



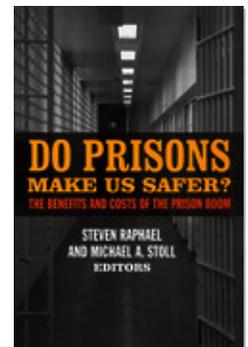
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## Do Prisons Make Us Safer?

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## I Introduction

Do prisons make us safer? This question is central to the debate about the great American experiment in imprisonment that the country has undergone over the past twenty-five years. Over this period, the incarcerated population has swelled in the United States, such that incarceration is becoming a relatively common experience for many American men. This is particularly true for relatively less-educated, prime-age minority men for whom the chances are better than not of serving some time in a state or federal prison over the course of their lives, and for whom the likelihood of being incarcerated on any given day is often comparable in magnitude to the likelihood of being gainfully employed.

The debate over the impacts of the recent prison boom in the United States has been pointed (Donohue, chapter 9, this volume; Zimring and Hawkins 1988; DiIulio 1996). Some argue that prisons make us safer and that we should expand their use even further. This argument posits that prisons reduce crime and therefore make us safer by serving as a deterrent to potential criminality and by incapacitating those who commit and are likely to commit crimes. By way of evidence, some point out that today's crime rates are appreciably lower than in the past. Indeed, declines in crime rates have occurred for all serious felony crimes, with pronounced decreases in the most serious violent offenses. Moreover, the largest declines in victimization rates have occurred among low-income households and minorities.<sup>1</sup> To the extent that the prison boom of recent decades is responsible for these crime trends, one can argue that the policy shifts driving the increases in incarceration rates have generated a tangible and quite equitably distributed benefit.

On the other hand, some oppose the growth in imprisonment on the grounds that the costs far outweigh the potential crime-reducing benefits.

## 2 Do Prisons Make Us Safer?

They point to empirical research suggesting that the crime prevention bought by a small increase in incarceration has declined considerably as the incarcerated population has grown, as well as the growing evidence of the collateral consequences of imprisonment, including depressed labor-market opportunities for ex-offenders, an erosion of family and community stability among high-offending demographic groups and high prison-sending communities, the legal disenfranchisement of former inmates in a number of states, and the acceleration of the transmission of communicable diseases such as AIDS among inmates and their nonincarcerated intimates, among other factors (Western 2006).

Moreover, the amount of public resources devoted to maintaining the currently incarcerated as well as to monitoring and servicing the previously incarcerated via community corrections is higher than at any point in the past. In 2005, U.S. state governments spent \$65 billion on corrections alone, roughly \$220 per U.S. resident. Adjusted for inflation, per capita expenditures on corrections have increased 2.8 times relative to per capita spending in 1982 (Bureau of Justice Statistics 2008a). Moreover, these expenditures do not account for the increased resources in policing and adjudication that certainly accompany a larger incarcerated population, factors that certainly contribute to the overall costs of increasing incarceration rates. The high costs of incarcerating such large numbers may also impact public spending in other areas. Surely there are many competing priorities (for example, public education or tax relief) that are to some degree displaced by corrections expenditures.

The juxtaposition of these sides in the current debate begs the question of whether the benefits that the nation has derived from dramatically increasing the incarceration rate exceed the costs. In other words, the key concern in this debate should not only be whether prisons make us safer but also whether the marginal benefits in crime reduction of imprisonment outweigh the economic and social costs of expanding the ranks of the imprisoned or formerly imprisoned.

In the past, evaluating this latter question has been difficult because the evidence needed to answer it has been mixed, poorly understood, difficult to address, or just largely unavailable. In addition, a related yet substantively different question concerns whether the net benefit to society could be increased by increasing or even decreasing the incarceration rate relative to its current level—that is, are we currently at a social optimum. Answering these two questions requires both a clear articulation of the forces behind the mass increase in incarceration of recent decades and a careful evaluation of how this increase has impacted the social outcomes that we have outlined. Addressing these questions also requires a careful analysis of how, at the margin, small changes from the status quo are likely to impact crime rates, socioeconomic inequality, state budgets, and other factors.

The chapters in this volume aim to answer these and other related questions regarding the various costs and benefits of recent developments in U.S. corrections policy. Many of the chapters provide new empirical findings pertaining to the causes and consequences of incarceration. Several distill large bodies of existing research pertaining to the relationship between incarceration and crime and the potential collateral consequences of having served time for inmates and their families. In general, the volume seeks to answer the following four questions:

- What explains the increase in incarceration rates over the past three decades?
- How has society benefited from this increase?
- What are the costs of the increase?
- Are we at, below, or above the socially optimal incarceration rate?

There is a sense among many that incarceration rates in many U.S. states have reached unsustainable levels. In many instances, prison populations have outstripped available capacity, and states are under logistic and, in many instances, legal pressure to find alternatives to incarceration or to devise more efficient uses of existing correction resources. The larger purpose of this volume is to provide a framework for thinking about such potential changes that is rational, based on the evidence, and grounded within the historical context of the recent evolution of U.S. correctional systems.

## RECENT INCARCERATION TRENDS AND THE INCIDENCE OF INCARCERATION

We first characterize recent incarceration trends and the degree to which the incarcerated are concentrated among certain subgroups of the U.S. adult population. Over the past three decades the U.S. prison incarceration rate has increased to unprecedented levels. Prior to the mid-1970s, the incarceration rate was stable, hovering in a narrow band around 110 inmates per 100,000. Thereafter, however, the incarceration rate increases precipitously. Between 1975 and 2005, the prison incarceration rate more than quadrupled, from a rate of 111 to 488 per 100,000. By 2005, the point-in-time population of state and federal prisoners stood at slightly over 1.4 million inmates.

