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FACT SHEET

Views from the National Council on Crime and Delinquency

Getting the Facts Straight

NCCD Questions the “Impending Crime Wave” Report by Third Way

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Background and Summary

In February, 2008, the Third Way, which defines itself as a “nonprofit, nonpartisan strategy center for progressives,” released a significant policy statement entitled, *The Impending Crime Wave*. This paper describes the convergence of what the Third Way conceives of as four new and menacing sociological trends, which, together with recent federal disengagement from crime fighting, allegedly threaten a new and devastating wave of crime in America. The last time this idea surfaced was when James Q. Wilson and John DiIulio frightened policy makers and the media about a coming wave of “super-predators.” A great deal of bad policy ensued. The basic premises of their arguments and their predictions were proven wrong long ago.

The National Council on Crime and Delinquency (NCCD) reviewed the Third Way report and identified troubling flaws with its arguments and with the data used to support them. To begin with, NCCD found that the described “trends” are based on incorrect data,

much of which was drawn from news stories or outdated data reports. In addition, the threatening tone of the report’s title and language is a deliberate attempt to foster fear through the use of false statements. Also, the Third Way fails to indentify the precise age group they refer to throughout their arguments. Interestingly, many of the Third Way recommendations are in keeping with NCCD’s own values. However, in its 100 years of history, NCCD has stood for progressive reforms of the justice system, which have rarely come about by inciting public fear. Rather, there is plenty of rational justification for reforms that emphasize personal responsibility, that are fiscally sound, and that help make the public safer.

What follows is an analysis of the Third Way report; it provides evidence from published studies and national data, and in some cases California data, and which highlights the inaccuracies of the Third Way’s reasoning.

Third Way Issue I: “The Reentry Explosion”

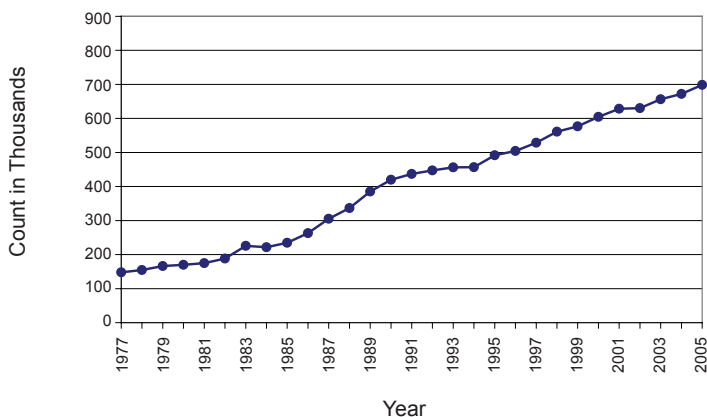
“Next year, 700,000 people will be released from prison.” “Compared to the 1980’s the US will see almost three times the number of prisoners released from state and federal prison this decade.” “Based on past projections, nearly two-thirds of ex-prisoners will be rearrested within three years of their release, and this group of individuals alone will be responsible for 9.5 million new crimes by 2013.”

NCCD’s Facts:

NCCD agrees that 700,000 reentering prisoners is a cause for concern, a call to action, even. However, it is misleading to characterize the number as an “explosion” on the horizon, as if it were sudden and unforeseen. On the contrary, this is a trend with a history—one that is an outgrowth of bad sentencing policies that came about in the first place largely through just the kind of political fear mongering that the Third Way appears to perpetuate. Moreover, Third Way’s crime projections should be scrutinized carefully for accuracy and method.

