CRIME PAYS,
BUT SO DOES IMPRISONMENT

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EXECUTIVE SUMMARY

America is still suffering from the epidemic of crime that began in the 1960s.

- Each year, about 35 million Americans — one out of every four households — are victims of a serious crime.
- A murder is committed every 25 minutes, a rape every six minutes, a burglary every 10 seconds and a larceny-theft every four seconds.
- The U.S. murder rate is one of the highest in the industrialized world.

Why is there so much crime? The main reason is that crime pays for millions of criminals and potential criminals.

- Only 17 in 100 murders result in a prison sentence.
- The imprisonment rate for rape is 5.1 percent, for assault 1.5 percent and for auto theft only 0.3 percent.
- Overall, fewer than two of every 100 serious crimes lead to a prison term.

When the average length of a prison term is adjusted for the probabilities of arrest, prosecution, conviction and imprisonment, the expected punishment for crime is remarkably low. On the average:

- A murderer can expect to spend only 2.3 years in prison, a rapist 3.5 months and an auto thief only 6.3 days.
- Overall, the expected punishment for a serious crime in the U.S. is only 8.5 days in prison.

One reason for the very low rate of imprisonment in the U.S. is a series of Supreme Court rulings that strengthened the rights of criminals and weakened the rights of victims. The historical evidence suggests that the collapse in the relationship between arrest and imprisonment occurred during the 1960s when Chief Justice Warren's Supreme Court made it increasingly difficult to convict criminals. Even though the police make 13 million arrests each year, less than 2 percent of them result in a prison sentence.

Even with the Warren Court's rulings in place, the war against crime can be waged successfully so long as a greater effort is made to punish convicted criminals. The prison system should be corporatized and made to operate on a profit-and-loss basis, with operations contracted to the private sector whenever possible. Abandoned military bases and other government property should be given to the prison system for use or sale. And, prisoners should be able to work for pay — converting conventional prisons into factories behind bars.

INTRODUCTION

America is burdened by an appalling amount of crime. Even though the crime rate is not soaring as it did during the 1960s and 1970s, we still have more crimes per capita than any other developed country.

- Every year nearly 6 million people are victims of violent crimes — murder, rape, robbery or assault.[1]
- Another 29 million Americans each year are victims of property crimes — arson, burglary and larceny-theft.[2]
- There is a murder every 25 minutes, a rape every six minutes, a robbery every minute and an aggravated assault every 35 seconds.[3]
- There is a motor vehicle theft every 22 seconds, a burglary every ten seconds; and a larceny-theft every four seconds.[4]

Although the number of crimes reported to the police each year has leveled off somewhat in the 1980s, our crime rate today is still enormously high — 411 percent higher, for example, than it was in 1960.

Why is there so much crime?

THE EXPECTED PUNISHMENT FOR COMMITTING A CRIME

The economic theory of crime is a relatively new field of social science. According to this theory, most crimes are not irrational acts. Instead, crimes are freely committed by people who compare the expected benefits of crime with the expected costs. The reason we have so much crime is that, for many people, the benefits outweigh the costs. For some people, a criminal career is more attractive than their other career options. Put another way, the reason we have so much crime is because crime pays.

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[1]Based on the National Crime Survey conducted annually by the U.S. Bureau of Census for the Bureau of Justice Statistics.

[2]*Ibid.*

[3]Federal Bureau of Investigation, *Crime in the United States, Uniform Crime Reports for the United States* (Washington, DC: U.S. Dept. of Justice, 1988).

[4]*Ibid.*

Because criminals and potential criminals rarely have accurate information about the probabilities of arrest, conviction and imprisonment, a great deal of uncertainty is involved in the personal assessment of the expected punishment from committing crimes. Individuals differ in skill and intellect. The more skillful and more intelligent criminals have better odds of committing successful crimes. Some people overestimate their probability of success, while others underestimate theirs.

Despite the element of subjectivity, the economic theory of crime makes one clear prediction: Crime will increase if the expected cost of crime to criminals declines. This is true for "crimes of passion" as well as economic crimes such as burglary or auto theft. The less costly crime becomes, the more often people fail to control their passions.

The economic theory of crime is consistent with public opinion,[5] and with the perceptions of potential criminals.[6] It is supported by considerable statistical research.[7] According to the theory, the amount of crime is inversely related to expected punishment. What follows is a brief summary of the punishment criminals can expect.

Expected Time in Prison. What is the expected punishment for committing major types of serious crime in the United States today? As Table I shows, the expected punishment is shockingly low.

- Even for committing the most serious crime — murder — an individual can expect to spend only 2.3 years in prison.
- On the average, an individual who commits an act of burglary can expect to spend only 7.1 days in prison.
- Someone considering an auto theft can expect to spend only 6.3 days in prison.

Note: Table I does not show the length of time prisoners actually stay in prison. On the average, people sent to prison remain there for 17 months. Expected time in prison is the actual time adjusted for the probabilities of arrest, prosecution, conviction and imprisonment. Expected time in prison takes into account the fact that more than 98 percent of all crimes do not result in any prison time served.[8]

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[5]As Harvard political scientist James Q. Wilson wrote, "The average citizen thinks it is obvious that people have discovered it is easier to get away with it." James Q. Wilson, *Thinking About Crime,* Revised Ed. (New York: Basic Books, 1983), p. 117.

[6]"The risks posed by the criminal enforcement system are notoriously low," writes economist Kip Viscusi, "and data show that youthful criminals know it." W. Kip Viscusi, "The Risks and Rewards of Criminal Activity: A Comprehensive Test of Criminal Deterrence," *Journal of Labor Economics,* Vol. 4, No. 3, 1986, pp. 317-340.

[7]*Ibid.* See also the earlier surveys of the literature in Gordon Tullock, "Does Punishment Deter Crime?" *The Public Interest,* 36, Summer 1974, pp. 103-111; and Morgan O. Reynolds, *Crime by Choice* (Dallas: Fisher Institute, 1985), Ch. 12.

[8]The method for calculating expected time in prison is shown in Table III below.

TABLE I

EXPECTED PUNISHMENT FOR POTENTIAL CRIMINALS

Crime	Expected Time in Prison[1]
Murder	2.3 years
Rape	3.5 months
Robbery	36.0 days
Arson	17.1 days
Aggravated Assault[2]	13.2 days
Burglary[3]	7.1 days
Motor Vehicle Theft	6.3 days
Larceny/Theft[4]	1.8 days

[1]Based on the probabilities of arrest, prosecution, conviction and imprisonment.

[2]The FBI defines "aggravated assault" as an unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

[3]Burglary is the unlawful entry of a structure to commit a felony or theft.

[4]Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Source: Appendix A, Table A-5

The Decline in Expected Imprisonment and the Rise in Crime. If the numbers in Table I appear low, the full reality may be worse. On the average, those crimes with the longest expected prison terms (murder, rape, robbery and assault) are the crimes least frequently committed, comprising only about 10 percent of all serious crime. The remaining 90 percent carry an expected prison term of only a few days.

When expected punishment is weighted by the frequency of types of crimes, the picture is even more shocking: *On the average, a perpetrator of a serious crime in the United States can expect to spend about eight days in prison.* Table II shows how this overall expectation has changed over time.

- Since the early 1950s, the expected punishment for committing a serious crime in the United States (measured in terms of expected time in prison) has been reduced by two-thirds.
- Over the same period, the total number of serious crimes committed has increased sevenfold.

