Literature Review Related to Impact of Longer Terms in Prison on Recidivism

Impact of Incarceration on Recidivism

Nagin, D. S. & Snodgrass, G. M. (2013). The effect of incarceration on re-offending: evidence from a natural experiment in Pennsylvania. *Journal of Quantitative Criminology*, 29(4), 601-642. https://doi.org/10.1007/s10940-012-9191-9

Study: Estimates the effect of incarceration by using a sample of convicted offenders and the county-level randomization of cases to judges.

Finding: Incarceration has no clear impact on recidivism.

"On the whole, the results provide no indication of whether the experience of incarceration increases or decreases reoffending rate. This holds whether we observe rearrest during a very short window (1 year) or a long window (2 years). The results hold across all six counties and persists even after pooling data to increase power. This result is consistent with an emerging body of work that uses randomization of cases to judges as the basis for concluding that incarceration has no clear impact on recidivism." (p624-625)

"Similarly, using the same data analyzed here, Anwar and Stephens (2011) find no evidence that duration of confinement impacts criminality" (p625)

"On the whole, the literature on the effect of incarceration is developing rapidly both in size and sophistication. This work aids in both of these respects, while also echoing the conclusions of the modern literature. There is little persuasive evidence that incarceration reduces future criminality." (p625)

Barnoski, R. (2004). *Sentences for adult felons in Washington: Options to address prison overcrowding – Part II (recidivism analyses)* (Doc. No. 04-07-1201). Olympia: Washington State Institute for Public Policy.

Study: Estimate impact of prison sentences and length of time served on recidivism.

Finding:
- ✔ **A prison sentence does not reduce felony recidivism and may increase it.**
- ✔ **Offenders with a First-Time Offender Waiver have a lower recidivism rate than those with a prison or non-prison sentence.**
- ✔ **Recidivism is slightly reduced for drug, property, assault and possibly child sex offenders who spend more time in prison.**
- ✔ **Earned release time was significantly related to felony recidivism for drug offenders only.**

While felony and violent felony recidivism rates have increased, the rates for assault offenders increased the most and they make up 56 percent of the samples of violent offenders.

Findings indicate that a prison sentence for property offenders does not increase nor reduce recidivism.

"A comparison group method finds that a prison sentences does not reduce felony recidivism for property and violent offenders and may increase it for violent offenders." (p8)

“Three different methodologies were used to estimate the impact of going to prison on recidivism. The results consistently indicate that prison does not reduce felony recidivism, and may increase it by 5 to 10 percentage points.” (p10)

The First-Time Offender Waiver (FTOW) is viewed as an enhancement to supervision and not a sentence alternative. The recidivism rate for offenders sentenced to the FTOW is lower than it is for those who received a prison sentence or a non-prison sentence. The difference between them is statistically significant. The percent of offenders sentenced to FTOW has been decreasing since 1986.

In estimating the change in recidivism for every additional six months spent in prison, drug offenders showed a reduction of 2.3 percentage points. For assault offenders the reduction was 1.9 percentage points and for property offenders it was 1.0 percentage points.

The analyses indicate that for drug, property, assault and possibly child sex offenders, spending more time in prison reduces recidivism slightly. This was not found to be the case for robbery or non-child sex offenders.

“Earned release time was significantly related to felony recidivism only for drug offenders. For every month of earned early release time, the drug offender felony recidivism rate is estimated to increase by 0.3 percent.” (p16)

“The safest policy would be to identify low-risk offenders who could be sentenced to community supervision rather [than] prison, or if sentenced to prison, have a shortened length of stay.

Gendreau, P., Goggin, C. & Cullen, F. T. (1999). The effects of prison sentences on recidivism. Retrieved from https://www.prisonpolicy.org/scans/e199912.htm

Study: Analyzed fifty studies involving 336, 052 offenders to determine whether prison reduced criminal behavior or recidivism.

