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**'Tougher' Is Dumber**

By Todd R. Clear;

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**NEWARK**

Polls show that crime is once again the No. 1 issue among city dwellers. And elected officials, ears to the ground, are responding with measures like the new Federal crime bill, which will let Congress spend billions of dollars over the next five years to hire more police officers and build more prisons.

The idea always sounds reasonable enough: tougher law enforcement and punishment should mean more compliance with the law, less crime and eventually a better quality of life in the cities. The trouble with this theory is that we have been following it for 20 years without much success.

Since 1973, as a result of a vast nationwide increase in criminal sentences, imprisonment has risen more than fourfold; we have added a million citizens to the prison and jail population. More than 1 in 40 males 14 to 34 years old are locked up. No other nation has had so much growth.

If such toughness had much to do with crime, you'd think we'd have seen some results by now. But surveys of victims show that overall crime has decreased only 6 percent since 1973; violent crimes are up 24 percent. The National Research Council of the National Academy of Sciences recently concluded that a tripling of time served by violent offenders since 1975 had "apparently very little" impact on violent crime.

Why do harsh penalties seem to have so little to do with crime? There are two reasons.

The obvious reason is that the police and prisons have virtually no effect on the

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P.03/03

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sources of criminal behavior. About 70 percent of prisoners in New York State come from eight neighborhoods in New York City. These neighborhoods suffer profound poverty, exclusion, marginalization and despair. All these things nourish crime. Isn't it a bit much to believe that removing some men from their streets will change the factors that promote lawbreaking among the many who remain?

The less obvious reason is that threats and punishments are not the main reasons people obey the law. Research in Chicago by Tom Tyler, a professor at the University of California at Berkeley, shows clearly that one's motivation to obey the law stems from how one perceives the law. Where legal authority is experienced as evenhanded and legitimate, it is obeyed; where it is seen as biased and corrupt, it is ignored. Saturating neighborhoods with officers who indiscriminately stop citizens and search them for drugs, confiscating their property without due process of law, can result in less motivation to obey the law.

The prevailing theory is wrong. Crime is a primary result of reductions in quality of life, not a primary cause. "Toughness," because it is irrelevant to the sources of quality of life in our cities and is antagonistic to belief in the law, can do little to affect the amount of crime.

For two decades we have been "tough" on crime, and we've been getting nowhere. It costs at least \$100,000 to build a prison cell and \$20,000 to staff it each year. A police officer on the street costs at least \$60,000 a year. Let's start investing in things that really reduce crime: good schools, jobs and a future for young parents and their children.

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