

# TELEMASP BULLETIN

## TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

March 1999

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### Why the Drop in Crime? Part III Incarceration Rates and Crime

*This Bulletin is the third in a series exploring the recent drop in crime and the role played by police agencies.*

#### **The Texas Prison Building Boom**

During the past two decades, there has been growing use of incarceration as a strategy for controlling crime. The logic is simple: an offender who is locked up cannot commit crimes in the community (NIJ 1983).

There are approximately 1,000 state and 80 federal prisons in operation across the country today. America's prison population tripled between 1980 and 1995. By January 1995, the nation's prisons (combined state and federal populations) held just over 1 million inmates. Six percent (or 64,403) of those imprisoned were women (Beck and Gilliard 1995).

Texas has the nation's highest incarceration rate, with 545 out of every 100,000 Texans behind prison bars. In 1996, Texas completed a \$1.5 billion expansion program and now operates facilities across the state. The Texas prison system, which has been described as "by far the largest in the free world," is capable of housing 146,000 regular prison inmates (Schmallegger 1997).

According to the *Texas Department of Criminal Justice (TDCJ) 1998 Fiscal Year Statistical Report*, on August 31, 1998, TDCJ confined a total of 146,269 offenders, including 9,485 State Jail offenders and 4,511 Substance Abuse Felony Punishment offenders (see Table 1). The prison admission rate per 100,000 persons increased from 183 to 194 during the '98 fiscal year. There were 37,693 new admissions to

TDCJ facilities in fiscal year '98. This number includes new receives, parole violators, mandatory supervision violators, and shock probation violators. Although parole releases remained stable, mandatory supervision and discharge releases increased and contributed to a 10.87% increase in total releases. The percent of sentence served has continued to increase. Comparing similar populations from fiscal year '97 and fiscal year '98, the percent of sentence served increased from 39.2% to 41.5% for total releases, excluding discharge releases. The percent of sentence served for total releases in fiscal year '98, including discharge releases, was 43.8%.