State and federal prisons hold those convicted for a felony offense who are sentenced to a year or more, as well as parole violators and probation violators who may ultimately serve less than a year on any given prison admission. In addition to these inmates, however, there are many who are

#### 4 Do Prisons Make Us Safer?

held in local and county jails, either while awaiting adjudication, while serving time on a sentence of less than a year, or while serving time on a prison sentence in a local jail due to overcrowding in state facilities. Between 1980 and 2005, the total population in U.S. jails quadrupled from 183,988 inmates to 747,529. The jail population increased by slightly more than three times relative to the resident population (an increase in inmates per 100,000 residents from approximately 81 in 1980 to 252 in 2005).

Behind this steady increase in incarceration rates are large flows of inmates into and out of the nation's prisons and jails. By construction, the annual flow out of U.S. jails should be several times the point-in-time jail population, given the many very short stays in local jails and the fact that longer terms are generally limited to inmates sentenced to less than a year. What is perhaps more surprising is the number of inmates that are released from and admitted to prison each year. While there are certainly many prisoners that are serving very long sentences in the nation's penitentiaries (inmates that are most likely to be captured by point-in-time snapshots of the prison population), there are many more U.S. residents who serve relatively short spells in prison or who cycle in and out of correctional institutions serving sequential short spells over substantial portions of their adult lives. Most tellingly, annual admissions to U.S. prisons have consistently hovered around one-half the size of the prison population, while roughly half of all inmates are released in any given year. In recent decades, admissions have consistently exceeded releases, resulting in sustained increases in incarceration rates.

The increasing incarceration rates do not reflect a general increase in the likelihood of becoming incarcerated, but a concentrated increase in the incarceration risk for well-defined subsegments of the population. First, while incarceration rates have risen for both genders, the overwhelming share of these increases is accounted for by increased rates for men. This is not surprising considering that men consistently account for over 90 percent of the incarcerated population in current and past decades. Within the adult male population however, the increase in incarceration risk has been further concentrated among relatively young men (ages twenty-five to forty), minority men (black men in particular), and less-educated men.

Tables 1.1, 1.2, and 1.3 demonstrate how the likelihood of incarceration has changed for adult males by race, level of educational attainment, and age. The figures in the table are based on tabulations of the 1980 and 2000 Public Use Microdata Samples (PUMS) of the U.S. Census of Population and Housing. The decennial census enumerates both the institutionalized as well as the noninstitutionalized population. Within the institutionalized population, one can separately identify individuals residing in non-military institutions. This category includes inmates of federal and state

**Table 1.1** *Estimates of the Proportion of Men Eighteen to Fifty-Five Engaged in a Productive Activity, Noninstitutionalized and Idle, and Institutionalized by Race-Ethnicity from the 1980 and 2000 PUMS Files*

	1980	2000	Change, 2000–1980
<b>Non-Hispanic White</b>			
Employed or in school	0.899	0.878	-0.021
Idle	0.093	0.109	0.016
Institutionalized	0.008	0.014	0.006
<b>Non-Hispanic Black</b>			
Employed or in school	0.758	0.673	-0.085
Idle	0.206	0.239	0.033
Institutionalized	0.037	0.089	0.052
<b>Non-Hispanic Asian</b>			
Employed or in school	0.918	0.859	-0.059
Idle	0.079	0.135	0.056
Institutionalized	0.003	0.006	0.003
<b>Hispanic</b>			
Employed or in school	0.845	0.744	-0.101
Idle	0.140	0.226	0.086
Institutionalized	0.014	0.030	0.016

*Source:* Tabulated from the 1980 and 2000 Census Public Use Microdata Samples. Men in the armed forces are included in the “Employed/In School” category.

prisons, local jail inmates, residents of inpatient mental hospitals, and residents of other nonaged institutions. As the institutional populations in the last two categories are trivially small relative to the incarcerated, the institutionalization rate measured in this manner provides a close approximation to the population in prisons and jails. We use residence in a nonmilitary institution as the principal indicator of incarceration. Previous research (Raphael 2005) demonstrates that estimates of the incarcerated population based on residents in nonmilitary group quarters in the census are quite close to incarceration totals from alternative sources.<sup>2</sup>

Each table presents the proportion of the respective population that is engaged in a productive activity (either employed, in school, or in the military), the proportion that is noninstitutionalized but idle (not employed, not in school, and not in the military), and the proportion institutionalized. All data pertain to men eighteen to fifty-five years of age. Table 1.1 presents overall estimates for men for four mutually exclusive race-ethnicity groupings. The proportion incarcerated increased for all

groups of men between 1980 and 2000. However, the absolute increase is largest for non-Hispanic black men and Hispanic men. The 2000 census indicates that roughly 9 percent of the adult black male population was incarcerated on any given day. The comparable figures for other groups are 3 percent for Hispanics, 1.4 percent for whites, and 0.6 percent for Asians.

Table 1.2 reveals that the proportion incarcerated has increased the most for the least educated men, and that this education-incarceration relationship differs substantially across racial groups. Among white men in 2000, those without a high-school diploma are more than twice as likely to be institutionalized relative to those with a high-school degree, with 4.5 percent of the former and approximately 2 percent of the latter institutionalized in 2000. Moreover, white male high-school dropouts experienced the largest increase in institutionalization rates between 1980 and 2000 (2.4 percentage-point change, compared with a 1.3 percentage-point increase for white high-school graduates, and a 0.4 percentage-point increase for those with some college education).

