

# Twelve Facts about Incarceration and Prisoner Reentry

Diane Whitmore Schanzenbach, Ryan Nunn, Lauren Bauer, Audrey Breitwieser, Megan Mumford, and Greg Nantz





#### **ACKNOWLEDGMENTS**

The Hamilton Project is grateful to Amanda Agan, Shawn Bushway, E. Ann Carson, Jennifer Doleac, David Dreyer, Joy Fox, Angela Hawken, Harry Holzer, Mark Kleiman, Kriston McIntosh, Anne Piehl, Max Schanzenbach, and Crystal Yang for their insightful comments and discussions. It is also grateful to Russell Bogue and Rose Burnam for excellent research assistance.

#### MISSION STATEMENT

The Hamilton Project seeks to advance America's promise of opportunity, prosperity, and growth. The Project's economic strategy reflects a judgment that long-term prosperity is best achieved by fostering economic growth and broad participation in that growth, by enhancing individual economic security, and by embracing a role for effective government in making needed public investments. We believe that today's increasingly competitive global economy requires public policy ideas commensurate with the challenges of the 21st century. Our strategy calls for combining increased public investments in key growth-enhancing areas, a secure social safety net, and fiscal discipline. In that framework, the Project puts forward innovative proposals from leading economic thinkers — based on credible evidence and experience, not ideology or doctrine — to introduce new and effective policy options into the national debate.

The Project is named after Alexander Hamilton, the nation's first treasury secretary, who laid the foundation for the modern American economy. Consistent with the guiding principles of the Project, Hamilton stood for sound fiscal policy, believed that broad-based opportunity for advancement would drive American economic growth, and recognized that "prudent aids and encouragements on the part of government" are necessary to enhance and guide market forces.





# Twelve Facts about Incarceration and Prisoner Reentry

Diane Whitmore Schanzenbach, Ryan Nunn, Lauren Bauer, Audrey Breitwieser, Megan Mumford, and Greg Nantz

#### Introduction

Over the past several decades the national experience of crime and incarceration has fluctuated dramatically. Crime rose between the 1960s and 1980s, but has declined since 1990. Incarceration began rising sharply in the 1980s and peaked in the 2000s before starting to fall.

The high rates of incarceration over the last three-and-a-half decades have resulted in a large population of formerly incarcerated individuals across the United States. For these Americans, it can be challenging to come home and integrate into their communities while also trying to reenter the labor force.

Successful reintegration is not just a concern for those who return from prison: it is also a matter of public safety and economic necessity. Accordingly, a criminal justice system that emphasizes incarceration but does not support the journey home does a disservice to the formerly incarcerated as well as to the public. Reducing recidivism is critical for community safety; providing effective rehabilitation and skill development for those incarcerated and formerly incarcerated is critical to strengthening households and the economy.

Understanding both the criminal justice system—in all of its state and local variations—and the individuals who interact with it is essential in order to devise policies that will be effective in promoting successful reintegration into society. With almost 7 million Americans living under correctional supervision in 2014, and tens of millions more who have exited supervision, the potential benefits of effective reentry policies are far-reaching.

In order to create effective reentry policies and programs, we must assess the characteristics of the currently incarcerated population and the population of individuals who are reentering the community. These two groups are different in ways that matter for policy. Those who are incarcerated are serving longer average sentences, often for crimes that involve violence. By contrast, parolees are much more likely to have been sentenced for a drug-related or other nonviolent crime.

FIGURE A.
Crime Rate in the United States, 1960–2015



Source: Update of Kearney et al. 2014; Federal Bureau of Investigation (FBI) 2010, 2016; authors' calculations.

Note: Crime rate includes all violent crimes (murder, rape, robbery, and aggravated assault) and property crimes (burglary, larceny-theft, and motor vehicle theft).



Researchers have gained valuable insights into recidivism patterns. For example, recidivism rates are highest immediately after release from prison and fall thereafter. The tendency for recidivism to occur early is matched by a shockingly high rate of death in the weeks and months after an individual exits prison. These individuals face very high rates of drug overdose, homicide, and suicide (Binswanger et al. 2007). At least some—and hopefully many—recently incarcerated individuals can be aided with targeted reintegration programs that smooth the transition to life in the community. In addition, recidivism is much lower for those with relatively little previous interaction with the criminal justice system. Both patterns suggest ways of tailoring programs aimed at those leaving prison; for instance, it might be particularly critical to intervene immediately and help reentering workers obtain and retain employment.

People who have ever experienced incarceration are more disadvantaged than are people in the population as a whole. Those with only a high school education or less are at a much higher risk of incarceration than are those with four-year college degrees, and those with low family incomes are at a substantially higher risk than are those with high family incomes.

When those with criminal records do manage to reenter the labor market, they face an experience that is very different from that of their counterparts who have never been incarcerated. The level and growth of earnings are both lower for those with an incarceration history. Workers with criminal records generally get a tepid reception from potential employers who often have concerns about these applicants' suitability for employment. For the large number of black workers with criminal records, obtaining employment is even more difficult (Pager 2003). Finding ways to develop the skills of the formerly incarcerated and communicate their employability is therefore both difficult and vital.

A founding principle of The Hamilton Project's economic strategy is that long-term prosperity is best achieved by fostering economic growth and broad participation in that growth. Increasing the opportunities of incarcerated and formerly incarcerated Americans to rejoin our communities as productive members is necessary on both economic and moral grounds. Sound evidence and careful research will play an important role in making this a reality.



### **Table of Contents**

INTRO	DUCTION	i
FACTS		
1.	The share of Americans under correctional supervision more than tripled from 1980 to 2007.	2
2.	State prisoners serve about three years on average for their crimes—a one-quarter increase since 1984.	3
3.	Corrections spending varies widely across states.	4
4.	Many states with similar rates of violent crime have different rates of incarceration.	5
5.	Federal prisoners constitute a small share of the total prison population and are disproportionately likely to be drug offenders.	6
6.	Black and white Americans sell and use drugs at similar rates, but black Americans are 2.7 times as likely to be arrested for drug-related offenses.	7
7.	77 percent of released prisoners are re-arrested within five years.	8
8.	Recently released prisoners experience much higher mortality rates than the general population.	9
9.	Low-skilled individuals are more likely to have a criminal record.	10
10.	Incomes of the formerly incarcerated grow little with age compared to those who have never been incarcerated.	11
11.	Race and criminal history influence the probability of receiving a job interview.	12
12.	Some states ban those with felony convictions from safety net programs, voting, and licenses to work.	13
TECHNICAL APPENDIX		14
REFERENCES		16
SELEC'	TED HAMILTON PROJECT PAPERS ON CRIMINAL JUSTICE	18

# The share of Americans under correctional supervision more than tripled from 1980 to 2007.

Over the past 30 years incarceration in the United States has increased to unprecedented levels, with about 2.25 million Americans held in local jails or in state and federal prisons in 2014 (Bureau of Justice Statistics [BJS] n.d.). As a result, the United States incarcerates 698 out of every 100,000 residents, almost five times the average rate among OECD countries (Walmsley 2016). Millions more live under parole or probation, which typically follow a period of incarceration or substitute for incarceration, respectively. Collectively, the U.S. population living under correctional supervision—which includes incarcerated individuals as well as those under parole and probation—has risen from 1.84 million in 1980 (0.8 percent of the population) to about 6.85 million in 2014 (2.1 percent of the population; Census Bureau n.d.).