#### **The Conceptual Link between Incarceration and Crime Rates**

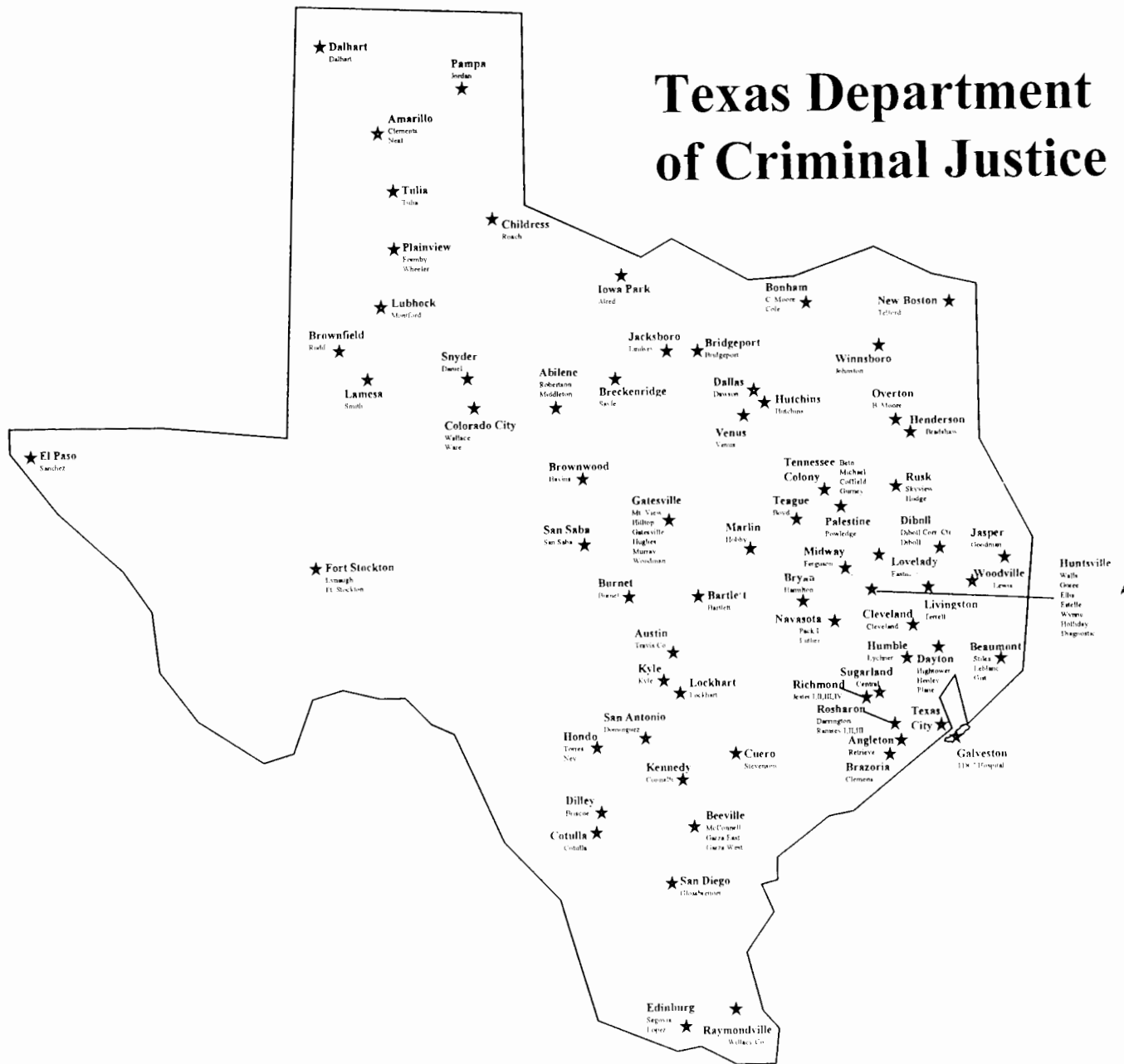
The numbers of persons incarcerated in the United States remained fairly stable for most of the past half century. The rate of incarceration throughout the 1940s, 1950s, and 1960s was nearly a constant 110 inmates per 100,000 population.

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Texas Regional Community Policing Institute*



# Texas Department of Criminal Justice



TDCJ Units, Transfer Facilities, State Jails,  
and Private Prisons



Table 1

Inmate Offense Characteristics August 31, 1998						
Offense	Male Number	Female Number	Total Number	Male Percent	Female Percent	Total Percent
V Homicide	12,652	709	13,361	10.2%	9.0%	10.1%
V Kidnapping	910	36	946	0.7%	0.5%	0.7%
V Sex Assault	12,781	123	12,904	10.3%	1.6%	9.8%
V Robbery	20,672	862	21,534	16.6%	10.9%	16.3%
V Assault	10,237	851	11,088	8.2%	10.8%	8.4%
P Arson	609	50	659	0.5%	0.6%	0.5%
P Burglary	21,294	567	21,861	17.1%	7.2%	16.5%
P Larceny (Theft)	4,098	651	4,749	3.3%	8.3%	3.6%
