ECONOMIC PERSPECTIVES ON INCARCERTATION AND THE CRIMINAL JUSTICE SYSTEM

April 2016

Contents

Economic researchers have evaluated the costs and benefits of policies in different criminal

Introduction

In recent decades, the criminal justice system in the United States has expanded dramatically. Since 1980, the number of people incarcerated in the U.S. has grown by nearly 350 percent, resulting in approximately 2.2 million people behind bars.[1] Today, the United States incarcerates more people than any other country in the world, and our per-capita incarceration rate is more

In addition to its direct costs, the criminal justice system also imposes substantial collateral consequences on individuals with criminal records, their families, and their communities. Having a criminal record makes it more difficult to find employment and depresses earnings. Criminal ǎl·yǑűλ2yã ǑI·y˝ I·tă2 KI·ØŜ ySƎI·ű⁄ØŜ Ǒ2yãŜIjʤŜyǑŜă ŦƵℕ ⁄yŘ⁄Ø⁄ŘʤI·tă℺ KŜI·fűKΣ ŘŜōűΣ úℕI·yãLJ2ℕűI·ű⁄2y˽ housing, and food security. These consequences can add up to large and lasting negative impacts ŦƵℕ ⁄yǑI·ℕǑŜℕI·ű ŜŘ ⁄yŘ⁄Ø⁄ŘʤI·tă℺ ŦI·Y⁄tfies and communities. The probability that a family is living in poverty increases by nearly 40 percent while a father in is prison, and children with incarcerated parents face an increased risk of a variety of adverse outcomes, including antisocial and violent behavior and lower educational attainment (Johnson 2009).

These costs fall most heavily on Black and Hispanic men, poor individuals, and individuals with high rates of mental illness and substance abuse. Although Black and Hispanic Americans account for only 30 percent of the population, they comprise over 50 percent of the incarcerated population (U.S. Census; Carson 2015). One-third of the prison population has received public assistance, and one in ten incarcerated Americans were homeless in the year before entering prison (James and Glaze 2006). Criminal justice sanctions can compound existing disadvantages for these populations, reinforcing patterns of intergenerational poverty.

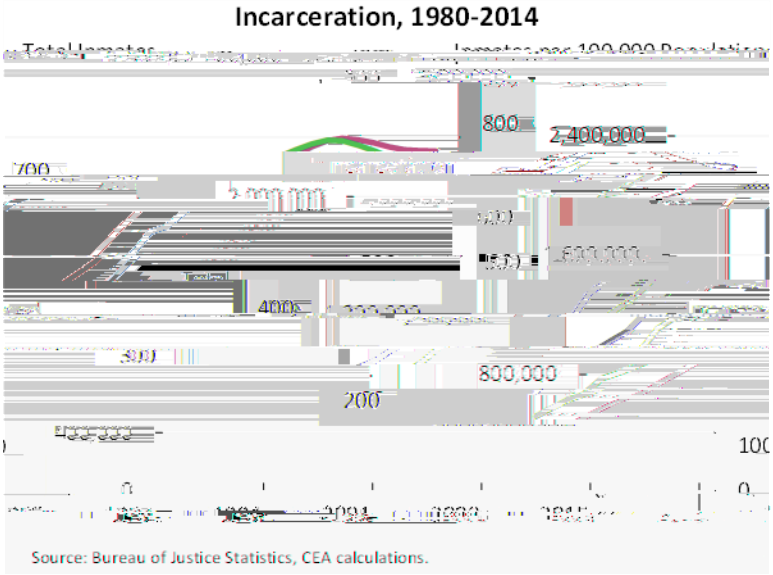
Recognizing the size of these costs, the Administration is committed to meaningful reform of the criminal justice system, and has taken actions to improve underlying conditions in the community, the courtroom, and the cell block. The Administration has invested in communities to address the root causes and consequences of involvement in the justice system. The Administration has expanded access to early childhood education and targeted prevention programs for youth, which have been found to significantly reduce criminal behavior later in life. In addition, the Administration has worked to improve community-police relations by providing extra resources for law enforcement, investing in community policing, and increasing police transparency.

In the courtroom, the Administration has worked to enhance common sense sentencing reforms by reducing disparities in mandatory minimums for crack and powder cocaine possession, and

I. Defining the Landscape: Current Criminal Justice Policies and Historical Context

Over the last three and a half decades, the criminal justice system in the United States has rapidly expanded. Most striking is the growth in incarceration; the number of people behind bars grew by 350 percent between 1980 and 2014 (Figure 1).

Figure 1:
Incarceration, 1980-2014



Mirroring the rise in incarceration, direct expenditures on the criminal justice system have increased substantially. Real total government spending on the criminal justice system grew by 74 percent between 1993 and 2012, to $274 billion. Similarly, in 2012, real per capita criminal justice spending was $872 per year, up 43 percent over the same time period. Real expenditures on corrections were $83 billion, representing over a quarter of total criminal justice spending in 2012 (Figure 2).[5]

[5]All real dollar figures in this report use 2015 dollar values. A more detailed discussion of direct government expenditures on the criminal justice system can be found iy˙ŭKŜ ăŜŎúƛ2y˙2y˙ά5ℳŜŎú D2ØŜℳyY˙Ŝyű {ⱠŜyŘʌyƎ 2n the Criminal Justice System.ε

A number of other factors have contributed to the decline in crime, though researchers have not reached consensus on the relative importance of these causes. Improvements in economic conditions through rising incomes and falling unemployment have likely played a role. Demographic changes also likely play a part; the youth proportion of the U.S. population (ages 15-30) declined by 12 percent between 1980 and 2013, reducing the general propensity for criminal behavior which is more prevalent among young people. Improvements in police tactics and technology used in policing may have also played a role. Other potential explanations include

