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JUNE 1979

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Crime and the Use of Prisons

BY DAVID BILES

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DURING a brief visit to Australia in May 1978, Professor James Q. Wilson of Harvard University told a seminar that "those States which are incarcerating a large proportion of the population in the United States have, all things being equal, a lower rate of crime."¹ Professor Wilson made a similar statement on Australian national television later on the same day as the seminar. This statement is of crucial importance to criminal justice policy. At the very least it implies that there is some level of negative correlation between crime rates and imprisonment rates (where one rate is high and the other is low), but there is also a clearly implied causal connection (the greater use of imprisonment causes lower crime rates). If these implications are correct, legislators and judges may well take them as encouraging the greater use of imprisonment in pursuit of greater public safety, and the man in the street may well feel that his cynicism at the apparent lenient treatment of criminals has been justified.

Unfortunately, the facts do not support the argument. As has been shown by William G. Nagel,² the correlation between crime rates and imprisonment rates in the United States is positive rather than negative. Nagel restricted his analysis to the United States and used rank order correlations rather than calculating more sensitive product-moment correlations from the figures themselves. This study represents a refinement and extension of Nagel's work.

The latest available evidence relating to crime and imprisonment for all jurisdictions in the United States is for the year 1975. This is presented in table 1. In this table, rates per 100,000 of the population are shown for total crime and for a more restricted category of violent crime (murder, forcible rape, robbery and aggravated assault), the latter being presumed to be more likely to result in imprisonment than most other types of crime. The table also shows the number of prisoners in each State as at 31 December 1975

per 100,000 of the relevant population. It can be seen from table 1 that there is considerable variation between States in the use of imprisonment, with the lowest rate being 27 and the highest 210.

TABLE 1.—Total Crime Rates, Violent Crime Rates and Imprisonment Rates (per 100,000 population), United States, by States, 1975

State	Total Crime Rate (*)	Violent Crime Rate (*)	Imprisonment Rate (**)
Connecticut	4957	268	59
Maine	3959	219	60
Massachusetts	6077	442	42
New Hampshire	3346	99	31
Rhode Island	5643	302	41
Vermont	3481	95	51
New Jersey	5144	413	77
New York	5635	856	89
Pennsylvania	3349	329	60
Illinois	5382	549	73
Indiana	4911	332	73
Michigan	6800	685	119
Ohio	4914	408	107
Wisconsin	3975	151	65
Iowa	3908	140	63
Kansas	4747	278	76
Minnesota	4298	207	42
Missouri	5397	493	92
Nebraska	3614	257	80
North Dakota	2337	53	27
South Dakota	2738	205	49
Delaware	6668	392	100
Florida	7721	688	183
Georgia	4625	459	204
Maryland	5907	709	169
North Carolina	3816	436	210
South Carolina	4641	511	198
Virginia	4546	380	110
West Virginia	2107	161	65
Alabama	3472	392	121
Kentucky	3264	264	100
Mississippi	2410	315	103
Tennessee	4270	397	109
Arkansas	3540	348	102
Louisiana	4123	478	126
Oklahoma	4578	303	114
Texas	5407	390	154
Arizona	8341	547	118
Colorado	6675	463	80
Idaho	4141	203	71
Montana	4188	189	50
Nevada	8152	678	136
New Mexico	5839	534	86
Utah	5112	231	54
Wyoming	4155	204	80
Alaska	6196	539	56
California	7204	655	81
Hawaii	6026	218	42
Oregon	6752	438	108
Washington	6140	390	96

¹ *Australia and the U.S. Towards the Year 2000*, Transcript, American Connection Seminar, Sydney-Hilton, May 3, 1978, p. 26.

