

Evidence-based strategies to break the incarceration cycle

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A bit about Arnold Ventures

- Arnold Ventures is a philanthropy and think tank focused on evidence-based policy in the US
 - We invest in research on what works - with a focus on strong, causal research designs
 - On the Criminal Justice team, we want to test ideas related to crime, the criminal justice system, and people with criminal records, to find scalable solutions to pressing problems
 - As solutions emerge from that evidence, our Policy & Advocacy teams figure out how to scale them across the country
- So, I spend a lot of time thinking about what works to improve public safety — including how to break the incarceration cycle

Breaking the incarceration cycle

- High recidivism rates are a persistent problem in countries around the world
 - In NSW, 28% of people released from custody will reoffend within 1 year
 - This harms individuals and communities, and costs taxpayers a lot of money
 - Breaking this cycle is a top policy priority

The bad news

- Many well-intended policies don't work
- Many more don't work as well as we'd like
- Some actually make things worse

The good news

- Some policies do work!
- The challenge is figuring out which ones they are

How do we figure out what works?

- Try new things
- Implement them in a way that gives us a good comparison group
 - Staggered rollout, eligibility cutoffs, random assignment to decision-makers, or RCTs
- Measure the impact
- Repeat

What have we learned?

- In this way, we are gradually building a strong evidence base on what works, and what doesn't
- The punchline:
 - Big change doesn't require big structural reforms
 - Targeted, incremental changes are enough to shift behavior in a meaningful way

A few takeaways from this “science of second chances”

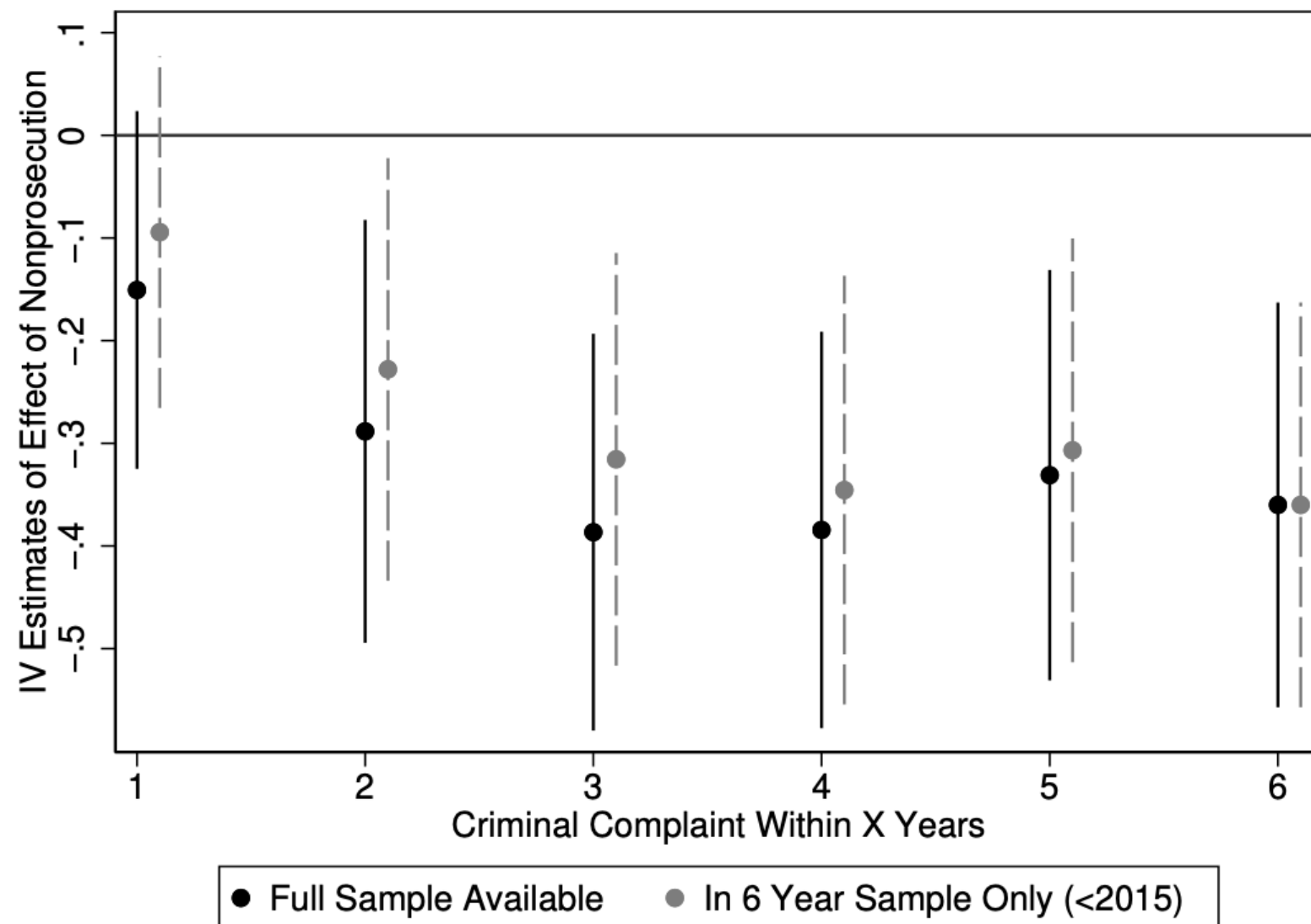
- Err toward leniency for first-time defendants
- Increase the likelihood that repeat offenders are caught
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- Provide cognitive behavioral therapy (CBT) in prison
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- Directly address employers' concerns about criminal records to increase hiring