P Stolen Vehicle	2,822	78	2,900	2.3%	1.0%	2.2%
P Forgery	1,735	442	2,177	1.4%	5.6%	1.6%
P Fraud	474	169	643	0.4%	2.1%	0.5%
O Sex Offense	2,761	30	2,791	2.2%	0.4%	2.1%
O Escape	527	26	553	0.4%	0.3%	0.4%
O Weapon	1,183	29	1,212	1.0%	0.4%	0.9%
O Traffic/DWI	4,175	137	4,312	3.4%	1.7%	3.3%
O Criminal Mischief	543	66	609	0.4%	0.8%	0.5%
O Other Offense	424	65	489	0.3%	0.8%	0.4%
O Unclassified	803	46	849	0.6%	0.6%	0.6%
<i>V=Violent Offense</i>	<i>57,252</i>	<i>2,581</i>	<i>59,833</i>	<i>46.0%</i>	<i>32.8%</i>	<i>45.2%</i>
<i>P=Property Offense</i>	<i>31,032</i>	<i>1,957</i>	<i>32,989</i>	<i>24.9%</i>	<i>24.8%</i>	<i>24.9%</i>
<i>D=Drug Offense</i>	<i>25,696</i>	<i>2,940</i>	<i>28,636</i>	<i>20.7%</i>	<i>37.3%</i>	<i>21.6%</i>
<i>O=Other &amp; Unclassified</i>	<i>10,416</i>	<i>399</i>	<i>10,815</i>	<i>8.4%</i>	<i>5.1%</i>	<i>8.2%</i>
<b>Total</b>	<b>124,396</b>	<b>7,877</b>	<b>132,273</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Texas Department of Criminal Justice 1998 Fiscal Year Statistical Report, Huntsville, Texas: TDCJ (1999).