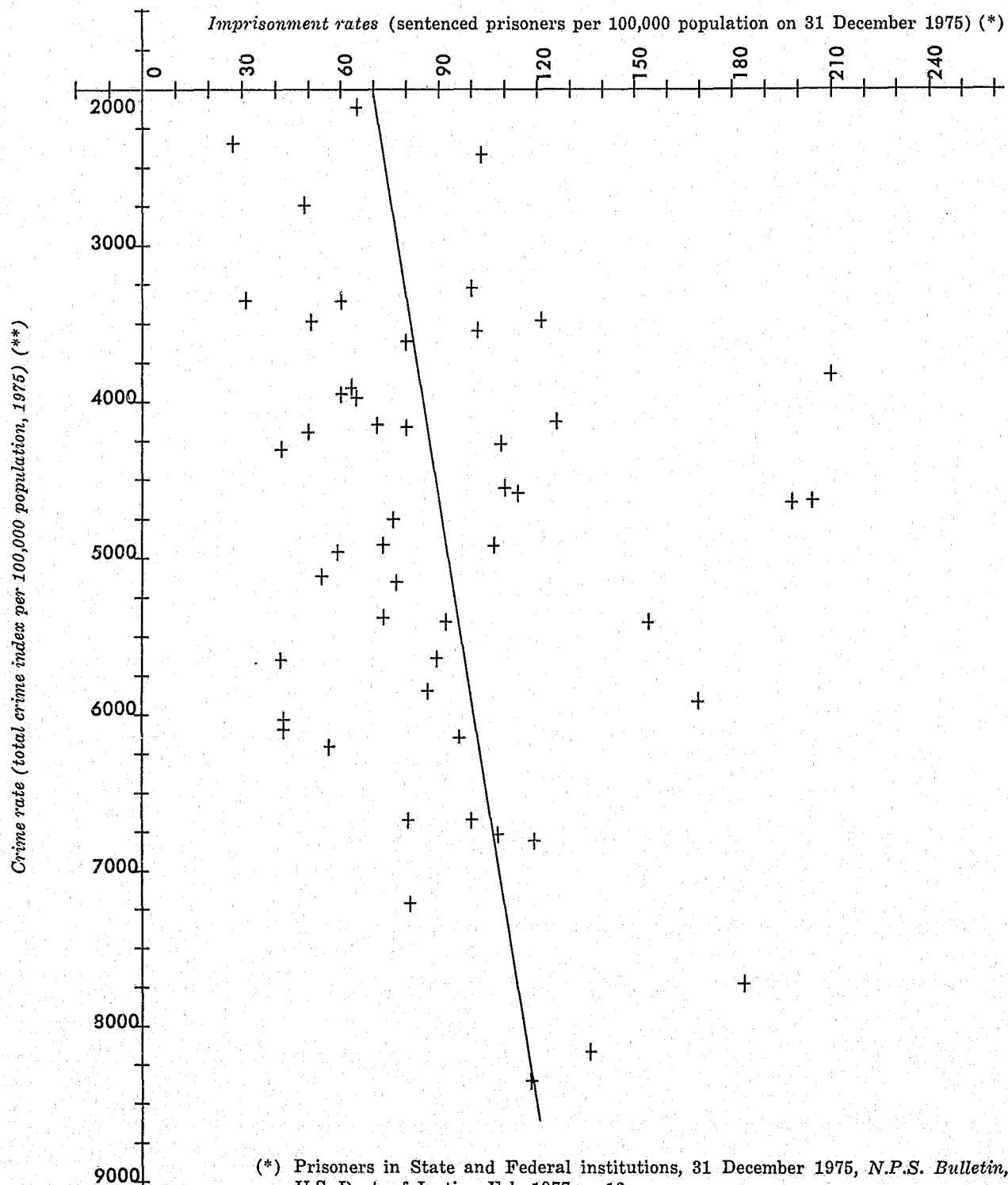
² William G. Nagel, "On Behalf of a Moratorium on Prison Construction," *Crime and Delinquency*, Vol. 23, No. 2, April 1977, pp. 154-172.

* *Source Book of Criminal Justice Statistics*, U.S. Dept. of Justice, 1977, p. 404.

** Prisoners in State and Federal institutions, 31 December 1975, N.P.S. Bulletin, U.S. Dept. of Justice, Feb. 1977, p. 16.

Violent Crime—Murder; Forcible Rape; Robbery; Aggravated Assault.