Err toward leniency for first-time defendants

- **Policy question:** What should we do with first-time defendants?
 - If we go too easy, they might become emboldened by the lack of consequences and recidivism could rise
 - If we are too harsh, we could make it more difficult to reintegrate successfully

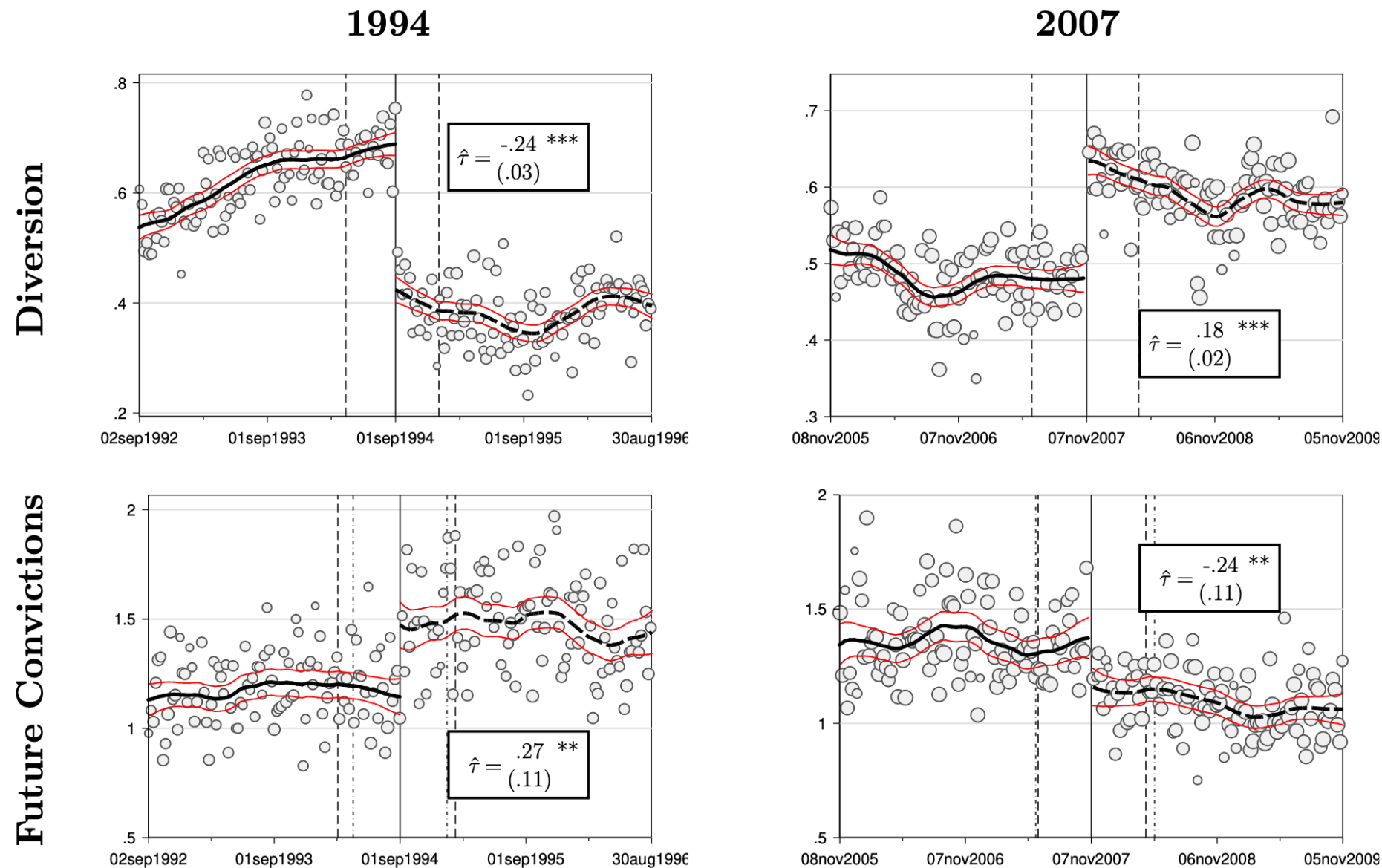
Agan, Doleac, and Harvey (2023)

- As-if random assignment of nonviolent misdemeanor cases to prosecutors in Boston, Massachusetts
- Being assigned to a more lenient prosecutor increased the likelihood that their case was dismissed at the initial hearing
- Those who got lucky in this way were much less likely to reoffend: future criminal charges fell by 53%, with the largest reductions for first-time defendants



Mueller-Smith and Schnepel (2021)

