

GUEST COLUMN

The OC billboard campaign won't reduce crime

By K. Chike Odiwe

District Attorney Todd Spitzer of Orange County has launched a new advertising campaign to send a message to shoplifters and other criminals in Southern California: "Crime doesn't pay in Orange County."

Spitzer's office recently put up several advertisements on buses in Los Angeles, Long Beach, Norwalk, and Glendale, along with digital marketing targeted at cell-phones of people in Orange, Los Angeles, Riverside, San Bernardino, San Diego, and Imperial counties. There are also billboards along free-ways and near popular shopping areas that feature the message "Crime doesn't pay in Orange County." According to the District Attorney's Office, the advertisements are intended to deter criminals from traveling to Orange County to commit crimes.

Spitzer has made it clear that he wants thieves, who he says primarily come from Los Angeles County, to understand that Orange County is not Los Angeles County. "We still prosecute in Orange County and just because LA is very lenient on people who steal - if you come to Orange County we're going to prosecute you to the fullest extent of the law."

In a video announcing the campaign, Spitzer aimed at criminal justice reforms in Sacramento, claiming that the passed legislation made "the risk ... far less than the reward" for people looking to commit crimes.

Further still, Spitzer partnered with state Sen. Bob Archuleta (D-Pico



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Rivera) on SB 923. SB 923 is a bill that aims to increase time spent behind bars for those repeatedly charged with petty theft. The bill, if passed, would reestablish some provisions that were removed by

voter approval in 2014 of Prop. 47, which turned some nonviolent property crimes into misdemeanors punishable by jail terms of a year or less.

Supporters of criminal justice

reforms have said the state should continue to put money into programs that improve public safety without perpetuating mass incarceration. Critics of Spitzer's advertising campaign, which appears to

be born from the tough-on-crime school of thought, wonder how much of a criminal deterrent these slogans and billboards really are.

Tough-on-crime laws notoriously target minorities. Black and Latino people made up most Orange County jail bookings between 2010 and 2020, according to a recent report from a University of California, Los Angeles research team. Latino and Black people accounted for about 47% and 7% of jail bookings despite only being about 35% and 2% of the county's population, respectively. E. Lee, N.M. Reynoso, M. Tso, and D. Dupuy-Watson (2021). "Bookings into Orange County Jail: 2010–2020." This demonstrates substantial racial disparities, White people accounted for about 39% of the jail population while making up about 41% of the county's population. *Id.*

Attempts to prosecute tough-on-crime laws have been studied for years. The laws increase the number of people in jail, but there is little evidence that they are an effective crime deterrent. That is in part because most people who commit crimes are not thinking about the criminal penalties of their actions.

When politicians want to reduce crime rates, they often choose to

implement harsher sentences for crimes, including lower-level offenses, leading to longer prison sentences and more people in prison. The hope is that keeping criminals off the streets will lessen the amount of crime that is committed and be a deterrent for others who may consider committing crimes.

Laws that are tough on crime attempt to solve crime by stigmatizing people who commit crimes rather than addressing the root causes, driving mass incarceration, and disrupting families and communities while heavily impacting people of color. It is not a productive way to deal with social problems.

The impact of the tough-on-crime movement on American society is even more striking than individual sentencing outcomes. Along with several other societal changes and criminal justice policy choices, the movement has contributed to the United States' current position as a world leader in the use of incarceration. With an incarceration rate of 600 per 100,000 population as of 1995, the United States was second only to Russia in its use of imprisonment, having locked up its citizens at a rate five to eight times higher than that of most other in-

dustrialized nations. *See* Marc Mauer, "The Sentencing Project, Americans Behind Bars: U.S. and International Use of Incarceration," 1995, at 1 (1997) (comparing several nations' imprisonment rates). More recent data from the Bureau of Justice Statistics provide a rate of incarceration of 668 per 100,000 in the United States as of 1998. *See* "Bureau of Justice Stat., Prison and Jail Inmates at Midyear," 1998, at 7 (1999).

While legislative policy can have an impact on crime control through funding decisions and the provision of resources, crime is fundamentally a local problem requiring local responses. The closer one gets to examining specific behaviors and conflicts, the easier it is to avoid political demagoguery and to focus on practical responses to crime.

As Spitzer should understand, the relative ineffectiveness of more and longer jail sentences in reducing crime is well-known among criminologists and practitioners in the field of criminal justice. *See*, e.g., Jerome H. Skolnick, "What Not to Do About Crime - The American Society of Criminology." 1994 Presidential Address, 33 *Criminology*, No. 1, at 1-14 (1995) (describing crime as a complex problem that should

be treated in sophisticated ways). Yet the political juggernaut toward ever harsher sentencing policies continues almost unabated. Perhaps nowhere in the realm of public policy is there a greater disjuncture between research and policy.

By now, it should be clear that Spitzer's posting of billboards will not reduce crime in Orange County, and implementing crime control should stem from within the community.

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