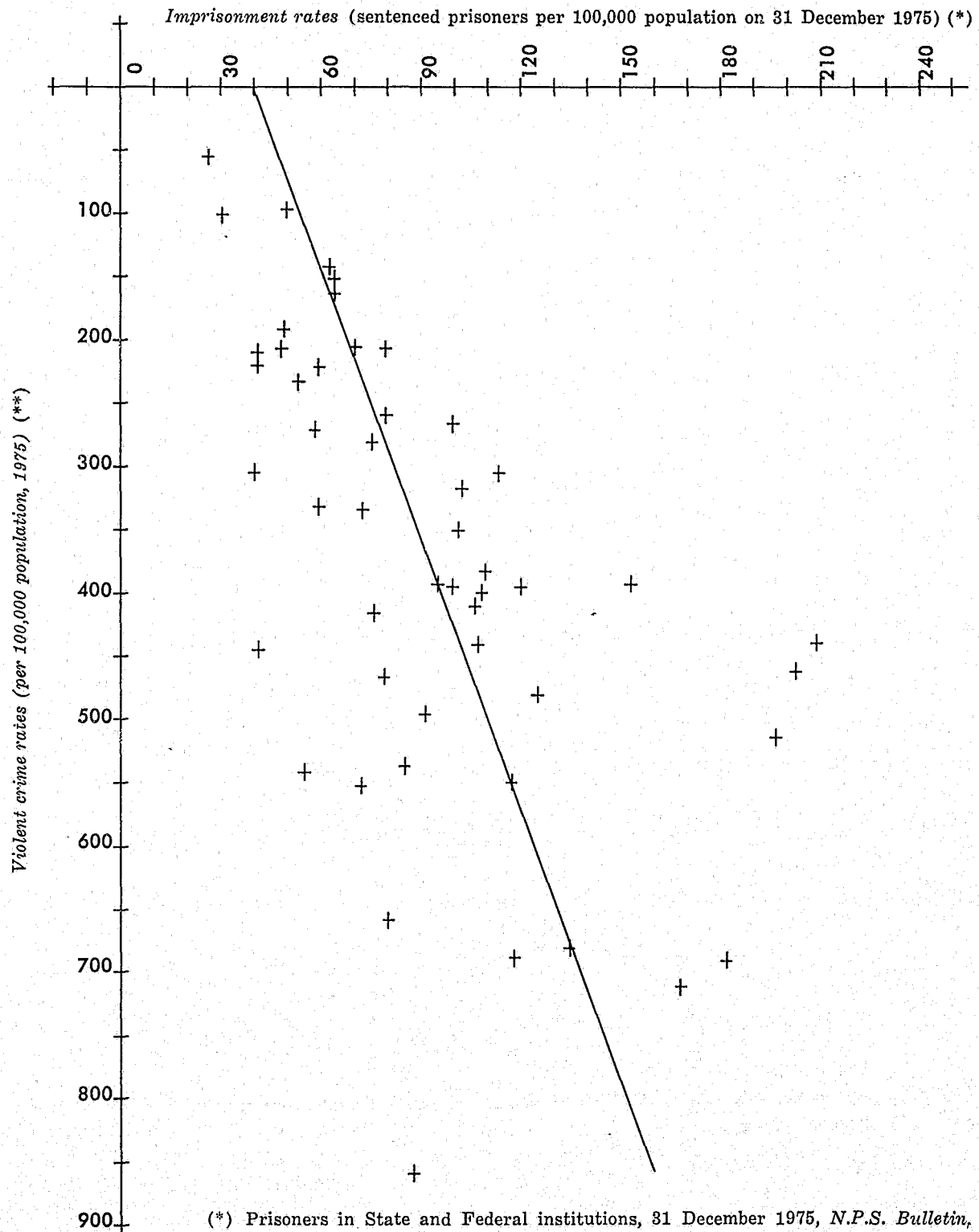
FIGURE 1.—*Imprisonment Rates and Total Crime Index Rates, United States, by States, 1975*



(*) Prisoners in State and Federal institutions, 31 December 1975, *N.P.S. Bulletin*, U.S. Dept. of Justice, Feb. 1977, p. 16

(**) *Source Book of Criminal Justice Statistics*, U.S. Dept. of Justice, 1977, p. 404

FIGURE 2.—*Imprisonment Rates and Violent Crime Rates,
United States, by States, 1975*



(*) Prisoners in State and Federal institutions, 31 December 1975, *N.P.S. Bulletin*, U.S. Dept. of Justice, Feb. 1977, p. 16

(**) *Source Book of Criminal Justice Statistics*, U.S. Dept. of Justice, 1977, p. 404

Differences in the rates of total crime and violent crime can also be seen, but the ranges here are not quite as extreme.

