



## **A Smarter (and Cost-Efficient) Way to Fight Crime**

By ROBERT H. FRANK  
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LAW enforcement policy in the United States rests implicitly on the “rational actor” model of traditional economics, which holds that people take only those actions whose benefits exceed their costs.

This model says that crime will be deterred if the expected punishment is strong enough — a prediction that has not been borne out in practice. Although long sentences are now common and the incarceration rate is five times what it was during most of the 20th century, the crime rate is still two and a half times the average of 1950-62.

Mark Kleiman, a professor of public policy at the University of California, Los Angeles, says there is a better way. In a new book, “When Brute Force Fails,” he argues that instead of making punishments more severe, the authorities should increase the odds that lawbreakers will be apprehended and punished quickly.

First, a few background points:

Most crimes in the United States are committed by long-term repeat offenders, a majority of whom are eventually caught. One of every 100 adults in the United States is now behind bars; many are serving lengthy sentences. The crimes they committed clearly did not “pay” in any objective sense of the term.

Why, then, did they commit them? The short answer is that most criminals are not the dispassionate rational actors who populate standard economic models. They are more like impulsive children, blinded by the temptation of immediate reward and largely untroubled by the possibility of delayed or uncertain punishment.

The evidence suggests that when hardened criminals are reasonably sure that they will be caught and punished swiftly, even mild sanctions deter them. But not even the prospect of severe punishment is effective if offenders think they can get away with their crimes.

One way to make apprehension and punishment more likely is to spend substantially more money on law enforcement. In a time of chronic budget shortfalls, however, that won’t happen. But Mr. Kleiman suggests that smarter enforcement strategies can make existing budgets go further. The important step, he says, is to view enforcement as a dynamic game in which

strategically chosen deterrence policies become self-reinforcing. If offense rates fall enough, a tipping point is reached. And once that happens, even modest enforcement resources can hold offenders in check.

Consider violent crimes committed by drug gangs. In many cities, such gangs are too numerous for police to watch them all closely. Knowing that they are unlikely to be caught and punished, members can violate the law with impunity. In such situations, Mr. Kleiman argues, the police can gain considerable leverage just by publicizing an enforcement priority list.

It is an ingenious idea that borrows from game theory and the economics of signaling behavior. To see how it works, suppose that all drug violence in a city is committed by members of one of six hypothetical gangs — the Reds, Whites, Blues, Browns, Blacks and Greens — and that the authorities have enough staffing to arrest and prosecute offenders in only one gang at any one time. Mr. Kleiman proposes that the police publicly announce that their first priority henceforth will be offenders in one specific gang — say, the Reds (perhaps because its members committed the most serious crimes in the past).

This simple step quickly persuades members of that gang that further offenses will result in swift and sure punishment. And that is enough to deter them.

With the Reds out of action, the police can shift their focus to the Whites. They, too, quickly learn that violent offenses result in swift and certain punishment. So they quiet down as well, freeing the police to focus on the Blues, and so on.

But why don't the Reds, seeing that the police have moved on, start committing violent offenses again? The reason is that they always remain atop the enforcement priority list. If they start offending again, police attention will again quickly focus entirely on them.

After a few rounds, Mr. Kleiman argues, the Reds will get the point. In like manner, one gang after another is pacified, even though the police have no more resources than before.

Considerable evidence supports Mr. Kleiman's emphasis on the efficacy of immediate sanctions. Experimenters have found, for example, that even long-term alcoholics become much less likely to drink when they are required to receive a mild electric shock before drinking. Many of these same people were not deterred by their drinking's devastating, but delayed, consequences for their careers and marriages.

Several notable law enforcement successes, like a crackdown on gang homicide in Boston and strategic drug market disruptions in High Point, N.C., and Hempstead, N.Y., provide further testimony to the effectiveness of focused deterrence.

When crime rates are high, spreading existing law enforcement resources equally among all potential offenders guarantees that any specific offense is unlikely to be punished. That leads to a vicious cycle of further increases in crime and further strains on law enforcement. Mr. Kleiman's proposal to publicly announce a strategic priority enforcement list would create positive feedback loops that would break this cycle.

Potential applications of dynamic deterrence extend well beyond street crime. For example, it could help rein in corporate scofflaws who now feel free to violate environmental and safety regulations because they know that regulators are stretched thin.

The strategy won't work in all situations. But when the circumstances are right, it's a revolutionary idea.

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