

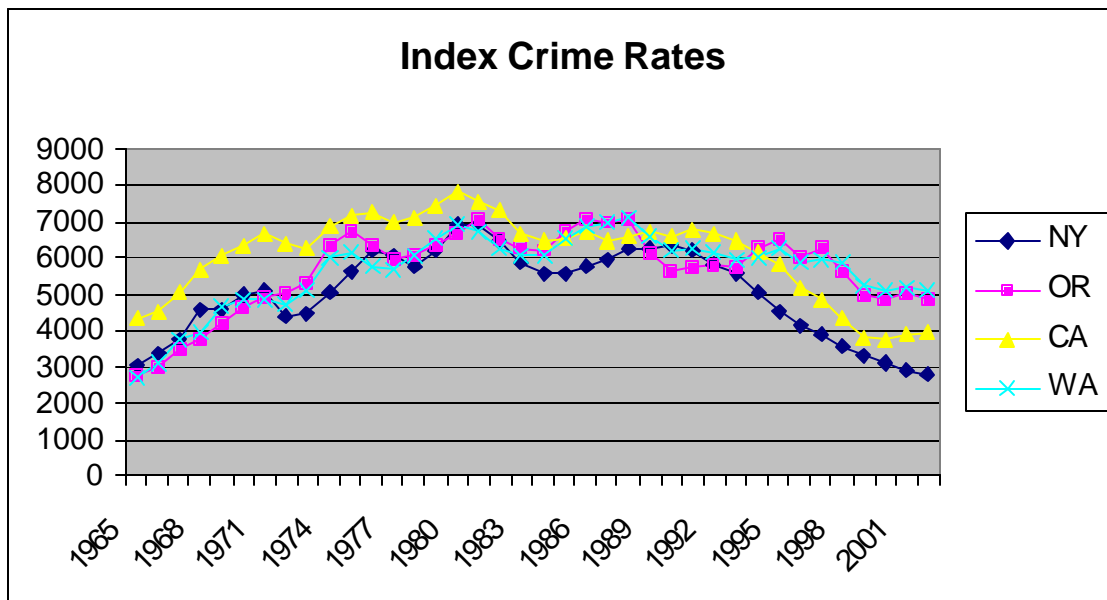
**Crime Trends and Incarceration Rates in Oregon**

Judith A. Greene  
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1994 was a seismic year for the US criminal justice system. Congressional enactment of the Violent Crime Control and Law Enforcement Act spurred many states to stiffen penalties for people convicted of crime. That same year Oregon voters passed Ballot Measure 11, creating sharply increased sentences for nearly two dozen violent offenses. Many of its supporters argue that Measure 11 has made a substantial contribution to the decrease in Oregon's violent crime rate since 1995, serving as a cost-effective crime control strategy. Yet a comparison of crime patterns and incarceration rates in Oregon with patterns in other key states shows that remarkable reductions in crime rates have occurred elsewhere without recourse to a huge and costly expansion of prison capacity. Moreover, recent research on deterrence and incapacitation does not provide support for the notion that longer sentences reduce crime rates.

### Comparing crime trends

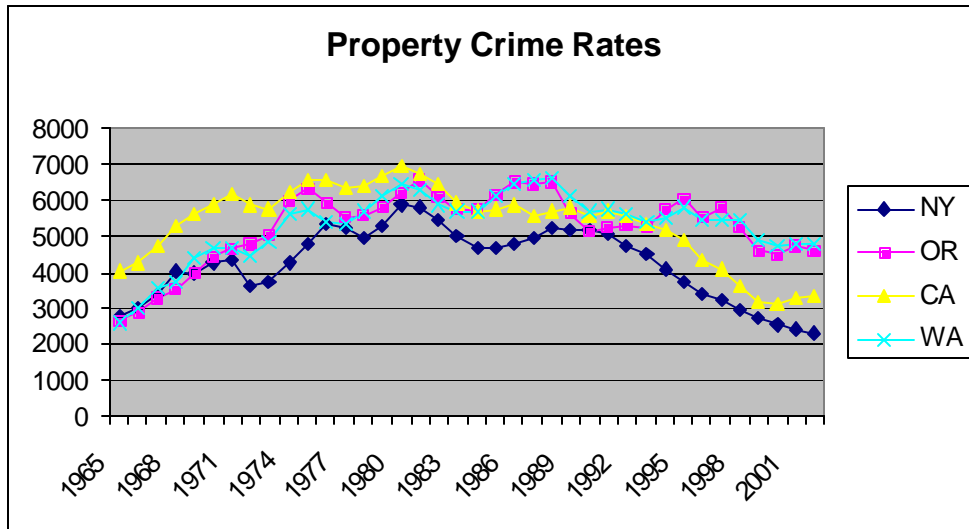
Oregon is not alone in experiencing a drop in crime rates in recent years. To put the crime trends in Oregon in a larger context, I have prepared a chart that compares crime patterns in Oregon with those in two neighboring states, California and Washington, as well as in New York – a state which has experienced a dramatic 58 percent decrease in its rate of violent crime since 1990:



SOURCE: FBI Uniform Crime Reports

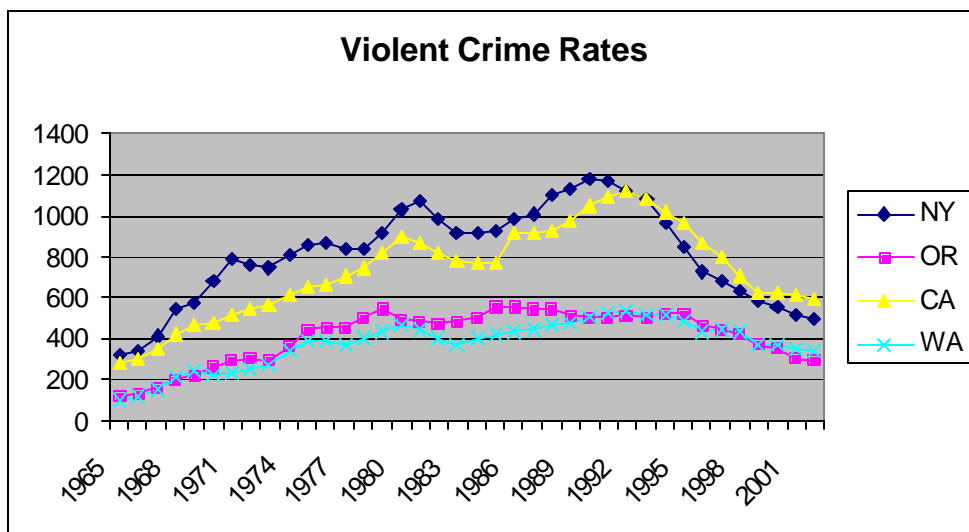
As illustrated above, since the 1960s overall crime rate trends in Oregon have been fairly similar to those in the comparison states, though recently index crime rates have fallen less sharply in Oregon and Washington than in California and New York:

Property crime rates in Oregon and Washington have remained at relatively high levels since the early 1990s, compared to the declining rates in California and New York:



SOURCE: FBI Uniform Crime Reports

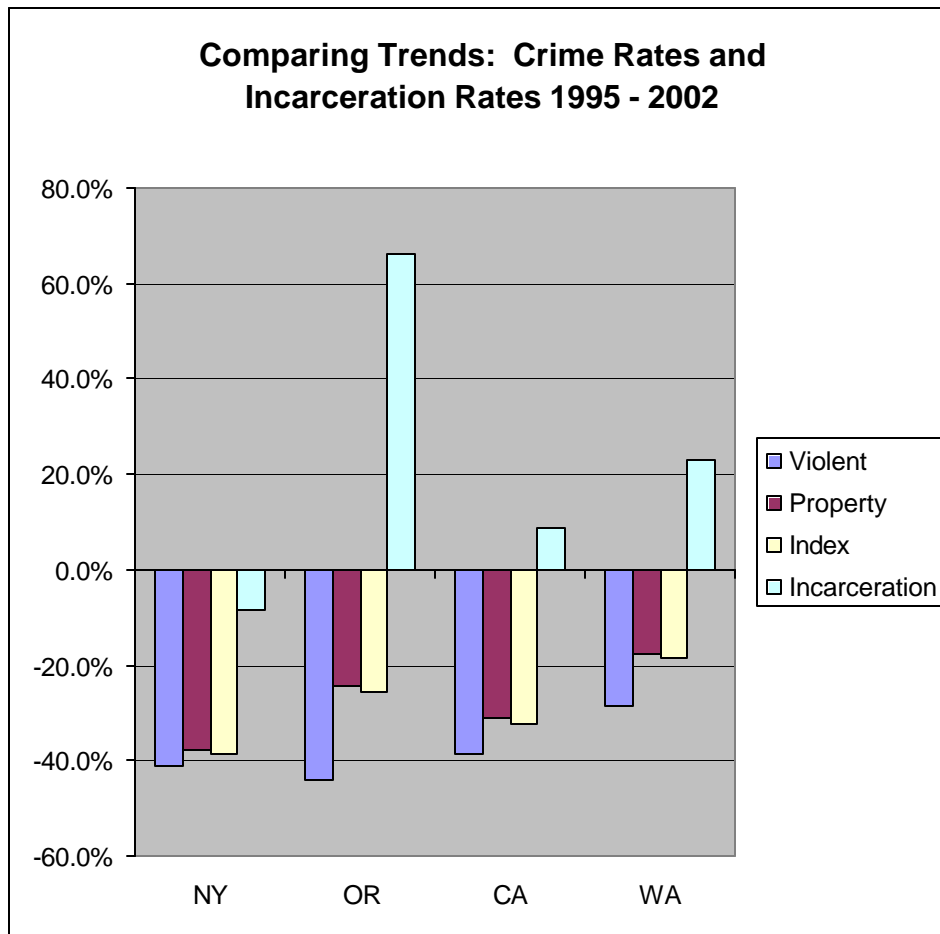
Violent crime rates, on the other hand, are higher in California and New York than in Oregon and Washington. But California and New York, two states which experienced epidemics of gun violence between 1985 and 1992, have seen more dramatic reductions in their rates of violent crime since the early 1990s:



SOURCE: FBI Uniform Crime Reports

## Comparing crime rates and incarceration rates

Comparing crime rates with incarceration rates in these four states since 1995, the year that Measure 11 took effect, Oregon stands out as a state with rapid prison population growth. Oregon's incarceration rate jumped by 66.2 percent – from 206 per 100,000 residents in 1995 to 342 per 100,000 residents in 2002. Yet during the same period of time, New York – a state where violent crime fell at a rate virtually equal to Oregon's – enjoyed an incarceration rate *reduction* of 8.4 percent:



SOURCES: FBI Uniform Crime Reports and Bureau of Justice Statistics, Prisoners in 1995-2002 Bulletins

How could this be?

The spike in Oregon's incarceration rate was primarily driven by Measure 11, which doubled or tripled the minimum sentences for 21 serious crimes over the presumptive sentences that had previously been in effect under the state's sentencing

guidelines. According to a landmark study by a panel of experts convened by the National Academy of Sciences, empirical evidence does not offer strong support for the notion that increasing criminal penalties deters crime.<sup>1</sup> A new review of recent deterrence research investigated the relationship between sentencing severity and general crime deterrence and, again, found no evidence to support the hypothesis that harsher sentences reduce levels of crime.<sup>2</sup>

But what about incapacitation? Since sending people to prison prevents them from committing crime in the community for the duration of their prison sentences, isn't it logical that the imposition of long mandatory minimum sentences as required under Measure 11 would have triggered a reduction in the rate of violent crime? Bear in mind that people convicted of the types of crime affected by Measure 11 were already subject to substantial prison terms under the old sentencing guidelines. An incapacitation effect, if any, wouldn't kick in until after the point when these prisoners would have been released if they had been sentenced under the old system. But Oregon's rate of violent crime began to decline immediately following the onset of Measure 11, too soon to have been triggered by the harsher sentencing requirements.

The logic of "more prison = less crime" fades as you look more closely at this overly simplistic equation. In fact, as is illustrated in the comparison between New York and Oregon, there appears to be *no* direct relationship between incarceration rates and crime rates. During a decade of declining crime rates, states with *larger* increases in use of imprisonment have achieved, on average, *lower* rates of crime reduction than has been the case in states that have relied less on increased use of prison.