Finding: Prison produced slight increases in recidivism and lower-risk offenders were more likely to be negatively affected by the prison experience.

“None of the analysis conducted produced any evidence that prison sentences reduce recidivism.”

“The lower risk group who spent more time in prison had higher recidivism rates.”

Impact of Longer Sentences on Recidivism

Pew Center on the States. (2012) *Time Served: the high cost, low return of longer prison terms*. Washington, DC: The Pew Charitable Trusts. Retrieved from http://www.pewtrusts.org/en/research-and-analysis/reports/2012/06/06/time-served-the-high-cost-low-return-of-longer-prison-terms

Study: Present a state-level picture of how time served has changed in the past 20 years and how it has impacted prison populations and costs.

Finding: Longer prison terms have no significant effect on recidivism rates.

"The analysis in this study shows that longer prison terms have been a key driver of prison populations and costs…" (p1)

Public opinion is focused more on cost-effectiveness and reducing recidivism. There is support for reductions in time served for non-violent offenders "as long as the twin goals of holding offenders accountable and protecting public safety still can be achieved." (p5)

"Most criminologists now consider the increased use of prison for non-violent offenders a questionable public expenditure, producing little additional crime control benefit for each dollar spent. During the past decade, all 17 states that cut their imprisonment rates also experienced a decline in crime rates." (p7).

In the past several years, more than a dozen states have enacted comprehensive sentencing and corrections reforms that generally shifted non-violent offenders from prison. The savings was used to fund more effective alternatives. These and other policy changes partly contributed to a decline in state prison population in 2009, the first time in nearly forty years.

When referring to analysis of the impact of length of stay on recidivism, "these more methodologically sophisticated studies still find no significant effect, positive or negative, of longer prison terms on recidivism rates." (p34)

Analysis of incarceration and arrest data from Maryland, Florida and Michigan showed that "a significant portion of the state prison populations could have been released sooner with no impact on public safety…after serving between three months and two years less time behind bars." (p36)

Because research indicates that offenders are at greater risk of reoffending in the earlier months of release, it is suggested that any changes to time served should be accompanied by policies and practices shown to reduce recidivism. "The right mix of policy interventions coupled with a reduction in time served for selected offenders can be expected to reduce the already low risk of reoffending." (p38)

Pew conducted opinion polls in 2010 and 2012. The results found "widespread support for shorter sentences and alternatives to incarceration for non-violent crimes, especially when prison savings are reinvested in less costly supervision options." (p40)

The Virginia Criminal Sentencing Commission created a risk assessment to identify candidates for diversion among non-violent offenders. This assessment was found to be reliable in predicting recidivism in an evaluation by the National Center for State Courts.

Wermink, H., Nieuwbeerta, P., Ramakers, A. A. T., de Keijser, J. W., & Dirkzwager, A. J. E. (2017). Short-term effects of imprisonment length on recidivism in the Netherlands. *Crime & Delinquency*, 1(37). doi: 10.1177/0011128716687290

Study: Assess the relationship between imprisonment length and recidivism.

Finding: **Length of stay does not have a significant effect on recidivism.**

"Our findings suggest that length of imprisonment does not have a significant effect on recidivism in the first 6 months after release and that this conclusion holds across various measures and types of recorded recidivism, that is, reoffending, reconviction and reincarceration." (p23-24)

The findings of this study are in line with the findings of the few new-generation studies which is that there is little evidence of a relationship between recidivism and length of stay.

"When adequately controlling for preexisting differences, there is little evidence for a dose-response relationship between imprisonment length and recidivism." (p26)

"From a policy perspective, the results of the current study suggest that – within the context of imprisonment length up to 15 months – investing in longer prison sentences is not likely to yield higher crime-control benefits." (p27)

Mears, D. P., Cochran, J. C., Bales, W. D. & Bhati, A. S. (2016). Recidivism and time served in prison. *Journal of Criminal Law and Criminology*, 106(1).
https://scholarlycommons.law.northwestern.edu/jclc/vol106/iss1/5

Study: Assesses the impact of time served on recidivism by analyzing released individuals from the Florida Department of Corrections between 1994 and 2002.

