New Challenges in Evaluating Our Sentencing Policy: Exploring the Public Safety Nexus

Address to the National Workshop on Sentencing and Corrections

Hilton Head, South Carolina

June 1, 2000

JEREMY TRAVIS, SENIOR FELLOW
Dear friends and colleagues:

I am honored by the invitation to speak to this particular gathering of practitioners and policy makers representing the fifty states of the Nation. For the first two meetings of this National Workshop, I attended in a different capacity. As Director of the National Institute of Justice, one of the co-sponsors of the Workshop, I served as moderator, master of ceremonies, and co-host, along with my friend and colleague Larry Meachum. So, now that I have left federal service and joined the ranks of government exiles who have found refuge in Washington’s think tanks, it is a particular honor to be asked to join you in this Third National Workshop, and to offer some thoughts on the challenges you face.

I am also delighted to be speaking in the same session as Peter Greenwood. We come from different coasts, and from different research organizations. Yet, in interesting ways, our life journeys are converging. Peter finds himself living in the world of practice, coming from a lifetime as a researcher; I find myself living in the world of research, coming from a lifetime as a practitioner. And apparently, at least according to your program, both of us have arrived at the stage in life where we are called “senior”. I don’t know how Peter feels about it, but I know I’m not ready for that particular designation.

Broadly speaking, my topic today is one already before this workshop — namely, the challenge of evaluating our sentencing policies.1 Doris MacKenzie’s superb background paper and the panel discussion this morning have already laid out some of the broad trends in our state sentencing policies. I would like to take a somewhat different slice on those issues. Specifically, I want to talk about the relationship between sentencing policy and public safety.

I recognize at the outset that public safety is not the only goal of sentencing policy; our sentencing structure has always reflected moral judgements about the seriousness of the offense. We think it appropriate, for example, to impose a long prison sentence (and even the death penalty) on the murderer who poses no risk of murdering again. But even that sentence is justified, in some small part, by notions of deterrence, once again invoking the public safety nexus.

These national workshops have been about crime, but then again they haven’t been about crime. On one level, the issues of sentencing and corrections are about crime — about our response to crime as a broad social concern and about our responses to individual crimes, the cases that are handled by our criminal and juvenile justice systems. Yet this is not really a conference about crime. This is not a national workshop on ways to prevent, reduce and control crime. If we were hosting that other conference, the attendees at that conference would probably not talk much about sentencing, corrections and the role of the criminal sanction. My basic purpose today is to urge you to think about the linkages between the two, to ask whether sentencing policy can and should be evaluated in terms of its contribution to public safety.
I. Historical Trends and Our Public Discourse.

Let’s take stock of this moment in our national experience in meeting the challenges of crime and justice.

We live in a remarkable era, notable for the two milestones we have achieved. First, crime is at its lowest rates in a generation. After a sharp increase beginning in the mid-1980s, principally due to the introduction of crack into our inner cities, rates of violent crime have dropped steadily for seven years in a row to reach the lowest rate since the 1960s. Property crime rates have declined steadily for twenty years so they are now half the rate of a generation ago. Rates of intimate partner violence are falling.²

But we should not be too smug. Notably, rates of child fatalities and child abuse have not declined as dramatically, underscoring our special obligation to disaggregate our crime statistics so we can focus our attention on those who have not benefited from crime’s overall decline, in this case the victims of child abuse.³ And a longer historical view, nicely illustrated in the Crime Atlas prepared for this Workshop, shows we have a long way to go to bring crime rates to levels seen in the first half of the 1900s.⁴

Second, our rates of imprisonment are the highest in a generation. After decades of stability, the per capita rate of imprisonment started to go up in the early 1970s to the point where the rate is now four times higher than it was in 1972. Nearly two million people are in prisons or jails; about four million are under community-based supervision. At the end of 1998, one in 34 adults – or about three percent of the adult population in this country – were either incarcerated, on probation or on parole.⁵

There is a temptation in our public discourse to link these two trends in a causal connection – and to say that crime is down because imprisonment is up. Those who espouse this view advocate more of the latter (imprisonment) in order to get more of the former (crime reduction). Policy advocates who are troubled by our increase in imprisonment are quick to say that prisons don’t produce safety, and if you want less crime, you should invest in prevention and treatment, not prison.