Figure 4:

At the same time, descriptive data suggest that the likelihood of arrest has increased modestly for violent

Figure 5:

An important exception to the declining trend in arrests is arrests for drug crimes, which have grown at a rapid pace. Between 1980 and 2014, drug arrest rates increased by over 90 percent, and this dramatic rise has contributed to rising incarceration rates. In 2006, the rate of drug

Conviction Rates and Time Served

After being arrested and charged with a crime, a defendant may be detained in jail while awaiting court proceedings. The defendant then faces conviction or acquittal, or charges may be dismissed. Thus, case disposition represents another decision point that may influence trends in incarceration. Convictions have dramatically increased over the last several decades, and rising rates of conviction are a root cause of the increase in incarceration in the United States. Between 1986 and 2006, total conviction rates in State courts (per 100,000 residents) increased by 56 percent. The largest increase occurred among drug trafficking convictions ς which more than doubled ς while violent crime convictions increased somewhat and property crime convictions were little changed.[11] The rise in convictions for drug crimes is particularly striking; by 2006 there were over 250,000 drug convictions in State courts, outpacing convictions for violent and property crimes. Since their 2006 peak, drug arrests have leveled, declining by 23 percent. Conviction rates for other crimes, which include simple assaults, fraud, sexual assault, weapons offenses, and drunk driving, also increased by 94 percent (Figure 7).[12]

Figure 7:

Although convictions are partly a function of the severity of a given crime and the strength of the

However, changes in the manner of conviction over time, whether a plea bargain or a trial, are also unlikely to have caused the increase in convictions leading to incarceration. Over 90 percent of convictions in State courts are guilty pleas, with only 5 to 10 percent of convictions determined at trial. These proportions have been relatively constant over recent decades, and therefore, high rates of guilty plea convictions are unlikely to be driving the boom in incarceration admissions (Figure 9).

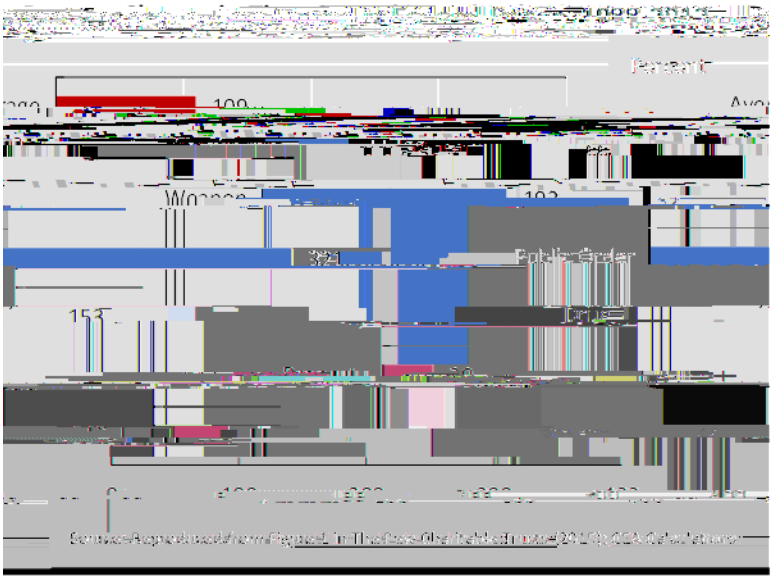
Figure 9:

Changes in total conviction rates, the proportion of defendants convicted for the crimes charged, have increased the likelihood of prison admission and inflated the prison population. Below, Figures 9 and 10 show estimates of changes in the number of people admitted to prison per arrest and time served in prison between 1984 and 2004 for different crime types, adapted from Raphael and Stoll (2013b). These calculations show that the number of people admitted to prison per arrest have more than doubled for most crimes and have tripled for drug crimes (Figure 10).[13]

Figure 11:

Relative to the analysis of all prisoners, changes in Federal prisons show different patterns in time served (Figure 12 below). According to analysis by The Pew Charitable Trusts, time served in Federal prisons increased for all offenses between 1988 and 2012. In contrast to the small change in time served for drug crimes in all prisons, time served for drug offenses in Federal prisons more than doubled over the last two decades (The Pew Charitable Trusts 2015).

Figure 12:



Relative to other factors, rising prison admission rates have been the most important contributor to the increase in incarceration. Raphael and Stoll (2013b) decompose the growth in the prison population into changes in crime rates, prison admissions and time served. If criminal justice policies remained the same as they were in 1984, State imprisonment rates would have actually

Figure 14:

As convictions have increased, the number of individuals detained in local jails while awaiting a conviction or acquittal in their case has also risen. Between 1983 and 2014 the proportion of jail inmates who had been convicted grew by 90 percent, but was dwarfed by the rise in jail inmates not convicted of a crime, which grew by 200 percent (Figure 15). Growth in the unconvicted jail population has been heightened by an increase in the use of financial bail that many cannot afford;[16] in 1990, 53 percent of felony defendants in large counties were assigned bail, and by 2009, this proportion had grown to 72 percent.[17] Many defendants have limited resources and are not able to post bail, remaining incarcerated while awaiting conviction or acquittal (CEA 2015b).