These changes as well as the levels are small in comparison to what is observed for black men. Between 1980 and 2000, the percentage of black men with less than a high-school degree that are institutionalized on any given day increased from 5.7 percent to 20.6 percent. For black male high-school graduates, the percentage institutionalized increased from 2.7 percent to 8.7 percent. Even among black men with some college education, the incarceration rate increased by over two percentage points. In fact, the changes observed among this group of black men are comparable in magnitude to the changes observed among white high-school dropouts.

By comparison, the changes in institutionalization rates among Asian men are small, as are the changes among Hispanic men. The relatively low institutionalization rates among Hispanic men are consistent with recent research by Kirsten Butcher and Anne Morrison Piehl (2006) demonstrating the relatively low levels of incarceration among recent immigrants (levels that are particularly surprising given the much lower levels of educational attainment).

Table 1.3 parses the data further for the least educated by age. For high-school dropouts and those with a high-school diploma, the table presents the distribution of each group across the three possible states by race-ethnicity and by three age groups (eighteen to twenty-five, twenty-six to thirty-five, and thirty-six to forty-five). While not true in all instances, the proportion institutionalization is greatest for men between twenty-six and thirty-five within each education-race group. The most startling figures are those for black men in 2000. Among black men, roughly one-third of high-school dropouts between twenty-six and thirty-five are incarcerated on a given day—a number comparable to the proportion of

**Table 1.2** *Estimates of the Proportion of Men Eighteen to Fifty-Five Engaged in a Productive Activity, Noninstitutionalized and Idle, and Institutionalized by Race-Ethnicity and Education from the 1980 and 2000 PUMS Files*

	Non-Hispanic White				Non-Hispanic Black				Non-Hispanic Asian				Hispanic	
	1980		2000		1980		2000		1980		2000		1980	2000
	1980	2000	1980	2000	1980	2000	1980	2000	1980	2000	1980	2000	1980	2000
Less than High School														
Employed or in school	0.794	0.698	0.658	0.430	0.804	0.699	0.793	0.864	0.793	0.667				
Idle	0.185	0.257	0.285	0.364	0.186	0.278	0.188	0.124	0.188	0.297				
Institutionalized	0.021	0.045	0.057	0.206	0.010	0.023	0.020	0.011	0.020	0.036				
High-School Graduate														
Employed or in school	0.895	0.835	0.776	0.630	0.889	0.793	0.864	0.734	0.864	0.734				
Idle	0.099	0.146	0.197	0.284	0.106	0.195	0.124	0.232	0.124	0.232				
Institutionalized	0.006	0.019	0.027	0.087	0.005	0.012	0.011	0.035	0.011	0.035				
Some College														
Employed or in school	0.941	0.911	0.866	0.794	0.952	0.880	0.927	0.855	0.927	0.855				
Idle	0.054	0.079	0.110	0.156	0.046	0.115	0.065	0.126	0.065	0.126				
Institutionalized	0.005	0.009	0.024	0.050	0.002	0.005	0.007	0.019	0.007	0.019				
College or More														
Employed or in school	0.963	0.947	0.917	0.890	0.958	0.913	0.943	0.892	0.943	0.892				
Idle	0.035	0.051	0.073	0.096	0.041	0.087	0.053	0.101	0.053	0.101				
Institutionalized	0.002	0.002	0.011	0.014	0.000	0.000	0.004	0.007	0.004	0.007				

*Source:* Tabulated from the 1980 and 2000 Census Public Use Microdata Samples. Men in the armed forces are included in the "Employed/In School" category.

**Table 1.3** *Estimates of the Proportion of Men Eighteen to Fifty-Five Engaged in a Productive Activity, Noninstitutionalized and Idle, and Institutionalized by Race-Ethnicity and Education from the 1980 and 2000 PUMS Files*

	Less Than High School							
	Non-Hispanic White		Non-Hispanic Black		Non-Hispanic Asian		Hispanic	
	1980	2000	1980	2000	1980	2000	1980	2000
<b>Age 18 to 25</b>								
Employed or in school	0.784	0.797	0.604	0.473	0.791	0.794	0.760	0.703
Idle	0.188	0.161	0.314	0.307	0.192	0.164	0.212	0.257
Institutionalized	0.028	0.041	0.081	0.221	0.017	0.043	0.028	0.039
<b>Age 26 to 35</b>								
Employed or in school	0.783	0.683	0.634	0.343	0.783	0.655	0.807	0.672
Idle	0.186	0.249	0.281	0.336	0.207	0.311	0.170	0.289
Institutionalized	0.032	0.069	0.085	0.321	0.010	0.034	0.023	0.039
<b>Age 36 to 45</b>								
Employed or in school	0.823	0.666	0.726	0.423	0.845	0.685	0.824	0.645
Idle	0.161	0.286	0.240	0.387	0.150	0.301	0.165	0.318
Institutionalized	0.016	0.047	0.034	0.191	0.005	0.013	0.011	0.038



this subgroup that is employed. The comparable figure for black men with a high-school degree is approximately 23 percent. More generally, the institutionalization rate increased for all subgroups of less-educated young men. However, the patterns for black males are particularly severe.

The patterns depicted in tables 1.1, 1.2, and 1.3 are conservative estimates of the changes in incarceration for these groups, given that we are limited to data from the 2000 census. Since the time period when the data underlying the PUMS was last collected (approximately April 1999), the prison and jail populations have continued to grow, albeit at a slower rate. Between 1999 and 2006, the point-in-time prison population increased by roughly 270,000 inmates (a 20 percent increase), while over the same period the local jail population increased by 160,000 inmates (a 26 percent increase). By contrast, the U.S. population grew by roughly 8 percent over this time period. Thus it is likely that the 2010 census will reveal even more stark patterns.