Of course the truth lies between these two statements, and the truth is much more complicated. Yet, in our common sense understanding of the world, it makes intuitive sense to say that locking someone up probably deters someone else from committing a crime, probably deters that individual from committing a crime again upon release, and almost certainly means that that individual does not commit a crime on the outside while he is kept inside.

For this reason, we find it difficult to have a national discussion on the relationship between imprisonment and public safety that does not always pull in the direction of more prison. So, we need to unpack this nexus carefully, peel back the onion one layer at a time, so we can think more carefully about where we want to be as a society.
II. Analyzing The Public Safety Nexus.

A. Deterrence and Incapacitation Rationales.

The first step is to acknowledge the reality that locking up lots of people has some crime reduction consequences. The question is not whether our four-fold increase in the per capita rate of imprisonment has reduced crime, but how much, for what categories of crimes, and at what cost to our budgets, our communities and our democracy.6 As the MacKenzie paper points out, the magnitude of these effects, and the precise relationship between sentences imposed and crimes averted, are all open to question – and with widely variant consequences, depending on the assumptions we make and the mathematical models we employ. Peter Greenwood is in fact one of the nation’s experts in projecting the crime reductions impacts of various sentencing policies – and prevention programs – and he and his colleagues at RAND have considerably advanced the quality of our national discussion about the relationships between sentencing and crime reduction. Yet I am sure he would agree that this is an inexact science.

Perhaps the best summary of our knowledge is found in this sentence in MacKenzie’s paper – “most reviews of the literature conclude that the effect of the policies on crime reduction have been modest.”7 And, she is probably also right in pointing out that our increase in imprisonment is governed by the law of diminishing returns – as more people are put in prison, even the modest crime reduction impact is further diminished because the stigma of imprisonment is not as great as prison becomes a common experience, the new prisoners are being drawn from an increasingly shallower risk pool, and many prisoners have aged well beyond their crime producing years.

So, it becomes ever harder for advocates of imprisonment to justify more prisons on public safety grounds. Some conservative scholars, most notably James Q. Wilson and John DiIulio, who in the past advocated more imprisonment, have noted the diminishing public safety returns. DiIulio has called for a moratorium on prison growth.8 Wilson has questioned the utility of more imprisonment as a response to our drug problem.9 And interestingly, the research by Alan Beck of the Bureau of Justice Statistics and Al Blumstein of Carnegie Mellon University has shown that the rate of new commitments to prison has leveled off across the country and most of the growth in prison populations is now attributable to increased length of stay – both because of longer sentences and because we have doubled the rates of parole revocations over the past twenty years.10 So we may be moving toward a new equilibrium – the rate of new commitments is now fairly steady. This new equilibrium would also mean that the contribution of imprisonment to public safety – even if modest – will probably not be increasing much in the future.

B. Rehabilitation Rationale.

There is, of course, another connection between sentencing policy and public safety, namely the somewhat worse-for-the-wear idea of rehabilitation. Twenty-five years ago, a famous essay by Martinson, summarizing a report he wrote with Wilks and Lipton, concluded a review of the research literature on the effectiveness of rehabilitation programs with the famous phrase, “Nothing works.”11 Here too, the truth is much more complex than this simple phrase.
might suggest. We know now that many rehabilitation programs do in fact work, and the research literature is now much more sophisticated in assessing which interventions work for which offenders (and which ones don’t). So perhaps we are moving away from a “nothing works” bottom line, but, in my view, we should not get too optimistic about the public safety benefit of a new focus on treatment and rehabilitation. We would need to implement highly successful programs, administered on a broad scale to lots of offenders, to be able to have significant reductions in our aggregate crime statistics that could be attributed to offender rehabilitation. If Professor MacKenzie is right and the impact of imprisonment on crime reduction is “modest,” then the impact of rehabilitation programs — even if they were deemed effective and were mounted on a grand scale — would likely be modest as well. Please do not misunderstand me — for many reasons, we should continue to develop, test and administer programs that decrease recidivism and increase the chances of successful offender reintegration, but we should not confuse a program’s success at reducing recidivism with a community’s strategy to reduce crime.

C. Safety Strategies and the Criminal Sanction.

This afternoon I would like to discuss a third way of thinking about the nexus between public safety and sentencing policy. We typically look at our sentencing policy and ask whether it can be justified in public safety terms. In addition to asking whether the sentences we impose are appropriate in terms of just desserts, we also ask whether they reduce crime, whether through deterrence, incapacitation, or rehabilitation. I am struck by the fact that we have a very different discussion if we ask whether public safety strategies can be advanced through the imposition of the criminal sanction.