Since peaking in 2007, the share of the U.S. resident population under correctional supervision has fallen by 0.3 percentage points, from 2.4 to 2.1 percent. The inflow of new

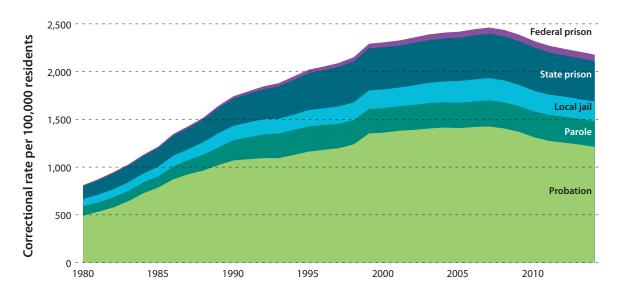
incarcerations peaked earlier, in 2006 (Carson 2015), but long prison sentences have muted the effect of declining prison admissions on the size of the prison population. Almost four-fifths of the decline since 2007—0.2 percentage points—can be attributed to the falling share of people under community supervision. The rate of incarceration, meanwhile, has fallen by less than 0.1 percentage points.

What explains the long-run rise and the recent moderate decline in correctional supervision? Crime rates rose dramatically until the 1990s before subsequently falling (Kearney et al. 2014), contributing to increased incarceration. In addition, the expected duration of incarceration rose substantially and then fell slightly after the 1990s (see Fact 2). Policy changes, such as the adoption of mandatory minimum sentences, likely increased the number and duration of incarcerations (Raphael and Stoll 2013; Neal and Rick 2016).

FIGURE 1.

Correctional Rate in the United States, 1980–2014

After peaking in 2007, the rate of correctional supervision has declined modestly.



Source: BJS n.d.; Census Bureau n.d.; authors' calculations.



## 2 State prisoners serve about three years on average for their crimes—a one-quarter increase since 1984.

Prison populations can increase when more people enter prison or when convicted prisoners receive longer sentences. As shown in figure 2a, expected time served in state prisons rose from 27 months in 1984 to 34 months in 2014. Expected time served in federal prisons has also increased, from 21 months in 1984 to 42 months in 2014 (not shown).

Moreover, expected time served has increased for each of the three major crime categories, as shown in figure 2b. However, the largest proportional and absolute increase occurred for offenders convicted of violent crimes, whose expected time served increased from 50 months in 1993 to 73 months in 2013. This increase has occurred even as the share of new admissions for violent crime has held roughly constant, at 28 percent (Carson and Sabol 2016).

The rise in time served is often attributed to tough-on-crime policies that were adopted in the 1980s and 1990s to address the high crime rates of that period (Neal and Rick 2016). However, evidence for the deterrence benefits of increased sentence length is mixed (Abrams 2012; Doob and Webster 2003), and the effect of additional incarceration on crime rates appears to have declined over time (Johnson and Raphael 2012). Given that average sentence lengths are currently quite long by historical standards, the deterrent benefit of still longer sentences is likely to be minimal (Travis et al. 2014). Crime deterrence can also depend on many other factors, such as the individual's perception of the likelihood of punishment or her risk preferences (Nagin 1998).

Mean Time Expected to be Served in State Prisons for New Admissions, 1984–2014

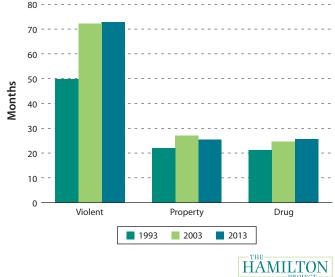
FIGURE 2B.

Mean Time Expected to be Served in State

Prisons for New Admissions, by Type of Crime

The largest increase in expected sentence length has occurred among those convicted of violent offenses.





Source: BJS 2015a; authors' calculations; Carson and Sabol 2016. Note: Includes only prisoners with a sentence length greater than one year. **BROOKINGS** 

### 3 Corrections spending varies widely across states.

In 2012 the United States spent more than \$265 billion (\$845 per person) on criminal justice, including corrections, policing, and judicial expenses (BJS 2015b; Census Bureau n.d.). States and local governments shoulder the largest share, totaling \$213 billion (BJS 2015b).

Corrections spending is the most relevant category for incarceration and reentry, because it includes spending for parole and probation, confinement of those convicted of offenses and those waiting for trial or adjudication, and rehabilitation (BJS 2014a). In total, state and local governments spent \$72.5 billion on corrections in 2012, compared to an inflation-adjusted \$20.3 billion in 1982 (BJS 1997, 2015b; Bureau of Labor Statistics [BLS] n.d.a). In recent years some states have begun to respond to increasing incarceration-related budget pressure through reforms that aim to decrease correctional populations and spending (Center on Budget and Policy Priorities 2014).

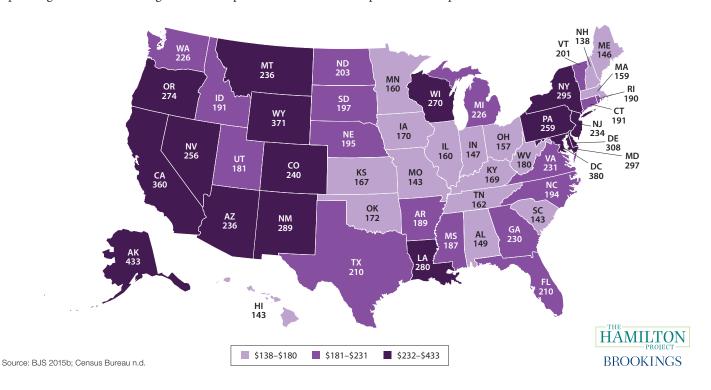
States vary widely in their corrections spending. For instance, Missouri spends relatively little on corrections, at \$143 per resident, while California spends \$360 per resident. In general, states in the South and Midwest spend the least, while those in the West and Mid-Atlantic spend the most. Variation in spending reflects variation in incarceration rates, as well as other factors such as differences in wages for corrections employees. Regardless of the underlying explanation, efforts to reduce prison populations might be especially attractive in states like California where corrections spending is high.