Findings: **Lengthier terms of incarceration do not appear to reduce recidivism.**

"Indeed, reviews and studies consistently suggest that, while mixed effects of time served in prison have been identified, overall the duration of incarceration likely exerts minimal influence on post-release offending." (p84)

"In particular, the study identified: (1) an increasing effect of time served on recidivism for one-year-or-less terms, (2) a decreasing effect of time served for incarceration terms of approximately 13 to 24 months, (3) no appreciable effect from 25 to 60 months, though the level of recidivism was higher than that for individuals who served only a few months in prison, and (4) a possible, though highly uncertain, decreasing effect of incarceration terms of six years or more." (p117)

"Fourth, the results of this study suggest that lengthier terms of incarceration, beyond a few months, do not readily appear to reduce recidivism and, indeed, may increase it." (p120)

Song, L. & Lieb, R. (1993). *Recidivism: the effect of incarceration and length of time served* (Doc. No. 93-09-1201). Olympia: Washington State Institute for Public Policy.

Study: Summarizes the theories and the empirical studies that explored the relationship between length of time served and recidivism rates.

Finding: **Effect of incarceration and sentence length is offender specific, although early release program do no impact recidivism rates.**

"Study findings indicate that the effect of incarceration (versus other sentencing options) and sentence length on recidivism is complex and is likely to be offender-specific. For some offenders, incarceration and longer confinement seem to increase the risk of recidivism. For other offenders, the likelihood of re-offense will either be unaffected or reduced by longer terms of incarceration. Furthermore, early-release programs do not appear to affect overall recidivism rates." (p1)

"We limit our focus to the influence of specific deterrence, that is, the effect of incarceration on the criminal behavior of convicted offenders after their release from prison." (p2)

Aos, S. & Drake, E. (2013). *Prison, police, and programs: Evidence-based options that reduce crime and save money* (Doc. No. 13-11-1901). Olympia: Washington State Institute for Public Policy.

Study: Updates the list of evidence-based policy options that reduce crime, which includes three hypothetical prison policy options that reduce the length of stay by three months for lower, moderate, and high risk-to-reoffend incarcerated individuals, i.e. decrease prison ADP by 250 by lowering LOS by 3 months.

Finding: **There is an overall benefit to reducing the length of stay for lower-risk offenders.**

For lower risk offenders, the benefit-to-cost ratio is $4.34 of benefits per dollar of costs. The measure of investment risk is 98%, which means this benefit ratio can be expected most of the time.

For moderate risk offenders, the benefit-to-cost ratio is neutral ($1.04 of benefits per dollar of costs). The measure of investment risk is 52%, which means this benefit ratio would pay off about half of the time.

For high risk offenders, the benefit-to-cost ratio is $-0.55 of benefits per dollar of costs. The measure of investment risk is 17%, which means this benefit ratio can be expected occasionally.

Drake, E. K., Barnoski, R. & Aos, S. (2009). *Increased earned release from prison: Impacts of a 2003 law on recidivism and crime costs, revised* (Doc. No. 09-04-1201). Olympia: Washington State Institute for Public Policy.

Study: Evaluate whether changes in earned release affected recidivism rates, specifically, the 50 percent earned release time.

Finding: **50% earned release time decreased felony recidivism and had no effect on violent felony recidivism.**

The law impacts the crime rate in two ways: (1) by shortening the length of stay by 63 days during which an increase in property crimes was estimated and (2) by decreasing the three year felony recidivism rate by 3.5 percent compared to similar offenders. There is an estimated $1.88 in benefits per dollar which are likely to exceed costs 91 percent of the time.