TABLE II

THE DECLINE IN EXPECTED PUNISHMENT FOR ALL SERIOUS CRIMES

Year	Expected Time in Prison
1950	24.0 days*
1954	22.5 days
1964	12.1 days
1974	5.5 days
1984	7.7 days
1988	8.5 days*

*NCPA estimates, based on incomplete data.

Source: Appendix A, Table A-1

The "Prices" We Charge for Crime. It is virtually impossible to prevent people from committing crimes. The most that the criminal justice system can do is impose punishment after the crime has been committed. People are largely free to commit almost any crime they choose. What the criminal justice system does is construct a list of prices (expected punishments) for various criminal acts. People commit crimes so long as they are willing to pay the prices society charges, just as many of us might risk parking or speeding tickets.

Viewed in this way, the expected prison sentences listed in Table I are the prices we charge for various crimes. Thus, the price of murder is about 2.3 years in prison; the price of burglary is 7.7 days; the price for stealing a car is 4.2 days. Since these prices are so low, it is small wonder so many people are willing to pay them.

CALCULATING THE EXPECTED PUNISHMENT FOR CRIME

Five adverse events must occur before a criminal actually ends up in prison. The criminal must be arrested, prosecuted, indicted, convicted and sent to prison. As a result, the expected punishment for crime depends upon a number of probabilities: The probability of being arrested, given that a crime is committed; the probability of being prosecuted, given an arrest; the probability of conviction, given prosecution; and the probability of being sent to prison, given a conviction. As Table III shows, the overall probability of being punished is the result of multiplying all four probabilities.

Even if each of the separate probabilities is reasonably high, their product can be quite low. For example, suppose that each of these probabilities were 0.5. That is, one-half of crimes result in an arrest, one-half of arrests lead to prosecution, one-half of prosecutions lead to a conviction, and one-half of convictions lead to a prison term. In this case, the overall probability that a criminal will spend time in prison is only 6.25 percent.

Table III also depicts recent probabilities in the case of burglary. Note that burglars who are sent to prison stay there for about 17 months, on the average. But someone considering an act of burglary will surely be influenced by the fact that the probability of being arrested is only 14 percent. Although the probabilities of prosecution and conviction following an arrest are high, the criminal's probability of going to prison is less than one in three after being convicted . When all factors are taken into account (including the probability that the crime will never be reported), the overall probability that a burglar will end up in prison is less than one percent. The expected punishment prior to committing the crime is only 7.1 days.

TABLE III

CALCULATING THE EXPECTED PUNISHMENT FOR POTENTIAL CRIMINALS

Expected Time in Prison	**=**	**Probability of arrest**	**x**	**Probability of prosecution, given arrest**
	x	**Probability of conviction, given prosecution**	**x**	**Probability of imprisonment, given conviction**
	x	**median sentence**		

Example: Expected Punishment for Burglary

Expected Time in Prison	**=**	**14%**	**x**	**88%**
		(Probability of arrest)		**(Probability of prosecution, given arrest)**
	x	**81%**	**x**	**28%**
		(Probability of conviction, given prosecution)		**(Probability of imprisonment, given conviction)**
	x	**1/2**	**x**	**17 months**
		(Adjustment for unreported crimes)[1]		**(median sentence)**
	=	**7.1 days**		

[1]Approximately one-half of all burglaries are not reported to the police. Law enforcement agencies "clear" (or solve) an offense when at least one person is arrested, charged with the offense and turned over for prosecution.

Source: Appendix A, Table A-5

Probability of Arrest. Table IV shows the proportion of crimes "cleared by arrest," whether or not the individual was indicted and convicted. The striking fact about Table IV is the degree to which arrest rates have declined over the past 40 years, even for the most serious crimes. For example:

- Since 1950, the probability of being arrested after committing a murder has fallen by 25 percent.
- The probability of arrest for rapists has fallen 35 percent, for robbers 42 percent and for burglars 53 percent.

On the average, during the 1980s, only about 21 percent of all crimes in the United States were cleared by arrest. In Japan, by contrast, the clearance-by-arrest rate is 50 percent. Moreover, Japan with a population of 122 million has fewer murders each year than New York City with a population of seven million.[9]

TABLE IV

PERCENT OF CRIMES CLEARED BY ARREST

Crime	1950	1988
Murder	94.0%	70.0%
Rape	80.0	52.1
Robbery	44.0	25.6
Aggravated Assault	77.0	56.8
Burglary	29.0	13.5
Larceny/Theft	22.0	19.7

Source: Appendix A, Table A-2

[9]Reynolds, "Crime by Choice," p. 32

Probability of Prosecution, Conviction and Imprisonment. Although there are 13 million arrests each year in the United States, including 2.8 million for serious (Index) crimes,[10] annual admissions to prison only topped 200,000 in 1986. In other words, only eight of every 100 arrests for Index crimes results in imprisonment after defense attorneys, prosecutors and courts complete their work.

Overall Probability of Going to Prison. A criminal's overall probability of imprisonment has fallen dramatically since 1950. As Table V shows:

- Since 1950, the percent of crimes resulting in a prison sentence has declined by at least 60 percent for every major category of crime.
- This includes a 60 percent drop for murder, a 79 percent decrease for rape, an 83 percent reduction for robbery and a 94 percent plunge for auto theft.

TABLE V

PERCENT OF CRIMES WHICH RESULT IN A PRISON SENTENCE

Crime	1950	1983
Murder	43.0%	17.3%
Rape	23.9	5.1
Robbery	14.3	2.4
Aggravated Assault	5.5	1.5
Burglary	4.5	0.6
Larceny/Theft	1.3	0.3
Motor Vehicle Theft	4.9	0.3

Source: Federal Bureau of Investigation, *Crime in the United States, Uniform Crime Reports for the United States* (Washington, DC: U.S. Dept. of Justice, 1988) and Bureau of Justice, *Bulletin* NCJ-110331, April 1988.

[10]The FBI began defining serious offenses as Index offenses in 1929. Serious offenses consist of the violent crimes of murder, non-negligent manslaughter, rape, robbery and aggravated (severe) assault plus the property crimes of burglary, larceny theft and motor vehicle theft. By Congressional mandate, arson was added as the eighth Index offense in 1979.

Unreported Crimes. Based on the number of crimes reported to the police, 1.66 percent of all serious crimes all punished by imprisonment; therefore 98.34 percent of serious crimes are not. According to the National Crime Survey, however, only 37 percent of serious crimes are actually reported. If there are two unreported crimes for every one reported, then the overall probability of going to prison for the commission of a serious crime falls to about 0.61 percent (.37 x 1.66%). This amounts to one prison term for every 164 felonies committed.

A POSSIBLE EXPLANATION: THE ROLE OF THE WARREN COURT

The main factor in the decline in expected punishment over the last three decades was a virtual collapse in the probability of imprisonment. Why? We cannot point to a shrinkage in law enforcement personnel as an explanation. As Table VI shows, the number of full-time police employees has risen steadily over the past three decades. Further, total employment in the criminal justice sector increased from 600,000 in 1965 to nearly 1.5 million in 1986. Government spending on the criminal justice sector doubled as a share of GNP, rising from less than 0.6 percent to nearly 1.2 percent. During the same period, private employment in detective and protection services grew rapidly, reaching half a million persons by the end of 1989. Apparently, more people now produce less justice.

The 1960s was a turbulent decade—the Vietnam War, the counterculture, urban riots. But one policy change that lasted well into the 1970s and 1980s was the change in the criminal justice system caused by the Supreme Court.[11] Influenced by sociologists and other intellectuals, there was a growing reluctance to apprehend and punish criminals during the 1960s. In particular, 1961 brought the first landmark decision of the U.S. Supreme Court expanding the rights of criminal defendants and making it more costly for police and prosecutors to obtain criminal convictions.