Substantial differences exist in states' allocation of criminal justice spending, as well. On average, states spend roughly half of their criminal justice budgets on policing, another third on corrections, and a fifth on judicial and legal expenses. In Pennsylvania more money is spent on corrections than on policing (40 percent versus 39 percent). In Massachusetts, on the other hand, a quarter of justice spending goes to corrections, while more than half (52 percent) goes to policing (BJS 2015b). These differences in part reflect varying community needs and policy priorities.

FIGURE 3.

Corrections Spending per Capita

Spending on corrections ranges from \$138 per resident in New Hampshire to \$433 per resident in Alaska.



## Many states with similar rates of violent crime have different rates of incarceration.

Our criminal justice system is predominantly state based, with states' policy decisions affecting far more people than federal policy decisions. This complicates the analysis of the U.S. criminal justice system, given that states differ in terms of policy and experience of crime. Figure 4 shows the wide variation in both incarceration rates and violent crime rates across the states.

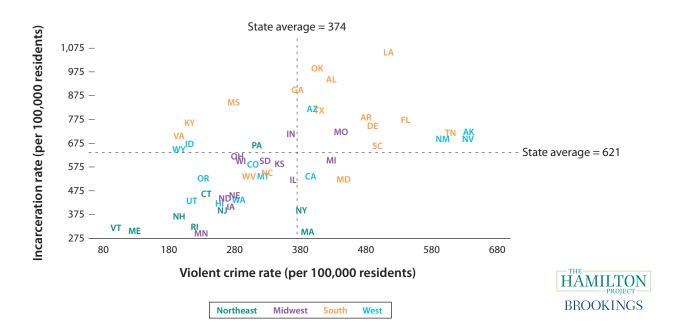
In 2014 violent crime rates per 100,000 residents ranged from 99 in Vermont to 636 in Nevada; similarly, incarceration rates per 100,000 residents ranged from 297 in Minnesota to 1,056 in Louisiana. Much of this variation is regional, with southern

states generally having high crime and incarceration rates, and northeastern states having low crime and incarceration rates.

Higher rates of incarceration are generally associated with higher rates of violent crime, as shown in figure 4. States with similar rates of violent crime nonetheless vary considerably in their incarceration rates. For instance, Massachusetts and Oklahoma have very similar rates of violent crime, but quite different rates of incarceration: Oklahoma imprisons almost 700 more people per 100,000 residents than Massachusetts does. To some extent, these differences reflect policy choices made by states regarding the punitiveness of their criminal justice systems (Neal and Rick 2016).

Incarceration and Violent Crime Rates, by State

The relationship between incarceration and violent crime rates varies considerably across states.



Source: Census Bureau n.d.; FBI 2015; Kaeble et al. 2016. Note: Average violent crime and incarceration rates are population weighted.

## **5.**

# Federal prisoners constitute a small share of the total prison population and are disproportionately likely to be drug offenders.

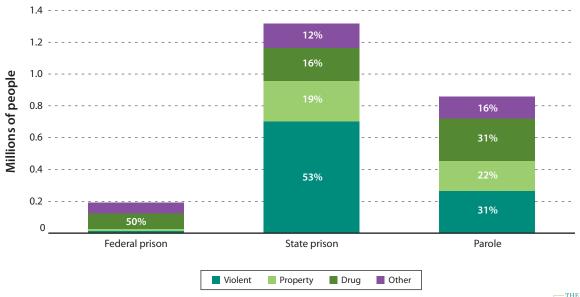
Federal sentencing reform (e.g., the Fair Sentencing Act of 2010 and the Retroactive Crack Cocaine Guideline Amendment of 2011) has tended to focus on reducing sentences for drug offenders. However, given that drug offenders constitute a relatively small fraction of the total prison population, such reforms are likely to have a limited impact on the overall level of incarceration. In 2014 there were more than 1.5 million individuals with a sentence of one year or more in either federal or state prisons. Of these, the vast majority—approximately 87 percent—were in state prisons.

State and federal prisoners differ in the type of offense that leads to incarceration. More than half of federal prisoners are incarcerated for a drug offense, compared to just 16 percent of state prisoners. Conversely, more than half of state prisoners are incarcerated for a violent crime, compared to just 6 percent of federal prisoners (Carson 2015).

Nearly half of the combined state and federal prison population was sentenced for violent crimes. By comparison, of the parole population—approximately 860,000 individuals—slightly fewer than a third are violent offenders. This means that those who are leaving prison on parole tend to be nonviolent offenders, a fact that is likely relevant to discussions of reintegration.

Prison and Parole Populations, by Most Serious Offense

Nonviolent offenders are overrepresented among parolees.



HAMILTON BROOKINGS

Source: Carson 2015; Kaeble, Maruschak, and Bonczar 2015.

Note: Population counts are based on prisoners with sentences of more than one year in 2014. The composition of state prisoners is imputed using 2013 year-end shares. "Other" includes weapons and public order offenses. The percent of federal prisoners whose most serious offense was violent, property, or "other" was 7, 6, and 37 percent, respectively.

# Black and white Americans sell and use drugs at similar rates, but black Americans are 2.7 times as likely to be arrested for drug-related offenses.

The disparate criminal justice experience of black Americans has played an important role in reform discussions. Differences in incarceration rates are stark: in 2007 a black man between the ages of 18 and 25 without a high school diploma was more than three times more likely to be incarcerated than a non-Hispanic white man of the same age and education level (Raphael 2011).

However, it is challenging to relate rates of criminal activity to differences in punishment. Data limitations make it helpful to focus on one type of criminal activity—drug-related crimes—and to allow for comparison by race between reported rates of selling and using illicit drugs to drug-related arrests, sentences, and incarceration.

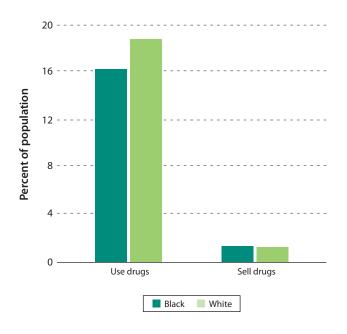
Using the National Longitudinal Survey of Youth, we calculate rates of selling and using illicit drugs by race. Blacks and whites sell and use drugs at similar rates, as shown in figure 6a. However, the probability of experiencing criminal consequences is much higher, and those consequences are likely more severe, for blacks.