[16] Financial bail schedules increase with the severity of crimes and are meant to increase the likelihood of detainment for more dangerous offenders. However, uniform bail schedules are a crude way to screen pretrial defendants for their risk of flight or to the commuyλúě õŠŎl·dzăŜ λú Ř2Ŝă y2ú Ŏ2yãλŘŜℕ l·y˝λyŘλØλŘdzl·fΩă l·ōλfΩúě ú2 LJl·è l·yê ∃λØŜy˝ōl·λf assignment. In effect, standardized bail schedules often detain the poorest rather than the most dangerous offenders. Instead, risk-assessment tools and modeling can be used to determine non-financial release based on the relative risks posed by a particular individual (see CEA 2015b).

[17] Bureau of Justice Statistics. 1990-нллфф άCŜf2yê 5ŜŦŜyŘl·yűă λy˝ [l·ℕ∃Ŝ /2dzyΰλŜăφé *Department of Justice.*

Figure 15:

In terms of offense characteristics, the State and Federal prison population have pronounced differences. Approximately half of State prisoners are serving sentences for violent crimes, while in Federal prisons, half of prisoners are serving sentences for nonviolent drug crimes (Figure 16).[18] The Federal and State prison populations have stark contrasts in other crime categories as well; while 19 percent of State prisoners are incarcerated for property crimes, this proportion is only 6 percent for Federal prisoners. In the Federal prison population, the proportion of other offenses, which include weapons and public order violations, has more than doubled since 1990.

Figure 16:

18

There are also large geographic differences in incarceration rates across States. Below, a map shows the distribution of total sentenced State and Federal prisoners per 100,000 residents. In 2014, the national sentenced imprisonment rate was 471 prisoners per 100,000 residents.[19] Southern states tend to have higher prison rates, with the highest rate of imprisonment at 816 in Louisiana, more than 1.7 times the national rate. At the other end of the distribution, Maine had the lowest prison rate of 153, less than a third of the national rate (Figure 17).

Figure 17:

U.S. incarceration is even more striking when compared to incarceration in other countries. In

Figure 20:

In Figure 21, recidivism is measured not through the incarceration history of individuals entering prisons or jails, but by following the cohort of individuals released from State prisons in 2005. This measure includes both arrests and convictions that lead to future incarceration, and shows

(USSC 2016). In this study, USSC also finds that criminal history is highly predictive of future offending, with re-offending rates after release decreasing for individuals that had fewer criminal history points and prior convictions before admission (Figure 22).[23]

Figure 22:

Demographics of the Incarcerated Population

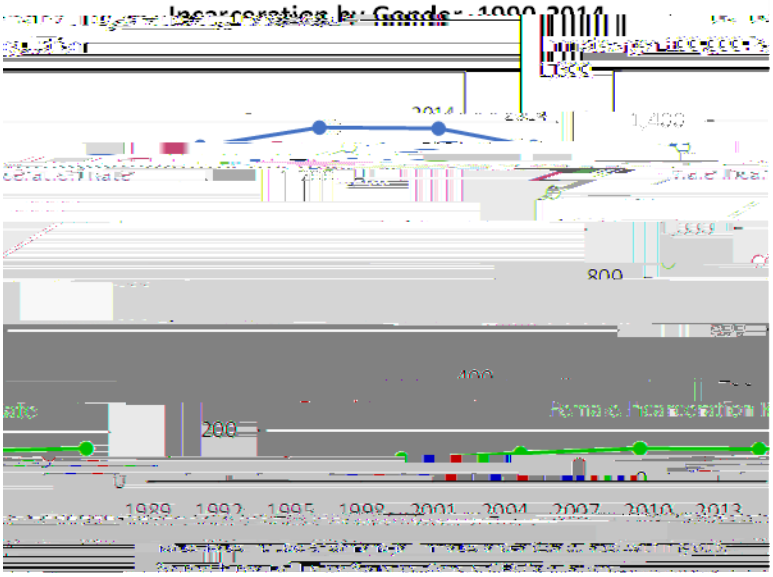
The population that comes in contact with the criminal justice system is not representative of the U.S. population more broadly. Instead, the demographics of this group are highly concentrated, with an over-representation of Blacks and Hispanics, as well as low-income individuals. The incarcerated population also has a high prevalence of health and social risk factors, including mental illness, prior physical or sexual abuse, and drug and alcohol abuse.

The incarcerated population primarily consists of adult men. Though children below the age of majority (typically 18 years old) can be tried and detained as adults, most juveniles that are detained are held in designated facilities, such as detention centers, residential treatment centers, boot camps, and group homes. In recent decades, juvenile detention rates have declined, decreasing by over 50 percent between 1997 and 2013 (Figure 23). While the number

Figure 23:

Women comprise less than 10 percent of the total incarcerated population. Adjusting for population, female incarceration rates have increased faster than rates for men; since 1990, female incarceration rates have more than doubled, while male incarceration rates increased by 50 percent (Figure 24).

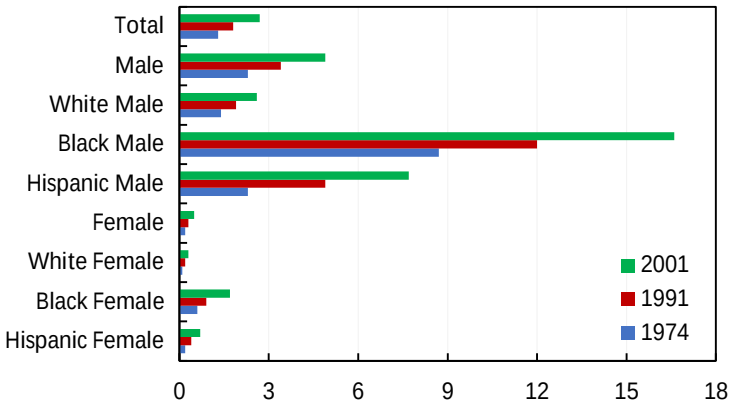
Figure 24:



Conversely, minority individuals are over-represented in the arrest and incarceration population. Total arrest rates for Blacks (per 100,000 residents) are double arrest rates for Whites. Though arrest rates have declined for all groups since 1990, current arrest rates still show marked disparities; in 2014, Black arrest rates were over 120 percent larger than the total arrest rate for all demographic groups (Figure 25). Racial disparities in drug arrests are particularly pronounced;

in 2014, drug arrest rates for Blacks were more than twice the drug arrest rates for Whites (UCR Arrest Data 2015, Census 2015, CEA Calculations). Though comprehensive data is not avail

Figure 27:



Along with rising incarceration rates, the share of the adult population that has a history of prior incarceration has also increased. Between 1974 and 2001, the proportion of the adult population that had ever been to prison more than doubled to 2.7 percent of the population. Over this period, the formerly imprisoned population increased for all demographic groups, with dramatic increases for Black and Hispanic men of 91 and 235 percent respectively. By 2001, 1 in 6 Black men had ever been to prison, up from 1 in 11 men in 1974. For women, overall rates were lower but racial disparities were comparable to those of men; in 2001, 1 in 200 women had a history of prior incarceration, but rates for Black women were more than 5.5 times the rate for White women (Figure 27).

Using estimates based on historical trends in imprisonment, nearly a third of Black males and one in six Hispanic males born in 2001 are expected serve time in prison in their lifetimes. The lifetime imprisonment rate for this cohort is estimated to be 5.5 times higher for Black men than White men. For women, 6 percent of Black women and 2 percent of Hispanic women born in 2001 are estimated to serve time in prison during their lifetimes, relative to 1 percent of White women (Figure 28).

Figure 28:

In addition to overrepresentation by minority groups, the incarcerated population is disproportionately poor with low levels of educational attainment. In this population, individuals are likely to have received public assistance, grown up in foster care, and experienced homelessness (Figure 29). Available data show that approximately 65 percent of prisoners did not complete high school and 14 percent have less than an 8th grade education, indicating that they may have limited earning ability and face a high rate of indigence (Harlow 2003).[24]

Figure 28 also shows rates of a number of other health and social risk factors in the incarcerated population. Substance abuse is a pervasive problem; 69 percent of the incarcerated population are regular drug users and 65 percent regularly use alcohol, while a third of prisoners and jail inmates had a parent that abused substances.[25] In addition, nearly a third of the incarcerated population has a family member that has also been incarcerated. The incarcerated population is also likely to experience traumatic abuse before entering custody; nearly 20 percent of prisoners and jail inmates have been physically or sexually abused prior to being incarcerated. Women involved in the justice system are more likely to have experienced traumatic abuse; over 50 percent of incarcerated women have been physically or sexually abused prior to incarceration (James and Glaze 2006).

24

Figure 29:

Lastly, over half of individuals with a history of incarceration also have mental health problems. In 2005, over half of the incarcerated population had a mental health problem, rates that greatly exceed the 11 percent of individuals with mental illness in the general population (James and Glaze 2006).

II.

Research on the impact of sentence length has found that longer sentences are unlikely to deter prospective offenders or reduce targeted crime rates, and that incapacitation benefits decline as an individual ages in prison.[31] Strikingly, the threat of a longer sentence does not deter prospective youth offenders in the general population (Lee and McCrary 2005, 2009; Hjalmarsson 2009a). Lee and McCrary (2009) estimate juvenile arrest rates barely respond to increases in expected sentence length at the age of majority; they find that a 10 percent increase in average sentence length leads to a zero to 0.5 percent decrease in arrest rates.

A number of studies using state-level data find mixed evidence that repeat offender laws and sentence enhancements reduce crime (e.g. Kessler and Levitt 1999; Kovandzic 2001; Webster, Doob, and Zimring 2006). Using individual data, Helland and Tabarrok (2007) find that sentencing enhancements in California can reduce criminal activity through deterrence, but that the implementation costs of longer sentences likely outweigh their benefits.

At the same time, the incapacitation effects of a longer sentence depend on age and decline as an individual gets older (Sampson and Laub 2004; Blumstein and Nakamura 2009). Below Figure 30 shows that arrests peak in early adulthood and taper in middle age. The relationship between age and criminality suggests that incarceration has a smaller incapacitation benefit for older individuals.

[31] One challenge in the literature on sentencing policy is that it is difficult to disentangle the different channels through which sentences can affect crime. A treatment of a shorter sentence (relative to a longer sentence) means that an offender will not be incapacitated in the future, so criminal behavior after release can be interpreted as a ćNŜØŜNăŜɛ ʎyŎI·LJI·ŎŃűI·ûʎ2y˝ ŜŦŦŜŎúΦ ! ú úKŜ ăI·Y˝Ŝ úʎY˝ŜΣ úKŜ ŜÈLJŜNʎŜyŎe of going to prison or serving a longer sentence ŎI·y˝ I·fűŜN I·y˝ ʎyŘʎØʎŘdzI·f₫ă ōŜKI·Øʎ2N I·ŦúŜN úKŜè I·NŜ NŜfŜI·ăŜŘΣ I·yŘ úKʎă ŎKI·yƎŜ ʎy˝ ōŜKI·Øʎ2N ŎI·y˝ ōŜ ʎyűŜNLJNŜúŜŘ I·ă I· recidivism effect.