The number and rate of prisoners being released has been steadily increasing for more than 30 years. Starting in 1973, the rate of imprisonment took a turn upward

Total Sentenced Prisoners Released from State or Federal Jurisdiction, 1977-2005

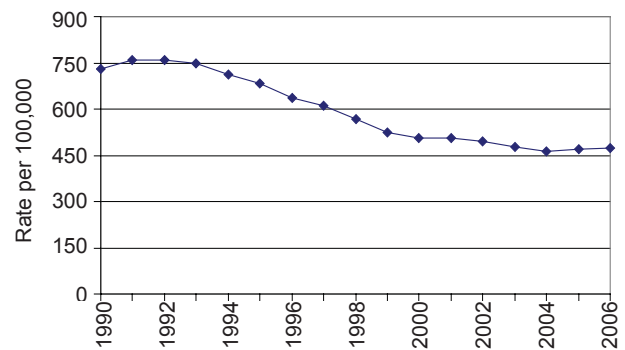


Sources: Bureau of Justice Statistics, 2000; Bureau of Justice Statistics, 2006; Bureau of Justice Statistics Bulletins, *Prisoners in* [1999-2000].

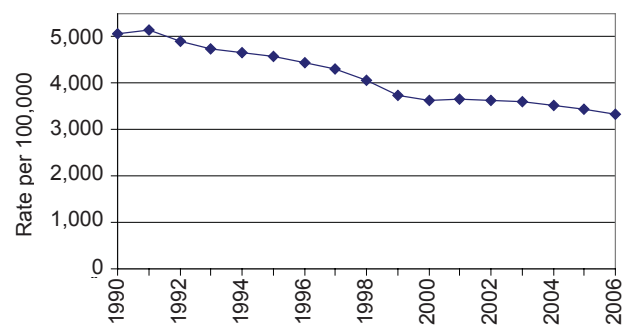
after having been relatively stable since the early part of the century (BJS, 2000). Including the jail population, the US incarcerated over 2.3 million people (Harrison and Beck, 2006a). The impact of this growth in incarceration rates on prisoner reentry is clear—the more people we put in prison, the more will eventually come out. One crucial area entirely overlooked by the Third Way is sentencing and drug policy reforms at the front end.

In fact, we continue to lock up more people more often, despite crime rates on the decline. Rates for both violent and nonviolent crime have been on the decline since the mid 1990s.

Violent Crime Rates in the US
1990–2006



Property Crime Rates in the US
1990–2006



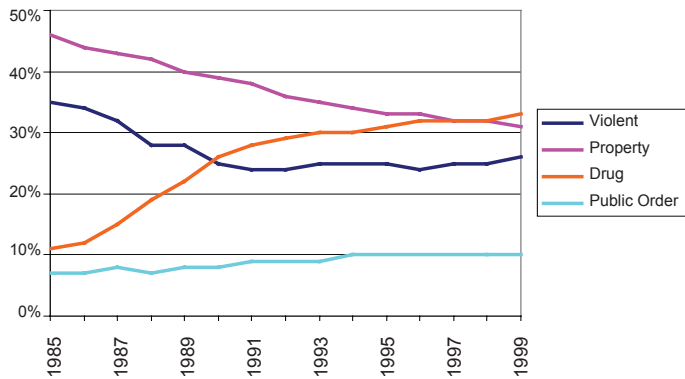
Source: FBI Uniform Crime Reports, 2006.

Violent crimes include: murder, forcible rape, robbery, aggravated assault.

Property crimes include: burglary, larceny-theft, motor vehicle theft. Arson is also a property crime, but data for arson are not included in property crime totals.

In addition, the proportion of prisoners locked up for drug crime versus property or violent crime has increased dramatically. The trend depicted below has continued into the current decade. An increasing proportion of released prisoners committed less serious crimes.

Percent of Releases from State Prison by Most Serious Offense, 1985-1999

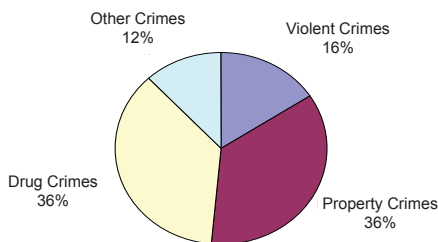


Source: Bureau of Justice Statistics, 2001b.

In any case, addressing the reentry issue with reason and intelligence requires a solid understanding of reentering prisoners—who they are, what risk they pose to public safety, why they fail, and what they need to be successful.