Today, much of the interesting innovation in our field comes under the broad heading of “problem solving.” We have problem-solving, community-oriented policing where the police engage the community to identify crime problems in a neighborhood and then design and implement strategies with the community to address those problems. Problem-solving courts – including drug courts, domestic violence courts, gun courts, DUI courts, mental health courts, community courts, even reentry courts – take the “problems” that are presented, in addition to the “cases” that are presented – and use a combination of incentives and sanctions to address the problem. Broad based community coalitions are tackling problems as diverse as drunk driving, family violence and sexual assault and trying to design strategies to enhance community safety and measurement systems to determine whether they have succeeded.

So, we should ask these questions: what is the role of the criminal sanction in these efforts? Is there a place for the sentencing and supervisory powers of the state at the problem solving table? Can criminal sanctions become part of these interagency, community-based efforts to produce public safety?

I think there is a role for the criminal sanction in these new public safety strategies. I think the relationship is potentially very powerful. In combination with other aspects of a safety strategy, the criminal sanction can be leveraged to change the behavior of individuals and the “behaviors” of places. Having said that, I will quickly add that the experiments in this arena are still young, and the research to evaluate their effectiveness is not mature. Nevertheless, there is
enough ferment in these innovations that now is a good time to begin to conceptualize this new relationship between the criminal sanction and public safety.

Allow me to tell three stories — from Boston, Seattle and New York — to illustrate my point.

1. **Boston.**

   The City of Boston provides one of the great success stories in the national story of crime’s decline. After reaching historic high levels of youth violence in 1990, the rate of youth homicides in that city has dropped by 65 percent and are now lower than in the 1970s.

   Many aspects of the Boston story are noteworthy – I would call your attention to two. Under Operation Nightlight, teams of probation officers and police officers began to ride together, identifying young people who were in trouble or on the verge of getting in trouble. They were particularly attentive to youth who were members of actively “hot” gangs and wanted to find ways to work with those kids to prevent violence between the gangs. So they went to the courts (for those on probation, as many were) and asked that the conditions of probation be tailored to keeping these kids off specific street corners where they could get in trouble, away from specific kids who would pull them into violent activity, and at home by 10:00 PM so they were out of harm’s way. Then, the Nightlight teams actually went out at night, enforcing these conditions of probation, and invoking the sanctioning power of the courts to impose swift and tailored sentences for violations.

   A second aspect of the Boston story carries a similar message. Once the team of police, probation officers, prosecutors, researchers, street workers and others had identified the young people who were most actively involved in the gangs and the violence, they called them in to a meeting in an operation dubbed “Ceasefire.” The youth were met by a long table that included representatives of all the federal and state law enforcement agencies, as well as youth workers, clergy and service providers. The young people were told that the violence had to stop. And they were told that if the violence erupted again, the consequences would be swift and severe. They were told the story of Freddie Cardoza, who had been identified by the authorities as a one of the city’s worst gang members, and had been arrested while in possession of a single round of handgun ammunition. He was prosecuted federally for an offense that would have been handled in state court, if at all, and was sent to federal prison for 20 years. Freddie Cardoza became a symbol — that the Ceasefire team meant business, and was going to do what it took to keep the streets safe.

   When the violence erupted again, the law enforcement agencies mobilized their response in a targeted and forceful crackdown. As David Kennedy, the Harvard researcher associated with the Boston project tells the story:

   “This changed the game rather dramatically. From a world in which the cost to a gang of committing a homicide was, perhaps, that a gang member would be prosecuted (while “street” benefits such as a reputation for toughness accrued to the gang as a whole), the cost soared. Added to the
original risk would be everything else the authorities could bring to bear: cash-flow problems caused by street drug market disruption, arrests for outstanding warrants, the humiliation of strict probation enforcement, even the possibility of severe sanctions brought by Federal involvement. Those costs were borne by the whole gang, not just the shooter. Rather than an uncertain, slow, and often nonsevere response to violence, the response with the Ceasefire strategy became certain, rapid, and of whatever range of severity the Working Group felt appropriate."

