

by Robert DeFina and Lance Hannon
Villanova University

Mass Imprisonment

Long-Term Harm versus Short-Term Good



Most people, even most critics of mass-incarceration policies, seem to believe that prisons prevent crime. The notion that building more prisons makes us safer is sometimes called a “ruthless truth” since prisoners cannot commit crimes when locked away.¹

Commentator James Q. Wilson once put it in terms of good and evil, “Wicked people exist. Nothing avails except to set them apart from innocent people.”² And when others argue that incarceration is not the most effective way to fight crime, they imply that prisons reduce crime to some extent.

Many observers contend that mass imprisonment as a way to control crime is both inefficient and uncivilized, especially when applied to crimes such as nonviolent drug offenses. As most research shows, there is only a modest crime-reducing benefit from the quadrupling of the national incarceration rate over the last 35 years, a trend mirrored in New England. (See “New England’s Imprisonment Rate.”) Even that benefit has probably been overestimated, given that measurement efforts have historically ignored prison’s potentially criminogenic effect. The popular press has not ignored such possibilities, however. As journalist John Rentoul writes:

Prison only works in the crude sense that criminals cannot commit crimes—against the rest of us, at least—while they are in jail. When they come out, they are more likely to commit crimes than they were before they went in. So, unless sentences are so long that they cancel out the effect of prison in preparing criminals for a life of crime, prison does the opposite of working.³

The problem, Rentoul suggests, is not simply that the experience of incarceration may increase recidivism. The larger issue is that incapacitation works only for the time that people are behind bars. The majority of prisoners go on to spend most of their lives on the outside. Thus at any point in time, the number of ex-convicts living in society will be much larger than the number of prisoners incapacitated behind bars. This large and growing population of ex-offenders gives rise to three concerns.

First, although the prison system claims success for incapacitating dangerous individuals, its harsh conditions might make the prisoners more likely to offend once released. Second, the mass reentry associated with mass imprisonment can destabilize the communities that absorb the influx of reentrants, setting the stage for crime in the broader community. Third, prison’s incapacitation effect is limited to people currently behind bars, whereas the crime-causing effects will reflect the much larger population of people who were ever incarcerated. So, any full assessment of prison’s effects on crime must account for the detrimental impacts of past

incarcerations. A handful of very recent empirical social science studies, having taken those three issues into account, conclude that the high incarceration rate has *caused* more crime than it prevented.

Crime Colleges

Good policies solve problems without creating problems. If the public knew, for example, that a software company created and spread a virus while selling products to disinfect computers, it would demand free antivirus software and put the company out of business. But if uninformed about the source of the virus, people might purchase and praise the company’s product while lamenting the need for it.

Outside the criminal justice system, the importance of solving self-created problems has long been recognized—for instance, in determining the effectiveness of military interventions.⁴ Only recently have social scientists started examining whether prisons partially create the problems they exist to solve.⁵ Formerly, data showing that many of those entering prison have been there before—or that crime rates are associated with the number of ex-inmates reentering society—were interpreted to prove that offenders should be incarcerated longer.

An alternative interpretation is that being incarcerated hardens offenders, enhances their criminal skills, and further stigmatizes and alienates them. In other words, prisons can cause crime.

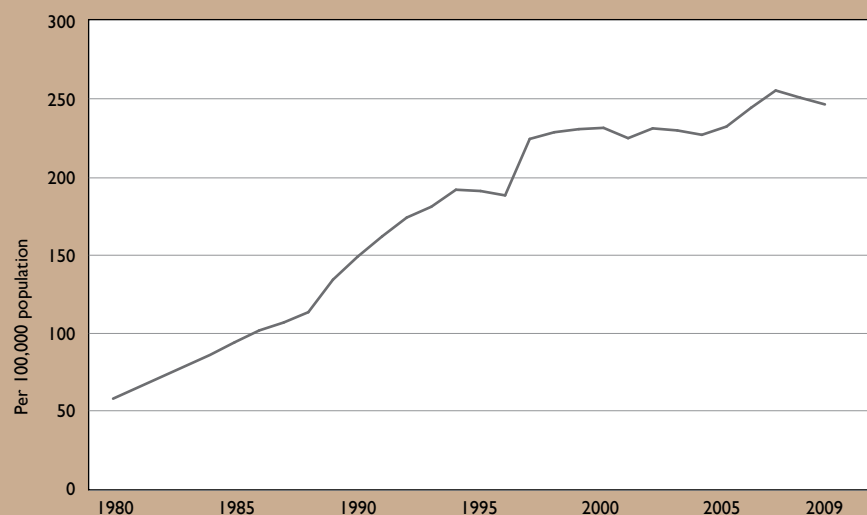
To address this complexity, researchers have started to use statistical modeling techniques that look at the crime-reducing effects of prison and isolate those effects from prison’s criminogenic effects. They increasingly focus on subtracting out the crime problems caused and then suppressed by prison from incarceration’s total incapacitation benefits. Sophisticated analyses indicate that much of what was previously seen as a crime-reducing benefit was actually evidence of crime-inducing conditions.

