
Minimizing Harm

A New Crime Policy for
Modern America

EDITED BY

Edward L. Rubin

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*Comment: Early Intervention: Promising
Path to Cost-Effective Crime Control, or
Primrose Path to Wasteful Social Spending?*

MARK H. MOORE

Peter Greenwood has, once again, done us all a great service by making a bold, "back of the envelope" calculation. This time he has compared the crime reduction cost-effectiveness of longer prison terms with a variety of early intervention, crime-prevention programs. He concludes: "Based on the current best estimates of program costs and benefits, investments in appropriate interventions for high-risk youth are several times more cost effective in reducing serious crime than long mandatory sentences for repeat offenders."

Now, it would be easy to poke holes in many of the technical features of this calculation. For example, the predicted effects of large-scale parent training interventions on crime are extrapolated from the effects of small-scale research interventions—a somewhat dubious enterprise. The predicted effects of school-based programs are simply assumed without any empirical evidence. On the cost side, the estimates are equally speculative and crude.

But these technical quibbles miss the point. The real value of Greenwood's calculation lies not in the reliability of his estimates of the crime-reduction effectiveness of the different interventions or in the precision of his cost estimates. The value lies, instead, in the forceful claim that the results of his calculation make on society's policy imagination. By having the courage to put early intervention programs alongside longer prison terms for repeat offenders and evaluate them in the same hard-nosed, crime control terms, Greenwood forces us to face up to a very important strategic policy question: Has American society struck the right balance between "retributivist" responses to crime on one hand and "preventive" approaches on the other? There is plenty of time for technical refinements in the calculations. What is important now is getting our minds around this tough strategic issue.

That is my central purpose in this review of Greenwood's piece. I want to try to answer the question of whether society is acting foolishly by investing so much of its meager public resources in prisons rather than in early intervention programs. This requires me to look at the form of the argument Greenwood makes as well as the technical content of his esti-

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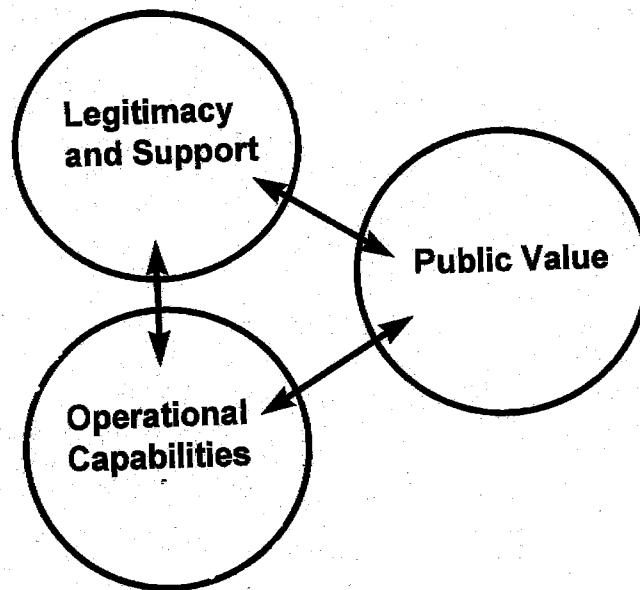


FIGURE 3.1 Strategy in the Public Sector

mates. More specifically, has the framework of his calculation captured the important values and concerns that a responsible policymaker should have in mind as he or she considers this question.

I am also curious about why society is acting foolishly, if it is true that it is. Why is it that society has such a tough time weaning itself from reactive responses and committing itself to preventive social interventions even when there are apparently strong arguments for doing so? Greenwood's chapter raises this question at the end and offers some important observations about why it is so hard to switch from one approach to the other. My purpose is simply to refine and expand some of the observations he makes.

A Framework for Strategic Analysis

Let me begin by setting out a very simple framework useful in analyzing strategically important policy questions. The framework is symbolized by a triangle, presented as Figure 3.1. The basic idea that is supposed to be conveyed by this image is that, in order for policy ideas to be useful in democratic systems, they must meet three important tests, symbolized by the three points of the triangle:

First, they have to be designed to achieve states of the world that would be publicly valued; for example, a world in which crime was

lower and the money being spent by public agencies to keep it low was less than it is now.

Second, to the extent that the policies depend on the use of public resources (such as tax money or the authority of the state), the policies have to be able to win political support and legitimacy from citizens, their representatives, and others. In this case, that means (crudely) that state legislatures must be persuaded to reallocate funds from prison construction to different forms of intervention programs and to resist using state authority to punish offenders more harshly.