The incarceration rate surprisingly dropped during the period of rising crime rates in the late 1960s, when criminal justice policies emphasized rehabilitation and community corrections. However, since 1973, when the overall crime rate started to level off, the number of persons in prison has increased dramatically (Clear and Cole 1997). Incarceration is expensive. Some analysts, however, argue that incarcerating criminals is more cost-effective than allowing them to live in the community (Clear and Cole 1997).

The rate of crime in a community and incarceration of offenders are linked in at least five ways—deterrence, incapacitation, rehabilitation, social control, and labeling. The dynamics of each are complex and interact with one another.

The link between incarceration and deterrence is not as simple and straightforward as many might suppose. First of all, one must distinguish between specific deterrence—altering the future behavior of offenders by subjecting them to the pain of incarceration—and general deterrence—altering the behavior of the populous as a whole. Punishment may deter both the person being punished and others aware of the punishment, or, in theory at least, may be a deterrent in one case but not the other. Second, one must recognize that whatever deterrent effect incarceration has, it is a product both of the certainty of incarceration and its severity. Certainty of incarceration is affected by a number of factors: the nature of the offense itself, police apprehension effectiveness, policies in the district attorney's office, court processes, sentencing practices, and, at least indirectly, prison capacity.

The effectiveness of severity as a deterrent is subject to points of diminishing return. Few would argue that a sentence of one year will have a greater deterrent effect than a sentence of one day. However, it is difficult to establish that a sentence of 30 years has a greater deterrent effect than a sentence of 25 years. There is virtually no empirical means to determine the nature of the curve line when plotting deterrent effect against sentence length.

### Deterrence

- Likelihood of incarceration deters people from committing crimes
- Severity of incarceration deters people from committing crimes
- Can pertain to incarcerated offenders upon release or to people in the community contemplating crime
- Assumes some degree of rational choice

The recent prison building boom is probably more related to the desire to increase incapacitation than deterrence. Incapacitation means very simply that those who are incarcerated are physically prevented from committing additional crimes—at least against society as a whole. Incapacitation assumes that there are a finite number of offenders, i.e., offenders who are locked up are not “replaced” by others in the community. We have expended considerable research effort in attempting to predict high rate repeat offenders in order to magnify incapacitation effect. That is, we can obtain the most return for a dollar invested if those that we lock up for long periods of time are high rate rather than occasional offenders. Changes in sentencing laws in the last decade have tended to focus, however, on simply repeat violent offenders. That is, if a choice must be made, then the public policy is to incapacitate violent offenders for extremely long periods of time, releasing property offenders relatively sooner.

### Incapacitation

- Offenders who are incarcerated are incapacitated—physically prevented from committing crimes
- Effect is magnified if high-rate offenders are incarcerated
- Assumes fewer replacement offenders
- Assumes less than full compensation offending by offenders once released

One does not hear much about rehabilitation in the 1990s. Those who advocate heavy emphasis upon rehabilitation as a purpose of incarceration are currently in the politically incorrect column. Nevertheless, it should be noted that research on rehabilitation is encouraging. We certainly will not “cure” high proportions of repeat violent adult offenders. However, rehabilitation programs directed at youth have been relatively successful. One of the problems is that rehabilitation directed at an offender who has committed a serious enough offense, or enough offenses, to merit incarceration is not going to function like a curative antibiotic. That is, the difference between treating offenders and not treating offenders is not a difference between 100% of successful reintegration in the society and 100% recidivism. Rather, statistics generally fall out something closer to 60% success with those who are treated versus only 40% for those who are not. The rate of recidivism is still so high for those who are treated that there is considerable public cynicism about the expenditure of funds for this purpose.