- Two policy shocks in Houston, Texas, suddenly changed the likelihood that non-violent felony defendants received a “deferred adjudication”
- If they successfully completed a probationary period, their initial charges would be dropped
- This second chance reduced future convictions by about 50%, and also increased future employment and earnings — biggest effects for first-time felony defendants



A second chance to avoid a first conviction has big benefits

- There is growing evidence that the long-term negative consequences of criminal justice involvement come not from incarceration, but from the conviction
- A criminal record makes it more difficult to get a job, find housing, etc.
- Undoing this effect later is very difficult
- **Punchline:**
 - Giving first-time defendants a second chance to avoid their first criminal record has big public safety benefits
 - This was a rock-bottom moment for many defendants - already punishment enough
 - Many will self-correct on their own
 - We can then focus our limited resources on the now-smaller group that reoffends
- **Next question:**
 - Would we see similar benefits for other groups of offenders?

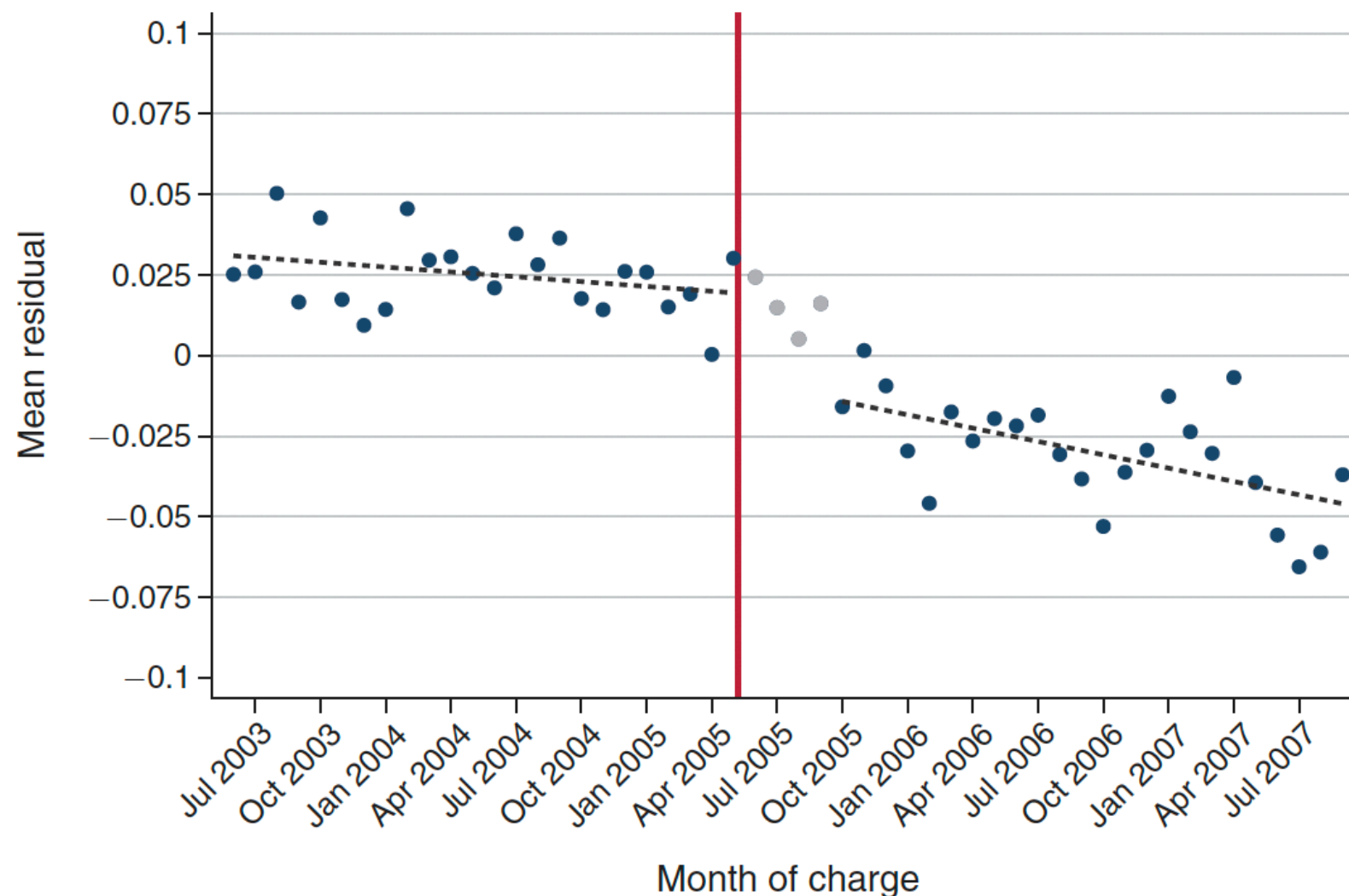
Increase the likelihood that repeat offenders are caught

- **Policy question:** What is the best way to deter criminal behavior?
 - The most common approach is to make sentences longer, ratcheting up punishment with each new offense
 - But there is now lots of evidence that swiftness and certainty matter much more than the severity of punishment
 - This is because those at risk of committing crime are typically not thinking far ahead
- Expanding law enforcement DNA databases is one way to increase the likelihood that repeat offenders are caught