In addition, tables 1.1, 1.2, and 1.3 display only the proportion incarcerated on a given day. Another relevant set of facts for understanding the importance of a prior incarceration in impacting self-sufficiency is the proportion of men who have ever served time. Given the high turnover in U.S. prisons, the drastic increases in incarceration rates experienced over the last three decades has left in its wake an increasingly large population of former inmates. The Bureau of Justice Statistics estimates that approximately 3 percent of white male adults, 20 percent of black male adults, and 8 percent of Hispanic male adults have served prison time at some point in their lives (Bonczar 2003). In an analysis of administrative records from the California Department of Corrections, Steven Raphael (2005) estimates that at the end of the 1990s, over 90 percent of black male high-school dropouts, and 10 to 15 percent of black male high-school graduates have served prison time in the state. Becky Pettit and Bruce Western (2004) estimate that for all African American men born between 1965 and 1969, the proportion who have been to prison by 1999 was 20.5 percent overall, 30.2 percent for black men without a college degree, and 58.9 percent for black men without a high-school degree.

Thus, this empirical tour of census and prison-population data has revealed the dramatic growth in imprisonment in the United States over the past twenty-five years. In particular, less-educated minority men are considerably more likely to be incarcerated currently than at any time in the past, partly because of the racial disproportionality of the prison experience. Because of the fluidity of prison populations, the population of non-institutionalized former inmates has grown continuously and now constitutes sizable minorities, and in some instances majorities, of certain subgroups of American men. Much of this growth is the direct consequence of policy choices made by society at various levels that has re-

sulted in stiffened penalties for specific offenses and in expanded sets of infractions deemed worthy of a spell in prison. Thus, the increase in the imprisoned as well as the growth in ex-offenders represents a policy experiment of sorts, in that it reflects both a break with the past as well as a consequence of public choice.

## SCOPE AND METHOD

What are the effects of this policy experiment of increased imprisonment? Do the potential benefits of this policy shift toward more imprisonment outweigh its potential costs? The chapters in this volume aim to provide the information needed to better address these questions. Of course, in doing so, we are not able to capture all of the costs and benefits that are likely produced by this experiment, but we certainly hope to capture most and especially the major ones. How did we identify relevant benefits and costs? To decide what issues to examine, we established criteria that included whether there is substantial coverage in the literature of a particular benefit or cost, as well as the importance of these in the global context of the impacts of imprisonment. For instance, there is a substantial body of work on collateral consequences of mass incarceration on families and communities (Patillo, Weiman, and Western 2004; Braman 2004; Travis and Waul 2004; Mauer and Chesney-Lind 2003) and its impact on racial inequality (Western 2006). There is less research on the intergenerational consequences of increased use of prisons. Moreover, much recent work has focused on the labor-market prospects of ex-offenders (Bushway, Stoll, and Weiman 2007) and the policy barriers such as legal disenfranchisement of former inmates and their impact on civic participation (Manza and Uggen 2006). There is also much work on the crime-imprisonment connection (Jacobson 2005; Currie 1998).

The cost factors included in this volume are related to these, but we focus on those that have received less attention while being tremendously important and having measurable direct consequences on society. We focus on questions concerning whether prisons themselves have criminogenic effects on inmates, the extent of the association between parental incarceration and childhood outcomes (especially criminogenic outcomes), as well as the extent to which state budgets are affected by rising prison expenditures. Yet, by including these cost factors, we do not claim that other direct or indirect costs of incarceration are unimportant. Quite the contrary, we believe that they are.

We also believe that many of the factors impacted by imprisonment are themselves interrelated. For instance, we focus on the impacts of imprisonment on employment because of the importance of economic factors more generally. The employment of ex-offenders is an important factor in

determining their postrelease outcomes (Raphael and Weiman 2007). But as Harry J. Holzer (chapter 8, this volume) notes, even among those who do not recidivate, employment outcomes are correlated with (and perhaps causally related to) health and other measures of their own well-being. Employment prospects and outcomes after incarceration thus appear to be major determinants of whether or not ex-prisoners “reenter” civil society successfully. Reduced employment and earnings of fathers certainly reduce the family incomes of their children and may have important intergenerational effects well beyond those measured here. The lost employment in neighborhoods and communities likely weakens employment networks and, more broadly, norms about work that suggest wider negative impacts.

These same criteria also partly account for the different methods used by the authors in this volume. Some authors address the central question in their chapters using new empirical inquiries, while others rigorously summarize existing literature. What distinguishes these methods of inquiry is whether there is substantial work in the area of concern. For example, Shawn D. Bushway and Raymond Paternoster (chapter 4, this volume) address the question of whether and the extent to which incarceration impacts crime rates. There is a substantial though varied literature in this area, so they critically evaluate the existing literature in relation to the general purpose of the book. Amy E. Lerman (chapter 5, this volume), on the other hand, uses unique prison data to examine the potential criminogenic impacts of imprisonment because this area of inquiry is largely understudied.

Still, while these methods of inquiry differ, the results are equally important as we attempt to answer the central questions of the book, especially in illuminating whether or not we are at a socially optimal level of incarceration given its benefits and costs. Indeed, in the concluding chapter of the book John J. Donohue III (chapter 9, this volume) uses many of the estimates and costs concepts provided by authors in this volume to carefully consider this question of optimality (that is, do the benefits equal the costs of imprisonment).

## PLAN AND SUMMARY

The book is divided into three parts. Chapters 2 and 3 set the stage conceptually for the subsequent chapters. This section documents and explores the factors behind the unprecedented increases in incarceration occurring over the past three decades. Chapters 4 through 8 focus on benefits and costs of incarceration. Finally, chapter 9 seeks to address whether we are at a socially optimal level of imprisonment given the benefits and costs of incarceration.