Incarceration and Recidivism

In the United States, over 600,000 prisoners are released each year and over 70 percent of released prisoners are re-arrested within 5 years of release (Durose, Cooper, and Snyder 2014; Carson 2015). Because criminal offending has large societal costs, understanding the ways that particular penalties may affect re-offending is important to structuring criminal justice policy. Emerging research suggests that incarceration increases re-offending relative to alternatarceration

Similarly, a recent study exploiting random judge assignment in Chicago finds that juvenile detention increases the likelihood of re-offending after release by 22 to 26 percent and reduces the probability of earning a high school degree by 13 percent (Aizer and Doyle 2013). Using data on drug offenders in Washington D.C., another study found that incarceration may increase re-arrest rates relative to probation (Green and Winik 2010).[33]

These findings are consistent with research that finds that offenders build criminal connections while in residential facilities, and are more likely to recidivate given their exposure to other offenders (Chen and Shapiro 2007; Bayer, Hjalmarsson and Pozen 2009). Finally, there may be a psychological component to longer sentences; in a comparison of offenders that serve equal sentences, a 10

on high levels of enforcement for low-level crimes, has found generally weak crime-reducing effects (Harcourt and Ludwig 2007; Caetano and

that an in-school cognitive behavioral therapy intervention for young men in Chicago significantly reduced arrests among participants (Heller et al. 2015). Lastly, summer youth employment can decrease criminal behavior of disadvantaged youth; a study of a summer jobs program in New York found that it reduced the probability of incarceration by 10 percent and decreased the mortality rates by 20 percent (Heller 2014; Gelber, Isen, and Kessler forthcoming).

Direct Government Spending on the Criminal Justice System

The U.S. criminal justice system is expansive in its goals, functions, and activities, and spans local, State, and Federal Government levels. Given the complex and interconnected structure of the criminal justice system, decomposing expenditures that correspond to particular initiatives is challenging. Though evaluation of specific policies is beyond the scope of this report, the broad discussion of criminal justice spending in this section provides motivation for reform opportunities that are capable of reducing costs while prioritizing safety.

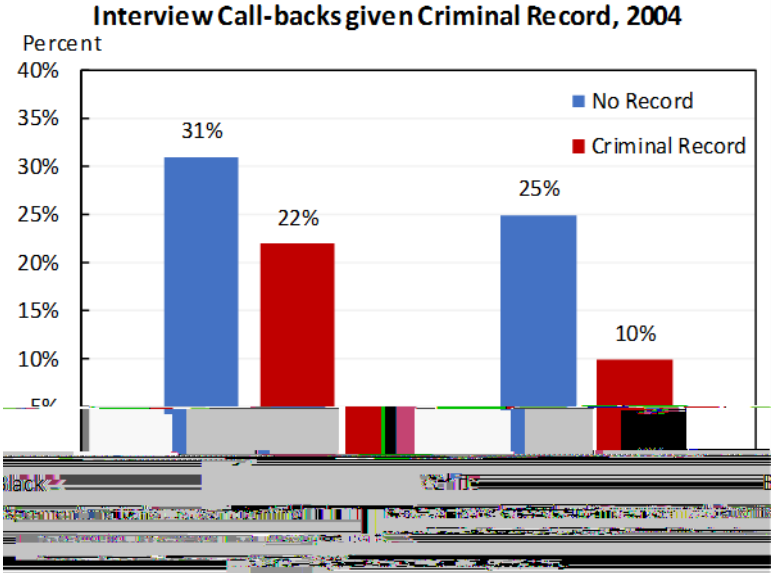
Between 1993 and 2012, real total criminal justice spending increased by 74 percent, from $158 billion to $274 billion.[37] Approximately 50 percent of this spending is attributable to local

2007, the United States employed corrections officers at a rate over 2.5 tim

Human Resource Management 2012). Individuals with criminal records are frequently barred from obtaining occupational licenses; according to the American Bar Association, there are over 1,000 mandatory license exclusions for individuals with records of misdemeanors and nearly 3,000 exclusions for felony records (American Bar Association 2016).[43]

Employers could prefer not to hire individuals with records because they may perceive prior offenses as a predictor of lower productivity, dishonesty, or future criminality. Additionally, employers may be liable for criminal actions committed by employees through negligent hiring law suits (Raphael 2011). However, research suggests that employers who avoid applicants with criminal records overestimate the link between criminal histories and workplace

Figure 33:



Likewise, research suggests that there are material labor market consequences to having any spell of incarceration (Nagin and Waldfogel 1998; Western 2002). Even after controlling for a broad range of characteristics like education and demographics, the formerly incarcerated earn substantially less than other workers τ on the order of 10 to 40 percent less (Geller, Garfinkel, and Western 2006; The Pew Charitable Trusts 2010). Additionally, States with more flexible labor market conditions for individuals with criminal records may have lower recidivism rates (Hall, Harger and Stansel 2015).

Longer incarceration sentences may also be associated with greater skill loss and higher costs to re-integrating in the labor market, though these costs may be partially offset by participation in rehabilitation or correctional education programs (Kling 2006; Landersø 2015). A recent paper using variation in random judge assignment in Texas finds large negative impacts of sentence length on employment; in this setting, a one year increase in sentence length reduces employment by 4 percentage points and reduces earnings by approximately 30 percent after release (Mueller-Smith 2015). Individuals that cannot find sustainable employment given labor market barriers to reentry may also have a higher risk of re-offending.