With California as an example (where all prisoners are released on parole), we can look at the crimes that send people back to prison. The reader should bear in mind that some prisoners return to prison for technical violations of their parole, for example, a dirty drug test.

CA Parole Violators Returned to Prison, by Offense Type, 2006



Source: California Department of Corrections and Rehabilitation, 2007.

Release from federal or state prison, in and of itself, does not necessarily translate into a significant threat to public safety. Among state parole discharges in 2000, 41% successfully completed their term of supervision; a rate relatively unchanged since 1990 (BJS, 2001a).

Furthermore, a prisoner’s impact on public safety varies widely with the profile of the prisoner. NCCD systematically reviewed 13 different studies of accelerated release programs for nonviolent offenders to see the impact on public safety. In every instance, recidivism rates among accelerated release groups and comparison groups were comparable. In no instance was there a rise of new crime that one could associate with prisoner release. For example: in Illinois, inmates released via Supplemental Meritorious Good Time had the same recidivism rates as those serving full sentences. In Wisconsin, no evidence was found that release 135 days versus 90 days early resulted in a disproportionate increase in criminal activity. During 18 months of follow up, offenders participating in the Florida Community Control Program had lower rates of new convictions compared to those that spent nine months in prison. To address prison crowding, the Illinois Department of Corrections released 21,000 prisoners early, reducing the prison population by 10%. New crimes by these prisoners were less than 1% of the state’s crimes (Guzman, 2008).

Third Way Issue II: “The Lengthening Shadow of Illegal Immigration”

Third Way’s report refers to the “shadow economy” of crime as a result of the illegal immigration population. Third Way paints the portrait of a small but violent minority of illegal immigrants, immigrant gangs, and predators of illegal immigrants that allegedly pose an increasing threat to public safety.

NCCD’s Facts:

This argument and its rhetoric are based largely on sensational news stories, which create a culture of fear surrounding illegal immigration. Third Way’s argument relies heavily (over 50%) on citations from media sourc-

es. It is important that any conclusions about the correlation of illegal immigrants to crime be made from solid empirical evidence.

number of noncitizens in state and federal facilities has remained stable. In mid-year 2005, 4.2% of state and federal inmates were non-citizens compared to 4.6%

in 2000 (Harrison and Beck, 2006b).

The table at left illustrates the percent change in violent and property crime rates in the six states with the largest undocumented populations. An estimated 65% of all undocumented immigrants live in these six states (Passel et al., 2004).

It is unlikely that the crime decline is even in part a result of declining illegal immigration. There is no evidence that such a decline has occurred.

Illegal Immigrant Population Estimates (in millions)	States with Highest Illegal Immigrant Populations	Percent Change between 2000 and 2006	
		Violent Crime Rate	Property Crime Rate
2.4	California	-14.3	1.7
1.1	Florida	-12.3	-18.4
0.9	Illinois	-17.2	-15.8
0.7	New Jersey	-8.4	-17.5
0.4	New York	-21.5	-19.4
0.4	Texas	-5.3	-7.5

Sources: Passel et al., 2004; FBI Uniform Crime Reports, 2006.
Note: NCCD analyzed data from the above sources.

Recently published studies by scholars have shown that immigrants have lower incarceration and crime rates than those born in the US. For example, a 2002 study in Los Angeles, CA, of deportable and non-deportable aliens found "...no difference in the rearrest rate of deportable and nondeportable aliens in terms of its occurrence, frequency or timing." This study further asserts, "These findings undermine the ubiquitous assertion that deportable aliens are a unique threat to public safety." (Hickman and Suttor, 2008).

From 1994 to 2005 the violent national crime rate and property crime rates fell to record lows at the same time that immigration increased (Rumbaut and Ewing, 2007). Since the late 1990s, border apprehensions as well as prosecutions of employers who hire undocumented workers are down, but so are the rates of violent crime and property crime (OIS, 2006).

