Title

Rethinking How to Reduce Crime and Punishment

Permalink

Journal

Author

O'Hare, Michael

Publication Date

2010-04-27

DOI

Peer reviewed

Book Review

When Brute Force Fails, Mark. A. R. Kleiman, Princeton University Press, 2009

Rethinking How to Reduce Crime and Punishment

Michael O'Hare*
University of California, Berkeley

In front of my house is an area of *Dymondia* ground cover, about three by twenty feet, that regularly gets infested with weeds. If we let the weeds go (one option), they will take over the whole area and develop a low-value stable state, so we want to defeat entropy and maintain a *Dymondia* monoculture. If it were a lawn, we could just spray 2-4D all over everything, but the groundcover, despite looking like a grass, is a dicot and the 2-4D would kill it. Killing everything and starting again in the spirit of 1960s "urban renewal" (or term limits) is an option, but why would the new planting be less likely to host grass and spurge than the old one? And it would look terrible until it all grew in again. Constantly replanting, like repeatedly resodding a lawn, is neither good gardening nor a good average state of affairs.

Another is to weed by hand, trying not to damage the groundcover as we pull out tufts of grass and young spurges. This is extremely tedious; often we leave the roots and the weed returns. If we could just get it weeded once and for all, the *Dymondia* would crowd out almost all the interlopers, and we would only have to weed a little. But we never have time in a weekend to finish the whole patch, so we used to pull up a weed here and there when we walk past, and always have a slightly scruffy driveway

*Michael O'Hare is a professor at the Goldman School of Public Policy, University of California, Berkeley.

and more weeding time than we want. What we want is some way to weed only a little, *and* have a low-weed stable state. If there are few weeds to reseed themselves, and a tight layer of *Dymondia* shading the ground surface, this is not impossible, as the two conditions are actually complementary; the question is how to get there from here.

What my wife figured out after I told her about Kleiman's work was to start at one end of the bed and get a square yard really clean, something we can do in the couple of hours available for this in a weekend, and not pull here and there all over the patch. In the next weeks there are hardly any weeds in the first section, as only a quarter of its perimeter is liable to reinfestation, so we can do the next square yard and spend only a minute or two maintaining the first one, and so on. The weeds tend to seed themselves very locally, so a clean patch stays clean with minimal (not zero) maintenance.

You have now learned a good part of the analytic contribution of Mark A. R. Kleiman's study of crime policy *When Brute Force Fails*: if you can't catch and punish all the many bad actors in Gotham, stop sprinkling enforcement all over town and just clean up the southeast (or all the thugs whose names begin with A-D). After you do, the southeast will need only a little policing because of its new low offense rate, and your resources will allow you to go after southwest with the necessary intensity; eventually the whole town will have low crime, *and* few people being arrested and punished. *Dynamic concentration*, he calls it. Of course it's more elegant, and complicated when the "weeds" think and can be taught by experience that the odds of getting away with something have changed. Or better yet, warned, with no actual arresting or punishing required. I wish I could put a little sign in the next section slated for weeding: "Attention weed seeds: anyone germinating here is mulch!"

If you are like me, you are having a sense of *déjà vu*, and the sensation you are revisiting is the one you had when Tom Schelling explained the mattress in the highway and hockey helmets, the one that goes "Of course! That's intuitively obvious, and so simple; I was just about to think of that."

To review: Kleiman's key insight about *objectives* is that crime and punishment are both costly (another idea that looks banal right after you come upon it, but not so obvious to police departments promoting on the basis of arrests, or to politicians running on a lock-'em-up appeal to voters' lizard brains). Less of both is even better than less of the first and more of the second. The key *technical* insights are three. The first is the lesson of the weeds: enforcement resources are scarce in practice (and costly even when abundant): starting from a high level of violations, limited policing, prosecuting, convicting, and incarcerating can rarely raise the probability of punishment high enough to

make crime not pay in expectation. However, concentrated on a specific list of targets, or a geographic area, they can, and low offense rates in the first target zone free up resources to both maintain the initial zone at a low offense rate and flood the next target area.

The second technical insight is more general: looking out from inside the heads of potential offenders at their environments, Kleiman finds that a lot of behavior by a lot of unconnected agencies affects the decision to offend. My favorite example here is that middle and high schools start too early for the typical teenage circadian clock, so the kids can't pay attention in class owing to sleep deprivation, drop out, and are dumped on the street three hours before working parents get home.

The third insight is that the psychology of negative reinforcement has shown again and again that certainty and promptness of punishment are worth dozens of severity. We get a psychological kick from adding 10 years to a 10-year minimum sentence for something, and elections, sadly, are too often won by the guy who promises to "throw away the key," but 10 years in the slam, starting at least a decade from now, imposed with small probability in any case, is probably less discouraging to a youngster with a very high discount rate thinking about a robbery (especially if he's already been in prison once) than missing next month's parties, hanging-out, and cruising.

From these key starting points, Kleiman wields the all-purpose and enormously powerful policy-analytic tools of "Compared to what?", long division, and a clear distinction between *price* and *cost* to examine our options for crime reduction in policy areas currently suffused with plain ignorance, ideological posturing, and bad outcomes. He offends lefty and righty hopes calmly and explicitly, a habit he got into with his book on drug policy and continues here (for example) by dashing the expectation that either stricter or looser gun controls will do much for murder rates.

What gives his explanations and arguments extra force are four qualities not always found in our business, much less together. First, and not trivially, his writing is a pleasure to follow. Second, the whole enterprise is rooted in a sense of moral outrage at the needless pain our societal incompetence inflicts on crime victims and perpetrators. Third, he leaps disciplinary fences at a single bound, taking evidence from far and wide and in fact practicing economics, game theory, sociology, and moral philosophy before our eyes. And he respects magnitudes like someone trained on a slide rule: order maintenance, lead paint and alcohol are big deals for crime, marijuana and legal guns, not so much.

The final chapters of the book deserve special appreciation. The last chapter is a terse collection of one-sentence *do*'s and *don't*'s implied by everything that

came before. We should all be more willing to sum up our normative findings this way (Michael Pollan set the standard with his immortal guide to good nutrition: "Eat food. Not too much. Mostly plants."). Just before that comes "What Could Go Wrong," a clear-eyed look at the ways and contexts in which policy respecting his principles could go off the rails or not get to the station, for example, if applied to offenses like drug dealing (as opposed to street drug markets) where both victim and criminal seek to conceal the event. The spirit of this discussion is not to swat down objections but to respect risks and present real caveats. In fact, Kleiman does such a good job here that I can omit what would otherwise be an important part of this review.

It will be most interesting to see how Kleiman's approach can be generalized beyond the kind of crime (personal and street, for the most part) implicitly in his viewfinder, or crime itself. Is it useful for coal mining health and safety regulation? Cheating by students in college? Sexual abuse of minors by teachers or the clergy? Piracy in the Indian Ocean? Public rudeness? Quality assurance in service industries? Integrated pest management, what they teach in good ag schools now, comes from realizing that pests and pest control are both costly, and we want to minimize the sum, not one or the other. I bet this kind of thinking has legs.

Erratum

The article was originally published with the title: "Rethinking How to Reduce Crime and Punishment." The intended title should be: "Rethinking How to Reduce Crime and Punishment: Review of *When Brute Force Fails*."