[11]In addition to the policy-oriented explanation emphasized here, an independent demographic factor in the rise of crime was the increase in the number of young males. During the 1960s, males age 15-24—the most crime-prone group—grew from 6.6 percent to 8.5 percent of the U.S. population, or, an increase from 11.7 to 17.3 million males, an increase of 48 percent. This boost surely increased crime. The rise continued during the 1970s, with male youths peaking at 8.9 percent of the population in 1980. By 1988 males age 15-24 had declined to 7.8 percent of the population, and they will continue to decline through the year 2000, going below 7 percent again as America "ages." Between 1980 and 1990, the number of males between the ages of 15 and 24 will decline from 20.6 to 18.3 million, down 11 percent, thereby lowering expected crime rates for the 1990s.

TABLE VI

NUMBER OF FULL-TIME POLICE OFFICERS

Year	Number
1950	142,866
1960	195,000
1970	269,127
1980	361,456
1988	413,398

Source: Federal Bureau of Investigation, *Crime in the United States, Uniform Crime Reports for the United States* (Washington, DC: U.S. Dept. of Justice), published annually by the FBI.

Mapp v. Ohio (1961) declared that illegally obtained evidence could not be admitted in any state criminal prosecution, imposing the so-called "exclusionary rule" on all state judicial systems. A series of related decisions followed: *Gideon v. Wainwright* (1963) required taxpayer-funded counsel for defendants; *Escobedo v. Illinois* (1964) and *Malloy v. Hogan* (1964) expanded privileges against self-incrimination, thereby impeding interrogation by the police; and *Miranda v. Arizona* (1966) went further and made confessions, even if voluntary, inadmissible as evidence unless the suspect had been advised of certain rights.

The enforcement system was transformed by these decisions. Under the exclusionary rule, according to Justice Cardozo, "The criminal is to go free because the constable has blundered." Justice White, dissenting in the *Miranda* case, warned that the decision would have "a corrosive effect on the criminal laws as an effective device to prevent crime."[12] It appears that the "pursuit of perfect justice," as Judge Macklin put it, changed the rules and increased the time and effort required to apprehend, convict and punish the guilty.[13]

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[12]384 US 543.

[13]Macklin Fleming, *The Price of Perfect Justice* (New York, Basic Books, 1974); Morgan O. Reynolds, *Crime By Choice*, chapter 8; Steven R. Schlesinger, "Criminal Procedures in the Courtroom," in James Q. Wilson, ed., *Crime and Public Policy* (San Francisco: Institute for Contemporary Studies, 1983).

DO POLITICAL PARTIES MAKE A DIFFERENCE?

Beginning in the mid-1960s, Republican presidential candidates made crime a major issue in national politics. This trend continued through the recent Bush-Dukakis campaign. Democrats have waffled on the issue. Since most crime fighting takes place on the state and local level, a president can make relatively little change in this area. But when the electorate votes Republican in presidential elections, it may be signaling a strong preference about the issue of crime and putting pressure on all levels of government to get tough on criminals.

Although the overall record on crime fighting has been less than admirable over the last 30 years, there is some evidence that crime has been fought more successfully when a Republican president is in office.

Kennedy/Johnson. Throughout the Kennedy/Johnson years, there was an almost continuous tilting of the odds in favor of criminals and against victims.

- During the 1960s, there was a continuous decline in the annual number of people admitted to federal and state prisons, from 93,513 admissions in 1961 to 72,058 in 1968.
- During the same period, the number of serious crimes reported to the police almost doubled, rising from 3.5 million to 6.7 million crimes per year.
- As a result of these changes, the odds of imprisonment for committing a serious crime fell by 60 percent over the decade.

Nixon/Ford. Richard Nixon made crime a campaign issue, and during the Nixon/Ford years there was a significant reversal in the national resolve on crime.

- Annual admissions to prisons rose from 72,058 in 1968 to 129,482 by 1976 — an 80 percent increase.
- Over the same period, the probability of being imprisoned for the commission of a serious crime increased by 13 percent.

Carter. Backsliding occurred during the Carter presidency, when the number of crimes increased from 10.9 million to 13.3 million (a 22 percent increase), but admissions to prison increased only from 128,050 to 142,122 (an 11 percent increase). The odds of going to prison fell by 8 percent.

Reagan. A remarkable transformation occurred during the years of the Reagan presidency.

- Between 1981 and 1986, the annual number of Index crimes actually decreased slightly, while the number of criminals going to prison rose by more that 37 percent.
- As a result, the odds of going to prison after committing a crime also increased by 37 percent.

The Reagan administration did not win the war against crime. On the contrary, more crimes are committed today than ever before. The Reagan administration was successful, however, in slowing the 30-year rise in crime. Index crimes per person in the U.S. fell nearly 5 percent between 1981 and 1988.

TABLE VII

IS CRIME PREVENTION A REPUBLICAN ISSUE?

Administration	Probability of Imprisonment for Committing a Serious Crime
Eisenhower (1953-1960)	3.18%
Kennedy/Johnson (1961-64)	2.28%
Johnson (1965-68)	1.43%
Nixon (1969-72)	1.15%
Nixon/Ford (1973-76)	1.19%
Carter (1977-1980)	1.11%
Reagan (1981-86)	1.46%

THE COST OF CRIME DETERRENCE

If America is to succeed in lowering the crime rate to, say, the level that prevailed in the 1950s, we must create at least as much crime deterrence as existed in the 1950s. For example, Table VIII shows three ways of raising the expected prison sentence for burglary to its 1950 level. Since the probabilities of prosecution and conviction, given an arrest, are already high, the options are:

- Increase the proportion of burglaries cleared by arrest from 14 to 42 percent; or
- Increase the percent of convicted burglars sent to prison from 28 to 84 percent; or
- Increase the median prison sentence for burglars from 17 to 51 months.

All three alternatives are expensive. A higher arrest rate requires that more money be spent on criminal investigation. A higher sentencing rate requires more court and litigation costs. All three alternatives require more prison space.[14] Unless prison space can be expanded, little else in the way of deterrence will be of much value.

TABLE VIII

ALTERNATE WAYS OF TRIPLING THE EXPECTED "PRICE" OF BURGLARY[1]

Increase the Arrest Rate		Increase the Percent of Convicted Felons Sent to Prison		Increase the Median Prison Term	
From:	To:	From:	To:	From:	To:
14%	42%	28%	84%	17 mo.	51 mo.

[1]Increasing expected time in prison from 7.1 days to 21.3 days.

[14]For example, increasing the arrest rate while holding constant the probabilities of prosecution, conviction and imprisonment as well as the median prison sentence would require that more burglars be sent to prison.

America is in the midst of the biggest prison building boom in its history. On December 30, 1989, prisons held 673,565 convicts, up from 438,830 prisoners at the beginning of 1984 and at 110 percent of design capacity. In 1988 the system added 42,967 inmates, or enough to fill 86 new 500-bed prisons.

- Today, one out of every 364 Americans is in prison — not jail, probation or parole but in prison.
- With an additional 296,000 in local jails, 362,000 on parole and 2.4 million on probation, one out of every 69 Americans is under the supervision of the corrections establishment, or one of every 52 adults.[15]

At an annual cost exceeding $20,000 per prisoner, the total prison tab is more than $15 billion a year. That cost will surely rise. Thirty-five states are under court orders to relieve prison overcrowding and others face litigation. To increase capacity, more than 100 new state and federal prisons currently are under construction around the country. California alone is spending $3.5 billion on new prison beds and has added 21,000 beds since 1984. State governments spent some $9 billion in 1989 on new prisons. In most cases, the construction cost per prison bed exceeds $50,000.