Anker, Doleac, and Landersø (2021)

- Big DNA database expansion in Denmark added everyone charged with a felony after the effective date
- Compare people charged just before and after the effective date — the latter are in the database, the former are not, but everything else about them & their environment is the same
- Being added to the database reduced future reoffending by 42%

Panel B. Number of convictions, 1 year



Increasing the probability of getting caught reduces reoffending

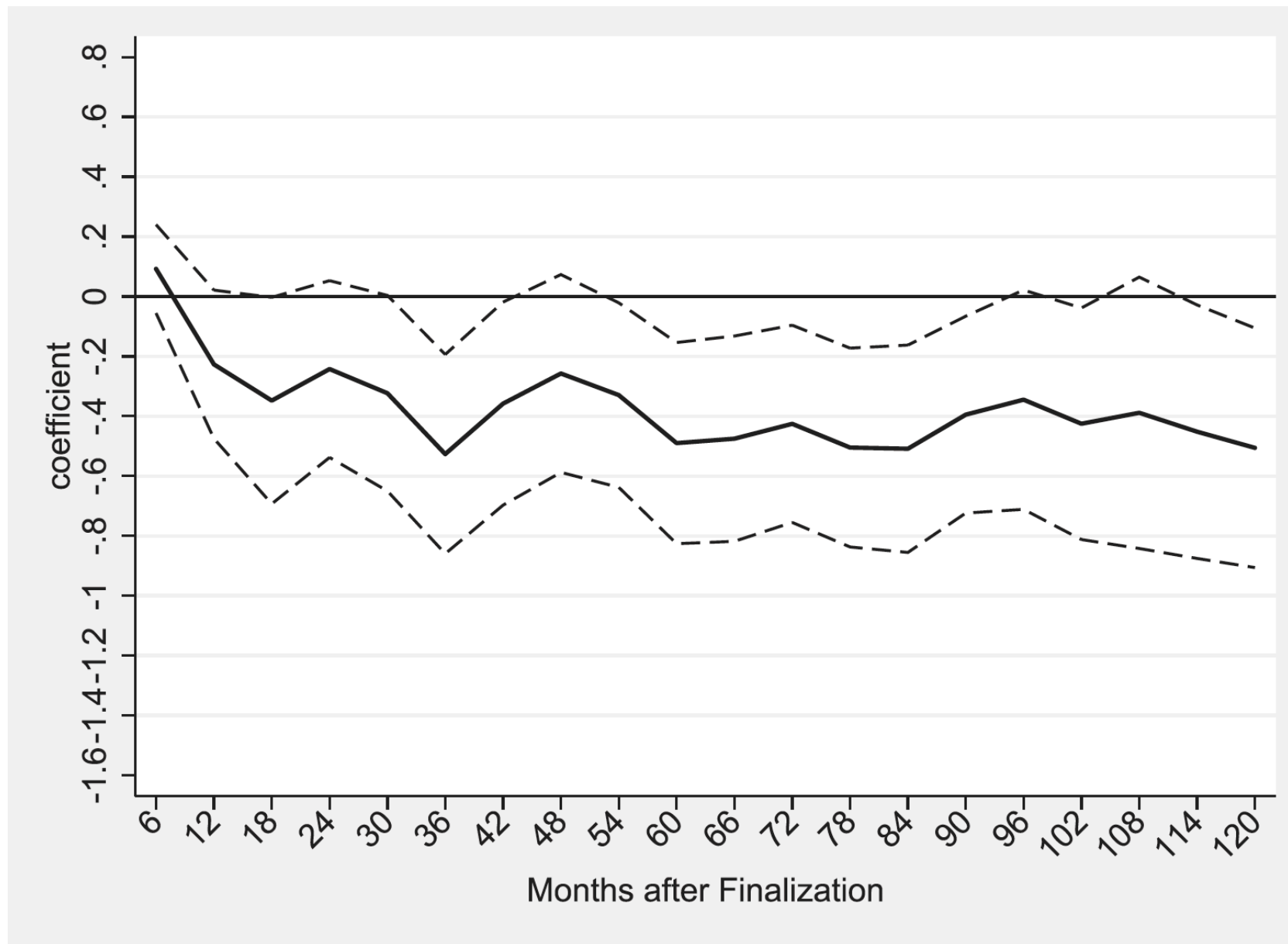
- **Punchline:** Expanding DNA databases reduces recidivism
- Similar effects for other strategies that increase the probability of getting caught: surveillance cameras, more police
- **Next questions:**
 - What other high-tech tools are effective in this way?
 - How do we mitigate any potential privacy costs?

Use electronic monitoring as an alternative to incarceration

- **Policy question:** Are there cost-effective alternatives to prison that protect public safety?
- We lock people up for several reasons:
 - Incapacitation
 - Specific deterrence
 - General deterrence
 - Rehabilitation (though we could have a criminogenic effect instead)
 - Retribution
- Electronic monitoring uses GPS or radio frequency to track whether someone is where they are supposed to be (e.g., home or work at specified times)
- Provides some (but not all) of the incapacitation effects of prison, avoids negative peer effects, and may be less disruptive to work and family life (less criminogenic)
- If people perceive it as a limited consequence, it could embolden them to reoffend (less deterrence)
- What is the net effect in the real world?