Third, there must be operational capacities to implement the proposed ideas. In this case, it must be possible to imagine that some agency could actually find the at-risk families or children and deliver the proposed service to them in a form that would produce the intended result.

Showing these three tests as different points of an interlocking triangle is supposed to remind us that all three of the tests must be met if a policy idea is to be valuable. It is not enough, for example, that an idea seems substantively valuable, or cost effective. It must also be capable of attracting legitimacy and support and be administratively doable. Moreover, one of the ways that ideas acquire legitimacy and support is through analyses that speak to the values and concerns of citizens and their representatives as well as make accurate predictions about what will happen if a particular policy is adopted. It also helps if evidence exists showing that a policy can be implemented and how that might be done.

This kind of strategic analysis is particularly helpful to us in thinking about whether society is acting foolishly by relying as much as it now does on retributivist crime-control policies emphasizing longer sentences for repeat offenders while refusing to invest more in early intervention programs for two different reasons. First, it may help us uncover some reasons why society might reasonably be reluctant to make this strategic shift in crime-control policy that are obscured by the straightforward cost-effectiveness analysis that Greenwood essays so heroically. This is the normative use of the strategic analysis framework. Second, it may help us understand why more progress has not been made in this direction despite the fact that the basic facts about the efficacy of early intervention programs have long been known. Given that arguments of the type and form that Greenwood makes have long been available, we have to ask why society has not moved more in the indicated direction. This is the descriptive use of the strategic analysis framework.

The Value of Shifting from Retributivist to Preventive Policies

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were to rely more on early intervention programs to control crime? At first glance, the analysis seems substantively compelling (assuming that the estimates are accurate), for it seems to encompass the important values that society either does or should have in mind as it weights alternative policies: It should be looking at how much it can reduce crime (the single measure of effectiveness, or value, used in the analysis) for tax dollars spent in different, competing government programs (the single measure of cost used in the program). Yet, a little reflection suggests two problems with Greenwood's implicit argument.

Risks and Uncertainties

The first is simply that his analysis is only a guess about what society could achieve by investing more in preventive programs. I do not say this to reintroduce technical quibbles about the quality of Greenwood's analysis. The problem is not just that we haven't conducted enough experiments with different kinds of interventions, or that we haven't yet measured the costs of the programs very well, or that Peter has failed to get the arithmetic right. The problem is that even the best analyses, performed several years from now when we have accumulated even more evidence about the cost-effectiveness of different kinds of programs in reducing crimes committed by those exposed to them and figured out how to analyze them, will end up being imperfect guides to this important choice. All prospective analysis is at best a rickety bridge to the future. We do not really know whether something will work until we try it.

This means that the choice about whether to invest more in preventive programs is inevitably a gamble. Moreover, it looks like it is a particularly big gamble. This is partly because the stakes on both sides are pretty high—crimes on one hand, large absolute costs to government on the other. It is also because the evidence is now and will remain thin about the cost-effectiveness of government programs as they will actually be fielded by the government. But it may be that the biggest part of the gamble comes from being confused about how particular kinds of programs should be bundled together in portfolios that constitute strategic policies. Let me explain what I mean.

Greenwood's analysis allows us to compare the relative cost-effectiveness of five generic types of crime control policies (four "early intervention" prevention programs and one retributivist policy increasing prison sentences for repeat offenders) in terms of the cost per crime prevented if one started now and absorbed their effects over the next thirty years. Greenwood is clear that this analysis abstracts from some technical complications having to do with how we should treat costs and benefits that occur in the future. (These technical issues may be related to a real political problem, which is that it is very hard for a democratic political regime to

stay focused on policies that are costly in the short run and produce benefits only in the long run.)

But a potentially more serious problem for his analysis is not the *dynamic* issue of how costs and benefits accumulate over time but the *portfolio* question of how his policies interact with one another over both the short and long run. Presumably, the real world offers not an all or nothing choice of retribution or prevention and one kind of prevention program over another. We would have to decide how much to best invest in early childhood, parent training, school-based, and early delinquency programs and in what sequence these policies should be introduced at what scale. It is quite possible that these different policies interact with one another in complex ways. For example, it may be that successful early childhood interventions with at-risk families and kids would substantially reduce the need for subsequent parent training, make it easier to maintain high-quality schools without special programs, and substantially reduce the need for subsequent early delinquency programs. But it is also possible that the effects would not be this neat. Perhaps the early childhood programs would end up missing families that produced later offenders. Or, it could be that the availability of parent training and good schools would reduce the effectiveness of early childhood interventions because the existence of these other programs would reduce the hazards of having children that could be emphasized as part of early childhood interventions.