Before evaluating the potential benefits and costs of U.S. imprisonment, it is important to understand the factors that drove the rapid increase in incarceration rates over the past twenty years. In chapter 2, Steven Raphael and Michael A. Stoll directly examine the question of why there are so many Americans in prison and why the incarceration rate increased so dramatically in such a short time period. As is noted in chapter 2, a nation's incarceration rate is determined both by the criminal behavior of its residents as well as by policy choices made by the electorate, elected officials, and representatives of the criminal-justice system. The relationship between criminal behavior and incarceration is simple and mechanical: the more people engage in criminal activity, the greater the proportion of the population at risk of "doing time." The determinants of criminal behavior, however, are complex and multifaceted and may include economic conditions, demographic characteristics, the incentives created by the criminal-justice system, and the institutional supports for individuals with a high propensity to offend.

On the policy side, choices defining which offenses are punishable by incarceration along with the pronounced severity of the punishment play a key role in determining the overall incarceration rate. The greater the scope of activities deemed deserving of a prison spell, the higher the fraction of the population that will be incarcerated. Moreover, longer sentences holding offense type constant will result in more prisoners. Again, however, the determinants of both the scope and severity of prison sentences are complex and often involve multiple branches of the U.S. criminal-justice system.

Using data primarily on population growth in state prisons, they find two principal changes that bear directly on growth in the incarceration rate and that provide a relative accounting of various behavioral and policy contributors to incarceration growth. First, they find that conditional on the violation that led to the prison sentence, the average time one can expect to serve has increased considerably in the United States. But, in the aggregate, increases in time served are not readily observable. That is, the average prisoner entering today will not serve more time on a given prison spell than the average prisoner admitted twenty-five years ago. The reason for this apparent anomaly is that the composition of prison admissions across violation or offense type has shifted decisively toward less serious offenses, with particularly large increases in the proportion of admissions accounted for by drug offenses and parole violations. All else held equal, this trend should have led to a decrease in average time served among the nation's prison inmates. But when comparisons of actual time served for recently admitted inmates are made relative to prison inmates admitted in decades past who have committed similar offenses, the authors observe quite large increases in actual time served. Their estimates

suggest that this fact alone (increasing time served holding constant offense severity) explains about one-third of recent incarceration growth.

Second, in recent decades the rate at which inmates are admitted to prison has increased considerably, with overall prison admissions per capita more than doubling since 1979 and admissions per reported crime more than tripling. The lion's share of this increase in prison admissions is driven by a very large increase in the likelihood of being sent to prison conditional on being arrested for a serious crime. Both of these results suggest that changes in criminal-justice policy (in either scope or severity of punishment) can explain most of the increase in U.S. incarceration rates. As a result, Raphael and Stoll further note that a smaller proportion of the increase in prison admissions and, in turn, a smaller portion of the overall increase in incarceration is driven by increases in criminal behavior. They are unable to identify the exact policy changes that drove the increase, but speculate that a variety of policies have contributed (including minimum mandatory sentencing and truth-in-sentencing policy changes).

Raphael and Stoll's analysis provide compelling evidence that the rise in the nation's incarceration rates was driven principally by policy changes and not changes in behavior of individuals. These changes beg the question of what political and economic factors were influential in shifting criminal-justice policy. In chapter 3, David F. Weiman and Christopher Weiss address this question by examining the political economic roots of this new U.S. criminal-justice regime using New York's Rockefeller Drug Laws as a case study. Their analysis focuses on the war on drugs in the state of New York from the early 1970s to the early 1990s to illustrate their argument that the dramatic surge in incarceration rates especially among inner-city minority populations depended on critical decisions made at the local level—by mayors, police commissioners, and district attorneys and judges—in implementing and hence enforcing the sentencing policies enacted in state and federal capitols. They argue that the importance of grassroots rather than higher-order policies explains the significant lag between adoption of the notorious Rockefeller Drug Laws in 1973 and the surge in New York incarceration rates fueled by felony drug convictions and commitments after 1980. They show that the New York experience follows the national trends at least until the early 1990s, because the drug policies of the state, and especially of New York City, were forged in the same turbulent political economic crucible that shaped criminal-justice policies nationwide.

Their arguments regarding the war on drugs' influence in making criminal-justice policy more punitive are supported through historical analysis and perspective. They track trends in U.S. incarceration rates over the century before 1980 using comprehensive enumeration of the prison population by the census bureau. Their data show evidence of the

relative stability of incarceration rates, except the period of acceleration in incarceration in the 1920s and 1980s. They argue that common political economic factors driving these changes are the war on drugs. They track changes in the percentage of inmates incarcerated on “moral” offenses between 1910 and 1980, where these respective periods roughly translate into the categories of public order and drug crimes. They show that between 1910 and 1923 the share of prisoners convicted on “moral” offenses jumped from 5.5 to 17.3 percent, an almost parallel increase to the surge in imprisoned drug offenders during the 1980s. This evidence is consistent with past work that has shown similarities between the legal wars against alcohol and drugs.

The major potential benefit of increases in incarceration is crime abatement. In the short term, incarceration is likely to reduce criminal activity by incapacitating active offenders and deterring those who would otherwise offend in the absence of an incarceration risk. Increased imprisonment could also prove socially beneficial if in fact prison helps rehabilitate those with strong criminal tendencies. In chapter 4, Shawn D. Bushway and Raymond Paternoster examine whether these policy reforms have led to these anticipated outcomes. As they note, sentencing policy in modern society is driven by two main approaches: retributive and instrumental philosophies. The former refers to “just desserts” or punishment that should be proportionate to the harm of that crime, while the later refers to approaches that reduce the harm of crime by reducing crime itself. In both approaches however, incarceration is just one of the tools used by policymakers to achieve these competing goals. Yet, the research evidence of whether these approaches are working differ dramatically.