Williams and Weatherburn (2022)

- As-if random assignment of cases to judges in New South Wales
- Those who were sentenced to EM instead of prison because their judge happened to like EM committed 40% fewer offenses during the following 10 years
- EM is also much cheaper than prison!



Using EM as an alternative to incarceration reduces recidivism

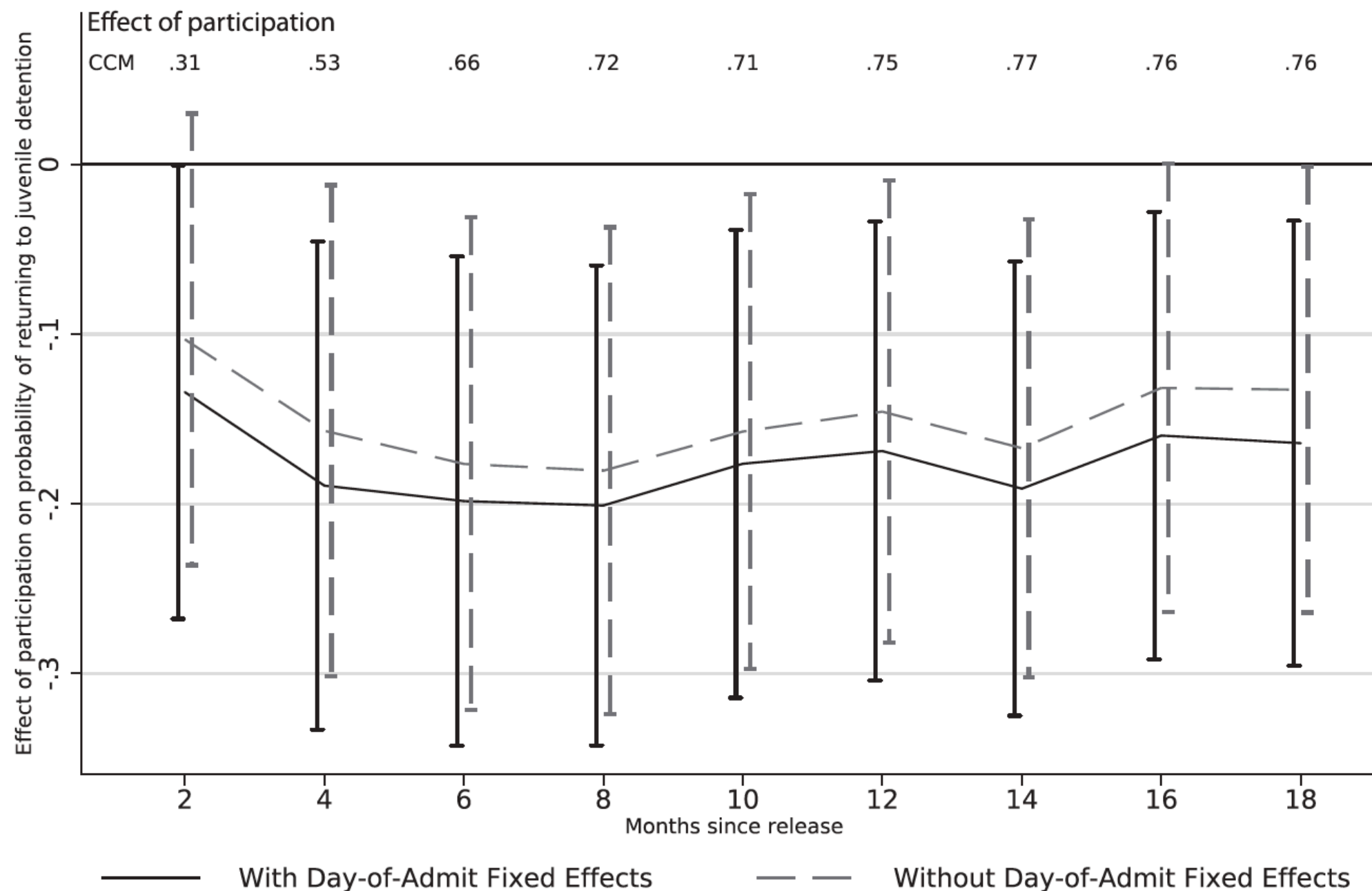
- **Punchline:** EM is far more cost-effective than prison
 - Evidence from the UK, France, Sweden, Australia, and the US shows consistent reductions in reoffending when EM is used as an alternative to pretrial detention or short sentences, or as a means of early release
 - Avoiding the criminogenic effect of prison dramatically outweighs any reduction in the incapacitation & deterrence effects
- **Next questions:**
 - How much further should we expand the use of EM as an alternative to incarceration?
 - What additional requirements (if any) are useful complements to EM?