The point is not that any of these speculations are correct or not. The point is that they could be true, and they signal an important complexity in the calculation that must be accommodated if we are to see more or less accurately what is the right path to follow in diversifying our efforts to control crime in the future. The more complicated the calculation, the more risky the bet feels. The worry is that we could decide to invest a great deal in crime prevention programs and still end up having to respond to crimes that were not successfully prevented through retributivist policies, not only in the short run while we were waiting for the preventive effects to show up but also in the long run when the preventive effects were supposed to appear. Compared with continuing to respond to crime in the traditional manner, the alternative may seem like a risky gamble that society should not take.

Values at Stake in Retributivist and Preventive Crime Policies

This brings us to the second problem with Greenwood's analysis. One can reasonably observe that, given the current and future cost of retributivist policies and their apparent ineffectiveness in controlling crime, taking a flyer on prevention policies seems eminently sensible. In short, it would take only a reasonable prospect of success to decisively beat the

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current alternative. And this is the real force behind Greenwood's analysis. He could be way off in his estimate of the effectiveness of prevention policies and still have those be superior to current policies in cost-effectiveness terms.

The difficulty with this position, however, is that this sort of utilitarian calculation is only one of the ways in which society might choose to look at the problem of crime and make normative judgments about what should best be done to deal with it. An alternative perspective would emphasize the importance of cost-effectiveness analysis and elevate concerns about what individuals and institutions in society could reasonably expect from one another; that is, it would emphasize ideas associated with justice and the proper ordering of institutions in the society over concerns about cost-effectiveness.

From this vantage point, one might argue that shifting from retributivist crime control policies to preventive measures might be cost effective, but it would not be particularly fair, or just, or supportive of a proper ordering of institutions in the society. Thus, in one conception, one could argue that all citizens owe one another a duty not to commit crimes. Failure to live up to this duty is punishable through the criminal justice system. It is the state's responsibility to administer this punishment. It is not the responsibility of the state to establish conditions that are favorable to individuals growing up not to commit crimes; that is the responsibility of families and of the individuals themselves. It is particularly not just for the state to take money from citizens who can order their lives and use it to create programs for those who cannot. For the state to take on this wider responsibility would be to breach some of the proper boundaries between private and public institutions and between individuals and the state. This would be bad for justice and for the future efficacy of private institutions.

Note that although I have constructed a kind of "justice" argument against shifting from retributivist to preventive policies, one can also construct a "justice" kind of argument supporting this strategic shift. The argument would be one that proceeded from a broad understanding of what children were entitled to and what the state could reasonably hold adults accountable for if they had not received as children the kind of care, investment, and supervision that they were reasonably entitled to. Thus, one would argue that children are owed a decent chance for development, including moral development, and that they cannot have this unless they receive some minimum standard of parenting, schooling, and recreational and job experience. These rights of children are strong enough to authorize and require the state to intervene in family affairs if there is evidence that children are not receiving what they are entitled to from their families. If, for some reason, the children do not receive what they are entitled to, and as a result, their development falters, their crimes must be

seen at least partly as the society's crimes, since society has failed to secure their rights.

Obviously, I do not intend to resolve this complex question of justice here. I merely want to point out that it is not entirely obvious that the utilitarian framework of cost-effectiveness analysis captures what society does or should value in thinking through the question of whether it should shift to preventive programs. Such a decision could very well seem to sacrifice some values that society thinks are important in terms of the proper ordering of institutions; such as the idea that most people ought to voluntarily choose to obey the criminal law, that government should punish those who commit crimes, and that it is not obvious that government should, as a matter of justice, assume the responsibility for trying to prevent crime even if it could do so. This seems to violate an important principle of limited government that says that government should not go looking for problems to solve but should instead wait for them to appear and deal with them then. Any other principles would lead to a more entrepreneurial and opportunistic government than is desirable and would undermine the operations of other institutions by unsettling them with the prospect of either unexpected aid or unexpected attacks from the government.

One can reasonably point out (as Greenwood does) that we are paying a very big economic price for maintaining retributivist policies and that we might be missing an important opportunity to reduce crimes by investing in different kinds of governmental activities. But this argument can, in principle, be rebutted by a different kind of argument that makes a great deal of fairness, justice, and a proper ordering of institutions and takes a particular position with respect to these potentially important matters; namely that it is the citizens' duty not to commit crime, the government's duty to punish offenders, and it is wrong for government to be searching for opportunities to prevent problems that are really the responsibility of other institutions.