What does the Boston story tell us about the relationship between sentencing policy and public safety? I see three lessons. First, in both tactics – the new terms of probation (Operation Nightlight) and the terms of the gang forums (Operation Ceasefire) – it was important that the promise of enforcement action was backed up by a capacity to act, including the capacity to invoke the powers of the criminal sanction. The enforcement agencies, the prosecutors, and the courts, were all acting in concert to achieve a desired result on the street. Imagine that the curfews could not be enforced, or the threat to respond to the first new act of violence did not become a reality, and you can see how all the efforts of the problem-solving teams would be for naught. Second, in both tactics, the offenders were given the option of compliance. They were shown how to avoid the adverse consequences. Getting home in time for the curfew, or forgoing the act of retaliatory violence, were spelled out as ways to avoid trouble with the law. In other words, these problem-solving efforts were explicitly designed to change individual behavior – they were examples of what we might call focussed deterrence.

The third lesson – and I think the one most important for this conference – is that the criminal sanction was used sparingly, but its value was magnified enormously. Each time probation was revoked for violating a curfew, that imposition of a criminal sanction was conveyed back to the street by the Night Light teams, enhancing the credibility of every other curfew order out there. And when Freddie Cardoza was arrested and convicted, the Ceasefire team spread the word and told Freddie’s story on the street and at every future meeting.

2. Seattle.

Another story makes a similar point. Once when I visited Seattle, I sat in on the Seattle Drug Court. The drug court judge was handling a fairly typical drug court docket — full of variety. The first case called that morning involved a relatively recent drug court participant – this fellow had tested positive in his prior appearance and tested positive again today. The judge ordered the man to sit in the jury box for the next three days, to see other cases of people like him struggling with drug addiction and to witness first hand the credibility of the drug court’s system of graduated sanctions. A second case involved a man who was having greater difficulty with the demands of drug court. He was not attending treatment and had tested dirty several times. The judge revoked his pretrial release status and placed him in jail for the weekend. A third case involved a man who had been rearrested for a new offense after failing other demands of the drug court contract. For him, all bets were off. He was sentenced to four years and told the judge he understood why he was getting that sentence – because that was the original deal.
A fourth case involved a seven-month pregnant woman who had been drug free for eight months. She wanted to have her picture taken with the judge to send a picture to her older daughter who could not believe her mother was drug free and that her new sister would be born drug free. So I witnessed this remarkable scene of the defendant, prosecutor, defense counsel, and treatment provider, all going behind the judge’s bench to have a picture taken, by the court reporter.

We see here the same lessons as in Boston – clear understandings, credibly and swiftly enforced; problem-solving efforts designed to produce changes in behavior, with offenders shown how to avoid adverse consequences; enforcement of the criminal sanction magnified by being communicated directly and publicly to those whose behavior we hope to change. This model of a problem-solving court is now being replicated to handle different problems – drug abuse, domestic violence, prostitution, alcohol abuse, mental health issues, reentry to the community after prison. In all of these cases, the criminal sanction is seen as part of a complex set of responses to underlying problems. The stick of the sanction is given greater value by being coupled with the carrot of support, and the ultimate outcome is not merely the disposition of the criminal case but changes in the underlying behavior of the defendant. While we should remember that the evaluations have not been completed to assess the impact of these courts, we must acknowledge that this is a radically different model of jurisprudence that makes new use of the criminal sanction to change behavior.

3. New York City.

A third example, this one from my own experience in New York City. For a wonderful four year period beginning in 1990, I served as Deputy Commissioner for Legal Matters of the New York City Police Department. The Police Commissioner, Lee Brown, was a great believer in community policing and a firm proponent of the problem-solving methodology. Much to my surprise, he even believed that the General Counsel’s office that I headed up had a role to play in the transformation of the NYPD to community policing. So, we developed something called the Civil Enforcement Initiative under which we served as counsel to the community policing efforts of local precincts. Our lawyers were directed to take the public safety problems identified by the partnerships between the police and the community and work to design legal strategies to address those problems.

One of the toughest precincts in the city was the 34th Precinct, serving upper Manhattan, then the homicide capital of New York City. The precinct commander identified as his greatest crime problem a 200 unit building on the corner of 165th Street and Broadway. The building was a solid, working class building, but about ten percent of the units of the building had been taken over by drug dealers who operated a brisk business on the street. As a result, the neighborhood was terrorized – gunfire was a frequent occurrence, there were lots of illegal street transactions, killings were not uncommon, loud noise kept the entire block up all night. The neighborhood lived in fear. This building was also the number one “hot spot” – it got the highest number of calls for service, 911 calls, of any address in the precinct.