"In summary, our estimates indicate that there has not been an increase in criminal recidivism due to the changes in earned release time. In fact, we found that felony recidivism is reduced by 3.5 percent, while there has been no effect on violent criminal recidivism rates." (p7)

Aos, S. & Drake, E. (2010). *WSIPP's benefit-cost tool for states: Examining policy options in sentencing and corrections* (Doc. No. 10-08-1201). Olympia: Washington State Institute for Public Policy.

Study: Explain cost-benefit tool and run two hypothetical scenarios in which length of stay is reduced.

Finding: **There is an overall benefit to reducing the length of stay for lower-risk offenders.**

Included in Exhibit 2:

Risk Class	Percent of Prison ADP	Total Reconviction Rate	Violent Reconviction Rate
High Violent	31%	60%	24%
High Non-Violent	36%	51%	9%
Moderate	19%	28%	8%
Lower	14%	13%	4%

The first hypothetical scenario reduced prison length of stay for lower-risk offenders, excluding murder and sex offenses, by 60 days. This produced an expected net reduction in victimization, a reduction in taxpayer spending and a 96 percent risk estimate.

The second hypothetical scenario, which reduced prison length of stay by 60 days for all offenders, also produced a net reduction in victimization and a reduction in taxpayer spending, but both are lower than in the first scenario. The risk estimate here is 54 percent, also lower than in the first scenario.

The first scenario points to a combination that can reduce crime and reduce taxpayer spending with a high degree of probability.

Impact of Sentence Enhancements on Recidivism

Kessler, D. & Levitt, S. D. (1998). Using sentence enhancements to distinguish between deterrence and incapacitation (Working Paper No. 6484). Cambridge, MA: National Bureau of Economic Research. Retrieved from http://www.nber.org/papers/w6484

Study: Establish that the introduction of sentence enhancements provides a direct means of measuring deterrence by analyzing California's Proposition 8 which imposed sentence enhancements for a selected group of crimes.

Finding: Sentence enhancements have a strong deterrent effect.

Sentence enhancements are a way to distinguish deterrence from incapacitation.

"Crimes that were affected by the sentence enhancements in Proposition 8 fall by over 10 percent relative to crimes that were not covered in the first year after the law change. Three years later, the eligible crimes are roughly 20 percent lower. These results suggest the presence of a strong deterrent effect, but also come potential role for incapacitation." (p19)

"Our results suggest that criminals respond to the severity and not just the certainty of sentences, a result that is predicted by the economic model of crime, but has proven elusive empirically. This suggests that the increasing reliance on sentence enhancements in both state law and the federal sentencing guidelines may represent an effective means of reducing crime." (p19)

Impact of Offender Specialization on Recidivism

Vito, G. F., Tewksbury, R., & Higgins, G. E. (2010). Evaluation of Kentucky's early inmate release initiative: sentence commutations, public safety and recidivism. Federal Probation, 74(3). Retrieved from http://www.uscourts.gov/sites/default/files/federal_probation_journal_december_2010.pdf

Study: Analyzes the recidivism patterns of a cohort of prison inmates released early (within 120 days) through sentence commutations against a matched group of inmates not released early.

Findings: The authors found several studies that can support both positions, that offenders are specialists or generalists, with the distinguishing factor between them being age.

They cite national recidivism (reincarceration) statistics that show property offenders are the most likely to specialize, or commit a similar crime that leads to reincarceration. Overall, they determined that there is not a clear indication that offenders limit their criminal activities to one type of offense, "although a significant minority of adult recidivists do return to prison for offenses similar to those for which they were previously incarcerated."

"When examining types of offenders based on offense for which originally incarcerated, only one statistically significant difference is seen. Offenders originally incarcerated for Property offenses were reincarcerated at statistically significantly higher percentages than other types of offenders in the Comprison Group (46.8 percent)."

"The findings of this analysis demonstrate that inmates released prior to the expiration of their sentences (no more than 120 days early) posed no greater threat to public safety than those inmates who did not receive commuted sentences."