Political Support and Legitimacy

No doubt, many will think that I have gone on at much too great a length about the "justice" arguments for and against shifting toward preventive policies. I did so for one important reason: The values perceived as being at stake in a particular strategic choice are importantly linked to the all-important question of whether a particular policy can gain the political legitimacy and support it needs to be adopted. I wanted to discuss these values partly because I think they are real and important, but also because it is in these terms that much of the discussion of crime policy proceeds.

Many deplore the fact that the political discussion about crime is approached in terms of "retribution" and "justice." They believe that these are but thin veils masking the primitive, emotional desire for vengeance and

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that the influence of these primitive desires should be minimized in rational policymaking. They may also believe that the strong interest in retribution really reflects a misguided empirical belief that the reliable ways to control crime are through deterrence and incapacitation rather than prevention. Or, they may believe that principles of retribution and justice are important but they are either indeterminate or misunderstood by those who advocate longer sentences for repeat offenders as a fundamental crime-control policy. Such people long for a "more rational" discussion of crime control in which empirical facts about whether programs do or do not reduce crime have pride of place and where any conceptions of justice that are invoked include notions of mercy, redemption, tolerance, and social obligations to individuals as well as of individuals to the community.

I confess that I am personally attracted to the view that wants to privilege reason and empirical facts in policy debates about crime and that wants to temper demands for justice and accountability with mercy and a keen sense of the role of fortuity in human affairs in discussions of crime control policy. Yet, I am impressed by the extent to which the public as whole wants to talk about crime largely in terms of justice and retribution. I am particularly impressed by how uninterested the public is in any discussion of the costs of imprisonment and the crime-control effectiveness of such policies. It is clear that utilitarian discussions of cost-effectiveness simply do not resonate very powerfully in discussions of crime policy, even in these pragmatic and hard-strapped times; whereas the kind of justice arguments presented previously do.

It is partly for this reason that arguments about the potential economic savings of shifting to preventive policies in the domain of crime control fall on deaf ears; the audience is thinking that people shouldn't have committed the crimes in the first place. As a matter of justice, it doesn't matter that the offenders didn't get what the preventive policies were designed to supply, and that if they had gotten this, they wouldn't have committed the crime.

Moreover, this preference for principled (retributivist) rather than practical arguments about crime seems to be a fairly stable, well-developed position in the American body politic. The feelings about crime are vulnerable to political manipulation, but they are not entirely created by political manipulation. Arguably, in a democracy, such views deserve respect. In any case, as a practical matter, their settled existence makes it difficult to create political support and legitimacy for preventive approaches to crime.

Operational Capabilities

Proposals to shift from retributivist to preventive approaches to crime also face difficulties when we consider the required operational capabili-

ties. The crucial issues here are: (1) how will clients be recruited and treated and (2) from what particular bureaucratic base will such initiatives be launched? The answer differs from one preventive approach to the other, but the discouraging news is that the most promising interventions also seem the most difficult to launch.

The easiest of Greenwood's preventive interventions to implement is the early delinquency programs. A suitable bureaucratic platform exists for this in the juvenile justice system. All that is needed is more resources for such programs and more confidence in using them. These are not small requirements, but they are easier than the other proposed prevention programs.

School-based programs face two difficulties. First, exactly what form they should take is not clear. Second, since schools are under enormous pressure to achieve their primary goal of educating children, they have been increasingly reluctant to take on additional tasks—even though it may be impossible for them to achieve their primary purpose without accepting these new responsibilities. In any case, schools have not shown themselves to be eager innovators or easy to influence in domains other than educational policy.

By far the most difficult to implement are those programs Greenwood estimates to be the most cost effective: early childhood and parent training interventions. In each case, the programs must solve difficult issues of targeting and intervening with targeted families.

With respect to early childhood programs, the favored targeting approach will probably be to provide universal services to young families in high-risk neighborhoods. This eliminates the problem of stigmatizing individual families, but it does contribute to the perception that family problems are confined to people who live in low-income neighborhoods—a perception that is likely to be even less appropriate in the future than it is now. There may also be a problem in persuading reluctant parents that they should accept the publicly financed (but not necessarily publicly provided) services. Despite this problem, it is unlikely that reluctant parents will be coerced to accept the services without evidence of abuse and neglect of their children. The combination of providing universal services to poor neighborhoods and the absence of state coercion will inevitably produce spotty coverage of the families that could use the services. Many will receive services who do not need them; and many who need them will not get them. Given the enormous potential of these programs, these targeting difficulties should be viewed as a minor problem, but they will be there. A greater problem is whether such programs should be based in public health or social service agencies. Neither is particularly well equipped now to take these programs on.