For the purposes of our inquiry, the instrumental approach to crime is of greatest concern. Following the logic of this approach, Bushway and Paternoster in part focus on four main goals of incarceration as an instrumental approach to punishment and crime reduction: the short-term goals of deterrence and incapacitation, and the long-term goals of specific deterrence and rehabilitation. Each of these concepts represents a distinct theoretical process by which prison can lead to reduced crime. General deterrence posits that the threat of punishment immediately leads to less crime. Incapacitation is based on the notion that offenders cannot commit crime in larger society while in prison. Specific deterrence suggests that the experience of prison leads to changes in the perceptions about the cost of punishment such that the individual makes a different choice when faced with the same decision. Finally, rehabilitation says that the experience of prison (or the programs experienced in prison) leads to reductions in criminal propensity.

In comprehensively reviewing the voluminous literatures in these areas, Bushway and Paternoster note the fundamental problem in gener-

ating a causal estimate of increased incarceration on crime: the simultaneity between crime rates and prison rates. When crime goes up, policymakers can respond by increasing prison rates; but, at least theoretically, when prison rates go up, crime goes down. This simultaneous relationship between prison and crime means that a null finding at the aggregate level implying no relationship between crime and prison could be misleading. Despite this, they find evidence that the probable elasticity of prison and crime is somewhere in the  $-0.2$  to  $-0.4$  range (see also Donohue, chapter 9, this volume), meaning that a 10 percent increase in incarceration will lead to a 2 to 4 percent reduction in crime rates. While they note that this elasticity is in the region where the costs and benefits of increased imprisonment are exactly balanced, recent evidence suggests that it has been decreasing in recent years, as incarceration levels have increased. This suggests very little empirical support for increased incarceration at the aggregate level as a crime control strategy. However, they note that while aggregate level impacts of imprisonment on crime are important, more attention should be paid to the individual level impacts of imprisonment. For these they argue, the literature on deterrence in criminology, though rare, is clear that changes in perceived punishments lead to decreased crime, but that its effects vary across individuals.

But what about the costs of incarceration? While many of these costs (such as the direct monetary costs of incarceration) are obvious, many are not. One of these potential costs is that incarceration itself could lead to increased criminality, despite the literature discussed by Bushway and Paternoster that suggest the potential rehabilitative experience of prison (or the programs experienced in prison) could lead to reductions in criminal activity after release. In chapter 5, Amy E. Lerman examines the effects of prison conditions on inmates. Specifically, she investigates a very little studied, yet important, question of whether incarceration in different types of prisons can have criminogenic consequences. She uses unique survey data from the California Department of Corrections and Rehabilitation (CDCR) to address this question. The use of this data is important since CDCR oversees the third-largest prison system in the world, second in size only to the federal Bureau of Prisons and the Chinese national correctional system.

Of course, it is very difficult to identify the causal effect of imprisonment on criminal propensity, since they can be simultaneously determined. Presumably, those incarcerated may have such tendencies to begin with. Of course, the key question is whether imprisonment increases or intensifies these above the levels at time of prison admittance. Lerman uses a regression discontinuity design to overcome this problem to assess these effects of prison culture on inmate criminal psychology. The CDCR places inmates into a particular security level based on a numerical classi-

fication score. If an inmate's score falls within a certain range, he is placed in the corresponding security level. The regression discontinuity takes advantage of the fact that, assuming there is a certain amount of randomness in the calculation of the score, assignment of a value just above or below the cutoff point should approximate randomization; the only variable that should be discontinuous at the threshold is the security level to which an inmate is assigned. With this placement method, it is possible to estimate the effect of being placed in a higher relative to a lower security level.

The findings in chapter 5 indicate that there is a significant adverse effect on prisoners of placement in a higher-security prison. But the effect does not appear significant in the sample as a whole. Instead, the effect of security placement appears only for those with little or no prior criminal involvement—those who have the fewest prior jail commitments, arrests, convictions, or probations. These findings suggest that the move towards more punitive prisons over the past few decades may have had undesirable consequences. If incarcerating individuals in more punitive prisons leads them to adopt antisocial attitudes, this may result in detachment from prosocial networks, a further deterioration of adherence to social and legal norms, and ultimately a greater likelihood of recidivism following release.

In chapter 6, Rucker C. Johnson explores another far less-documented consequence of incarceration: the increase in the proportion of children who grew up with a parent incarcerated at some point during their childhood. This phenomenon has a clear racial implication as well, as black children are far more likely than white children to have a parent involved in the criminal justice system. This contributes to the growing gulf between the early-life experiences of white and black children, and the profound effects on their later-life socioeconomic attainments. The key question he explores is, What are the effects, if any, of parental incarceration on child outcomes, including early antecedents of youth crime?

Johnson examines this and other related questions using data from the Panel Survey of Income Dynamics (PSID). He first produces nationally representative estimates of the prevalence of parental incarceration for children born between 1985 and 2002, by race and socioeconomic status. He then focuses on examining the consequences of parental incarceration on children's outcomes. He finds at the general level that the prevalence rates of parental incarceration at some point during childhood are significantly larger than point-in-time estimates, so that cumulative profiles of risk show more prevalence of this phenomenon than simply examining this question at one point in time. More significantly, he finds that 20 percent of black children had a father with an incarceration history; among black children with fathers who did not graduate from high school, an

alarming 33 percent had fathers with an incarceration history (much higher than those for whites and much higher than prediction using non-nationally representative samples).