Of course, the police had taken lots action in response to this crime problem. There had been dozens of arrests. They had gotten court approved wiretaps that identified this as a major
trafficking spot and had made many arrests of middle level drug dealers. This intelligence has led investigators to a tri-state drug trafficking ring and there were substantial federal prosecutions. Yet, at 165th Street and Broadway, the problem remained the same.

So, we designed a different strategy. We asked ourselves why the landlord of that building allowed his building to become such a crime hazard in the neighborhood. Working with state and federal prosecutors, we compiled a record of police actions at that address, in essence a “rap sheet” for the building. Then the district attorney called the landlord to a meeting, laid out this evidence, and asked the landlord what he was going to do to improve the safety record at his building. The landlord made some positive noises, then went and did nothing.

A series of equally unsatisfying meetings followed, and the landlord still did nothing. So one morning we mounted an enforcement action, making arrests in all the apartments involved in the drug selling operation, and seized the building and placed it in federal receivership. The new management company rented out the drug dealers’ apartments to new tenants, installed basic safety and security measures in the building, and within days, the number of shootings, 911 calls, and noise complaints had dropped sharply and the drug market on the sidewalk virtually ceased to exist. Ultimately, in court, the federal government prevailed and took title to the building which was then sold to a community organization to manage. Because we wanted to change the behavior of other irresponsible landlords, we sent letters to the ten landlords next on our list of high crime buildings, telling them what happened on 165th Street, asking them to come to a meeting with us so they could have the opportunity to make their buildings safe. Guess what, they came and many of them took action.

Again, the same three lessons. Clear understandings, credibly enforced; opportunities clearly provided for one to comply; and the sparing, but widely trumpeted use of the sanctioning power of the government, in this case the combination of criminal arrests and the forfeiture of property through civil litigation.

III. Linking Public Safety Strategies to Sentencing Policy.

These illustrations demonstrate, I believe, that the criminal sanction has a place at the problem-solving table, and that courts, prosecutors, police and community groups are starting to understand its value. We should ask next, How do these innovations in problem-solving, with their creative use of the criminal sanction, intersect with our national discussion on sentencing and corrections? If we think these strategies can change the behavior of people and the behaviors of places, what would the safety strategies look like?

Let's take a look at another street corner, this one in Milwaukee, Wisconsin.

The Wisconsin Sentencing Commission established by Governor Tommy Thompson was unlike most sentencing commissions we have all seen. Most of its members were business leaders – not the traditional representatives of the criminal justice system – so they had a refreshing concern for the bottom line. They wanted to know, What are we getting, in terms of public safety, for this enormous expenditures of public funds for prisons in Wisconsin?
Their question took on new focus when they held a public hearing in a Milwaukee neighborhood that suffered a high crime rate. One witness was a police officer who reported that the police had made 94 drug arrests at a particular corner – the intersection of 9th and Concordia – within a three month period. Yet, despite the high conviction rate for these cases (most were undercover buy and bust arrests) and the relatively severe sentences being handed out (typically two years imprisonment), the conditions at 9th and Concordia did not change. Public safety had not improved. The staff of the Commission, as reported by Professors Michael Smith and Walter Dickey from the University of Wisconsin, and summarized in a paper prepared for the Executive Session on Sentencing and Corrections, then made some rough calculations and determined that the State Department of Corrections, in order to accommodate the arrests made over that three month period, had allocated forty prison beds and hired eight correctional officers to respond to the public safety problems at 9th and Concordia, but the police observed no difference.15

Let’s imagine, instead, that the police and the community had followed the examples of Boston’s Operation Night Light, the Seattle drug court and the New York team that faced a similar problem at 165th Street. Is it possible that a group of law enforcement agencies, treatment providers and other government agencies could have met with the drug users, drug dealers, landlords, probationers, parolees and community residents and said, this drug dealing has to stop? And everyone we arrest here will subjected to appropriate conditions – you can’t go back to this block, you’d get drug treatment if you need it, there are other options for you in terms of employment, and so forth. In the meantime, we will be working to change the environment here at 9th and Concordia, working with landlords, code enforcement agencies, and community groups. If you continue to sell and buy drugs and engage in violence, we will come down on you hard. Our goal is to stop the drug dealing and related criminal activity at 9th and Concordia, and if we arrest you despite all these warnings and offers of assistance, you will serve a long time in prison and everyone will know about it.16

I don’t know whether this strategy would work, but it is pretty clear that the current strategy is not working at 9th and Concordia, and in many other communities around the country. As the MacKenzie paper points out, we have vastly multiplied our expenditures on imprisonment for drug offenses — in 1980, the incarceration rate for state and federal prisons for drug offenses was about 15 inmates for every 100,000 adults; by 1996, the drug incarceration rate had grown ten fold to 148 inmates for every 100,000 adults.

