BRIEF ANALYSIS
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Does Punishment Matter?

The myth that punishment has failed to deter crime is being advanced by those who argue that we imprison more and more people without a significant reduction in crime. The facts say otherwise. From 1950 to 1974 — a period during which imprisonment for serious crime declined sharply — the crime rate soared. In 1974, the rate of imprisonment began increasing and, as a result, the crime rate leveled off in the 1980s and has actually declined in recent years. Still, the rate of serious crime remains distressingly high.

The Crime Rate Is High Because Crime Still Pays. A fundamental reason why we have so much crime is that potential criminals decide the expected benefits of committing crimes outweigh the expected costs. The costs can be measured by "expected punishment." "Expected punishment" is not the length of time actually spent in prison. It is based on the probabilities of being arrested, convicted, prosecuted and going to prison, and on the average time prisoners spend in prison.

Calculations by the National Center for Policy Analysis show that expected punishment is very low. For example:

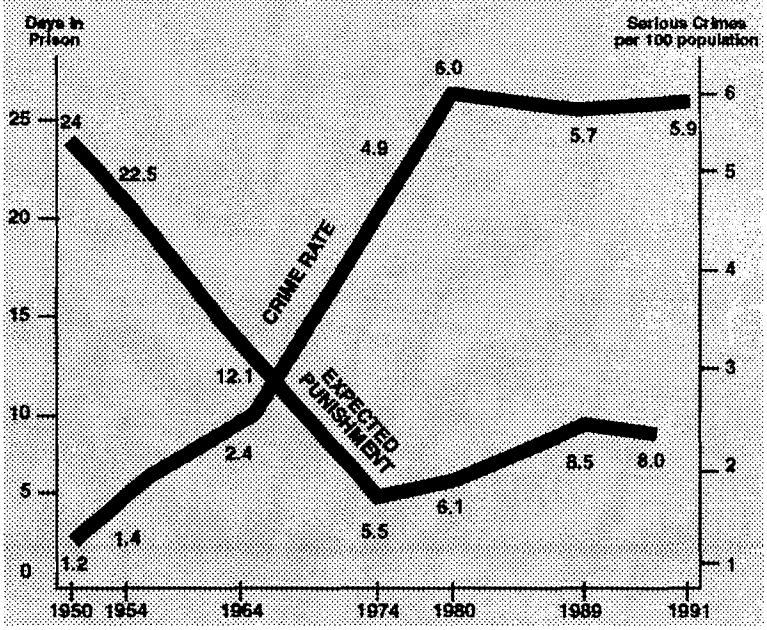
- The expected punishment for murder is only 1.8 years in prison.
- For rape it is 60 days, for robbery 23 days and for aggravated assault 6.4 days.
- On the average, the expected punishment for all serious crimes is only 8 days in prison.

National Evidence That More Punishment Leads to Less Crime. The crime rate has moved in the opposite direction of expected punishment over time. As Figure I shows:

- Expected punishment for serious crimes decreased from 24 days in 1950 to 5.5 days in 1974 — a drop of 77 percent.
- As expected punishment dropped, the crime rate increased more than 300 percent — from 1.2 crimes per 100 population to 4.9 per 100 population.
- Expected punishment started increasing after 1974, and after some delay (because the impact does not occur immediately) the crime rate began decreasing in the 1980s.

