

THE IMPACT OF INCARCERATION ON RECIDIVISM

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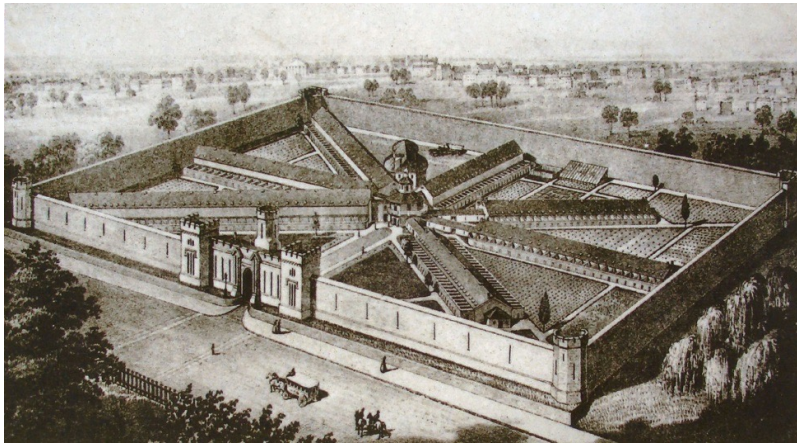
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What do we know about the impact of incarceration on criminal recidivism?



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and Cheryl Lero Jonson*

Imprisonment and Reoffending

ABSTRACT

Imprisonment is the most severe punishment in democratic societies except for capital punishment, which is used only in the United States. Crime prevention is its primary rationale. Imprisonment may affect reoffending in various ways. It may be reduced by some combination of rehabilitation and what criminologists call specific deterrence. Sound arguments can be made, however, for a criminogenic effect (e.g., due to antisocial prison experiences or to stigma endured upon release). Remarkably little is known about the effects of imprisonment on reoffending. The existing research is limited in size, in quality, in its insights into why a prison term might be criminogenic or preventative, and in its capacity to explain why imprisonment might have differential effects depending on offenders' personal and social characteristics. Compared with noncustodial sanctions, incarceration appears to have a null or mildly criminogenic effect on future criminal behavior. This conclusion is not sufficiently firm to guide policy generally, though it casts doubt on claims that imprisonment has strong specific deterrent effects. The evidence does provide a basis for outlining components of an agenda for substantive and policy relevant research.

Imprisonment is intended to prevent crime by incapacitation and deterrence. Incapacitation refers to crime prevention resulting from the physical isolation of offenders. Deterrence refers to a behavioral response. Criminologists have long drawn a distinction between general

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The Impact of Incarceration on Recidivism¹

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Abstract

The U.S. prison population stands at 1.43 million persons with an additional 740,000 persons in local jails. Nearly all will eventually return to society. This review examines the available evidence on how the experience of incarceration is likely to impact the probability that formerly incarcerated individuals will reoffend. Our focus is on two types of studies, those based on the random assignments of cases to judges, called judge instrumental variable studies, and those based on discontinuities in sentence severity in sentencing grids, called regression discontinuity studies. Both types of studies are designed to account for selection bias in non-experimental estimates of the impact of incarceration on reoffending. Most such studies find that the experience of post-conviction imprisonment has little impact on the probability of recidivism. A smaller number of studies do, however, find significant effects, both positive and negative. The negative, recidivism reducing effects are mostly in settings in which rehabilitative programming is emphasized and the positive, criminogenic effects are found in settings where such programming is not emphasized. The findings of studies of pretrial incarceration are more consistent—most find a deleterious effect on post-release reoffending. We also conclude that additional work is needed to better understand the heterogeneous effects of incarceration as well as the mechanisms through which incarceration effects, when observed, are generated. For policy, our conclusion of the generally deleterious effect of pre-trial detention adds to a larger body of evidence pointing to the social value of limiting pretrial detention only to those who have committed very serious crimes or who represent a material risk of flight.

Keywords: incarceration, recidivism, offending, imprisonment effects

Introduction

The population of individuals incarcerated in U.S. prisons, whether Federal or State, has declined in every year since 2009, the peak following a three decade long stretch of annual increases. By the close of 2019, the prison population stood at 1.43 million, a decline in the per capita imprisonment rate of 17% from 2009 (Carson 2020a). Still the current imprisonment rate remains more than four times higher than the historical level of about 110 per 100,000 that prevailed prior to the steady rise from the early 1970s to 2009 (Blumstein & Cohen 1973). Adding populations in local jails to the prison population, nearly 1% of the U.S. adult population is incarcerated (Maruschak & Minton 2020; Zeng & Minton 2021).

While incarceration rates in other countries are not nearly as high as in the U.S. (National Research Council 2014), in all countries the human cost to taxpayers, prisoners, and their

¹ We thank Frank Cullen, John Laub, and Bruce Western for helpful comments. All errors, however, remain our own.

- Many more well-identified estimates of the casual effect of incarceration on recidivism
- Little change in the estimated impact of post-conviction imprisonment on recidivism
- Emerging evidence of adverse impacts of pretrial incarceration on recidivism

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- Evidence of heterogeneous treatment effects and non-unitary treatment
 - Across Institutions
 - Across countries
 - Across counterfactuals
- Future research is needed on
 - Sources of variance
 - Underlying mechanisms

Thank you!

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