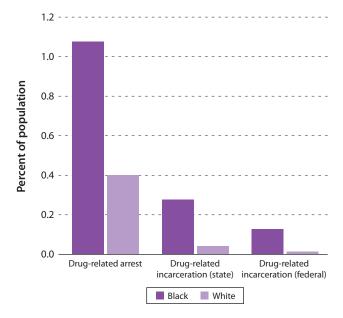
Blacks are 2.7 times as likely as whites to be arrested for a drug-related crime, and receive sentences that are almost 50 percent longer. Furthermore, blacks are 6.5 times as likely to be incarcerated for drug-related offenses at the state level. Drug-related crime is certainly a broad category that does not allow for distinctions to be made regarding the seriousness of the drug-related crime. Nevertheless, figure 6 suggests that criminal justice consequences by racial group are not proportional to rates of criminal activity.

Rates of Drug Use and Sales, by Race

Rates of Drug-Related Criminal Justice Measures, by Race

At the state level, blacks are about 6.5 times as likely as whites to be incarcerated for drug-related crimes.







Source: BLS n.d.c; Carson 2015; Census Bureau n.d.; FBI 2015; authors' calculations.

# 77 percent of released prisoners are re-arrested within five years.

In the most recent study of recidivism, 77 percent of state prisoners who were released in 2005 had been arrested again by 2010. Recidivism is highest immediately after release: 43 percent of released prisoners are rearrested during the first year. By contrast, those who are not quickly rearrested are less likely to recidivate. Measured in terms of incarceration rather than arrest, recidivism is lower: 55 percent of released state prisoners had a parole or probation violation or a new arrest that led to reincarceration during the first five years (BJS 2014b).

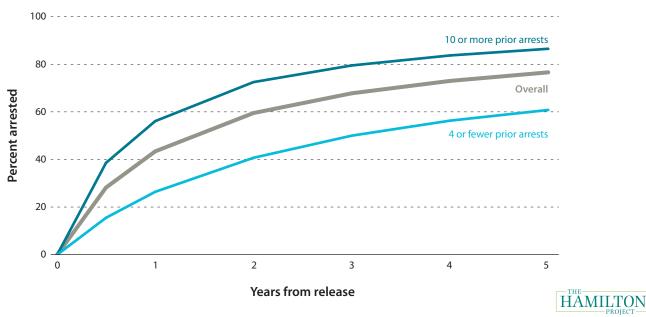
Notably, inmate recidivism increases with criminal history: in the first year of release, 56 percent of those formerly incarcerated with ten or more prior arrests were arrested again, compared to 40 percent of prisoners with five to nine prior arrests (not shown), and 26 percent of prisoners with four or fewer prior arrests. This has implications for how recidivism rates are calculated: Prisoners who are at a high risk for rearrest—for instance, those with many prior arrests—are disproportionately likely to be included in a sample of individuals exiting prison in any particular year. Consequently, conventional recidivism studies such as the one shown in Fact 7 are more reflective of the recidivism experience of those prisoners (Rhodes et al. 2014).

Individuals with less extensive criminal records are at a lower risk for recidivism than conventional statistics suggest. More-careful use of recidivism statistics can help employers and others to assess the actual risks of recidivism posed by particular individuals with criminal records.

**BROOKINGS** 

Recidivism of Prisoners, by Prior Arrest History

Of all released prisoners, 43 percent are rearrested within the first year following release.



Source: BJS 2014b. Note: Data are reported for state prisoners released in 2005.

## Recently released prisoners experience much higher mortality rates than the general population.

In data from the state of Washington, mortality rates are much higher immediately after released prisoners leave prison than before or afterward. In the first two weeks after release, the mortality rate is 49 deaths per 100,000 person-weeks, falling quickly to 17 deaths per 100,000 person-weeks in the subsequent two-week period. This mortality rate immediately following release is much higher than the mortality rate of the incarcerated population, which is only 4 deaths per 100,000 person-weeks.

Additionally, the highest mortality risk for released prisoners during the first two weeks after release is drug overdose, accounting for nearly three-quarters of deaths during that period.

Elevated mortality rates for former prisoners suggest that they might benefit from additional services immediately following release from prison. Lack of necessary identification documents, interruption in needed medical care, and even lack of appropriate civilian clothing all constitute barriers to successful reintegration.

Mortality Rates, by Incarceration Status and Time since Prison Release

In the first two weeks of their release, former prisoners have a mortality rate 13 times greater than their matched demographic cohorts.



Source: Binswanger et al. 2007; authors' calculations.

Note: Results are for the incarcerated population in the state of Washington from July 1999 to December 2003.

**BROOKINGS** 

## Low-skilled individuals are more likely to have a criminal record.

Criminal records constitute an important barrier to employment (see Fact 11). As shown in figure 9, criminal records are distributed unevenly across the population. Less than 2 percent of men aged 28 to 33 with at least a four-year college degree report having been incarcerated at some point, compared to 35 percent of male high-school dropouts in the same age group. Men with a GED (not shown) also report relatively high rates of ever having been incarcerated, at 36 percent, though this might be due to GED programs that are available in prison. Rates of sentencing follow the same pattern, but with larger fractions of men reporting that they have received a sentence at some point in their lives.

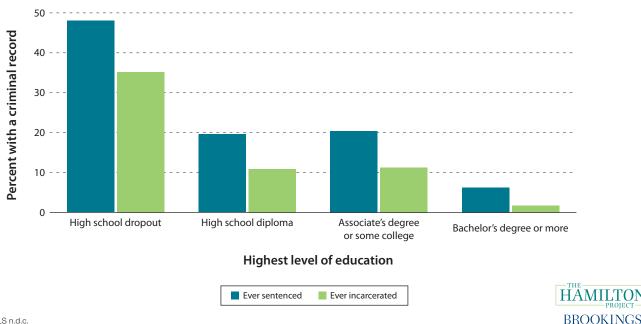
Criminal records are also more common for those with low incomes (not shown). About a fifth of those with family incomes lower than \$30,000 have ever been incarcerated, while

only 5 percent of men with family incomes above \$90,000 have ever been incarcerated.

The association between skill level and criminal records reflects complex underlying relationships. Importantly, the characteristics associated with higher incarceration rates are a factor in producing low educational attainment and income. For example, growing up in a high-poverty neighborhood leads to both reduced future wages and to a higher likelihood of criminal activity (Chetty and Hendren 2015; Kling et al. 2005). In addition, workers with poor market opportunities might see illicit activity as an attractive alternative to legal work (Doyle, Ahmed, and Horn 1999; Mustard 2010), especially since having a criminal record directly weakens labor market opportunities (Agan and Starr 2016; Holzer 2007; Pager 2003).