### Rehabilitation

- Assumes offenders who are incarcerated can be rehabilitated
- Assumes offenders in prison can gain legitimate skills
- Assumes positive experiences in prison
- Assumes that released prisoners can overcome their environments

One must also remember that there is enormous variance in the definition of a rehabilitation program. For most in the field, the educational programs of the Windham School District in the Texas Department of Criminal Justice would be counted as rehabilitative. Some would employ an even broader definition, and count the required work program policy in TDCJ as a rehabilitative effort. Others would regard the definition from a narrower perspective, and apply it only to organized, highly structured intervention programs, usually with a psychological intervention basis.

The third means that incarceration may affect crime rates is through social control. The concept here is that incarceration reinforces notions of proper and improper behavior. The increased use of incarceration signals society's demand for greater conformity, control, discipline, and compliance to social norms. In short, tripling the prison capacity signals to potential offenders that "we're fed up, enough is enough." One must assume, of course, that the message is communicated, received, and accepted as valid. The use of incarceration as a social control mechanism should not be compared with general deterrence. It is not the threat of punishment that is salient here, but the cultural message.

### Social Learning & Social Control

- Incarceration reinforces notions of proper and improper behavior
- Increased use of incarceration signals need for greater conformity, control, discipline, etc.
- Assumes that the message is communicated, received, and accepted as valid

The final link between incarceration and crime rates relates to labeling. Unlike the previous relationships, there is a potential positive correlation, i.e., the more incarceration, the more crime. Labeling assumes a boomerang effect, that incarceration reinforces criminal behavior patterns through

immersion in a corrupting environment. In particular, there is concern about incarceration of youthful offenders for minor crimes. The issue of "net-widening" is germane here. Expansion of prison capacity may result in incarcerating offenders who would have otherwise received probation. If one assumes that probation is relatively successful, and that the environment in an institution is corrupting, then net-widening will create the boomerang effect.

### Labeling

- Boomerang effect—incarceration reinforces criminal behavior patterns
- Incarceration of minor offenders in particular make them more criminal
- Assumes that offenders would have been more likely to go straight if not labeled

### Incarceration Trends

Figure 1 depicts incarceration rates in the United States and Texas, respectively, since 1973—generally regarded as the starting date of the prison building boom. From 1973 through 1983, the incarceration rate both in Texas and the United States nearly doubled. The slope of both lines increases even more between 1983 and 1993. Beginning in 1993, however, there is a dramatic departure within the state of Texas from national trends. While the trend line for the country as a whole continued up on approximately the same slope as the previous ten years, the trend line in Texas shoots off the scale. Prison construction which had begun four years earlier suddenly expanded capacity, and the incarceration rate for the state reflects this. Although the rate has leveled within Texas in the past couple of years, it is now almost double that of the country as a whole.

The incarceration rate in Texas is even more dramatic when one compares it to that in other countries. (Note that the numbers in Figure 2 and Figure 1 are not directly comparable—Figure 1 depicts the rate for sentences of more than one year, while Figure 2 depicts total incarceration rate.) The United States leads the world, and Texas leads the United States. Figure 3 contains the data regarding the rate in Texas versus the rest of the country. Note that the incarceration rate in the South is higher than the other three regions depicted. The state of Texas is included in the data for the South; thus, the difference between Texas and the rest of the country is actually even a bit more dramatic than depicted in Figure 3.