Provide cognitive behavioral therapy (CBT) in prison

- **Policy question:** Can we help at-risk youth and adults change their behavior, or do we simply need to wait for them to grow up and age out of their impulsive/reckless decision-making?
- CBT is a form of psychotherapy that helps patients identify negative or inaccurate “thinking traps” so that patients can respond to challenges in a more effective way
- Pushes participants to slow down their thinking to avoid automatic responses
- It has now been tested in several randomized trials in the form of various distinct programs

Heller, et al. (2017) — CBT reduces reincarceration for juveniles

- RCT of Becoming a Man (BAM) in Cook County Juvenile Detention Center
 - BAM reduces 18-month readmissions by 32%
 - Benefits in avoided social costs of crime are at least 5-times the cost of the program



Arbour (2022) — CBT reduces reincarceration for adults

- As-if random assignment of inmates to case managers in Quebec
- Case managers differed in their likelihood of recommended participation in a CBT program
- Inmates who participated because they happened to be assigned to a case manager who liked CBT were much better off
 - Less likely to have a violent infraction while incarcerated
 - 59% less likely to reoffend in the first year after release

CBT reduces violence while incarcerated and after release

- **Punchline:**

- We can help people change their behavior
- CBT reduces violent crime, during and after incarceration

- **Next questions:**

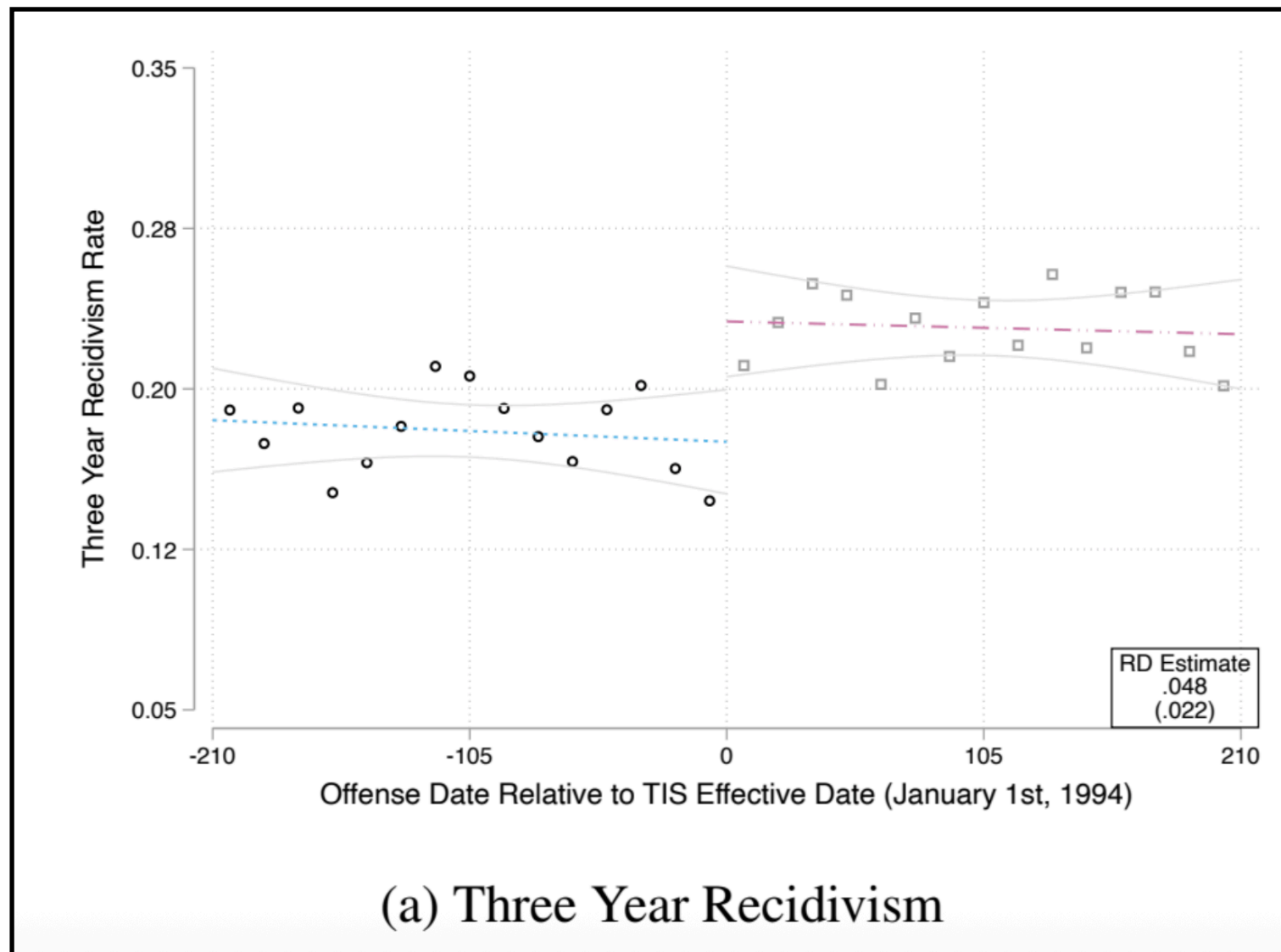
- How do we scale these programs most effectively?
- How can we convince more people who would benefit to participate?