HOW TO REDUCE PRISON COSTS[16]

Much could be done to reduce the high costs of constructing and operating prisons. The most promising ways to reduce taxpayer costs exploit private sector competition and efficiency in constructing and operating prisons and employing prisoners. Contracting out construction and remodeling is a proven economizer. Short of full privatization, government-operated correctional facilities should be corporatized and required to operate like private businesses, with profit and loss statements. Even within the existing system, economies are possible. What follows is a brief summary of ways to economize.

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[15]U.S. Department of Justice, Bureau of Justice Statistics, *Correctional Populations in the United States, 1987,* December 1989, No. NCJ-118762.

[16]See also Dana C. Joel, "Time to Deal with America's Prison Crisis," *Heritage Backgrounder* No. 738, Heritage Foundation, November 15, 1989.

Opportunities for Reducing Costs Within the Public Sector

Better Management Practices. Although entrepreneurship in the public sector is rare, opportunities for innovation in prison construction abound. For example:

- Florida expanded an existing facility by 336 beds for only $16,000 per cell.[17]
- South Carolina used inmate labor to reduce construction costs by an estimated 50 percent with no quality loss and some delay.[18]
- New York City has begun using renovated troop barges and a ferry boat for detention facilities.[19]

Early Release of Elderly Prisoners.[20] Although the recidivism rate is about 22 percent for prisoners age 18 to 24, among prisoners over 45 years old the recidivism rate is only 2.1 percent. Nationwide, there are at least 20,000 inmates over the age of 55. Moreover, the average maintenance cost of an elderly prisoner is about $69,000 — three times the cost of a younger prisoner. Early release of elderly prisoners to make room for younger criminals makes sense and would improve crime deterrence.

Boot Camp Therapy for Young Prisoners. Called "shock incarceration" by federal drug Czar William Bennett, boot camp therapy as an alternative to prison for youngsters (not yet hardened criminals) is being used in Georgia, Alabama, Florida, Louisiana, Mississippi, New York, Oklahoma, South Carolina and Texas. Costs are lower, although the recidivism rate is about the same as for the prison system as a whole.[21]

Electronic Ankle Bracelets. The cost of punishment would be greatly reduced if ways were found of punishing criminals without imprisonment. Few people would deny that imprisonment is necessary and desirable for violent crimes such as homicide, rape, robbery and assault. But less than half of U.S. prisoners have been incarcerated for such crimes. A mid-1980s survey found that:[22]

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[17]U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime & Justice*, pp. 124-125. Cited in Republican Policy Committee, "Bursting at the Beams: America's Overcrowded Prisons," April 19, 1989, p. 2.

[18]Eckerd, "Responsibility, Love, and Privatization: A Businessman's Guide to Criminal Rehabilitation," *Policy Review* 45, Summer, 1988, pp. 52.

[19]*New York Times,* October 25, 1986, p. L29; and *New York Times,* October 28, 1988, p. B1.

[20]See Jonathan Turley, "Solving Prison Overcrowding," *New York Times*, October 9, 1989. Turley directs the Project for Older Prisoners at Tulane University.

[21]Richard Berke, "For Criminals, Camp is No Vacation," *New York Times,* May 30, 1989.

[22]*Time to Build? The Realities of Prison Construction*, (New York: Edna McConnell Clark Foundation, 1984) p. 10.

- One-third of the prisoners were imprisoned for property offenses and another 20 percent for crimes against public order (including drug offenses).
- In Arkansas, nonviolent offenders outnumbered violent ones by a ratio of three to one.
- In Mississippi, Kentucky, Missouri and Wyoming the ratio was two to one.

A recent alternative to imprisonment is the electronic monitoring device that is worn by parolees. Judges can impose conditions of parole, including restrictions on the range and timing of activities, and they can be enforced by monitoring companies.

Privatization

Privatization of Prison Construction. Since prison construction is a major growth industry, private suppliers and innovators are expanding rapidly. Some political jurisdictions have been more receptive to change than others. Companies offering modular prison facilities, prison equipment, security systems, food and health services abound.

- In Loudoun County, Virginia, Surfside 6 Industries built from steel shipping containers a 6-cell, 23-cot prefab jail in 15 days for $96,000, or $4,000 per bed.[23] The building looks more like a schoolhouse than a jail.
- Corrections Corporation of America (CCA) completed a 350-bed minimum security facility in Houston for the Immigration and Naturalization Service (INS) in 1984 for $14,000 per bed in only 5 1/2 months. INS's estimate for building was $26,000 per bed and 2 1/2 years for completion.[24]

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[23]Associated Press dispatch, August 12, 1989; *Fortune*, August 14, 1989, p. 17.

[24]Charles D. Van Eaton, "Jail Overcrowding in Michigan: A Public Problem with a Private Solution?" A Mackinac Center Report, April 17, 1989, p. 14. Military officers traveling on government business receive $27 per diem plus lodging which averages $6 per night at base quarters, and these officers usually "make" a few dollars. Also, a military supply officer is budgeted less than $5 per diem to feed each enlisted man in his unit. Prisoner costs are much higher, except for private prisons at $24 per diem.

Privatization of Prison Operations. Private operation of prisons is less familiar than prison construction. Yet this too is well established in America. Unlike government operations, private firms must know and account for *all* costs of prison operations. When private, for-profit firms plan and operate prisons, they take into account long-run costs.[25] There is no insurmountable legal obstacle to total privatization. Government acts in its legitimate role as the demander for punishment, and the private sector can supply more effective and lower-cost operation of prison facilities.[26]

As an example of the possible savings, consider the previously mentioned minimum security prison operated by the Corrections Corporation of America (CCA) for the Immigration and Naturalization Service:[27]

- As a private contractor, CCA charges only $24 per inmate per day, and the charge includes the recovery of costs for building the facility.
- By contrast, operating costs for publicly-run prisons are twice that amount, ignoring costs of construction.

Productive Work for Prisoners. A recent survey commissioned by the National Institute of Justice identified more than 70 companies which employ inmates in 16 states in manufacturing, service and light assembly operations.[28] Prisoners work as reservations clerks for TWA and Best Western, sew leisure wear, manufacture water-bed mattresses, and assemble electronic components. PRIDE, a state-sponsored private corporation that runs Florida's 46 prison industries from furniture making to optical glass grinding, made a $4 million profit in 1987.[29] This work benefits nearly everyone. It enables prisoners to earn wages, acquire skills, and subtly learn individual responsibility and the value of productive labor. It also insures that they can contribute to victim compensation, and to their own and their families' support.

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[25]*Ibid.*; Samuel Jan Brakel, "Privatization and Corrections," Reason Foundation, January 1989; Charles Logan, "Privatization and Corrections: A Bibliography," National Institute of Justice, January 1989.

[26]One of the difficulties of making private-public comparisons is that the actual costs of public prisons are often greater than the reported costs. For example, the Criminal Justice Institute has estimated that public correction facilities understate their actual costs by 15 to 50 percent. Rutgers University economists suggest an average understatement of 30 percent. See Steve Shwiff and Gale Norton, "Private Prisons Now," Independence Institute, Issue Paper No. 19-88, September 29, 1988, p. 9; and *Time to Build? The Realities of Prison Construction* (New York: Edna McConnell Clark Foundation, 1984) pp. 11. For a contrary argument that the private sector has little cost advantage over the public sector, see John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989) ch. 8.