FIGURE 9.
Criminal Records by Education (Men Only)

Among Americans age 28–33 in 2013, 35 percent of men who did not graduate from high school have been incarcerated at least once during their lifetimes.



Source: BLS n.d.c

Note: Ever sentenced is defined as being sentenced to a corrections institution, to a reform or a training school, or to community service.

# Incomes of the formerly incarcerated grow little with age compared to those who have never been incarcerated.

The negative association of incarceration with earnings increases throughout adulthood. As shown in figure 10, individuals who were incarcerated at least once during the period 1979–2012 earn substantially less than those who were never incarcerated. This discrepancy widens with time: at age 20 the difference is only about \$4,000, but by age 45 the difference has widened to about \$41,000 annually. A very similar discrepancy can be found when focusing only on black or Hispanic men with a high school education or less.

It would be a mistake to ascribe the entire difference in earnings trajectories for these groups to the impact of incarceration itself. Those who report having been incarcerated are disadvantaged in a number of respects that predate their incarceration. As

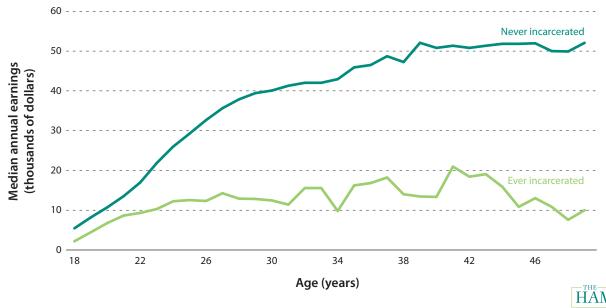
discussed in Fact 9, educational attainment is a major factor. On average, those who have never been incarcerated obtain 2.3 more years of education than those who were incarcerated at least once (BLS n.d.b).

However, collateral consequences of incarceration are likely an important restraint on the growth of earnings for those who have been incarcerated. These consequences include denial or revocation of occupational licenses (see Fact 12), missed work experience while incarcerated, difficulty obtaining employment (see Fact 11), and accrued financial liabilities (e.g., child support) that discourage formal employment, among other possibilities (Pettit and Western 2010a, 2010b; Raphael 2011).

FIGURE 10.

Median Annual Earnings by Age, Ever Incarcerated versus Never Incarcerated

By age 45 individuals who have never been incarcerated can expect to make \$41,000 more annually than individuals who have been incarcerated at some point during their lives.



Source: BLS n.d.b; authors' calculations.

Note: Sample restricted to men between ages 18 and 49.

BROOKINGS

# Race and criminal history influence the probability of receiving a job interview.

One way to estimate the labor market effects of race and criminal history is through audit studies. For example, researchers might send coached applicants to employers with the intention that the applicants differ only by the variable of interest—in this case, race or criminal record. In one such study described in figure 11, possession of a criminal record is found to decrease the probability of being called back for an interview for both white and black applicants (Pager 2003). In fact, though, white applicants with a criminal record have a better chance of receiving a callback than do black applicants without a criminal record.

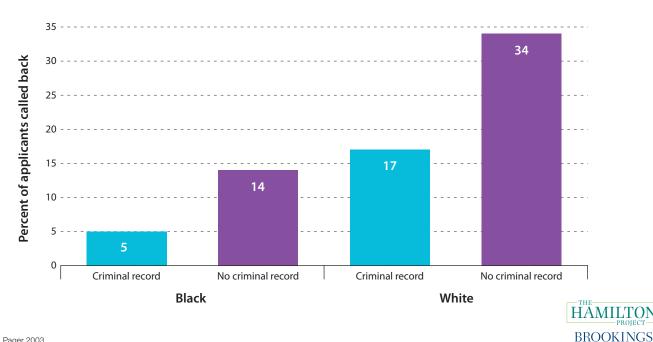
In a recent working paper Agan and Starr (2016) find that after a "Ban the Box" policy was implemented—in which criminal history information is withheld from employers until the end of the hiring process—the gap between callback rates for whites and blacks increased. This might suggest that employers engage in more racial discrimination when prevented from

easily learning about an applicant's criminal record status. Note, however, that efforts by public employers to make less use of criminal record information might have had positive effects, as documented by the National Employment Law Project (2016).

Work by Holzer, Raphael, and Stoll (2006) supports the idea that some employers use racial information as a stand-in for criminal history. They find that employers with access to criminal history information are more likely to hire black Americans, particularly black men. Interestingly, employers who conduct background checks are also more likely to hire from other stigmatized groups, such as those with extensive gaps in their prior work history. In the absence of criminal history information, employers are left to infer who has a criminal history using other, cruder signals, possibly resulting in discrimination by race.

FIGURE 11.
Callback Rate, by Race and Criminal Record

The presence of a criminal record decreases the probability of receiving a call back for a job interview.



Source: Pager 2003

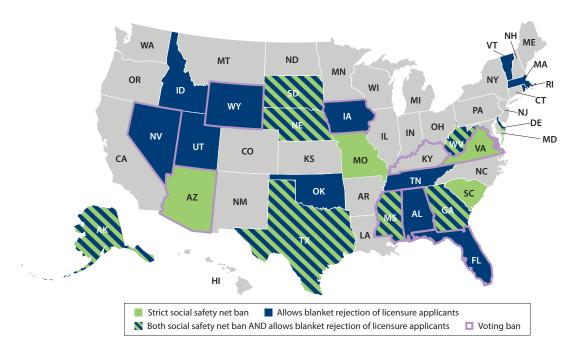
## 12 Some states ban those with felony convictions from safety net programs, voting, and licenses to work.

The adverse consequences of a criminal record can be farreaching. Access to the safety net is affected by criminal records, with 12 states (shown in green) placing strict restrictions on access to Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) for people with felony convictions. All the states highlighted in green have TANF bans, and seven of those states also have bans on SNAP for people with felony convictions. Other states that are not indicated on the map have partial SNAP and TANF bans. For example, some of these states might make benefits available only after the applicant submits to drug testing or completes a drug treatment program (The Sentencing Project 2015). In still other states the partial ban is in place for the first six months after incarceration and is then lifted.

Criminal records have a number of other so-called collateral consequences, including loss of voting rights and legal permission to work. As outlined in purple, residents with felony convictions are banned from voting in nine states. Twenty states and the District of Columbia place little or no restriction on the ability of occupational licensing boards to categorically reject applicants with conviction histories (Rodriguez and Avery 2016). Many other states place only minimal restrictions on the ability of occupational licensing boards to reject applicants even when an applicant's conviction is not directly related to work in the occupation. Given that occupational licensure now encompasses roughly one quarter of all workers, many of whom are low-skilled workers (BLS 2016), licensure impediments for workers with criminal records are a particularly important barrier to employment.