Use the possibility of parole as incentive for rehabilitation

- **Policy question:** How should we decide when to release someone from prison?
- Two approaches:
 - **Fixed/determinate sentences:** Judges decide the sentence at the outset, with no possibility of early release — “truth in sentencing”
 - **Eligibility for parole:** Inmates have the ability to earn early release, based on program participation in prison and good behavior — a parole board decides
- Pros and cons to both approaches - which is better in practice?

Macdonald (2024)

- Truth-in-sentencing policy change in Arizona sorted inmates into treatment and comparison groups based on their offense date
- Those who offended just after that date had no possibility of early release
- They were less likely to engage in prison programming — education enrollment fell by 24%
- Disciplinary infractions increased by 22%; reincarceration for new convictions increased by 23%
- Results are in line with similar evidence from Georgia (Kuziemko 2013)



The incentive to invest in rehabilitation reduces recidivism

- **Punchline:** The prospect of early release is a powerful incentive that increases engagement in rehabilitation and the practicing of good behavior
- Regardless of preferred sentence length, we should use earned time credits and similar schemes to push those who are incarcerated to use their time in a way that puts them on a better path
- **Next question:**
 - Which types of programs should count as rehabilitative?

Directly address employers' concerns about criminal records

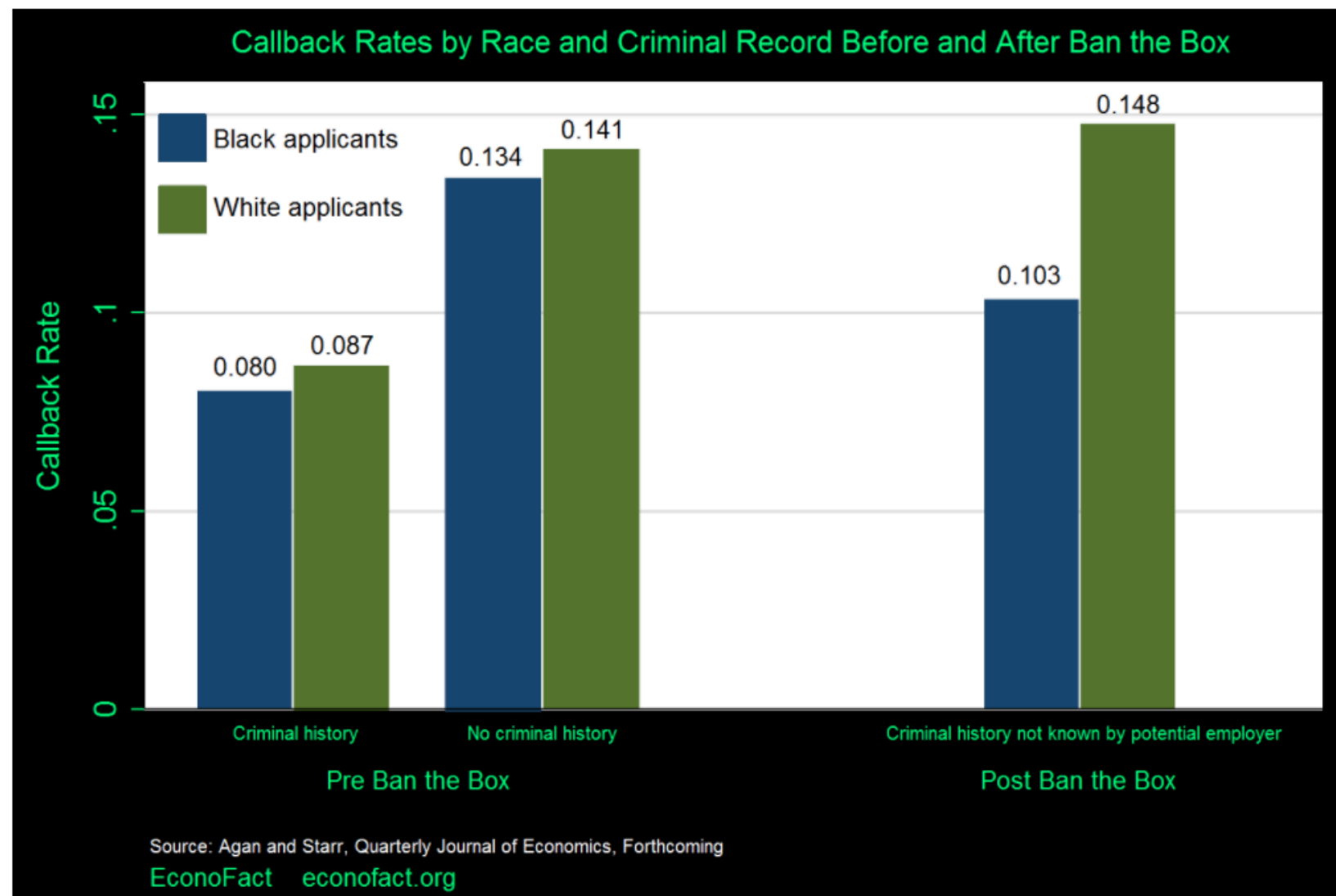
- **Policy question:** How can we increase employment for people with criminal records?
- Finding employment is key to building a stable life outside of prison
- We know that many employers are reluctant to hire people with criminal records
 - What can we do to change this?