Increased Supply of Ex-Convicts

Putting more people behind bars means that eventually more ex-convicts enter society. Because about 95 percent of those currently incarcerated will return to their communities, recent work on the potential crime-increasing effects of mass incarceration has focused on barriers to successful reintegration.⁶

The scarlet letter associated with a prison record usually means lower wages and

New England’s Imprisonment Rate Has More Than Quadrupled in the Past 30 Years



Source: Department of Justice, Bureau of Justice Statistics, annual year-end census of prisoners in state and federal correctional institutions in CT, MA, VT, NH, RI, and ME. Data for 1981 to 1983 are unavailable.

Until now, measurements of the value of prisons to society have ignored prison's potentially criminogenic effects.

less long-term employment. Ex-inmates are further alienated from mainstream society through laws that block their right to vote and to access social-safety-net programs, such as food stamps and Temporary Assistance for Needy Families (TANF).⁷ All this increases ex-inmates' offending rate, as they are more likely to find some measure of acceptance in criminal subcultures.

High reentry rates and recidivism are one source of higher crime rates, but so is the population churning that results when large numbers of people are removed from and ultimately sent back to communities. That can disrupt institutions important for social control, making crime more likely. When a neighborhood is in constant flux, it is harder for people to know and trust one another—and to collectively mobilize for the common good. Without a sense of collective identity and efficacy, people are less likely to help one another and more likely to focus on self-interest.⁸

Furthermore, evidence suggests that neighbors who have never experienced prison directly are significantly affected by the population turnover. Particularly in areas with high incarceration and reentry rates, residents generally exhibit diminished respect for government authority and police. The lessened legitimacy of law also leads to higher crime rates—often through lack of cooperation with policing efforts.⁹

Doing the Math

Theoretically, the crime-reducing effects of incarceration and the crime-promoting effects of incarceration have different timing. The crime-reducing effect largely hinges on the number of people incapacitated in the current year. Its criminogenic impact via reentry, in contrast, depends on the number of people released from prison in the current year *and all past years*. Until recently, researchers focused only on how current-year incarceration practices are related to

current-year crime rates, biasing the results toward finding an overall crime-reducing impact, although of a relatively small magnitude.

Our own research has concluded that, when the statistical models include past-year effects, any property-crime-reducing benefits of increased incarceration are wiped out by the crime-promoting effects of more ex-inmates in society.¹⁰ Worse still, when past-year effects are appropriately accounted for, the mass incarceration of the last few decades has increased the type of crime the public fears most—violent crime.

Thus, a look at the whole picture makes clear that high incarceration rates are a greater part of the problem than the solution. On a positive note, that means we can significantly reduce violent crime through reform of the criminal justice system. Such reform may include alternatives to incarceration for certain crimes and circumstances. The use of drug courts and associated drug treatment programs is an example of a harm-reduction strategy that is increasingly gaining favor among policy analysts. By using incarceration more judiciously, we can make things better simply by not continuing to make things worse.

Robert DeFina is a professor of sociology at Villanova University, where **Lance Hannon** is an associate professor of sociology.

Endnotes

- ¹ C. Murray, "The Ruthless Truth: Prison Works," *London Times*, January 12, 1997.
- ² J.Q. Wilson, *Thinking About Crime* (New York: Vintage Books, 1983), 128.
- ³ J. Rentoul, "Dave and Tone's Hug-in ... They're Tough on Hoodies, Tough on the Causes of Hoodies," *Independent*, July 23, 2006, <http://www.independent.co.uk>.
- ⁴ T. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure* (New York:

Oxford University Press, 2008).

- ⁵ L.M. Vieraitis, T. Kovandzic, and T. Marvell, "The criminogenic effects of imprisonment: Evidence from state panel data, 1974–2002," *Criminology and Public Policy* 6 (2007): 589–622.
- ⁶ T.R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2007).
- ⁷ Prohibitions are specified both in federal and state laws. For example, Texas and Missouri disallow ex-felons the use of food stamps, public housing, and TANF, and the 1996 overhaul of federal welfare included a lifetime ban on cash assistance and food stamps for anyone convicted of a drug offense, allowing states to opt out if they wished.
- ⁸ T.R. Clear, D.R. Rose, and J.A. Ryder, "Incarceration and the community: The Problem of removing and returning offenders," *Crime and Delinquency* 3 (2001): 335–351; and T.R. Clear, *Imprisoning Communities: How Mass Imprisonment Makes Disadvantaged Communities Worse* (New York: Oxford University Press, 2007).
- ⁹ D. Rose and T. Clear, "Who doesn't know someone in prison or jail: The impact of exposure to prison on attitudes toward formal and informal social control," *Prison Journal* 82 (2004): 208–227.
- ¹⁰ R. DeFina and L. Hannon, "For incapacitation, there is no time like the present: The lagged effects of prisoner reentry on property and violent crime rates," *Social Science Research* 6 (2010): 1004–1014.

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