Figure 1

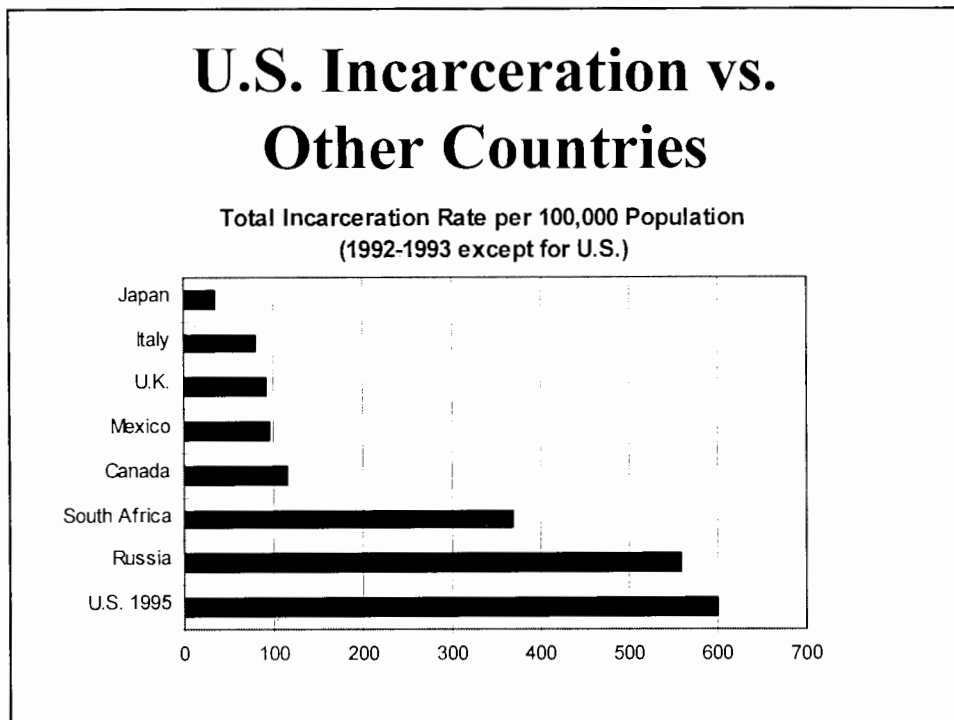


Figure 2

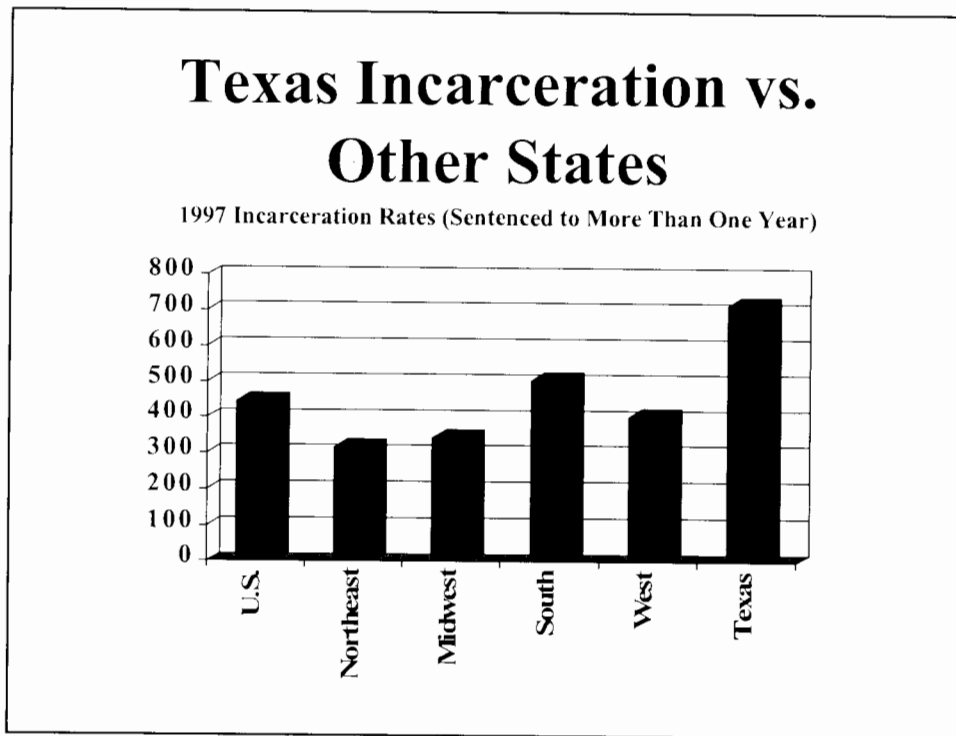


Figure 3

Figure 4 depicts the longitudinal comparison between the U.S. incarceration rate and the crime rate during the same period—1973 to present. Figure 5 does the same for the Texas incarceration rate and the crime rate within the state. The line graphs reinforce the concept that “locking them up and throwing away the key” works. As incarceration rates have gone up, both nationally and within the state, crime rates have come down. To examine the phenomenon more closely, we have compared changes in the incarceration rate with changes in the crime rate during the last ten years in selected states. Table 2 contains these data for Texas and the four other states of the largest five. We also included Mississippi and Maine because of contrasting data. Several points should be made regarding Table 2. First of all, clearly Texas has increased prison capacity more than any other state, tripling it in the last decade. Concurrently, crime has dropped dramatically. However, California achieved nearly the same effect by only doubling its prison capacity. New York achieved a greater reduction and only increased its capacity by 67%. An even stronger contrast is Pennsylvania and Mississippi, where crime rose while prison capacity doubled. Comparisons among the 50 states do not support the effectiveness of increasing prison capacity as strongly as aggregate statistics. Table 3 provides further detail regarding Texas’ offender population.

#### Negative Consequences of Expanded Incarceration

- Incarceration is expensive
- It tends to discriminate
- It tends to widen the net as it increases
- It tends to produce diminishing returns
- It may not have much effect on first offenders—especially violent youthful offenders

Another perspective can be obtained by examining violent crime rates, the primary target of increased prison capacity, and incarceration rates. Figure 6 depicts the comparative violent crime rate for the ten states with the highest incarceration rate, and the ten states with the lowest incarceration rate. Note that high incarceration rates are accompanied by high violent crime rates, while low incarceration rates are accompanied by low violent crime rates. The issue here is causality. At worst it can be argued that high incarceration rates are a product of inherently high