Limitations on Social Safety Net Participation, Licensure, and Voting for People with Felony Convictions, by State

Access to the social safety net, voting rights, and licensed employment are heavily restricted in a number of states, especially in southern states.



Source: Beitsch 2015; National Conference of State Legislatures 2016; Rodriguez and Avery 2016. Note: The District of Columbia (not pictured) also allows blanket rejection of licensure applicants. States with voting bans are defined as those that require restoration of voting rights by the governor or state court.



#### **Technical Appendix**

### Fact 1. The share of Americans under correctional supervision more than tripled from 1980 to 2007.

The probation population is the estimated number of persons who are on a court-ordered period of supervision in the community while under the control, supervision, or care of a correctional agency. The parolee population is the estimated number of persons who are on conditional release in the community following a prison term while under the control, supervision, or care of a correctional agency. The state and federal prison populations include prisoners of any sentence length. In 1998 and 1999, coverage of probation agencies was expanded. Therefore, the total correctional, total community supervision, and probation population counts might not be comparable to prior years. Probation and parole are not mutually exclusive, so the values in the figure are slightly inflated by the small number of individuals who are on both parole and probation. To avoid double counting we exclude state prisoners held temporarily in local jails from the local jail number.

### Fact 2. State prisoners serve about three years on average for their crimes—a one-quarter increase since 1984.

Expected time served is calculated by dividing the population under custody at year-end with a sentence of greater than one year by the number of new court commitments for that year (see Carson and Sabol [2016], pages 28–29, for an explanation). The sentence lengths were adjusted to account for the increase in prison populations.

#### Fact 3. Corrections spending varies widely across states.

Expenditures include state and local spending. Corrections spending includes community supervision such as parole or probation; confinement of those convicted of offenses and those waiting for trial or adjudication; and rehabilitation.

### Fact 4. Many states with similar rates of violent crime have different rates of incarceration.

The incarcerated population includes anyone in state prison or local jail with a sentence of any length. Violent crime includes the offenses of murder, rape (revised Uniform Crime Reporting definition), robbery, and aggravated assault. Rates of incarceration and violent crime were calculated using U.S. Census Bureau (n.d.) data for each state, and are reported per 100,000 residents.

### Fact 5. Federal prisoners constitute a small share of the total prison population and are disproportionately likely to be drug offenders.

Counts include only those prisoners with a sentence of one year or more, and "offense type" refers to the most serious offense involved in an individual's sentence. "Parole" refers to offenders from both the state and federal criminal justice systems that are conditionally released from prison to serve the remaining portion of their sentence in the community. The percentage of state prisoners per offense category was taken from 2013 year-end numbers and applied to 2014 counts of sentenced prisoners. The percentage of federal prisoners per offense category was taken from the 2014 numbers of total incarcerated prisoners and applied to the number of sentenced prisoners.

### Fact 6. Black and white Americans sell and use drugs at similar rates, but black Americans are 2.7 times as likely to be arrested for drug-related offenses.

The values for rates of drug sales come from the 1997 National Longitudinal Survey of Youth (BLS n.d.c). The population is non-Hispanic blacks and non-Hispanic whites between the ages of 28 and 33 during 2011, and is weighted to be nationally representative. The values for drug-related arrest rates come from the FBI's 2014 Uniform Crime Report (2015). We include arrest data for blacks (Hispanic and non-Hispanic) and whites (Hispanic and non-Hispanic) age 18 and older. The values for drug-related incarceration rates at the state level at year-end in 2013 come from the Bureau of Justice Statistics (Carson 2015). The population for this statistic are non-Hispanic blacks and and non-Hispanic whites who were serving a sentence of at least one year. The drug-related incarceration at the federal level in September 2014 comes from the Bureau of Justice Statistics (Carson 2015). The populations for this statistic are non-Hispanic blacks and non-Hispanic whites. For the drug-related arrest and drug-related incarceration statistics, population ratios were calculated using data from the U.S. Census Bureau (n.d.) for the applicable year and race/ethnicity categorization. For the two incarceration statistics, there is no age restriction, but the population was assumed to be over the age of 18 for calculating the statistics.

### Fact 7. 77 percent of released prisoners are re-arrested within five years.

Former state prisoners were tracked for five years following release. Prior arrest history includes the number of times the prisoner was arrested prior to her date of release. The survey encompassed 30 states.

### Fact 8. Recently released prisoners experience much higher mortality rates than the general population.

Mortality rates were converted to person-weeks by dividing person-years values by 52. Data come from the incarcerated population and the recently released from prison population for the state of Washington from July 1999 to December 2003. There were 30,237 released inmates during the time period, of whom 443 died during a mean follow-up period of 1.9 years. For additional details on methodology, see Binswanger et al. (2007).

### Fact 9. Low-skilled individuals are more likely to have a criminal record.

The cohort observed in the 1997 National Longitudinal Survey of Youth (BLS n.d.c) are between ages 28 and 33 in 2013. "Some college" is defined as the 2012 enrollment status being "not enrolled, some college," "enrolled in a 2-year college," or "enrolled in a 4-year college." "Bachelor's degree or more" indicates an individual who has obtained a bachelor's or master's degree, a doctoral degree, or a professional degree. An individual is counted as ever having been incarcerated if she reports having been incarcerated during some or all of any month between the first and last survey date.

### Fact 10. Incomes of the formerly incarcerated grow little with age compared to those who have never been incarcerated.

Information on incarceration status is reported through the respondent's place of residence at the time of interview. Median weighted yearly income for each group is calculated for men age 18–49. All values reported are in 2011 dollars. Data on reported yearly income is excluded during years where individuals were incarcerated. Yearly income includes income received from wages, salary, commissions, or tips from all jobs, before deductions for taxes, and excludes income from military service.

### Fact 11. Race and criminal history influence the probability of receiving a job interview.

### Fact 12. Some states ban those with felony convictions from safety net programs, voting, and licenses to work.

"Strict social safety net ban" is defined as a full ban on TANF or SNAP eligibility for people with felony convictions (in practice, all of the states that have a full ban on SNAP also have a full ban on TANF; states with partial bans are excluded). Data come from a 2015 Stateline report by The Pew Charitable Trusts (Beitsch 2015). "Allows blanket rejection of licensure applicants" includes any state that has unsatisfactory laws—or no overarching state laws at all—to prevent occupational licensing boards from rejecting a licensure applicant outright because of the applicant's status as a former felon. For data and additional details on methodology, refer to the National Employment Law Project report, "Unlicensed and Untapped: Removing Barriers to State Occupational Licenses for People with Records" (Rodriguez and Avery 2016). States with voting bans are defined as those that require restoration of voting rights by the governor or state court (National Conference of State Legislatures 2016).