Because Blacks are more likely to be incarcerated than Whites, the labor market consequences of conviction have broader implications for income inequality across demographic groups. The high rate of Black incarceration has contributed to lower labor force participation among Blacks and slower average wage growth relative to Whites (Grogger 1992; Holzer, Offner, and Sorenson 2005; Neal and Rick 2014). While the Black-White wage gap converged by 13 percent between 1950 and 1990 for employed men, accounting for non-employed men, including those incarcerated, reduces these gains to only 3 percent (Chandra 2000). Incarceration has been a key driver of growth in the population of non-employed Black men; in 1980, 11 percent of non-employed Black men were incarcerated but by 1999, this proportion had risen to 33 percent (Western and Pettit 2005).

Concurrent with the increase in fines and fees, available data suggests that the use of bail bonds has also increased by more than 130 percent over the past two decades.[44] Even relatively low bail payments generate substantial obstacles for poor defendants, and financial bail policies often detain the poorest rather than the most dangerous defendants (Baradaran and McIntyre 2012). In New York City in 2010, approximately 80 percent of defendants could not make bail at amounts less than $500 (Phillips 2012). Though the majority of bail payments are returned to defendants upon appearing in court, patching together funds to post bail or pay a bail bondsman can create significant financial hardship for families, as fees for using bail bondsmen can exceed 10 percent (Neal 2012).

Having a criminal record can also directly affect housing security after release. Though the U.S. Department of Housing and Urban Development (HUD) does not have a blanket prohibition of individuals with criminal records residing in public housing, in practice, each local Public Housing Authority (PHA) has the latitude to set its own criminal record policies (HUD 2015). Though restrictions vary by PHA, they are almost always more strict than Federal guidelines, often barring individuals with criminal records from obtaining housing assistance. Individuals with limited resources and few housing options may be denied public housing assistance for low-level nonviolent offenses, including prior alcohol and drug use (Curtis, Garlington, and Schottenfeld 2013). In some cases, housing restrictions for individuals with criminal records can ultimately lead to homelessness (Rodriguez and Brown 2003). Reentry barriers contribute to low housing security after prison; the average parolee in Michigan moved 2.6 times in the two years following prison (Harding, Morenoff, and Herbert 2013). Individuals with a history of mental illness and addiction face greater challenges in housing security; research on released prisoners in Boston finds that this population was up to 50 percent more likely to have temporary or marginal housing 6 months after release (Western et al. 2014).

Beyond restrictions to housing assistance, a criminal record also restricts access to important safety net programs that provide much-needed support for lower-income individuals, including food stamps (Supplemental Nutrition Assistance (SNAP)) and welfare assistance (Temporary Assistance for Needy Families (TANF)) under Federal law. Though many States have overridden Federal restrictions to

Figure 34:

Parental incarceration is a strong risk factor for a number of adverse outcomes, including antisocial and violent behavior, mental health problems, school dropout, and unemployment (Murray and Farrington 2008). In its 2012 report to the Attorney General, the National Task Force on Children Exposed to Violence found that traumatic events, including parental arrest and incarceration increases the risk of post-traumatic stress disorder in children (Listenbee et al. 2012). Researchers have found that these effects extend to child behavior outcomes; Wildeman (2010), for instance, finds that paternal incarceration is associated with higher levels of physical aggression among boys as young as five years old. Similarly, Johnson (2009) finds that parental incarceration is associated with behavioral problems in children, and that these effects are largest if the parent is incarcerated while the child is a teenager. Finally, a recent paper using Swedish data finds that children of fathers who have been incarcerated are more likely to be incarcerated themselves. They find that the intergenerational transmission of crime may be partly explained by differences in parental education and parenting behaviors (Hjalmarsson and Lindquist 2012).

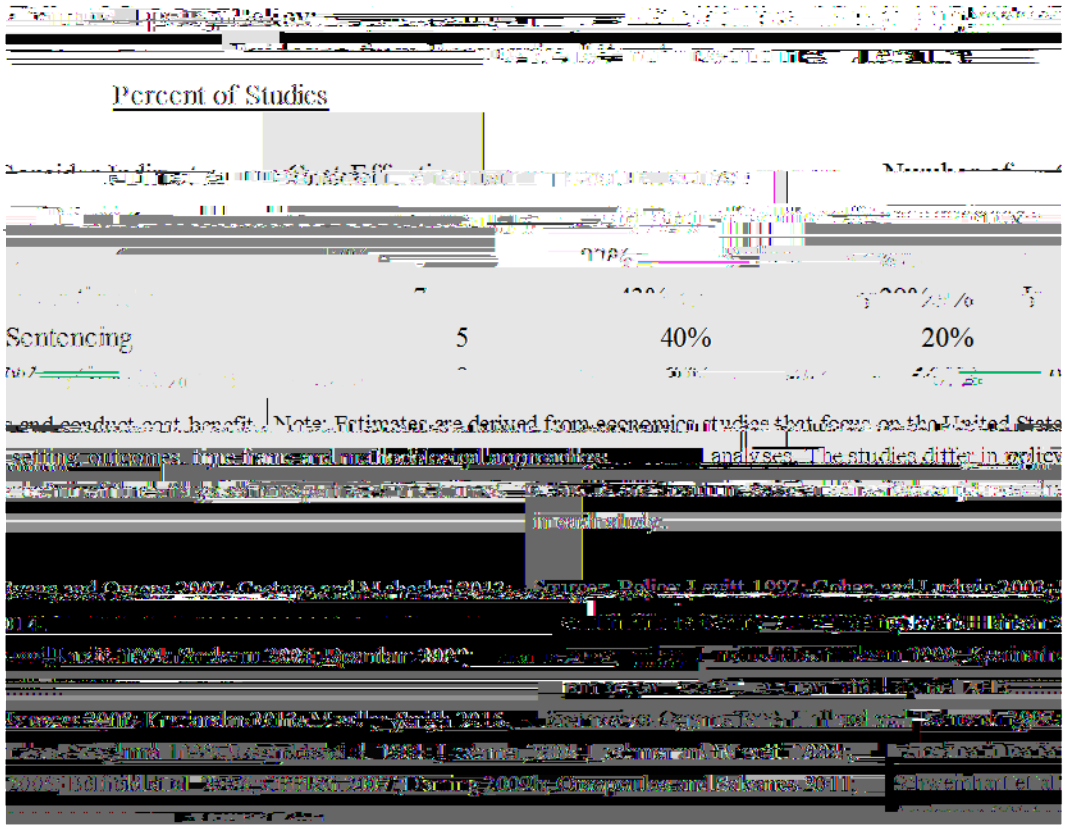
In addition to impacts on families, the collateral consequences of the criminal justice syleID 5>> BDCjucohe crim