## U.S. Incarceration & Crime

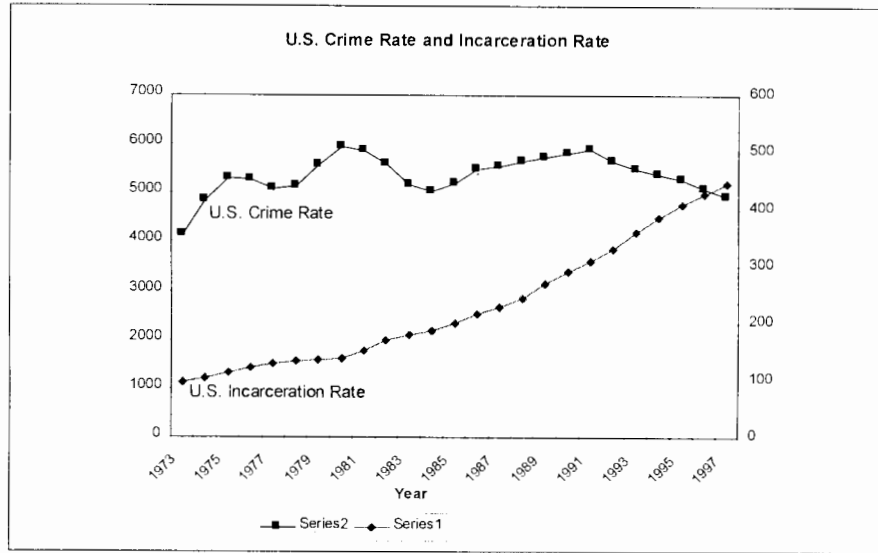


Figure 4

## Texas Incarceration & Crime

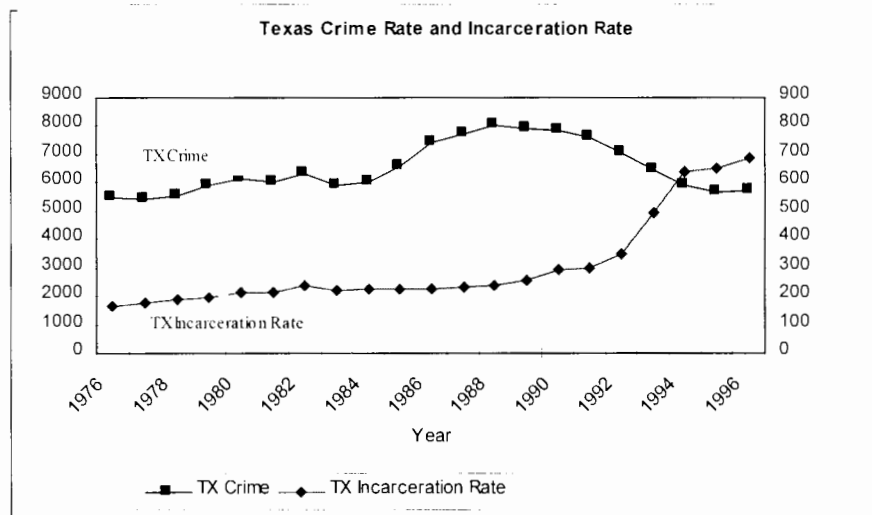


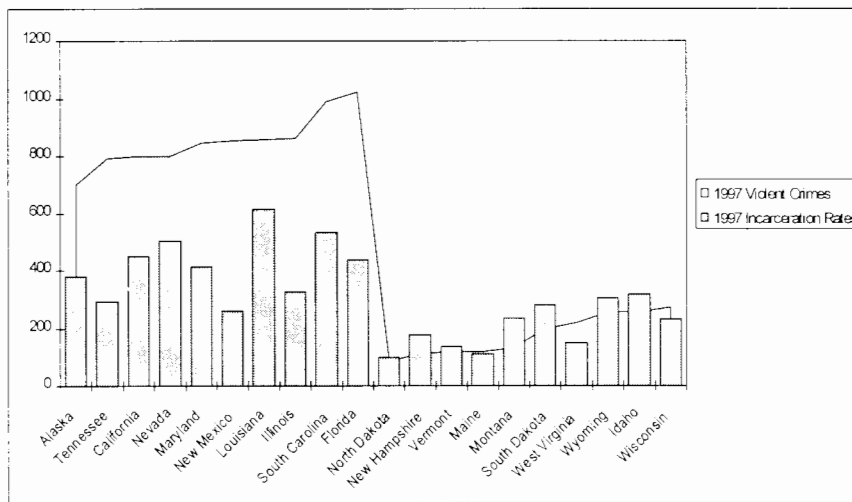
Figure 5

**Table 2**

**State Comparisons: Percent Change in Incarceration & Crime Rates  
1987 to 1997**

	<b>Incarceration Rate</b>	<b>Crime Rate</b>
<b>Texas</b>	<b>196%</b>	<b>-29%</b>
<b>New York</b>	<b>67%</b>	<b>-34%</b>
<b>California</b>	<b>96%</b>	<b>-25%</b>
<b>Illinois</b>	<b>91%</b>	<b>-5%</b>
<b>Pennsylvania</b>	<b>110%</b>	<b>9%</b>
<b>Mississippi</b>	<b>123%</b>	<b>35%</b>
<b>Maine</b>	<b>12%</b>	<b>-11%</b>