Although the number of illegal immigrants coming to the US increased between 1999 and 2005, the number of noncitizens in state and federal detention facilities has remained stable. Since an increase in 1998, the

Third Way Issue III:

"The Sprawling Parentless Neighborhood of the Internet"

"Parents once knew who their children were speaking with; now many have no idea. Sexual predators were limited to cruising neighborhoods in cars; now they surf the world online."

NCCD's Facts:

It is unclear precisely what threat Third Way authors have in mind. We imagine that they are conjuring the threat of sexual predators going after teens and pre-teens. Thus, we address the most egregious possibility of actual sexual assault.

In general, the incidence of sex offenses, including forcible rape, declined between 1997 and 2006. The percent change during that period for sex offenses (excluding forcible rape) was -13.3%. For forcible rape the decline was -20.5% (FBI Uniform Crime Reports, 2006).

Moreover, most sexual assault occurs among people who know each other. In 1997, 68.3% of sexual assaults were perpetrated by someone who knew the victim (BJS, 1997). Of women raped or physically assaulted since age 18, 78% were assaulted by a current or former husband, live-in partner, or date; 17% were victimized by an acquaintance; 9% by a relative other than a husband; and 14% were assaulted by a stranger (Thoennes and Tjaden, 1998). As a matter of fact, six out of ten sexual assaults occur in the home of the victim or the home of a friend, neighbor, or relative (Greenfeld, 1997).

Furthermore, according to a publication by the Office of Juvenile Justice and Delinquency Prevention (OJJDP, 2004), the number of sexual abuse cases substantiated by child protective service agencies dropped a remarkable 40% between 1992 and 2000, from an estimated 150,000 cases to 89,500 cases. According to this report, “It is possible that the incidence of sexual abuse has declined as a result of two decades of prevention, treatment, and aggressive criminal justice activity.”

Third Way Issue IV:

“The Surging Youth Population”

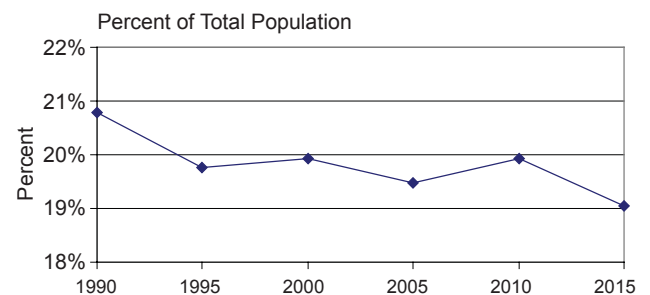
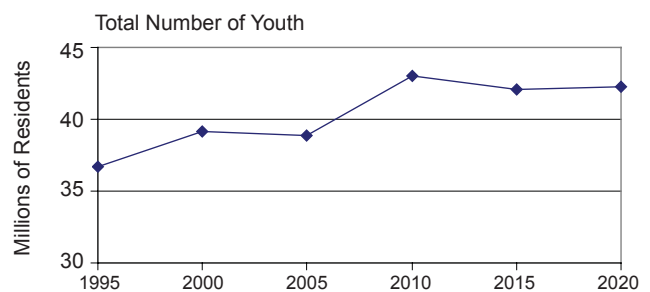
“For the past 25 years, teens and young adults have been the drivers of America’s crime rates. They have led the crime rate up, down, and trending back up again. Relative to their size [sic], young people commit more crimes than the rest of the population. Nearly half of those arrested for a violent crime in 2006 were under the age of 25. And over the next five years, the number of teenagers and young adults in America will increase by one million. This youth population surge will increase the number of crimes in America by over two million if they simply behave like the national average.”

NCCD’s Facts:

The assertions that young adults drive the crime rate and that there is a population “surge” are very misleading. To begin with, according to the 2008 US Census Statistical Abstract (2008), the population of youth ages 15-24 will increase to 43,012,848 in 2010 from 42,652,858 in 2006.