Without entering the larger debate over the appropriate balance between drug interdiction, drug treatment and drug abuse prevention, I hope we can agree that there is room for creativity in our response to street corners like the one at 9th and Concordia. We should ask ourselves whether we can achieve better public safety results with different strategies, strategies in which the criminal sanction played a supporting role, not the only role.

Finally, let’s apply these lessons to individual behavior, but on a large scale. Professor Mark Kleiman of the University of California at Los Angeles notes the irony that we have millions of offenders under our supervision, and they consume large quantities of heroin and cocaine, and two thirds of the parolees are rearrested within three years of release, yet we do little to reduce their drug use and related criminal behavior. He proposes a program that he calls
“coerced abstinence” in which offenders under community corrections supervision would be tested regularly for drug use and, if positive, would be subjected to graduated sanctions, including treatment where appropriate, to reduce drug use and crime.17 Pilot programs along these lines are now underway in Maryland and Connecticut.

In an Op-Ed article in the Wall Street Journal last month, this strategy was endorsed by James Q. Wilson, noting that this “would require some big changes in how we handle offenders. Police, probation and parole officers would have to be hired. Probation and parole authorities would have to be willing to sanction a test failure by immediate incarceration, initially for a short period (possibly a weekend) and then for longer periods of the initial failure were repeated. Treatment programs at little or no cost to the user would have to be available not only in every prison, but for every drug-dependent probationer and parolee. These things are not easily done.”18

Indeed. These things are not easily done. Compared to these comprehensive public safety strategies and a total revamping of community corrections around public safety goals, building prisons is perhaps a relatively straightforward policy proposition. Maybe, however, we are seeing the emergence of some creative thinking about a new relationship between the criminal sanction and public safety. This new way of thinking does not fit neatly into our sentencing grids and guidelines that only value prior record and the severity of the offense of conviction. This requires new definitions of “risk” as being situational as well as individual. Most fundamentally, it requires new thinking about deterrence and the mechanics of changing behavior. This new way of thinking recognizes that the criminal sanction is a precious resource, particularly the sanction involves a prison sentence. This new way of thinking looks at the sentencing phase of a criminal case as a great opportunity for public benefit.

Right now, we think that the imposition of sentence is our way of saying to the offender, “We’re done with you.” In the future, we should look at this moment as an opportunity to say, “We’re just beginning to deal with you.” This new way of thinking frees us from the tyranny of the criminal justice “funnel” developed thirty years ago by the President’s Commission. Rather than looking at every crime as a reason to make an arrest, then a prosecution, then a conviction, then a sentence, we should look at every arrest as an opportunity to intervene in the life of the offender, the victim, the community, to convey messages about what we tolerate and what we don’t. Rather than looking at the avalanche of arrests and criminal cases as merely workload for the criminal justice system, we should look at these offenders as challenging our creativity to reduce the risks they pose — and others like them — to society.

We can all agree that prisons can reduce crime — not in every case, but overall. We can all agree that treatment and rehabilitation programs can reduce crime — not in every case, not for every person, not for every program, but we can no longer say that “nothing works.” In the next generation of thinking, as we look at new ways to produce public safety, maybe we will be able to agree that the imposition of the criminal sanction, if done in connection with a larger public safety strategy, can also help us reduce crime — not in every case, not for every person, not in every location, but in many more ways than we now think possible.


5 MacKenzie, p. 3.

6 Here, there is particular concern for drug offenses. The replacement of one drug seller with another and the pull of our enforcement strategies on the young people making choices about whether to be involved in crime dictate separate analysis of cost and benefit. See Tonry, Michael. 1995. Malign Neglect — Race, Crime, and Punishment in America. New York: Oxford University Press.


13 The name of the case is United States of America v. 558-560 West 165th St. 92Civ.7784. The law under which the building was forfeited is 21 U.S.C. 881.