**State Comparisons: Incarceration and  
Violent Crime Rate Ranking, 1997**



**Figure 6**

### Offender Populations Fiscal Years 1993-98

Prison Population	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Total</b>	<b>69,054</b>	<b>92,669</b>	<b>128,468</b>	<b>132,724</b>	<b>140,518</b>	<b>146,269</b>
TDCJ-ID Prisons	62,317	75,698	91,490	92,884	93,512	93,750
Private Prisons	1,996	2,832	4,038	4,036	4,043	4,047
Pre-Parole Facilities	1,320	900	972	1,819	1,877	2,380
Transfer Facilities	0	8,164	26,916	25,865	30,229	32,096
<b>Sub-Total On-Hand</b>	<b>65,633</b>	<b>87,594</b>	<b>123,416</b>	<b>124,604</b>	<b>129,661</b>	<b>132,273</b>
Detention Facilities	3,421	2,921	0	0	0	0
State Jails	0	0	963	3,547	6,288	9,485
Substance Abuse Facilities	0	2,154	4,089	4,573	4,569	4,511
<b>County Jails</b>	<b>FY 1993</b>	<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>
Duty to Accept Populations	24,320	21,432	0	0	0	0
Transitional Population			2,514	2,191	2,121	2,984
<b>Admissions to Prison</b>	<b>FY 1993</b>	<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>
<b>Total</b>	<b>33,044</b>	<b>27,408</b>	<b>54,966</b>	<b>33,066</b>	<b>36,345</b>	<b>37,693</b>
New Receives	17,120	16,017	35,815	24,409	24,831	24,331
Parole Violators	14,104	9,899	14,803	5,055	6,214	6,409
Mandatory Supervision Violators	1,140	1,067	2,866	2,456	4,029	5,567
Shock Probation Violators	680	425	1,482	1,146	1,271	1,386
<b>Releases from Prison</b>	<b>FY 1993</b>	<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>
<b>Total</b>	<b>18,887</b>	<b>16,767</b>	<b>20,861</b>	<b>30,151</b>	<b>30,013</b>	<b>33,276</b>
Parole Releases	14,250	9,963	8,353	11,815	10,608	10,638
Mandatory Supervision Releases	3,354	5,622	10,951	15,726	16,402	19,112
Shock Probation Releases	973	794	893	1,513	1,277	1,028
Discharge Releases	310	388	664	1,097	1,726	2,498
<b>Parole in Absentia (PIA)</b>	<b>FY 1993</b>	<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>
<b>Total</b>	<b>11,317</b>	<b>9,913</b>	<b>5,071</b>	<b>324</b>	<b>373</b>	<b>442</b>
Parole PIA	N/A	8,555	4,650	275	13	59
Mandatory Supervision PIA	N/A	1,358	421	49	360	383

Texas Department of Criminal Justice 1998 Fiscal Year Statistical Report, Huntsville, Texas: TDCJ (1999).

violent crime rates. From this perspective, states with low violent crime rates have less need for high incarceration rates. One could, of course, argue the opposite, that high incarceration rates cause high violent crime rates. Proponents who are strong adherences of the labeling perspective mentioned earlier might suggest this. However, most would suggest that the inverse is true.

Nevertheless, the graphic relationship depicted in Figure 6 does argue that high incarceration rates do not substantially reduce violent crime rates. States in 1997 with extremely high incarceration rates still had the highest violent crime rates. Locking up high proportions of offenders does not reduce these rates to levels below the states with low incarceration rates. The states with both high incarceration and violent crime rates tend to be more urban than those with low incarceration and crime rates. Thus, social demographic patterns are undoubtedly relevant, although the pattern is not so clear-cut as to suggest that social demographic patterns are all that matter.

### Conclusion

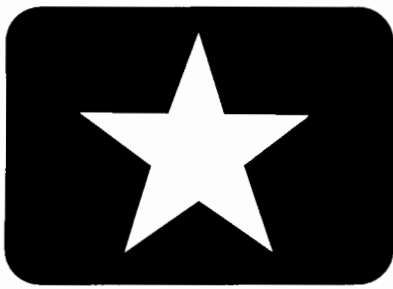
Incarceration clearly matters. One is hard-pressed to dismiss the clear correlation between increases in incarceration rates and decreases in crime rates. Some of the decrease in crime is due to increased incarceration. At the same time, the data are not so clear-cut as to suggest that all of the decrease in crime is due to increased incarceration. There is enormous variability among the 50 states. Some states have seen comparable decreases in crime without substantially increasing prison capacity. Even among urbanized states, there is far from a perfect correlation between increases in prison capacity and concurrent decreases in crime rates. Other factors are relevant as well.

- Incarceration clearly matters
- Incapacitation has demonstrable effects
  - 17 crimes averted per prisoner
  - 1% reduction in crime for each additional 25,000 prisoners
- Incapacitation works best when applied to high-rate offenders
- Deterrent effects are less clear
- Effects mix with demographics, economics, and social/cultural factors

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