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of trouble appear rather than act preemptively before the trouble starts, and they make a relatively specific, narrow intervention into family life (though that work can be quite intensive). The principal difficulty with these programs is finding the cases to be treated. Early childhood programs can be targeted by visiting young women in poor neighborhoods, or maternity wards in hospitals. School-based programs can work from well-defined school populations. Early delinquency programs work through the institutions of the juvenile justice system. Parent training programs, designed to help parents of preschool children who are beginning to show signs of aggressive behavior do not have a natural case-finding mechanism. The kids are too old to be in hospitals as infants and too young to be in schools. The only way such families are likely to be identified is by parents volunteering that they are in trouble, or as a result of referrals from social service agencies dealing with troubled families, or families that have abuse and neglect complaints filed against them. Such systems may work well enough, but they will be far from perfect. There will inevitably be both over and under inclusion. And these programs, too, face uncertainty about bureaucratic sponsorship. Will they be housed in social service agencies? Or will they be operated as nonprofits under contract to social service agencies?

Conclusion

Greenwood's calculations have put the case for shifting away from current retributivist approaches to crime control forcefully before us. They force us to explain why his conclusion is not the right one (if it is not the right one).

The use of a strategic analysis that focuses attention on the public values at stake in a particular proposal, its capacity to gain legitimacy and support, and its operational ability helps us understand the difficulties of making this strategic shift in crime control policy and why the shift has not been made despite evidence that preventive intervention programs can work to reduce crime.

Viewed from this particular perspective, the central problems that these proposals face are: (1) that belief in their efficacy requires a substantial leap of faith in the efficacy of large-scale programs that have not really been tested in operation, on a large scale, over a long enough period of time to be sure that they will actually work; (2) that the argument for their value is cast in the utilitarian language of cost-effectiveness, which seems to have less resonance in the political debate than the language of retribution, justice, and the proper assignment of responsibilities to particular social institutions; and (3) that some of the most promising interventions lack operational specifications that detail how they would work to recruit clients and intervene in their lives and that identify bureaucratic hosts.

These problems, combined with the fact that in the short run public officials will still have to respond to crime while waiting for the prevention programs to take effect, make it very difficult for responsible public officials to decide to shift substantial resources to preventive interventions. There is just too great a risk that the funds will be spent, benefits will be produced in many other domains, but the promised crime control benefits will not materialize, and the officials will find themselves paying for both the retributivist system and the new preventive system that, in operation, revealed itself to be less a crime prevention program than a more general social welfare program.

Despite these difficulties, I think it is valuable to continue building the case for the early intervention prevention programs. That can be done by continuing to strengthen the arguments for their cost-effectiveness in controlling crime as Greenwood has done. But my bet is that, over the long run, the best argument for these programs will not be based centrally on their crime-prevention potential. My hunch is that the political support for early childhood and parenting programs can be built more effectively around themes that emphasize the control of child abuse and neglect and the strengthening of the family as a primary social institution. These are important ends in themselves. The programs that are being proposed as effective long-run crime prevention programs contribute directly and sooner to these other objectives. Why not make these the principal arguments for these valuable programs and treat the speculative (but likely) long-term impact on crime as an attractive additional reason to support these programs rather than the main reason?

The only reason for not making this argument that I can think of is that it would reduce the leverage that the argument for the greater cost-effectiveness of early intervention programs has on the public's current enthusiasm for retributivist policies. In essence, what is valuable about the argument for crime prevention is not only that it increases our enthusiasm for prevention programs, but also that it restrains our enthusiasm for retributivist policies. But it is not clear what would happen to our desires for both justice and crime-control effectiveness in the short run if we were now to shift resources from prisons to prevention programs. The worry, of course, is that many criminal offenders would go unpunished and that crimes would increase while we were waiting for the preventive programs to take effect. It is in this sense that these programs are not really competitors in the short run. In the short run, we will continue to have to rely on retributivist policies (though not necessarily our current ones). It is only in the long run that the programs become competitive. And since it is hard for us as a polity to think and act in the long run, it is important that we have some short run reasons for shifting to programs that will produce long-run crime control benefits.

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