#### References

- Abrams, David S. 2012. "Estimating the Deterrent Effect of Incarceration Using Sentencing Enhancements." *American Economic Journal: Applied Economics* 4 (4): 32–56.
- Agan, Amanda Y., and Sonja B. Starr. 2016. "Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment." University of Michigan Law & Economics Research Paper no. 16-012. University of Michigan Law School, Ann Arbor, MI.
- Beitsch, Rebecca. 2015, July 30. "States Rethink Restrictions on Food Stamps, Welfare for Drug Felons." Stateline, Research and Analysis, The Pew Charitable Trusts, Washington, DC.
- Binswanger, Ingrid A., Marc F. Stern, Richard A. Deyo, Patrick J. Heagerty, Allen Cheadle, Joann G. Elmore, and Thomas D. Koepsell. 2007. "Release from Prison—a High Risk of Death for Former Inmates." *New England Journal of Medicine* 356 (2): 157–65.
- Bureau of Justice Statistics (BJS). 1997, January. "Justice Expenditure and Employment Extracts, 1992." Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- ——. 2014a, April. "State Corrections Expenditures, FY 1982–2010." Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- ——. 2014b, April. "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Special Report, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- ———. 2015a. "National Prisoner Statistics, 1978–2014." Accessed from the National Archive of Criminal Justice Data. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- ——. 2015b. "Percent Distribution of Expenditure for the Justice
   System by Type of Government, Fiscal 2012." Justice
   Expenditure and Employment Extracts 2012, Bureau of
   Justice Statistics, Office of Justice Programs,
   U.S. Department of Justice, Washington, DC.
- ——. n.d. "Key Statistic: Total Correctional Population." Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Bureau of Labor Statistics (BLS). 2016. "Labor Force Statistics from the Current Population Survey." Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC.
- ——. n.d.a. "CPI Detailed Report, Data for June 2016." Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC.

- ——. n.d.b. "1979 National Longitudinal Survey of Youth." National Longitudinal Surveys, Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC.
- ——. n.d.c. "1997 National Longitudinal Survey of Youth." National Longitudinal Surveys, Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC.
- Carson, E. Ann. 2015, September. "Prisoners in 2014." Bulletin, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Carson, E. Ann, and William J. Sabol. 2016, May. "Aging of the State Prison Population, 1993–2013." Special Report, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Center on Budget and Policy Priorities. 2014. "Changing Priorities: State Criminal Justice Reforms and Investments in Education." Center on Budget and Policy Priorities, Washington, DC.
- Census Bureau. n.d. "Annual Estimates of the Resident Population." Census Bureau, U.S. Department of Commerce, Washington, DC.
- Chetty, Raj, Nathaniel Hendren, and Lawrence F. Katz. 2016. "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment." *American Economic Review* 106 (4): 855–902.
- Doob, Anthony M., and Cheryl Webster. 2003. "Sentence Severity and Crime: Accepting the Null Hypothesis." *Crime and Justice* 30: 143-95.
- Doyle, Joanne M., Ehsan Ahmed, and Robert N. Horn. 1999. "The Effects of Labor Markets and Income Inequality on Crime: Evidence from Panel Data." *Southern Economic Journal* 65 (4): 707–38.
- Fair Sentencing Act of 2010, Pub. L. 111-220 (2010).
- Federal Bureau of Investigation (FBI). 2010. "Uniform Crime Reporting Data Tool." Uniform Crime Reporting Program, Criminal Justice Information Services Division, Federal Bureau of Investigation, Washington, DC.
- ——. 2015. "2014 Crime in the United States." Uniform Crime Reporting Program, Criminal Justice Information Services Division, Federal Bureau of Investigation, Washington, DC.
- ——. 2016. "2015 Crime in the United States." Uniform Crime Reporting Program, Criminal Justice Information Services Division, Federal Bureau of Investigation, Washington, DC.

- Holzer, Harry J., Steven Raphael, and Michael A. Stoll. 2006. "Perceived Criminality, Criminal Background Checks, and the Racial Hiring Practices of Employers." *Journal of Law and Economics* 49 (2): 451–80.
- Johnson, Rucker, and Steven Raphael. 2012. "How Much Crime Reduction Does the Marginal Prisoner Buy?" *Journal of Law* and Economics 55 (2): 275–310.
- Kaeble, Danielle, Lauren Glaze, Anastasios Tsoutis, and Todd Minton. 2016, January 21. "Correctional Populations in the United States, 2014." Bulletin, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Kaeble, Danielle, Laura M. Maruschak, and Thomas P. Bonczar. 2015. "Probation and Parole in the United States, 2014." Bulletin, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Kearney, Melissa S., Benjamin H. Harris, Elisa Jácome, and Lucie Parker. 2014, May. "Ten Economic Facts about Crime and Incarceration in the United States." Economic Facts, The Hamilton Project, The Brookings Institution, Washington, DC.
- Kling, Jeffrey R, Jens Ludwig, and Lawrence F Katz. 2005. "Neighborhood Effects on Crime for Female and Male Youth: Evidence from a Randomized Housing Voucher Experiment." *Quarterly Journal of Economics* 120 (1): 87–130.
- Mustard, David B. 2010. "How Do Labor Markets Affect Crime? New Evidence on an Old Puzzle." IZA Discussion Paper 4856, Institute for Labor Studies, Bonn, Germany.
- Nagin, Daniel S. 1998. "Criminal Deterrence Research at the Outset of the Twenty-First Century." *Crime and Justice* 23: 1–42.
- National Conference of State Legislatures. 2016, April 25. "Felon Voting Rights." National Conference of State Legislatures, Washington, DC.
- National Employment Law Project. 2016, August. "Racial Profiling in Hiring: A Critique of New 'Ban the Box' Studies." Policy Brief, National Employment Law Project, Washington, DC.
- Neal, Derek and Armin Rick. 2016. "The Prison Boom and Sentencing Policy." *The Journal of Legal Studies* 45 (1): 1–41.
- Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology*, 108 (5): 937–75.