If Professor Wilson's claim is correct, one would expect States with high imprisonment rates to have relatively low crime rates, and vice versa, but the relationships shown in figures 1 and 2 provide no support for this claim. In fact, the reverse is the case. Both of the product-moment correlations are clearly positive, being + 0.254 and + 0.569 respectively. The former is significant at the .1 level and the latter at the .001 level.

The data shown in table 1 may be analysed in many different ways. One could, for example, compare the crime rates of the high imprisoning States (North Carolina, Georgia, South Carolina, Florida, Maryland and Texas) with the low imprisoning States (North Dakota, New Hampshire, Rhode Island, Minnesota, Massachusetts and Hawaii) and this would show that the latter group with relatively low proportionate numbers of prisoners have lower, rather than higher, crime rates.

In order to see whether similar results would be obtained in other Federal systems which may be assumed to have relatively homogeneous populations, data on crime and the use of imprisonment were also obtained for Australia and Canada. The Australian data are the most recent available and cover the year 1973-74. These data are shown in table 2. This table shows the rates of total selected crime and rates of violent crime, together with imprisonment rates for the same period for each jurisdiction. (It should be noted that for this purpose the Australian Capital Territory is included within New South Wales as all prisoners from the territory are held in New South Wales.) Without presenting the relationships graphically, it is sufficient to report that the product-moment correlations are: Total Selected Crime/Imprisonment + 0.438, and Violent Crime/Imprisonment + 0.523. These are comparable with the correlations found for the United States, but, due to the small number of jurisdictions, fail to reach statistical significance.

Equivalent data for the 12 Provinces of Canada for the year 1974 are shown in table 3. In this case it was possible to calculate rates for property crime and violent crime separately as well as imprisonment rates. The correlations computed from these data were: Violent Crime/Imprisonment + 0.769, and Property Crime/Imprisonment + 0.908. Both of these correlations are higher

TABLE 2.—Total Selected Crime Rates, Violent Crime Rates and Imprisonment Rates (per 100,000 population), Australia, by States, 1973-74

State	Total Selected Crime Rate (*)	Violent Crime Rate (*)	Imprisonment Rate (*)
New South Wales/ Australian Capital Territory	1608	40	55
Victoria	1506	34	43
Queensland	1298	25	63
South Australia	1987	34	55
Western Australia	1813	21	84
Tasmania	1072	18	87
Northern Territory	2179	60	147

* Official Year Book of Australia, No. 61, 1975 and 1976.

Violent Crime —Homicide; Rape; Robbery.

Total Selected Crime—Homicide; Serious Assault; Robbery; Rape; Breaking and Entering; Motor Vehicle Thefts, Illegal Use, etc.; Fraud, Forgery, False Pretences.

TABLE 3.—Violent Crime Rates, Property Crime Rates and Imprisonment Rates (per 100,000 population), Canada, by Provinces, 1974

Province	Violent Crime Rate (*)	Property Crime Rate (*)	Imprisonment Rate (**)
Newfoundland	434	2810	33
Prince Edward Island	358	1841	38
Nova Scotia	450	2616	72
New Brunswick	331	2350	115
Quebec	388	3591	60
Ontario	581	4203	76
Manitoba	462	4251	100
Saskatchewan	684	3990	126
Alberta	789	5247	96
British Columbia	827	6585	130
Yukon	2845	10546	284
Northwest Territories	4576	8354	195

* Statistics Canada, Catalogue 85-205 Annual, 1976, pp. 2-5/2-50.

** (Prisoners) Statistics Canada, Catalogue 85-207 Annual, 1976, p. 9.

(Population) Canada Year Book, 1976-77, Special Edition, p. 187.