[27]Van Eaton, "Jail Overcrowding in Michigan."

[28]James K. Stewart, Director, National Institute of Justice, Department of Justice, letter to Wall *Street Journal* July 26, 1989.

[29]Eckerd, "Responsibility, Love and Privatization," n. 10.

Prisons were originally intended to be self-supporting, and many state prisons ran surpluses and returned excess funds to state governments in the 19th century. In fact, our government's economic incompetence is highlighted by its huge drain on taxpayer wallets to support criminals despite millions of available hours of healthy, prime-age male labor. If prisoners worked only 40 hours per week at the federal minimum wage of $3.35, each would produce $6,700 of market value per year, a total of $5 billion a year. Only the private sector is likely to overcome the bureaucratic inertia impeding more productive use of convict time.

Today, productive use of inmate labor is more common in Europe than in the United States. During the World War II relaxation of federal prohibitions, U.S. prison industries produced a burst of war material, prison morale reportedly rose. As in the 19th Century, many prisons again became self-supporting and some ran surpluses. A 1940 Department of Justice report noted, "The success of many wardens depended on their ability to meet this [surplus] test, and many of them met it successfully, even though they may have failed in all else."[30] Jeremy Bentham called a prison "a machine for grinding rogues honest." Yet the federal government reimposed its restrictions on production of prison goods at war's end, paying little heed to prison industries as part of the "grinding" process.

Removing Legal Barriers. Increasing productive work for prisoners, requires the repeal of a number of federal and state statutes hampering prison industries. In addition, we can expect opposition by activist and organized labor groups similar to those who terminated convict leasing in the 19th century. To facilitate productive work for convicts requires the repeal of specific laws. The federal Hawes-Cooper Act of 1929 authorized states to ban commerce in prison-made goods within their borders. The Sumners-Ashurst Act of 1940 made it a federal offense to transport prison-made goods within a state for private use. The Walsh-Healy Act of 1936 prohibited convict labor on government contracts exceeding $10,000. Recently, a score of exceptions were authorized *provided* prison labor was paid a prevailing wage, labor union officials were consulted, free labor was not affected and the goods were produced in an industry without local unemployment.[31] Removal of these impediments to prison production and employment would go far toward allowing the states to put prisoners to work and relieving taxpayers of the burden of spending $25,000 per year for each prisoner.

To reduce further the costs of prison construction, more than 30 states can repeal or revise their prevailing wage and female and minority set-aside laws, which raise the burden on taxpayers by increasing the costs of building. The prevailing wage laws were modeled after the federal 1931 Davis-Bacon Act, which generally requires the use of unionized contractors, thereby inflating construction costs by 5 percent or more.

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[30]Cited by Reynolds, *Crime by Choice*, n. 6, p. 134.

[31]Bruce Fein and Edwin Meese III, "Have to Fight Crime Within our Limited Means," *Houston Chronicle,* May 3, 1989, p. 29A.

Using Abandoned Military Bases

The Commission on Base Realignment and Closure has targeted 145 military bases for closure or contraction. Many of these facilities could be converted easily into minimum security prisons. In a few cases this is already happening:[32]

- Maxwell Air Force Base in Montgomery, Alabama, has been used as a federal prison since the 1930s.
- Elgin Air Force Base in Florida has been converted into an 800-bed minimum security prison camp.
- At Tyndall Air Force Base in Florida, officials converted a dormitory and administration building into a 120-bed facility at a cost of $75,000 — only $625 per bed.

There is, of course, a risk that the courts might require extensive modifications and remodeling of base facilities before they could be used as prisons. On the other hand, it is hard to argue that these facilities are "inhumane" when they are being used by our armed forces. Moreover, even if major modifications and structural changes are required, the facilities have great potential as emergency prisons.

A more serious problem is the social goal of insuring that resources go to their highest valued uses. Because of location and facilities, few military bases are better suited to prisons than to alternatives such as industrial parks, schools, airports, office parks and homes. For example, the 1,400-acre Presidio overlooking the Pacific and the Golden Gate Bridge in San Francisco is one of the most valuable properties in the world. Why should this scenic and expensive location be devoted to a prison? The current federal method of disposal is to offer the base to another military service and, if the offer is refused, to other federal agencies, then to state and county governments. Only if all else fails is the property offered to the private sector.[33] Rarely do assets find their most efficient use by this method.

A solution to this dilemma might be to corporatize the prison system, instruct it to operate on a profit-and-loss basis and give abandoned military bases (or parts of bases) to the corporate entity. Prison officials would then have two options: Convert the facilities to prison use or sell them in the private marketplace and use the proceeds to purchase facilities elsewhere. In the case of the Presidio, the facilities clearly have a higher-valued use in the private sector. Selling the Presidio would provide prison officials with the money to buy less expensive property on which to construct new prisons.

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[32]Al Pagel, "Military Bases -- Sites for Prisons?", *Correction Compendium*, January-February, 1989. Cited in Joel, "Time to Deal With America's Prison Crises," pp. 9-10.

[33]Robert Poole, "Sell Those Bases!" *Reason*, March 1989, p. 10.

THE COST OF NOT BUILDING PRISONS

Although the cost of building and maintaining prisons is high, the cost of not creating more prisons appears to be much higher. A study by the National Institute of Justice concluded that the "typical" offender let loose in society will engage in a one-man crime wave, creating damage to society more than 17 times as costly than imprisonment. Specifically:[34]

- Sending someone to prison for one year costs the government about $25,000.
- A Rand Corporation survey of 2190 professional criminals found that the average criminal committed 187 to 287 crimes a year, at an average cost of $2,300.
- On the average, then, a professional criminal out of prison costs society $430,000 per year, or $405,000 more than the cost of a year in prison.

The failure to keep offenders in prison once they are there is also a hazard of too little prison space, and early release often leads to much more crime. A Rand Corporation survey of former inmates found that:[35]

- In California, 76 percent were arrested within three years of their release and 60 percent were convicted of new crimes.
- In Texas, 60 percent of former inmates were arrested within three years and 40 percent were reconvicted.
- A survey of 11 states showed that 62.5 percent of all released prisoners were arrested within 3 years, 46.8 percent were reconvicted and 41.1 percent were reincarcerated.[36]

In California, a comparison between ex-convicts and criminals who received probation rather than a prison sentence showed a disheartening rate of failure for both. Each ex-convict committed an estimated 20 crimes. Each probationer committed 25 crimes.

A Bureau of Justice Statistics study of 22 states found that 69 percent of young adults (ages 17 to 22) released from prison in 1978 were arrested within six years — each committing an average of 13 new crimes.[37]

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[34] *Wall Street Journal*, March 21, 1989.

[35] Stephen Klein and Michael Caggiano, *Policy Implications and Recidivism* (Santa Monica, CA: Rand Corporation, 1986) and Joan Petersilia, et al., *Prison Versus Probation* (Santa Monica, CA: Rand Corporation., 1986).

[36] U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1988, p. 658.

[37] Allen Beck, *Recidivism of Young Parolees* (Washington, DC: Bureau of Justice Statistics, 1987).

CONCLUSION

While crime continues on the high plateau, there are grounds for optimism. The number of young males began to decline in the 1980s and will continue to do so through the 1990s. Further, the odds of imprisonment for a serious offense increased in the 1980s as legislators responded to the public's "get tough" attitude. Yet we remained plagued with crime rates (per capita) triple those of the 1950s.