- Pettit, Becky, and Bruce Western. 2010a. "Incarceration and social inequality." *Daedalus* 139 (3): 8–19.
- ——. 2010b. "Collateral Costs: Incarceration's Effect on Economic Mobility." The Pew Charitable Trusts, Washington, DC.
- The Pew Charitable Trusts. 2015, November 18. "Prison Time Surges for Federal Inmates." Issue Brief, Public Safety Performance Project, The Pew Charitable Trusts, Washington, DC.
- Raphael, Steven. 2011. "Incarceration and Prisoner Reentry in the United States." *ANNALS of the American Academy of Political and Social Science* 635 (1): 192–215.
- Raphael, Steven, and Michael A. Stoll. 2013. Why Are So Many Americans in Prison? New York: Russell Sage Foundation.
- Retroactive Crack Cocaine Guideline Amendment of 2011, of the Fair Sentencing Act of 2010, Pub. L. 111-220 (2010).
- Rhodes, William, Gerald Gaes, Jeremy Luallen, Ryan Kling, Tom Rich, and Michael Shively. 2014. "Following Incarceration, Most Released Offenders Never Return to Prison." *Crime & Delinquency*: 1–23.
- Rodriguez, Michelle Natividad, and Beth Avery. 2016, April. "Unlicensed and Untapped: Removing Barriers to State Occupational Licenses for People with Records." National Employment Law Project, Washington, DC.
- The Sentencing Project. 2015. "A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits." The Sentencing Project, Washington, DC.
- Travis, Jeremy, Bruce Western, and Steve Redburn (eds). 2014.

  The Growth of Incarceration in the United States: Exploring
  Causes and Consequences. National Academies Press,
  Washington, DC.
- Walmsley, Roy. 2016. "World Prison Population List (eleventh edition)." International Centre for Prison Studies, London, United Kingdom.

### Selected Hamilton Project Papers on Criminal Justice

#### POLICY PROPOSALS ON CRIMINAL JUSTICE

• "Think Before You Act: A New Approach to Preventing Youth Violence and Dropout"

Jens Ludwig and Anuj Shah propose a federal government scale-up of behaviorally informed interventions intended to help disadvantaged youths recognize high-stakes situations when their automatic responses may be maladaptive and could lead to trouble.

• "A New Approach to Reducing Incarceration While Maintaining Low Rates of Crime"

Steven Raphael and Michael A. Stoll propose reforms that would reduce incarceration while keeping crime rates low by reforming sentencing practices and by creating incentives for local governments to avoid sentencing low-level offenders to prison.

• "From Prison to Work: A Proposal for a National Prisoner Reentry Program"

Bruce Western proposes a national prisoner reentry program whose core element is up to a year of transitional employment available to all parolees in need of work.

#### **ECONOMIC FACTS**

• "Thirteen Economic Facts about Social Mobility and the Role of Education"

The Hamilton Project examines the relationship between growing income inequality and social mobility in America. The memo explores the growing gap in educational opportunities and outcomes for students based on family income and the great potential of education to increase upward mobility for all Americans.



Koshland Professor of Economics University of California, Berkeley

KAREN ANDERSON Senior Advisor, Results for America Executive Director, Results for All

Gordon S. Rentschler Memorial Professor of Economics & Public Affairs Princeton University

Professor of Economics Georgetown University

Institute Professor Massachusetts Institute of Technology

CHRISTOPHER EDLEY, JR.

Partner
Centerview Partners LLC

Dean Harvard Kennedy School

JUDY FEDER Professor & Former Dean

Henry Lee Professor of Economics Harvard University

Cofounder & Managing Principal Centerbridge Partners

TED GAYER

Economic Studies
The Brookings Institution

President & Chief Executive Officer Gephardt Group Government Affairs

MICHAEL GREENSTONE
The Milton Friedman Professor in Economics
Director

Energy Policy Institute at Chicago University of Chicago

Chairman Johnson Capital Partners

LAWRENCE F. KATZ

MELISSA S. KEARNEY Professor of Economics University of Maryland

Nonresident Senior Fellow The Brookings Institution

Founding Partner
Boulud Restaurant Group

MARK MCKINNON Former Advisor to George W. Bush Co-Founder, No Labels

Chief Executive Officer & Founder Eton Park Capital Management

Former Vice Chairman Goldman Sachs Group, Inc.

Vice Chairman of Investment Banking and Managing Director

Nonresident Senior Fellow The Brookings Institution

Managing Partner &
Chief Executive Officer
Perry Capital

MEEGHAN PRUNTY Managing Director Blue Meridian Partners

Distinguished Institute Fellow & President Emeritus

Senior Fellow The Brookings Institution Professor of Public Policy

Co-Founder & Co-Chief Executive Officer

Co-Chair, Council on Foreign Relations
Former U.S. Treasury Secretary

SHERYL SANDBERG Chief Operating Officer Facebook

President & Chief Executive Officer
Evercore

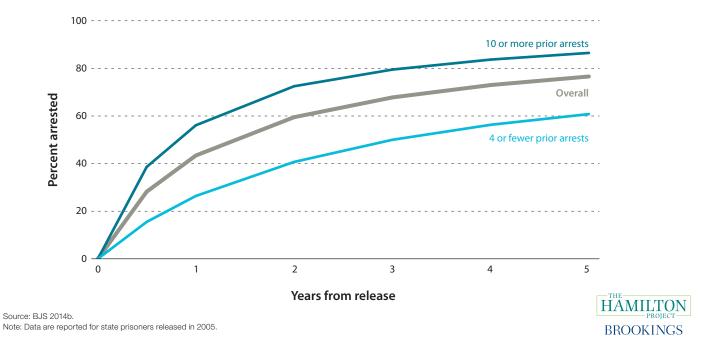
ERIC SCHWARTZ Chairman and CEO 76 West Holdings

LAWRENCE H. SUMMERS Charles W. Eliot University Professor Harvard University

Institute for Business & Social Impact Berkeley-Haas School of Business

#### Recidivism of Prisoners, by Prior Arrest History

Of all released prisoners, 43 percent are rearrested within the first year following release.



#### Twelve Facts about Incarceration and Prisoner Reentry:

- The share of Americans under correctional supervision more than tripled from 1980 to 2007.
- 2. State prisoners serve about three years on average for their crimes—a one-quarter increase since 1984.
- **?** Corrections spending varies widely across states.
- 4. Many states with similar rates of violent crime have different rates of incarceration.
- Federal prisoners constitute a small share of the total prison population and are disproportionately likely to be drug offenders.
- 6. Black and white Americans sell and use drugs at similar rates, but black Americans are 2.7 times as likely to be arrested for drug-related offenses.

- 77 percent of released prisoners are re-arrested within five years.
- Recently released prisoners experience much higher mortality rates than the general population.
- **9.** Low-skilled individuals are more likely to have a criminal record.
- 10. Incomes of the formerly incarcerated grow little with age compared to those who have never been incarcerated.
- Race and criminal history influence the probability of receiving a job interview.
- 12. Some states ban those with felony convictions from safety net programs, voting, and licenses to work.



1775 Massachusetts Ave., NW Washington, DC 20036

(202) 797-6279

BROOKINGS