More importantly, Johnson finds a strong correlation between children from families with an incarceration history and children's behavioral outcomes: they have worse outcomes than those from families without an incarceration history. He employs several different empirical strategies to distinguish whether this correlation emanates primarily from observed and unobserved disadvantaged childhood-environment characteristics as opposed to causal effects of parental incarceration. The findings are remarkably similar across all of the empirical model specifications and suggest that parental incarceration exposure leads children to develop greater behavioral problem trajectories. He further speculates on the extent to which parental incarceration exacerbates racial disparities in childhood and in early adulthood outcomes.

Of course, one of the potential and obvious costs of growing incarceration is its impact on state budgets. In 1980, states spent an average of about \$280 million on corrections, or about \$60 per person. By 2000, states were spending \$1 billion on average, or about \$164 per capita (Ellwood and Guetzkow, chapter 7, this volume). What determines the growth in state spending on prisons? Does this level and change of spending on corrections impact spending on other budgetary categories, such as education, welfare, or health? John W. Ellwood and Joshua Guetzkow examine these and other related questions using data from state budgets and multivariate models in chapter 7.

Ellwood and Guetzkow show that while average levels of state spending on prisons has grown, they mask a great deal of variation across the states. In 2000, the five states that spent the most on corrections expended 2.6 times more per capita than the five states that spent the least on their corrections systems. Moreover the percentage of state budgets devoted to corrections spending also varies a great deal across states. However, state spending on corrections is positively associated with the percentage of the state population that is black and the incarceration and violent-crime rates, while it is negatively associated with state budgetary processes that set funding targets.

However, very few predictors are associated with changes in state spending on corrections over time. They find that the presence of requirements for performance measurement at the state level is associated with a lower rate of growth of state corrections spending between 1988 and 2000, but the presence of a performance management system and a budget that set out these performance measures is associated with increased spending on corrections over this period.

Most importantly, Ellwood and Guetzkow find that state spending on

corrections crowds out spending on other budgetary categories. However, counter to expectations, such state spending only negatively impacts spending on welfare, while other budgetary categories such as education and health are largely unaffected.

In chapter 8, Harry J. Holzer critically evaluates the literature on whether and how incarceration affects employment prospects. A key reason to focus on the effect of incarceration on employment is because these effects are extremely important and directly affect a whole host of other factors that correlate with incarceration, including reoffending, recidivism, and other important and well-studied social factors like health status, community well-being, civic participation, and voting behavior (Raphael and Weiman 2007).

However, at least theoretically, the impact of incarceration on employment could be positive or negative. By deterring crime and perhaps by fostering additional educational attainment among prisoners, incarceration may have positive effects. But, by reducing work experience, labor-market contacts, and incentives to work (especially among those with child-support arrearages), incarceration could have negative effects on labor-force activity. The likely negative effects of incarceration on employer demand compound this likelihood, though it is unclear whether or not these effects are large enough to actually translate into lost earnings.

Holzer summarizes and evaluates a wide spectrum of research in this area employing alternative data sources and empirical methodologies, characterizing the research findings in terms of the estimated magnitudes of the effects of prior incarceration on future employment prospects. The object in doing so is to attempt to reconcile conflicting results and generate a useful summary of results from the literature in this area. Also, he identifies key methodological challenges in estimating the effect of incarceration on employment and earnings for each of the different methodologies employed to examine this question. Holzer identifies an important question of what is the appropriate counterfactual to examine this question, especially for those studies that use administrative data and “before-after” methodologies. Much of the literature using this data and approach find a zero effect of incarceration on subsequent employment and earnings (Holzer, chapter 8, this volume). Much like the arguments developed by Shawn D. Bushway, Michael A. Stoll, and David F. Weiman (2007), he notes that the before-after incarceration approach likely understates the effect of incarceration on subsequent employment and earnings. This is because such an approach does not take into consideration the likely upward trajectory of employment and earnings profiles during young-adult to prime-age working years of even less-educated men who are never incarcerated.

In sum, he concludes that while “credible” empirical evidence is

mixed, much of it points to negative effects of incarceration on the subsequent employment and earnings of ex-offenders. Further, given reduced employment prospects, recidivism rates of released offenders are likely to be affected in a negative direction, which in turn impose further costs on society (in the form of both crime and incarceration expenditures). Policies designed to reduce these collateral costs, either through direct reductions in incarceration rates or through their negative effects on subsequent earnings, might generate positive benefits to the ex-offenders and to society more broadly.

Given its potential costs and benefits, it is possible that many states have reached incarceration levels that are beyond the social optimum. Using a variety of different yet relevant estimates and methodological approaches, John J. Donohue III addresses this question in chapter 9 by carefully constructing a benefit-cost analysis of incarceration levels. To help determine the socially optimal level of incarceration, five questions must be answered:

1. What is the magnitude of any incarceration-induced drop in crime?
2. What is the monetized value of this decrease in crime?
3. What is the marginal cost of incarceration needed to generate these marginal benefits in crime reduction?
4. Does this cost-benefit calculus suggest that a certain level of incarcerations is efficient?
5. Could a reallocation of resources to alternative crime-fighting strategies achieve the same benefits at lower social costs?

But, as Donohue argues, these are difficult questions to address, thus making conclusions drawn from these types of studies problematic.

After considering various cost-benefit estimates and the variation in their ranges given different assumptions and methodologies, Donohue does in fact conclude that it is very difficult to provide clear insight regarding the optimal level of incarceration. But he finds that such an exercise helps one to think systematically about what the relevant marginal costs and benefits of incarceration are. In doing this and thinking about what the optimal crime-fighting policy is, more discussion and thought should be directed at the following questions:

1. Should utility of prisoners or their families count?
2. Should utility of victim families count (although perhaps this is implicit in willingness to pay estimates)?

3. Should pure transfer costs be included in the cost of crime?
4. Should the important issue of murder victimization be treated in a more nuanced way to reflect the different social costs attending the deaths of those involved in criminal behavior?