What can be done to build on this relatively promising recent trend? At a minimum the analysis in this report suggests three things. First, the U.S. Supreme Court should continue to reestablish the rule of law by restricting application of the exclusionary rule and other expansions of criminal privileges inherited from the Warren Court. Second, the public sector must continue raising the odds of imprisonment toward those of the 1950s in order to improve personal security. Deterrence of criminals implies building prisons and reducing prison costs by privatization. Third, the laws hampering productive employment of prisoners must be relaxed to take full advantage of the benefits of privatization.

Note: Nothing written here should be construed as necessarily reflecting the views of the National Center for Policy Analysis or as an attempt to aid or hinder the passage of any bill before Congress.

APPENDIX A

STATISTICS ON CRIME

What are the odds of imprisonment if someone commits a felony? While these odds can never be known exactly, Table A-1 provides a reasonable, if crude, method of making the calculation. Column 1 shows the years from 1949 to 1988 and column 2 shows the FBI Type I Index crimes (murder, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft) known to the police and reported in the FBI's annual *Uniform Crime Reports*. These data are not ideal by any means. For example, according to the National Crime Survey — conducted annually since 1973 by the U.S. Justice Department — only about one of every three felony crimes is reported to the police. Further, in the early 1950s the data covered about 83 percent of the population and by 1960 they included 94 percent. So the numbers are not complete for the entire United States, although the FBI provides estimates for the entire nation. The FBI does not vouch for the validity of the reports it receives, although the data are widely used and arguably are the most reliable available.

Index crime rose from less than 2 million felonies to 3.4 million in 1960, 8 million in 1970, 13.2 million in 1980 and 13.9 million in 1988, the last year for which numbers are available. The basic pattern is moderate growth during the 1950s, drastic increases in crime between the mid-1960s and mid-1970s, then moderate fluctuations thereafter on a high plateau.

General Imprisonment Rates. Column 3 in Table A-1 shows annual admissions to state and federal prisons. While the data are not as detailed as desired, they are the best available statistics for tracking the criminals convicted and sentenced to serious punishment each year, traditionally defined as prison sentences of one year or more. Column 4 is column 3 divided by column 2, or prison admissions divided by crimes. This gives an overall probability of serious punishment. Interpreting this calculation as the probability of punishment is not strictly correct because a substantial number of commitments to prison are for non-Index offenses such as tax evasion, drug offenses and draft evasion. Nonetheless, Table A-1 offers a snapshot of the trend and is supported by more refined tables below. In 1950 approximately 3.9 percent of felonies were punished by imprisonment. Equivalently, 96 percent of felonies known to the police went unpunished or lightly punished for various reasons: reported to police but no arrest or charge, arrest but no adult prosecution (juvenile, insufficient evidence, etc.), prosecuted but no conviction, conviction but given a short jail sentence, probation, community service, suspended sentence, fines, or other "alternatives to incarceration."

The imprisonment odds eroded during the 1950s, falling to 2.7 percent by 1960. The odds nearly collapsed during the 1960s, falling below 2 percent in 1964 and to 1 percent in 1969 as Index crimes more than doubled while annual prison commitments dropped 20 percent from 93,000 in 1961 to 75,000 in 1969. During the 1970s the imprisonment probabilities remained in the 1 percent range. During the 1980s, however, the imprisonment probabilities began to rise and by 1986 had recovered to 1.66 percent, a significant boost. However, this figure still implies that 98.34 percent of reported Index crimes do not result in a prison term and the imprisonment risk is less than half of the 1950 risk of 3.9 percent.

Column 5 in Table A-1 shows the median prison time served in months (the average time served is usually 20-30 percent higher). While the data are fragmentary, they

are the most systematic measure of punishment available. However, prisoners enjoyed improved conditions over time—weekend furloughs, prison leaves, color television sets, conjugal visits, air-conditioning, fitness facilities, "campus-style" prisons, expanded legal privileges and none of the "hard labor" still required of military prisoners—suggesting that the severity of punishment fell by more than the median time served. On the other hand, ex-convicts suffer a greater economic loss because the potential amount of foregone legal wages has increased over time.

Median time served was 21 months during the 1950s, followed by a gradual and irregular fall to 16-17 months, despite the fact that the percentage of convicts imprisoned for crimes of violence rose over time. The historical data show that comparatively little change has occurred in the typical time served in prison over the last 50 years. The South has had a somewhat lower median time served than other regions.[1] Due to early release practices, convicts typically serve 35-40 percent of their sentences.

Column 6 calculates the expected cost of criminal violations, defined as the probability of imprisonment (column 4) multiplied by the median time served (column 5). [If criminals were "risk neutral," the expected time served would be the primary factor in public deterrence of crime. While criminals are probably risk-averse like other citizens, expected time summarizes the central information about the probabilistic government tax on criminals.] In 1950 a criminal could expect to pay, an average of 24 days in prison per crime. For most crimes a criminal would get away undetected, paying nothing for the crime. But if arrested, prosecuted, convicted and sentenced to one or more years in prison, in 1950 the average sentence served was 21 months. The expected price per crime fell to 16 days in 1960, plunged to 5 days in 1970, then rose slightly to 6 days by 1980. In recent years the expected price has recovered to more than 8 days (1.66% x 17 months). Unfortunately, 1984 is the most recent year for data on median prison time served. Despite publicity about early releases due to shortages of prison space, however, median months served probably remains approximately 17 months because this statistic has not declined significantly since the late 1960s. Although the 1980s rise in the expected "tax" imposed on criminals puts it at 8.5 days, this is only one-third of the expected tax on criminals assessed in 1950.

Arrest Clearance Rates. While Table 1 provides an overview, other data must be examined to learn more, including the area of law enforcement where the risk of imprisonment changed most sharply. During the 1950s, FBI arrest statistics show that 26 percent of Index crimes were cleared by arrest and during the 1980s the clearance rate hovered around 21 percent, suggesting a relatively moderate decline.

As shown in Table A-2, in the 1950s more than 93 percent of murders were cleared by arrest, but in the 1980s only 70 percent were cleared. Similarly, almost 80 percent of rapes were cleared by arrests in the 1950s while only 52 percent were cleared in the 1980s. Aggravated assault clearance rates eroded from 75 percent to 59 percent, robbery from nearly 40 percent to 25 percent, burglary from nearly 30 percent to 14 percent and auto theft from over 25 percent to 15 percent. Only larceny clearance rates remained steady at just under 20 percent.

Imprisonment Rates by Crime Type. Commitments to prison by type of conviction are available only for selected years, as shown in Table A-3. Ironically,

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[1]U.S. Department of Justice, Bureau of Justice Statistics, *Historical Corrections Statistics in the United States, 1850-1984*, December 1986, NCJ-102529, p. 53.

abundant data on prisoners are published, yet the information crucial to research on deterrence and control—prison commitments by crime category — is reported only occasionally. Nonetheless, the available data allow us to crudely assess the behavior of imprisonment risks by felony offense.

The imprisonment risk for murder was about 50 percent in 1949-1950 but plunged to 17 percent by 1983, according to Table A-3. For rape, the imprisonment rate was 23 percent in 1949-1950, 3.8 percent in 1981 and 5.1 percent in 1983. For robbery, the imprisonment rate was 16 percent in 1950 and 2.4 percent by 1983. The imprisonment risk for aggravated assault was 5.5 percent in 1950 and 1.5 percent in 1983. Burglary imprisonment rates were nearly 5 percent in 1950 but only 0.55 percent in 1983. In 1950 the larceny and theft imprisonment rate was 1.3 percent but fell below 0.3 percent by 1983. Motor vehicle theft imprisonment rates exceeded 4 percent in 1950 but fell to 0.3 percent by 1983. The crime-specific data in Table A-3 suggest a steeper decline in imprisonment risks than the overall data of Table A-1.