FIGURE I

Crime and Punishment



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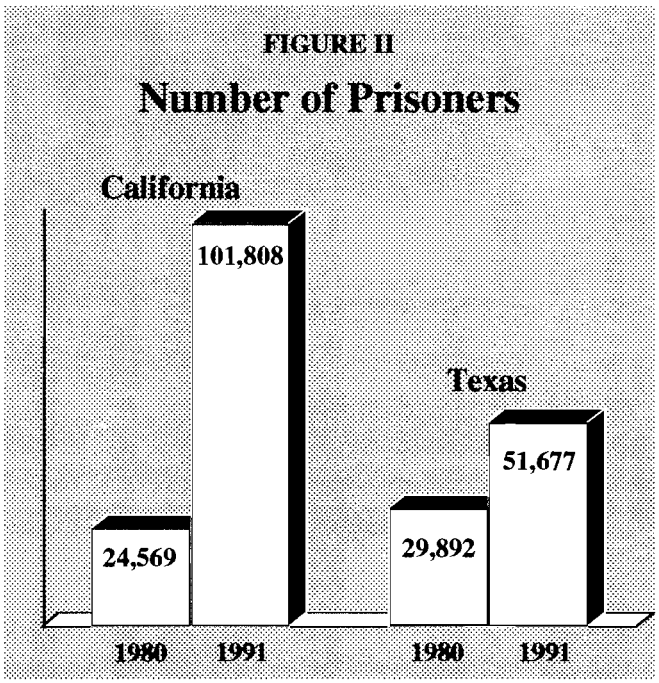
Evidence from the States. The same inverse correlation between crime and expected punishment can be seen in a comparison of California and Texas experiences. [See Figures II and III].

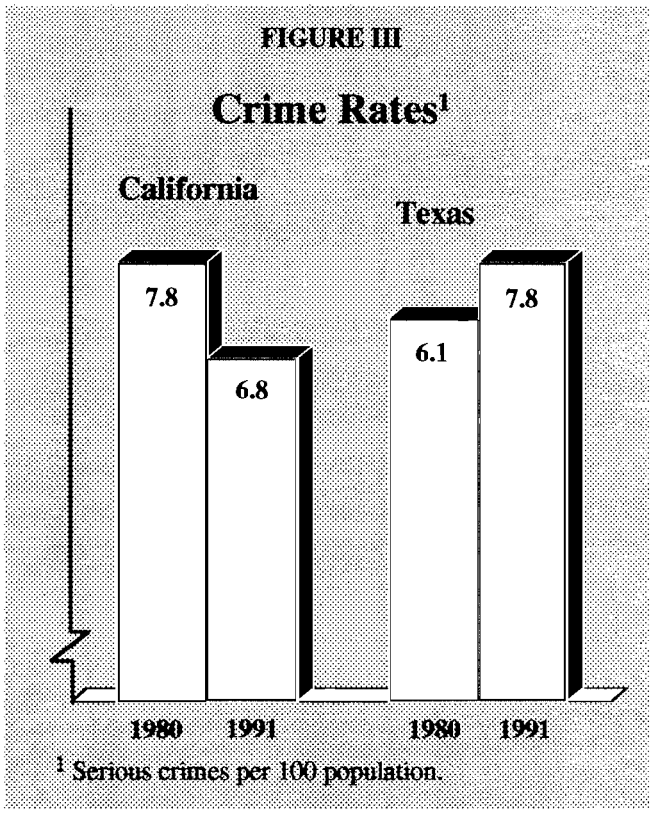
- In 1980, California had fewer state prisoners than did Texas — and its crime rate was 28 percent higher.
- During the next 11 years, California increased its state prison population by 314 percent — and serious crime dropped by 13 percent.
- Meanwhile, Texas increased its state prison population by only 73 percent — and serious crime rose by 28 percent.
- By 1991, California had almost twice as many state prisoners as Texas — and a crime rate that was 13 percent *lower*.



Evidence That Capital Punishment Saves Lives. Scholarly studies show that the ultimate punishment of a criminal — execution — has a strongly deterrent effect on potential murderers. For example, one recent study concluded that each execution results in about 18 fewer murders being committed.

Keeping Criminals Off the Streets. According to a study by the Rand Corporation, the average prison inmate committed 187 crimes in the year before going to prison. The cost to society was estimated at an average of $2,300 per crime.

Public Policy Implications. Most crimes are not irrational acts. And too many criminals are concluding that crime pays. There must be certainty of punishment for crime, which means more prisons today so the nation need not be paved over with prisons in the future. Wilbert Rideau, who has become an author while serving a life sentence for murder, says, "Only one thing [will stop violent crime]: the certainty of apprehension. If a criminal fears that he's going to get caught, he will think twice before he robs or steals."



To order NCPA Backgrounder No. 123, "Why Does Crime Pay?" send $5 to the National Center for Policy Analysis, 12655 N. Central Expy., Suite 720, Dallas, TX 75243.