Donohue suggests that if one includes a broader conceptualization of the costs associated with incarceration, such as the criminogenic effects of imprisonment itself as well as the collateral costs of imprisonment to individuals and communities, the conclusion drawn from such cost-benefit studies is likely to be that we have gone beyond the optimal incarceration level. Moreover, if one looks beyond a narrow cost-benefit calculus of incarceration to consider alternative crime-fighting approaches such as pre-school enrichment strategies or other educational options, there is reason to believe that alternatives to incarceration might well appear more socially attractive than our current heavy reliance on incarceration as the predominant crime-fighting strategy.

Donohue's insights provide much support for what we observe to be the key punch line of this book: the current marginal benefit of crime reduction derived from incarceration might not outweigh the growing social and economic costs to society of added imprisonment. That is, the recent expansion of the prison system has likely been fueled by incarcerating growing numbers of those who could be viewed, as some have argued, as marginal offenders, or those who engage in and are caught for lesser offenses. These individuals likely pose less of a threat to society than those who commit more serious crimes.

Incarcerating these marginal offenders comes at great cost. These costs not only include the expenses associated with policing and adjudicating the offense, and building, maintaining, and supervising a prison cell to hold the prisoner. They also include the costs that prison itself could heighten one's propensity to offend, that children of the incarcerated and formerly incarcerated are more likely to commit crimes and go to prison, as well as a host of other costs to society such as reduced productivity through lowered employment and the opportunity costs to society of spending greater shares of public budgets on prisons, in addition to many other factors. If it is the case that the crime reducing benefits of incarceration are less pronounced for these marginal offenders, then the costs of incarceration may indeed exceed the benefits.

If our conclusions are on point, then society would be better off reducing its use of incarceration as a crime-fighting strategy in favor of other methods in this current environment. Certainly, the results from chapter 2 indicate that the growth in incarceration was driven principally by policy decisions made by society and much less by changes in criminal behavior

of those in society. This suggests that policy choices as well as other factors will be important vehicles to achieve this goal. What might these other options be?

Fortunately, the chapters in this volume offer some explicit policy prescriptions to help deal with the more negative influences of imprisonment on important social and economic outcomes, even though most focus on the impacts of various crime policies in particular. In many instances, their analyses and policy ideas address those issues that come up at many stages of the criminal-justice system. As Donohue suggests, if we widen the conceptualization of the costs associated with incarceration or look at alternatives to incarceration to achieve the same benefit, we might be better off as a society to reduce the level of incarceration. But what avenues we pursue to achieve this remains an open question. Certainly, the ideas from chapters 2 and 3 suggest that sentencing and enforcement policy would be most appropriate place to look because changes in these policies were the primary drivers of the initial changes in incarceration levels. But how one does this is the central question, especially in times when political support for “get tough policies” remains widespread, and when political asymmetries remain a reality (that is, it is politically easier to get “tough” on crime than to get “soft” on crime).

The ideas in chapters 5 and 6 suggest that even small changes in sentencing and prison placements could have beneficial effects in reducing the collateral harm of imprisonment. Johnson’s study identifies less-documented unintended negative consequences for children of incarcerated parents. To the extent that imprisoning parents may cause greater deviant behavior and crime in following generations—thus contributing to intergenerational transmissions of criminal involvement—criminal justice and sentencing policy may wish to consider these as potential negative externalities. The result of this classification may allow courts to treat parenthood as an extenuating factor in sentencing as a direct result of concerns about the child’s well-being. This consideration could open the door for a more extensive range of services and supports including family- and child-support services when parental incarceration does occur.

Lerman suggests that changes in prison-placement methods could have beneficial effects as well. In deciding how to allocate inmates across prisons with respect to their level of security, she warns against blind use of even the most sophisticated modern risk-assessment instruments. These instruments predict the level of risk of the offender and the appropriate security level of imprisonment as a form of community corrections. She argues that practitioners should instead address the ways in which institutionalization impacts particular attitudes related to crime and criminality, which in turn may ultimately help decrease risk factors among those leaving prison, and more effectively manage community-based monitoring and treatment.

Postrelease policy or program reforms should also help smooth the ex-inmates transition to society, which should help mitigate collateral costs to individuals and communities. In chapter 8, Harry J. Holzer strongly advocates for programs to support prisoner “reentry,” both before and especially right after their release. Successful programs rely on labor-market “intermediaries” to improve the access of offenders to employers, to improve offender basic skills or work readiness, and to provide employers with more accurate information about their recent work-related activities. Other state and federal policies might also be useful in this regard. Limiting unreasonable employment and occupational licensing restrictions should be encouraged, and state-level child-support policies should be reconsidered as well. This could include readjusting or even forgiving arrearages for men meeting their current orders. Finally, more effective tax credits and bonding should be provided to employers to offset the negative impacts of criminal history on their labor demand and Earned Income Tax Credit (EITC) extension for low-income men could be considered as well to help offset at least some of the negative incentive effects of incarceration.

## NOTES

1. The Bureau of Justice Statistics estimates that the violent victimization rate per 1,000 persons twelve and older declined from 33 in 1992 to 13.6 in 2005 for African Americans. The comparable figures for whites are 16.9 and 6.5 (Bureau of Justice Statistics 2008b).
2. To gauge the validity of using the census data in this manner, in previous research Raphael (2005) compares estimates of the institutionalized population from the census to estimates of the incarcerated populations from other sources by race. While the census estimates are slightly larger than estimates of the incarcerated population from the Bureau of Justice Statistics, the disparities are quite small relative to the overall incarcerated population. The difference likely reflects the very small remaining inpatient population in U.S. mental hospitals.

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## 24 Do Prisons Make Us Safer?

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