Costs and Benefits of Criminal Justice Policies

Weighing the costs and benefits of criminal justice policy is context-specific, and depends on the population affected and the reform alternatives available. The benefits of criminal justice policies include the potential to increase safety and minimize the direct and indirect cost of crime, while the costs of policies include direct government expenditures and the collateral consequences of criminal sanctions.

Several economists have performed formal cost-benefit calculations of criminal justice policies. Given the small size of the marginal impact of incarceration on crime, most cost-benefit calculations find that the costs of incarceration and sentencing policy outweigh the benefits in the United States, even though many of these calculations do not consider the added indirect costs related to collateral consequences. In contrast, several economic studies have determined that investments in police and education are cost-effective and have large net benefits. Table 2 summarizes the findings of cost-benefit analyses of U.S. criminal justice policies, separated by policy area.

Table 2:



Cost-benefit analyses of incarceration weigh the direct costs of incarcerating an individual against the social value of crimes that may have been averted due to incarceration. Lofstrom and Raphael (2013) examine a 2011 policy change in California that resulted in the realignment of 27,000 State prisoners to county jails or parole. They find that realignment had no impact on violent crime, but that an additional year of incarceration is associated with a decrease of 1 to 2 property crimes, with effects strongest for motor vehicle theft. Applying estimates of the societal cost of crime, the authors calculate that while the cost of a year of incarceration is $51,889 per prisoner in California, the societal value of the corresponding reduction in motor vehicle thefts is only $11,783, yielding a loss of $40,106 per prisoner. Notably, this net loss per prisoner would be larger if the study considered the additional costs of collateral conseq

Applying an economic lens is not the only tool available to evaluate the criminal justice system, but it can be a useful one. The evidence reviewed in this section highlights the substantial costs of current criminal justice policies and a strong body of research finding that the costs of several criminal justice policies likely outweigh their benefits. While research provides mixed evidence on whether incarceratsots (w)5(h8r)3(efer8( )-63(rhe)-3(.66 Tm5(h)-,-4(oo)-14(t)5( )-213t)-4(s (efs)-er8( )-63(rh

ESTIMATES OF THE SOCIETAL BENEFIT OF CRIME REDUCTION DUE TO INCARCERATION, POLICE AND THE MINIMUM WAGE

To weigh the relative crime-ЛЏŜŘdzŎλyƎ ōŜyŶŦλúă 2ŦŘλŦŦŜЛЏŜyű LJ2fλŎλŜăΣ /9! Ŏ2yŘdzŎúŜŘ I· άōI·Ŏ]-of-the-ŜyØŜf2LJŜέ cost-benefit analysis of three policies: increasing the prison population, expanding the t

III. Taking the Next Step: Promising Areas for Reform and Administration Action

Acting on a strong body of research demonstrating the negative impacts of our current criminal justice policies and more effective alternatives, President Obama has advocated evidence-based criminal justice reform that works to ameliorate the long-term causes of crime, improve public safety at present, and help those with criminal justice involvement re-integrate into their communities. The 2017 Budget proposes the 21st Century Justice Initiative, a $5 billion investment of $500 million per year over 10 years. The Initiative will focus on reducing crime, reversing practices that have led to unnecessarily long sentences and unnecessary incarceration, and building community trust. President Obama has laid out the three key areas for reform: the community, the courtroom, and the cell block. Community reforms such as investments in education can reduce involvement with the criminal justice system, while community policing and enhanced police transparency can improve community safety and build trust. Changing employment restrictions and improving access to health care and housing can reduce the Ŏ2ffI·űŜℕI·f Ŏ2yãŜIjʤŜyŎŜă 2Ŧ Ŏ2yØλŎűλ2yãφ ¢KŜ tℕŜăλŘŜyűΩă ōℕ2I·ŘŜℕ ŜŎ2y2Yˆλ Ŏ ăűℕI·űŜƎè űKI·ű λă I·λYˆŜŘ at promoting growth, and raising wages and incomes, also helps to reduce crime through providing viable economic alternatives to criminal activity. Rationalizing the ways we impose sentences, monetary sanctions, and bail payments can make our court system fairer, smarter, and more cost-effective. Finally, fixing cell block conditions and providing more skill and job training, mental health services and access to education for inmates can reduce barriers to reentry and decrease recidivism.

The Community

Early Childhood Education and Targeted Prevention Programs for Youth

Education interventions can prevent crime by improving future employment outcomes and ℕŜŘʤŎλyƎ λyŘλØλŘʤI·ťãΩ LJℕ2LJŜyãλűè ű2 ŜyƎI·ƎŜ λyˆ ℕλăʅè ōŜKI·Øλ2ℕ óăŜŜ ά9YˆLJŧ2èYˆŜyűΣ ² I·ƎŜΣ I·yŘ 9ŘʤŎI·ûλ2yˆ t2ŧλŎè I·yŘ /ℕλYˆŜ wŜŘʤŎűλ2yɛ ăection). Economic research finds that investments in early childhood education can reduce crime and incarceration later in life, in part through improving subsequent educational attainment and reducing school dropout rates (CEA 2016; Currie 2001). Meanwhile, targeted education intervention programs for young adults can have large impacts on changing criminal behavior in the near-term and reducing recidivism (CEA 2015a).