However, the Census also projects a decrease back down to 42,053,168 in 2015 among the youth population. Once again, the rhetoric here is inflamed; the concept of a “surge” suggests an uncontrolled and uncontrollable expansion of the population. It is true that the youth population has increased steadily, along with the growth of the general population. However, the proportion of the youth segment with respect to the general population has been steadily declining (see graphs below).

US Resident Population Projections by Age (15-25)



Sources: US Census Bureau, 2000, 2002, 2005, 2008.

Not only is youth population projected to peak in just over a year or two, but youth crime is unlikely to be the “driver” of all national crime rates, especially violent crime, as the youth segment declines.

Regarding the most violent crimes, despite prevalent news stories and political postures, juveniles account for a small proportion of murders. In the peak year, 1994, the FBI reported that persons under age 18 committed 10.2% of all murders. By 1998, juveniles accounted for 6.3% of the nation’s homicides (FBI UCR, 1998).

In general, crime rates in California have fallen over the last two decades especially for youth under the age of 25. At the same time, crime increased among adults age 30 and over (Macallair et al., 2000). Nationally as well, in certain categories, teenagers show larger declines and smaller increases in rates of serious offending compared to adults. Younger teens and children show the largest declines in crime of any age group, foretelling a more law abiding generation (Center on Juvenile and Criminal Justice, n.d.).

As a case in point, the trends shown in three decades of California crime reports are clear: today's children and teenagers are considerably less crime prone, and today's middle-aged adults are more so than their counterparts of the past. From 2002-2006, youth (under age 18) arrests dropped 3.1%. While it is true that the total number of violent crime arrests of youth increased by 7.6%, the property crime rate decreased by a staggering 17.4%. Furthermore, in 2006, youth (under age 18) that committed violent crimes made up only 15.3% of the total arrests for violent crimes (FBI UCR, 2006).

In California, youth have generally displayed considerably lower rates of serious crime than that of the late 1980's and 1990's. Crime among White youth has declined by 20% to 50% over the last 25 years. Black, Latino, and Asian youth have shown similar patterns in most types of crime, but also have shown cyclical patterns of homicides and violent crime during this same period (FBI UCR, 1970-2000).

Many of the most notable trends in youth crime have gone largely unrecognized by the general public and media outlets for more than a decade. Much of the data from state and national crime reports contradicts the public image created by numerous authorities, politicians, leading institutions, and the news media of a law-abiding adult generation saddled with inexplicably violent, wayward youth (Dorphman, 2001; Center on Juvenile and Criminal Justice, n.d.). For example, in California, political fixation on a supposed "youth crime epidemic" that never materialized led to policies such

as Proposition 21, which heightened criminal penalties for youth and made it easier to process youth in the adult system. California has been left underprepared to address a critical aspect of corrections—tens of thousands of aging offenders and prison inmates, many with neglected drug problems and declining health, whose incarceration, treatment, and medical costs represent a fiscal time bomb as well as severe damage to families and communities. This situation is playing out in other states as well. We desperately need to remove the taint of politics from the basic information used to make criminal justice decisions.

Conclusion

The Third Way report is a collection of false contentions that attempt to raise public fears about crime, immigration, the internet, and youth. NCCD contends that there is no call for panic around any of these issues. What *is* called for is a factual, rational basis for analyzing the needs of prisoners, the public, youth, and immigrants. The US incarceration rate is unnecessarily high. Immigration concerns are real, but there is no evidence to suggest that immigrants pose a disproportionate threat to US citizens. The internet contains everything imaginable, however, there is no evidence that it contributes to the sexual assault of minors. And youth crime is not the key factor in our nation's crime rates.

NCCD is the country's oldest private nonprofit research and consulting organization specializing in criminal justice and juvenile justice. The organization began in 1907 as the National Probation Association and changed to its current name in 1960. NCCD's mission is to promote effective, humane, fair, and economically sound solutions to family, community, and justice problems. NCCD conducts research, promotes reform initiatives, and seeks to work with individuals, public and private organizations, and the media to prevent and reduce crime and delinquency. The organization has been at the forefront of innovative research and policy development in adult corrections and juvenile court-related services since its inception.

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