

**L**AWRENCE SHERMAN thinks punishment is overrated. It doesn't reduce crime. It isn't what victims want. And, most importantly, we simply can't afford it. Indeed, as far as the Wolfson Professor of Criminology is concerned, when it comes to justice, and particularly prisons, the British and US justice systems, and the citizens they serve, need to wise up. Effective justice, Sherman says, should be about reducing harm, not meting out punishment.

To this end, Sherman is developing a general theory of crime, harm and criminal justice – a theory of how to use the criminal justice system to reduce total harm in society. Employing a 'crime-harm index' (CHI), the theory seeks to focus justice not on 'how to punish criminals' but on producing less harm to society at large. In practice, that means sending to prison only those most likely to cause greatest harm, rather than building more prisons and incarcerating all those convicted of a crime.

It is a radical proposition – but one which he says the current economic climate might just make acceptable. "To have the government say that we want the police to put fewer people into prosecution is a dramatic change," he says. "But in an era of deficit cuts, what could be more relevant? You can say with Kant that it is our duty to punish everybody for everything, but in reality we can't afford it, at least not with prison. People understand that you can't spend unlimited amounts on the NHS, but when it comes to justice we're in a state of denial."

Listening to Sherman hold forth from behind a desk entirely obscured by paper and books, his every answer peppered with statistics and evidence, the casual observer might be forgiven for thinking this a theory for academic debate only, created by someone far removed from the demands of daily policing. The truth could not be more surprising.

As an experimental criminologist, Sherman spends his time working with police forces to conduct experiments on issues as diverse as domestic violence, gun reduction, police corruption, drug networks and restorative justice. Currently working with the Greater Manchester Police, he has conducted research with police agencies around the world and, though based in the US for most of his career, has been working with UK police forces since 1999.

So when Sherman says that locking up fewer people is cost-effective and socially effective, politicians tend to listen. After all, he has form. His work on hot spots (he discovered that over half of all reported crime and disorder in major cities occurs at just 3% of addresses) has changed policing from New York to Manchester.

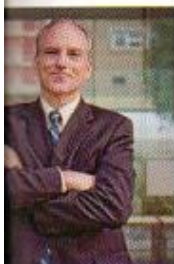
But that doesn't make it an easy sell. Sherman's general theory might sound like an appeal to the left, but in fact, he is criticised by social justice reformers as much as he is by 'prison works' right-wingers. In part, this is due to the way in which 'harm' is calculated.

Take murder, for example. Sherman's recent research, published in the *Journal of the Royal Statistical Society*, suggests that the best predictor of

# WHAT PRICE JUSTICE?

Wolfson Professor of Criminology,  
**Lawrence Sherman**, says it is time to re-evaluate  
the cost, and the purpose, of prison.

Words **Leigh Brauman**  
Photographs **David Yeo**



whether someone will commit a second murder after release from prison is the age of the offender, followed by how young the offender was when first convicted of a violent crime.

"Someone who is convicted of violent robbery or rape at 12 has a lifetime risk of killing somebody that is far in excess of somebody who is not charged with a serious crime until 18 or 19," Sherman explains.

"We are using 49 variables – but the thing to remember is that this isn't a checklist. You need very large datasets and the calculation has to be done by an advanced computer model, like the kind used in advanced weather forecasting, so that you can go through tens of thousands of cases to look at all the possible combinations and variables."

In other words, if the model suggests that the risk of re-offending is high, the offender should be given the highest possible sentence – in some cases life without parole. Conversely, if the risk is low, the harm they are likely to cause in the future is probably less than the cost of locking them up.

Sherman is entirely unrepentant about putting statistics before instinct, pointing out that in his model fewer people overall end up behind bars.

"At the moment we use statutory requirements and sentencing guidelines – but these are not systematic assessments. Judges have no tools, framework or guidance on how they make a decision on dangerousness and yet it is an inherently statistical decision about the forecasting of rare events," he says. "Social justice reformers don't like this approach because they are ideology-driven, and one of their ideologies is that numbers are bad. But that's not my problem. My problem is accepting the world as it is and trying to figure out how to make it better – through science."

Sherman wasn't always a criminal justice insider. "When I was growing up my daily experience was dominated by the civil rights movement. My parents were part of the March on Washington; I helped to organise black voters in Chicago," he says. "In college I read a lot about the police and thought my job was to get them under control by political force – it was very much a case of us against them and the police were the enemy."

So what changed? After racing through a four-year undergraduate degree in just two years, Sherman came up in front of the Vietnam draft board and – true to his principles – turned conscientious objector. Rather than spend a few years in pointless 'alternative service' Sherman lobbied to be allowed to do a research fellowship with the New York Police Department. "I saw myself as one of these white, Anglo-Saxon Protestant reformers who was against the bad practices of urban government," he says, "but the more I learned about the police the more complicated I realised it all was."

"After two years studying police innovations and interventions in New York City, I began to realise how rare it was for people in government to get the kind of profit-and-loss statements that are standard in the business community," he says. "It was a huge gap – if you better understood the consequences of what you were

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doing you could change the world."

But, having stressed the importance of putting research and evidence before ideology, does he consider himself to be ideology free? "I wouldn't say I am free of ideology. I have bedrock principles about things you should never do, like torture, like the death penalty," he says. "And I would say it's fine to have a motivating set of values for why you do the work you do. But ultimately you have to

check them at the door when you come into your office."

That office, at the Institute of Criminology on the Sidgwick site, is something of a return for Sherman, who did a year's study at Cambridge (a Diploma in Criminology) in 1973. Now a fellow at Darwin, Sherman says that he has enjoyed returning to a college environment.

"Darwin is very science-focused and we benefit from fantastic multidisciplinary discussions," he says. "On Friday night I dined with one of the best young neuroscientists in the University, who is interested in studying empathy. We've been studying empathy in order to do experiments in restorative justice; he's studying it in relation to the development of autism – now we need to figure out how we can put those two things together."

Indeed, Sherman says Cambridge is an ideal place to study crime, despite it not being a heaving metropolis – not least because of the history of the Wolfson chair's creation.

"The chair I hold was instigated in 1959 by then Home Secretary Rab Butler to help government find more effective policies for dealing with crime. I take that obligation very seriously, and I want to do it justice, not just 'with the numbers' but with the full weight of the scientific method, the logic of causal inference and especially experimentation," he says.

And true to his scientific principles, Sherman advances his theory of harm not as an opinion but as a thesis that will be tested in 10 UK police forces. Built around what happens when a person is first arrested, Sherman's study will randomly assign people to one of two groups. The first group will be processed in the normal way – or, as Sherman puts it "the usual full prosecution of 'everyone for everything' strategy that New Labour introduced. Maximum criminalisation of the population."

However, the second group will be processed using an actuarial calculation of risk, based on a desktop tool being developed by the University's Statslab. "Each defendant will be given a red, yellow or green light, with the lowest risk people released under a variety of supervision programmes," he says. "So in four years we'll know if the general theory of harm succeeds."

It's not hard to hear the excitement in Sherman's words. It really is the experimental nature of criminology – the possibility of reaching an empirical truth – that drives the man, as he freely admits.

"I am the first experimental criminologist to hold this chair and I feel quite obliged to push the experimental method as far as possible in answering key questions about the consequences of different crime prevention methods and policies."

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