Violent Crime —Homicide; Sexual Offences; Assaults; Robbery.

Property Crime—Breaking and Entering; Theft—Motor Vehicle; Theft—over \$200; Theft—\$200 and under; Have Stolen Goods; Frauds.

than those found for the United States and for Australia and are statistically significant at the .01 and .001 levels respectively.

An attempt was made to locate comparable data on crime and the use of imprisonment for European countries, and while imprisonment data were available from United Nations publications, the only crime data, published by Interpol, were not suitable for comparative purposes. No attempt at correlation was therefore attempted.

Conclusion

The totality of the data presented in this study supports the proposition that there is a positive relationship between crime and the use of imprisonment. Perhaps this simply reflects the fact that communities which, for whatever reason, have the high crime rates feel compelled to respond by incarcerating proportionately high num-

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bers of offenders. On the other hand, it may be true that imprisonment itself is criminogenic. The data cannot be used to support either causal interpretation. Correlations are never sufficient to confirm causal theories, but they can refute them, and the present data are certainly sufficient to refute the theory that the greater use of imprisonment will reduce crime.

It is possible that the relationship between imprisonment and crime is much more complex than can be revealed by simple correlations. It may be, for example, that the relationship tends to be curvilinear or U-shaped, with both very low and very high crime rates being associated with high imprisonment rates. Logically, this might be the case if deterrence were assumed to work up to an arbitrary point of total crime, but that for higher levels of crime, high use of imprisonment

was reactive rather than preventive. However, the distributions shown in figures 1 and 2 provide no support for this more complex hypothesis, and therefore it must be concluded that there is no support for the proposition that the high use of imprisonment (by either specific or general deterrence or by incapacitation) leads to lower crime rates. If anything, the opposite seems to be the case.

The evidence presented in this brief review should not be interpreted as supporting the non-use or abolition of imprisonment, but it should go some way to encouraging the use of imprisonment at the lowest acceptable level. If we do not buy ourselves greater public safety by incarcerating large numbers of offenders, then perhaps we should try harder to think of less costly and less destructive responses to crime.

Is It Grievable?

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IN THE FORESHADOW of HR-9400, pending in the last Congress, those states and local government who have not implemented grievance mechanisms will be seeking information. Although there is literature on the need to implement such programs,¹ there is little information readily available on the actual scope or effect of grievance mechanisms. Predictably, therefore, among one of the most difficult situations both prison administrators and inmates alike will have to grapple with, is the problem of whether the issue being complained about is a grievance, and if in fact, it is even grievable. This article is an attempt to assist others answer some of their inevitable questions.

The Procedure

The State of New York in 1975, at the direction of Benjamin Ward, the Commissioner of Correctional Services, recommended to the legislature that it pass legislation for the establishment of grievance mechanisms for all inmates in correc-

tional facilities throughout the State. The legislature acted quickly and enacted Section 139 of the Correction Laws of New York State. It requires all correctional facilities to provide a speedy and expeditious mechanism for the resolution of grievances.

The program evolved from a pilot project established at Green Haven Correctional Facility. Inmates and staff were brought together with the request that they construct a grievance mechanism which would satisfy both. Together a small number of inmates, who had been selected by their housing block peers, and two security officers, who were selected by the administration, began putting together a viable mechanism. They were assisted by the Center for Community Justice and the Institute for Mediation and Conflict Resolution. The end result of their labor was a four-step system, beginning at the institutional level going through to the Commissioner for his final approval, for handling complaints.

(a) *Informal and Formal Resolutions.*—The first step of the mechanism involves committee inmate members and/or committee staff members assisting an inmate in the resolution of his prob-

¹ See *Peaceful Resolution of Prison Conflict*, National Council on Crime and Delinquency, 1973; George Nicolau, "Grievance Arbitration in a Prison: The Halton Experiment," *Resolution*, Spring 1975, Vol. 1, No. 3, pgs. 11-16; Linda R. Singer and J. Michael Keating, Jr., "Grievance Mechanisms in American Corrections: The State of the Art," *Resolution*, Spring 1975, Vol. 1, No. 3, pgs. 6-11.

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