This is not to say that sending more people to prison has no effect. But national experts on crime trends agree that incarceration probably accounts for no more than about 25 percent of the decline in violent crimes. They see other factors – demographics, drug abuse patterns, police tactics, employment levels – as having more far-reaching effects on crime rates.<sup>3</sup>

While incapacitation strategies have only a modest effect on reducing crime, they have incurred huge financial costs for prison expansion. And while huge cost-savings are sometimes claimed by the proponents of incapacitation strategies, these claims also dissolve under careful scrutiny. In his 1987 monograph on this topic Edwin Zedlewski

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<sup>1</sup> Blumstein, Alfred, Jacqueline Cohen, and Daniel Nagin. "Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates." Washington, D.C.: National Academy Press. 1978.

<sup>2</sup> Doob, Anthony N. and Cheryl Marie Webster. "Sentence Severity and Crime: Accepting the Null Hypothesis" in *Crime and Justice*, v. 30, edited by Michael H. Tonry. New York and London: Oxford University Press. 2003.

<sup>3</sup> Blumstein, Alfred, and Joel Wallman (eds.). *The Crime Drop in America*. Cambridge University Press 2000.

estimated that imprisonment of the typical offender costs \$25,000 per year while the social costs “saved” though incapacitation of said offender come to \$430,000.<sup>4</sup> Franklin Zimring, director of the Earl Warren Legal Institute at the University of California charges that Zedlewski’s estimate of the monetary cost per offense was based on “arbitrary and unjustified assumptions,” and that he had grossly inflated the number of crimes averted through imprisonment. Zimring points out that if Zedlewski’s 187-crimes-averted per-prisoner estimate were correct, “the first 12,000 to 20,000 additional prisoners in California during the 1980s would have driven California’s crime rate down to zero.”<sup>5</sup>

A primary reliance on imprisonment as a crime control strategy is neither effective nor economical, as compared to the “smart-on-crime” sentencing and correctional reforms embraced in many other states. Since 2000 state legislators in more than half the states, have taken steps to modify or repeal mandatory sentencing laws, to shorten prison sentences, to increase the rate at which low-risk prisoners are released from confinement, and/or to reduce the numbers of parolees who are returned to prison for purely technical violations of parole rules. Some states have been able to close entire prisons as a result. And contrary to the warnings of those who oppose such reforms, crime rates have continued to fall. The FBI Uniform Crime Reports indicate that the number of violent crimes reported to law enforcement agencies throughout the U.S. decreased by 3.2 percent in 2003.

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#### **About the author**

Judith Greene is a criminal justice policy analyst. She is a research associate of Families Against Mandatory Minimums and the Justice Policy Institute. Over the past decade she has received a Soros Senior Justice Fellowship from the Open Society Institute, served as a research associate for the RAND Corporation, as a senior research fellow at the University of Minnesota Law School, and as director of the State-Centered Program for the Edna McConnell Clark Foundation. From 1985 to 1993 she was Director of Court Programs at the Vera Institute of Justice.

Ms. Greene’s articles on criminal sentencing issues, police practices, and correctional policy have appeared in numerous publications, including *The American Prospect*, *Corrections Today*, *Crime and Delinquency*, *Current Issues in Criminal Justice*, *The Federal Sentencing Reporter*, *The Index on Censorship*, *Judicature*, *The Justice Systems Journal*, *Overcrowded Times*, *Prison Legal News*, *The Rutgers Law Journal*, and *The Wake Forest Law Review*.

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<sup>4</sup> Zedlewski, Edwin W. “Making Confinement Decisions.” Washington, D.C.: National Institute of Justice. His calculation was based on an assumption that the typical offender commits an average of 187 crimes per year when not imprisoned, and that the average cost incurred per offense was \$2,300 – accounting for both victim losses and all expenditures entailed in preventing or responding to crime.

<sup>5</sup> Zimring, Franklin E. and Gordon Hawkins. “Incapacitation: Penal Confinement and the Restraint of Crime.” New York: Oxford University Press. 1995.