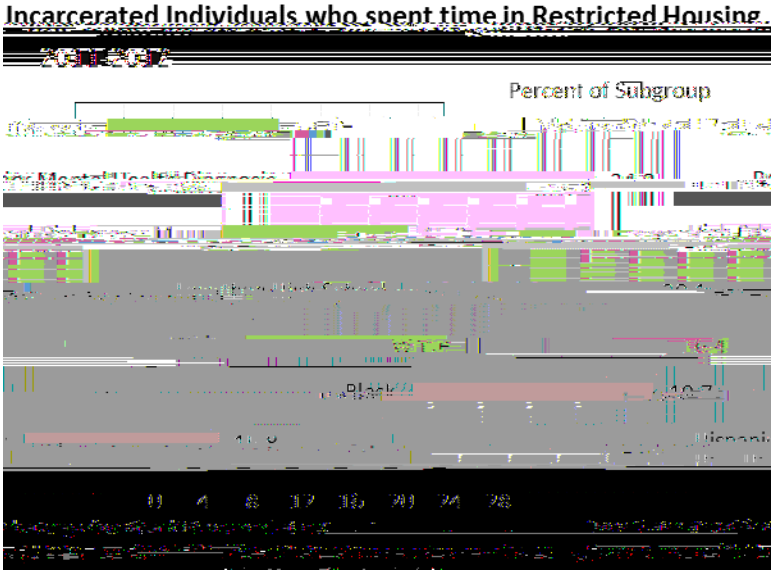
The Administration has invested in rehabilitation programs in prisons and jails as part of a broader effort to give released prisoners a better chance at successfully starting over. In 2011, the Federal Interagency Reentry Council was established to identify and reduce barriers to reentry in employment, education, housing, health, and other key reentry areas. As part of this effort, DOL has awarded $10 million in grants to provide One Stop Career Center/American Jobs Centers services directly in local jails and $3 million to provide technology-based career training for incarcerated individuals. In July 2015, DOJ and ED announced the Second Chance Pell Pilot Program, which allows incarcerated Americans to receive Pell Grants for postsecondary education.

The Administration has also advocated for non-correctional education and job training programs for individuals who have already been released. In 2015, ED announced $8 million in Adult Reentry Education Grants, to support evidence-based programs that assist individuals after release. Likewise, DOL has awarded $27.5 million in Training to Work grants to provide workforce-related reentry programs for formerly incarcerated individuals. In a partnership with private sector stakeholders, the Center for Employment Opportunities Transitional Jobs Program has committed to expanding comprehensive employment services to people with recent criminal ǒƨyǾƛǒűƛƨyãΣ ₹₦Ƨϒ пΣрллűƨ ммΣллл LJŜƨLJfŜ ăŜ₦ØŜŘ₱ [ł·ăűfèΣ űĸŜ t₦ŜăƛŘŜyűΩă ¢ŜǑK I ƛ₦Ŝ ƛyƛűƛł·űƛØŜ Kł·ă worked with local communities and national employers to provide fast track technology training for individuals with criminal records.

Solitary Confinement

Research suggests that solitary confinement can lead to lasting psychological consequences and has been linked to a range of mental health conditions, including depression, anxiety, and withdrawal, along with the potential for violent behavior (Haney 2003). While estimates of the prevalence of solitary confinement vary, recent research finds that its use is widespread; in 2012, almost 20 percent of prison inmates and 18 percent of jail inmates reported spending time in restricted housing in the past 12 months or since coming to their current facility. Certain categories of prison inmates were especially likely to have reported spending time in restrictive housing during the past 12 months, including prisoners with less than a high school education and prisoners who had a history of mental health problems (Figure 38; Beck 2015).

Figure 38:



In July 2015, the President directed Attorney General Loretta E. Lynch and the DOJ to review the use of solitary confinement across U.S. prisons. Since then, DOJ has identified a set of common-sense principles that should guide the use of solitary confinement, including: housing inmates in the least restrictive settings necessary for safety reasons; ensuring that restrictions on an ÅyYÎ·ûŜΩå Ƙ2dzžåyƎ ăŜℕØŜ Î· ăLJŜŎλŦλŎ LJŜy2f2ƎλŎÎ·f LJdzℕLJ2ăŜ Î·yŘ Î·ℕŜ ÅYLJ2ăŜŘ Ŧ2ℕ y2 f2yƎŜℕ ûƘÎ·Y necessary; and ending the practice of placing juveniles in restrictive housing (DOJ 2015). This past WÎ·yƭzÎ·ℕèΣ ûƘŜ tℕŜăÅŘŜyú Î·Ř2LJûŜŘ 5hWΩå ℕŜŎ2YYŜyŘÎ·ûÅ2yã ű2 ℕŜŦ2ℕY ûƘŜ dzăŜ 2Ŧ ă2fℵúÎ·ℕè confinement in the Federal prison system, including banning solitary confinement for juvenile offenders and as a response to low-level infractions, expanding treatment for the mentally ill, and increasing the amount of time inmates in solitary can spend outside of their cells. These steps will affect some 10,000 federal prisoners held in solitary confinement, and will hopefully serve as a model for state and local corrections systems.

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