Table A-4 shows data on prison admissions relative to serious felonies known to police (murder, non-negligent manslaughter, robbery, rape, aggravated assault and burglary), as calculated by the Bureau of Justice Statistics. Consistent with previous tables, they reveal a steep decline during the 1960s in the commitment rate for serious offenses (defined as the Index crimes of murder, rape, aggravated assault, robbery and burglary) from 6.2 percent to 2.3 percent. Meanwhile, the expected penalty fell from 39 to 12 days. During the 1970s, the imprisonment rate remained in the 2.5 percent range. By comparison with the data of Table A-3, Table A-4 shows a steeper recovery in the imprisonment rate during the 1980s, reaching 4.3 percent by 1986, almost 70 percent of the 1960 imprisonment rate.

Expected Sentences. When individuals commit crimes, they face a series of law enforcement lotteries. Perhaps because of the decentralized nature of the criminal justice sector and its history of poor data collection, there is little public information tracking offenders through the various stages of the system. The situation promises to improve in the future, especially since most major cities now have computerized data systems.

Table A-5 shows the best available public information about this process. Column 1 shows the eight Index crimes (arson was added in 1979) and column 2 shows the arrest clearance rates for each crime, ranging from 14 percent for burglary to 70 percent for murder. Column 3 shows the percentage of those arrested who were prosecuted according to a sample from 11 states covering 38 percent of the population and 37 percent of crime in 1984. Prosecution rates for those arrested in the 11 states range from 66 percent for motor vehicle theft to 91 percent for accused murderers.

Column 4 shows the percentage of those prosecuted who were convicted, ranging from 64 percent for aggravated assault to 81 percent for burglary. Column 5 shows the percentage of those convicted who received a prison sentence, ranging from 14 percent for larceny/theft to 73 percent for murder. Columns 2 through 5 multiplied yield column 6, the overall odds of imprisonment for commission of a felony.

We expect the numbers in column 6 to be of the same order of magnitude as the commitment rates reported in Tables A-1, A-3 and A-4. The imprisonment rates in Table A-5 are somewhat higher than those suggested by Tables A-1 and A-3 and about the same as those in Table A-4. For example, the calculated imprisonment rate for rape is 15 percent in column 5 of Table A-5 versus 5 percent in Table A-3. These discrepancies are not alarming in view of the problems posed by sampling error (e.g., the 11 states may not be

representative of the entire nation) and other inconsistencies and deficiencies in crime data. Table A-5 yields imprisonment rates below 3 percent for property crimes, and violent crime imprisonment rates range between 4.5 percent for aggravated assault and 34.9 percent for murder, reflecting the pattern of previous tables, especially Table A-3.

TABLE A-I

CRIME AND EXPECTED SENTENCES
1949-1988

Year	Total UCR Crimes	Admissions to State & Fed. Prisons	Adm. per Crime	Median Sentence Served (months)	Expected Sentence (days)
1949	1,758,410	68,925	3.92%		
1950	1,784,700	69,473	3.89%		
1951	1,882,160	67,165	3.57%	21	22.50
1952	2,030,860	70,892	3.49%		
1953	2,153,390	74,240	3.45%	22	22.75
1954	2,261,840	80,900	3.58%	21	22.53
1955	2,256,840	78,414	3.47%		
1956	2,557,500	77,924	3.05%		
1957	2,790,660	80,482	2.88%	21	18.17
1960	3,384,160	88,575	2.62%	21	16.49
1961	3,487,990	93,513	2.68%		
1962	3,752,210	89,082	2.37%		
1963	4,109,470	87,826	2.14%		
1964	4,564,620	87,578	1.92%	21	12.09
1965	4,739,390	87,505	1.85%		

Year	Total UCR Crimes	Admissions to State & Fed. Prisons	Adm. per Crime	Median Sentence Served (months)	Expected Sentence (days)
1966	5,223,480	77,857	1.49%		
1967	5,903,430	77,850	1.32%	19	7.52
1968	6,720,210	72,058	1.07%	18	5.79
1969	7,410,870	75,277	1.02%	18	5.49
1970	8,091,020	79,351	0.98%	18	5.30
1971	8,588,200	97,292	1.13%		
1972	8,248,800	119,316	1.45%		
1973	8,718,110	127,686	1.46%		
1974	10,253,520	103,754	1.01%	18	5.46
1975	11,256,580	129,573	1.15%		
1976	11,304,770	129,482	1.15%		
1977	10,936,100	128,050	1.17%	18	6.32
1978	11,140,700	126,121	1.13%	18	6.11
1979	12,152,500	131,047	1.08%	19	6.15
1980	13,287,100	142,122	1.07%	19	6.10
1981	13,291,000	160,272	1.21%	17	6.15
1982	12,973,800	177,109	1.37%	16	6.55
1983	12,193,900	173,289	1.42%	19	8.10
1984	11,963,238	180,418	1.51%	17	7.69
1985	12,430,026	198,499	1.60%		
1986	13,210,844	219,382	1.66%		
1987	13,508,800				
1988	13,923,130				

Sources: Federal Bureau of Investigation, *Crime in the United States, Uniform Crime Reports for the United States* (Washington, DC: U.S. Dept. of Justice, 1988); U.S. Bureau of the Census, *Statistical Abstract of the United States*; U.S. Department of Justice, Bureau of Justice Statistics, *Historical Corrections in the U.S.; 1850-1984*, December 1986, NJC-102529, Table 3-8; U.S. Department of Justice, Bureau of Justice Statistics, *Prison Admissions and Releases, 1982;* and U.S. Department of Justice, Bureau of Justice Statistics, *Data Report, 1988.*

