on incarceration” to save funds at the federal, state local level.
- Dust off parole and become aggressive with amnesties and providing judges with flexibility in sentencing.
- Remove politics to the extent possible from judicial and criminal justice appointments.
- Put a moratorium on building prisons.
- De-criminalize and lower sentencing guidelines to bring them in line with the European standards.

## Realism

- The cost of corrections may begin to get burdensome enough to bring about change.
- Our numbers should increasingly cause us embarrassment in world forums.
- Some innovative programs by a few states may provide examples of ways to reform the system.
- Policies and programs move slowly. Do not become overly optimistic.

### The Causes of the Current Approach in the United States to Criminal Justice 1

- We really don't know that definitively but Beirne indicates at least five factors that distinguishes the social structure of the United States from other “comparable societies” and that these factors contribute to its “high” crime rate and out of sight rates of incarceration.

### The Causes of High U.S. Crime Rates 2

- 1. The United States has had one of the highest rates of structural unemployment since 1945
  - Structural unemployment involves a mismatch between workers looking for jobs and the vacancies available. The issue may be job skill, location or other factors.
  - Computers and the technological revolution for example may have eliminated jobs, but they opened up many new positions.

### The Causes of High U.S. Crime Rates 3

- 2. The United States has the largest underclass of persons economically, socially and politically discriminated against because of race and ethnic background versus comparable societies.
  - African-Americans historically and African-American and Hispanic males currently come to mind.

### The Causes of High U.S. Crime Rates 4

- 3. The United States has inferior support systems of welfare, social security, health and education versus comparable societies.



## The Causes of High U.S. Crime Rates

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- 4. The extreme commercialism of U.S. capitalism provides incentives and motivations to circumvent acceptable (namely legal) means of achievement.

## The Causes of High U.S. Crime Rates

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- 5. The U.S. criminal justice system is one of the most punitive control mechanisms in the world.

## The Economics of Crime

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## Goal of crime policy in US

- Minimize social costs of crime subject to constraints
  - Resources
  - Civil liberties
- Issues I will touch on:
  - Role of benefit-cost analysis for crime policy
  - Incarceration (*the* crime policy issue in US)
  - Alternatives to incarceration on the margin

## Cost of crime in US

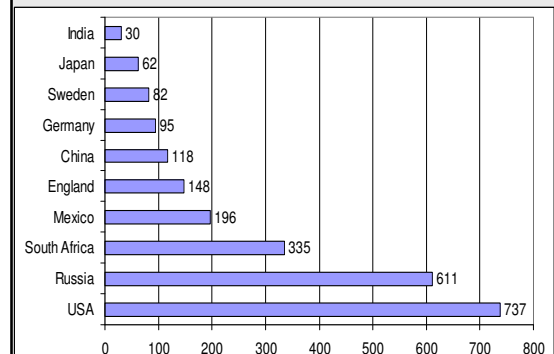
- May be as high as \$2 trillion per year
  - Very large relative to US GNP (\$14 trillion)
  - Dominated by violent crime & economic crime
  - Very regressive
    - ↳ Disproportionately affects low-income & minorities
  - Implies even costly new anti-crime efforts might pass a benefit-cost test

## Application of benefit-cost analysis to incarceration policy

- Potential effects of incarceration on crime
  - Incapacitation (mechanical)
  - Deterrence (behavioral)
    - ↳ Assumes in response to incentives
    - ↳ Criminal justice as crime prevention
  - Replacement (behavioral, partially offsetting)
- We expect diminishing marginal returns from expanding prison populations
- Is US beyond optimal incarceration rate?



## US incarceration trends



## Too much of a good thing

- Increased incarceration reduces crime
  - MB  $\approx$  MC as of early 1990s
    - Steve Levitt 1996, *Quarterly Journal of Economics*
    - Uses plausibly exogenous policy variation for identification
  - So we're probably beyond optimal point now
  - China has lower incarceration rate, but longer sentences (more short sentences better?)
- In US, efficiency gains from redirecting resources from prisons to other policies?

## Alternatives to mass incarceration

- More policing
  - Identification of causal effects using "natural experiments" from sharp policy shifts
  - More police spending reduces crime
  - At present levels, US very "under policed"
    - 3.3 police per 1,000 pop
    - Marginal dollar on police generates from \$4 to \$8 in benefits to society (Donohue and Ludwig, 2007)
    - (Argument hinges on cost of crime estimates)
    - US has been scaling back police spending in recent years
  - China same opportunity? Purportedly longer prison sentences & fewer police (1 per 1,000 residents)

## Alternatives to mass incarceration

- Improving efficiency of policing
  - Targeting most severe aspects of problem
    - Crime "hot spots" (Lawrence Sherman, 2003)
    - Criminal gangs (Anthony Braga & colleagues)
    - Illegal gun carrying (Ludwig & Cohen, 2003)
    - Repeat offenders
  - Requires good data infrastructure
    - Better data collection and analysis might be remarkably cost-effective intervention

## Alternatives to mass incarceration

- Crime prevention through social programs
  - Economic model: Increased opportunity costs of time should reduce criminal behavior
  - Identification is difficult (selection into programs)
  - Great value of randomized experimentation
  - Evidence from good natural experiments
    - Lochner and Moretti, 2004: more schooling, less crime
    - Schweinhart et al., 2005: more preschool, less crime
    - Weiner, Lutz and Ludwig, 2008: racially desegregating schools leads to less criminal behavior

## Alternatives to mass incarceration

- Diversion to drug treatment
  - Evidence from US counter-intuitive: Most relapse, but still passes benefit-cost test
  - Hypothesis that drug treatment with stronger incentives to quite may be more effective
  - Would be interesting to know whether that is true in China
    - ↳ Relapse may lead to labor at reeducation camp

## Lessons from the Becker economic model of crime

- Benefit-cost analysis helps set overall budget for crime prevention
  - Also helps choose among competing uses
  - Think about resource allocation on margin
  - Example of over-incarceration in US
    - ↳ Evidence that criminals respond to incentives highlights potential alternatives (more police, social programs)
  - Measurement issues for BCA very difficult in practice
    - ↳ Plausibly exogenous variation for impact evaluation
    - ↳ Measurement of WTP even more difficult
    - ↳ But in theory great promise for improving policy in this area

## U.S. Criminal Justice 1

- One argument is that the relatively punitive criminal justice system in the United States is stimulated, at least to some extent by public opinion, has coincided with the revival of Protestant evangelicalism and fundamentalism and with their followers involvement in politics and policy debates. See Grasmick, et. al.

## The Causes of High U.S. Crime Rates 2

- Continued: The Grasmick, et. al. study argues that evangelical/fundamentalist Protestants are more inclined to attribute crime to offenders dispositional characteristics than to situational factors. Consequently they are expected to be more punitive than members of other groups. Sort of the “we are good, they are evil” type of rhetoric of national politics.

## Reform more comment

- We suggest that there is no evidence that the punitive nature of the U.S. penal sanctions reduces the crime rate significantly. On the contrary: punitive penal policies are a violent part of the very problem they are apparently designed to solve. Bierne and Messerschmidt.

## Reform more comment 2

- We should pursue reductions in the crime rate through social policies applied to the class structure itself. Certain societies in Western Europe have reported great success with a host of practical social policies.

## Sands of Time

- Our current criminal justice system is a mess in many respects.
- It is not by any means an efficient use of public funds or effective public policy.
- In time this may change but at the moment it is difficult to be optimistic.
- One need is to have leaders willing to move away from “one percent solutions” that minimize risk while over punishing all. We have gone way overboard on corrections versus milder sanctions.