TABLE A-2

ARREST CLEARANCE RATES

Year	Murder	Rape	Robb	Agg Assault	Burglary	Larceny/ Theft	MV Theft
1949	93.7	80.2%	39.5%	77.2%	29.0%	21.6%	27.3%
1950	94.0%	80.0%	44.0%	77.0%	29.0%	22.0%	26.0%
1951	97.0%	79.0%	40.0%	74.0%	29.0%	21.0%	21.0%
1952	93.0%	78.0%	36.0%	75.0%	27.0%	20.0%	26.0%
1953	94.0%	79.0%	40.0%	74.0%	27.0%	20.0%	26.0%
1954	93.0%	76.0%	41.0%	76.0%	30.0%	21.0%	28.0%
1955	93.0%	79.0%	43.0%	77.0%	32.0%	21.0%	29.0%
1956	92.0%	77.0%	42.0%	78.0%	31.0%	20.0%	30.0%
1958	93.5%	73.0%	42.7%	78.9%	29.7%	20.2%	26.9%
1960	92.0%	73.0%	39.0%	76.0%	30.0%	20.0%	26.0%
1961	93.0%	73.0%	42.0%	79.0%	30.0%	21.0%	28.0%
1962	93.0%	66.0%	38.0%	76.0%	28.0%	20.0%	25.0%
1963	91.0%	69.0%	39.0%	76.0%	27.0%	20.0%	26.0%
1964	90.0%	67.0%	37.0%	74.0%	25.0%	19.0%	26.0%
1965	90.0%	64.0%	38.0%	73.0%	25.0%	20.0%	25.0%
1966	89.0%	62.0%	32.0%	72.0%	22.0%	19.0%	23.0%
1967	88.0%	61.0%	30.0%	69.0%	20.0%	18.0%	20.0%
1968	86.0%	56.0%	27.0%	66.0%	19.0%	18.0%	19.0%
1969	86.0%	56.0%	27.0%	65.0%	19.0%	18.0%	18.0%
1970	86.0%	56.0%	29.0%	65.0%	19.0%	18.0%	17.0%
1971	84.0%	55.0%	27.0%	66.0%	19.0%	19.0%	16.0%
1972	82.0%	57.0%	30.0%	66.0%	19.0%	20.0%	17.0%
1973	79.0%	51.0%	27.0%	64.0%	18.0%	19.0%	16.0%
1974	80.0%	51.0%	27.0%	63.0%	18.0%	20.0%	15.0%
1975	78.0%	51.0%	27.0%	64.0%	18.0%	20.0%	14.0%
1976	79.0%	52.0%	27.0%	63.0%	17.0%	19.0%	14.0%
1977	76.0%	51.0%	27.0%	62.0%	16.0%	20.0%	15.0%
1978	76.0%	50.0%	26.0%	62.0%	16.0%	20.0%	15.0%
1979	73.0%	48.0%	25.0%	59.0%	15.0%	19.0%	14.0%
1980	72.0%	49.0%	24.0%	59.0%	14.0%	18.0%	14.0%
1981	71.0%	48.0%	24.0%	58.0%	14.0%	19.0%	14.0%
1982	73.0%	51.0%	25.0%	60.0%	15.0%	19.0%	14.0%
1983	76.0%	52.0%	26.0%	61.0%	15.0%	19.0%	15.0%
1984	74.0%	54.0%	26.0%	61.0%	15.0%	20.0%	15.0%
1985	72.0%	54.0%	25.0%	62.0%	14.0%	20.0%	15.0%
1986	70.0%	52.0%	25.0%	59.0%	14.0%	20.0%	15.0%
1987	70.0%	52.9%	26.5%	59.0%	13.8%	19.8%	15.3%
1988	70.0%	52.1%	25.6%	56.8%	13.5%	19.7%	14.8%

Sources: *Crime in the United States, Uniform Crime Reports,* published annually by the FBI

TABLE A-3
CRIME AND IMPRISONMENT
SELECTED YEARS, 1949 - 1983

Year		Murder	Rape	Robbery	Agg Assault	Burglary	Larceny Theft	MV Theft
1949	Crimes[1]	3,414	7,462	38,807	49,431	247,323	596,220	98,082
	Admissions[2]	1,468	1,785	5,558	2,711	11,183	7,966	4,806
	Probability[3]	42.999%	23.921%	14.322%	5.497%	4.522%	1.336%	4.900%
1950	Crimes[1]	3,467	7,365	34,308	50,014	241,100	597,086	104,641
	Admissions[2]	1,737	1,720	5,597	2,760	11,776	8,546	4,349
	Probability[3]	50.101%	23.354%	16.314%	5.518%	4.884%	1.431%	4.156%
1964	Crimes[1]	9,249	20,551	111,753	184,908	1,110,458	704,536	462,971
	Admissions[2]	3,815	3,535	7,909	3,944	19,943	8,264	3,174
	Probability[3]	41.248%	17.201%	7.077%	2.133%	1.796%	1.173%	0.686%
1981	Crimes[1]	22,500	81,500	574,000	644,000	3,740,000	7,155,000	1,074,000
	Admissions[2]	7,802	3,070	20,698	7,587	29,722	9,851	1,665
	Probability[3]	34.676%	3.767%	3.606%	1.178%	0.795%	0.138%	0.155%
1983	Crimes[1]	19,300	78,900	507,000	653,000	3,130,000	6,713,000	1,008,000
	Admissions[2]	3,345	4,017	11,945	9,604	17,335	18,001	2,960
	Probability[3]	17.332%	5.091%	2.356%	1.471%	0.554%	0.268%	0.294%

[1]Crimes for that year.

[2]State and Federal prison admissions for that crime for that year.

[3]Admissions divided by number of crimes.

Sources: Crimes: *Crime in the U.S., Uniform Crime Reports,* published annually by the FBI
Admissions: Table A-1.

1949-1950, U.S. Department of Justice, Federal Bureau of Prisons, National Prisoner Statistics, *Prisoners in Federal and State Institutions, 1950.*

1964, National Prisoner Statistics, *State Prisoners: Admissions and Releases, 1964.*

1981, BJS, *Special Reports: Prison Admissions and Releases, 1981,* NCJ-95043.

1983, BJS, *Source Book of Criminal Justice Statistics, 1986.*

TABLE A-4

CRIME AND EXPECTED PUNISHMENT, SELECTED YEARS, 1960-1986

Year	Serious crimes reported to police [1]	Adults Arrest for Same Offenses	Arrest Clearance Ratio	Commitments to Prisons for Any Offense	Commitment Rate for Crimes Reported	Median Sentence Served (months)	Expected Sentence (days)
1960	1,200,560	250,466	20.86%	74,852	6.23%	21	39
1965	1,699,890	286,685	17.17%	74,724	4.47%	21	28
1970	2,943,820	395,678	13.44%	67,304	2.29%	18	12
1975	4,278,380	609,764	14.25%	112,803	2.64%	18	14
1980	5,139,720	666,063	12.96%	130,323	2.54%	19	14
1981	5,141,520	697,409	13.56%	149,186	2.90%	17	15
1982	4,769,490	752,873	15.79%	164,648	3.45%	16	16
1983	4,387,990	702,662	16.01%	173,289	3.95%	19	22
1984	4,257,680	677,275	15.91%	166,927	3.92%	17	20
1985	4,400,740	688,864	15.65%	183,131	4.16%		
1986	4,729,540	757,797	16.02%	203,315	4.30%		

[1]Murder, non-negligent manslaughter, robbery, rape, aggravated assault and burglary.

Sources: U.S. Department of Justice, Bureau of Justice Statistics
BJS Bulletin, "Prisoners in 1987," April 1988, NCJ-110331.
Median Sentences: BJS Special Report, "Prison Admission and Releases, 1982,"
"Prison Admission and Releases, 1983".
BJS "Data Report, 1988".

TABLE A-5

PROBABILITIES BY CRIME TYPE

1984

	Probability of Arrest	Probability of Prosecution given Arrest	Probability of Conviction given Prosecution	Probability of Prison given Conviction	Overall Prob. of Prison	Probability of Prison after Adj. for Underrpt	Median Sentence (Months)	Expected Sentence (days served)
Murder	70%	91%	75%	73%	34.9%	35%	78	819.0
Rape	53%	76%	65%	58%	15.2%	8%	44	105.6
Robbery	27%	84%	70%	49%	7.8%	4%	30	36.0
Agg Assault	59%	79%	64%	15%	4.5%	2.7%	22	17.8
Burglary	14%	88%	81%	28%	2.8%	1.5%	17	7.7
Larc'y Theft	20%	90%	77%	14%	1.9%	1%	12	1.8
MV Theft	15%	66%	78%	20%	1.5%	1.5%	14	6.3
Arson	16%	88%	72%	28%	2.8%	2.8%	19	16.0

Sources: Column 1 from FBI *Crime in the U.S., Uniform Crime Report*, 1984.
Columns 2 through 4 calculated from *Sourcebook of Criminal Justice Statistics*, 1987, p. 412.
Column 5 = Column 1 x Column 2 x Column 3 x Column 4.
Column 6 = BJS "Data Report, 1988," April 1989, NCJ-116262, p. 41.
Column 7 = BJS "Data Report, 1988," April 1989, NCJ-116262, p. 66.
Column 8 = Column 6 x Column 7.