One approach: Removing information about criminal records

- If employers discriminate against people with criminal records, perhaps we should just hide those records
- **Ban the Box** — prevents employers from asking about criminal records until late in the hiring process
- **Clean Slate** — seals criminal records from view by anyone except law enforcement

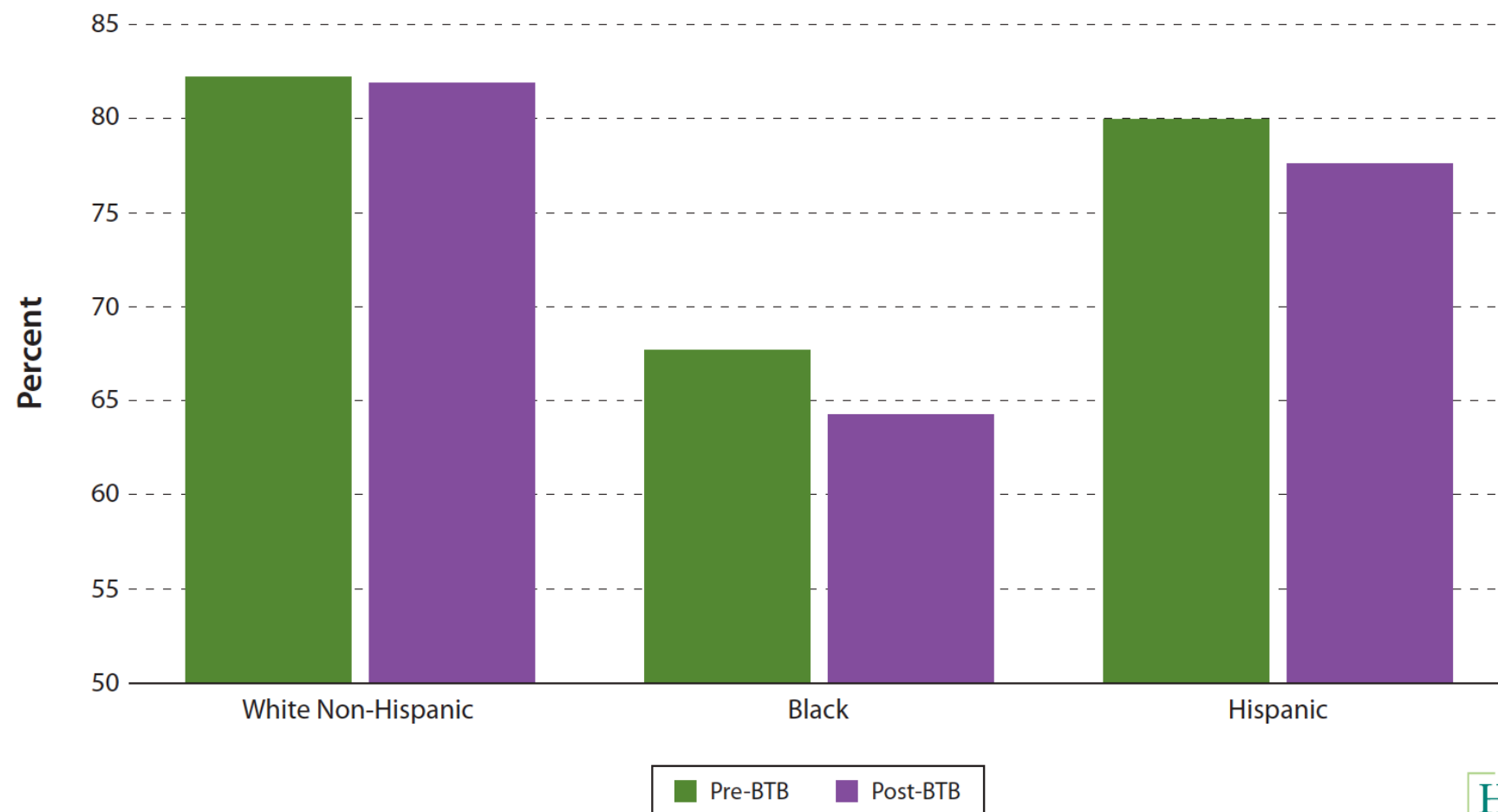
Agan and Starr (2018)

- Field experiment in NJ and NYC: Submitted thousands of job applications from fictitious job candidates before and after BTB, randomizing race and criminal history
- Found BTB increased racial disparities in callbacks six-fold
- When employers couldn't ask, they tried to guess, and assumed Black applicants were more likely to have a record



Doleac and Hansen (2020)

- Used gradual rollout of Ban the Box across the US as a natural experiment
- Tested effect of the policy on employment for young, low-education men
- We found that BTB:
 - reduces employment for black men by 3.4 percentage points (5.1%, $p < 0.05$)
 - reduces employment for Hispanic men by 2.3 percentage points (2.9%, $p < 0.10$)
 - has no effect on white men (positive effect when restrict attention to private BTB laws)



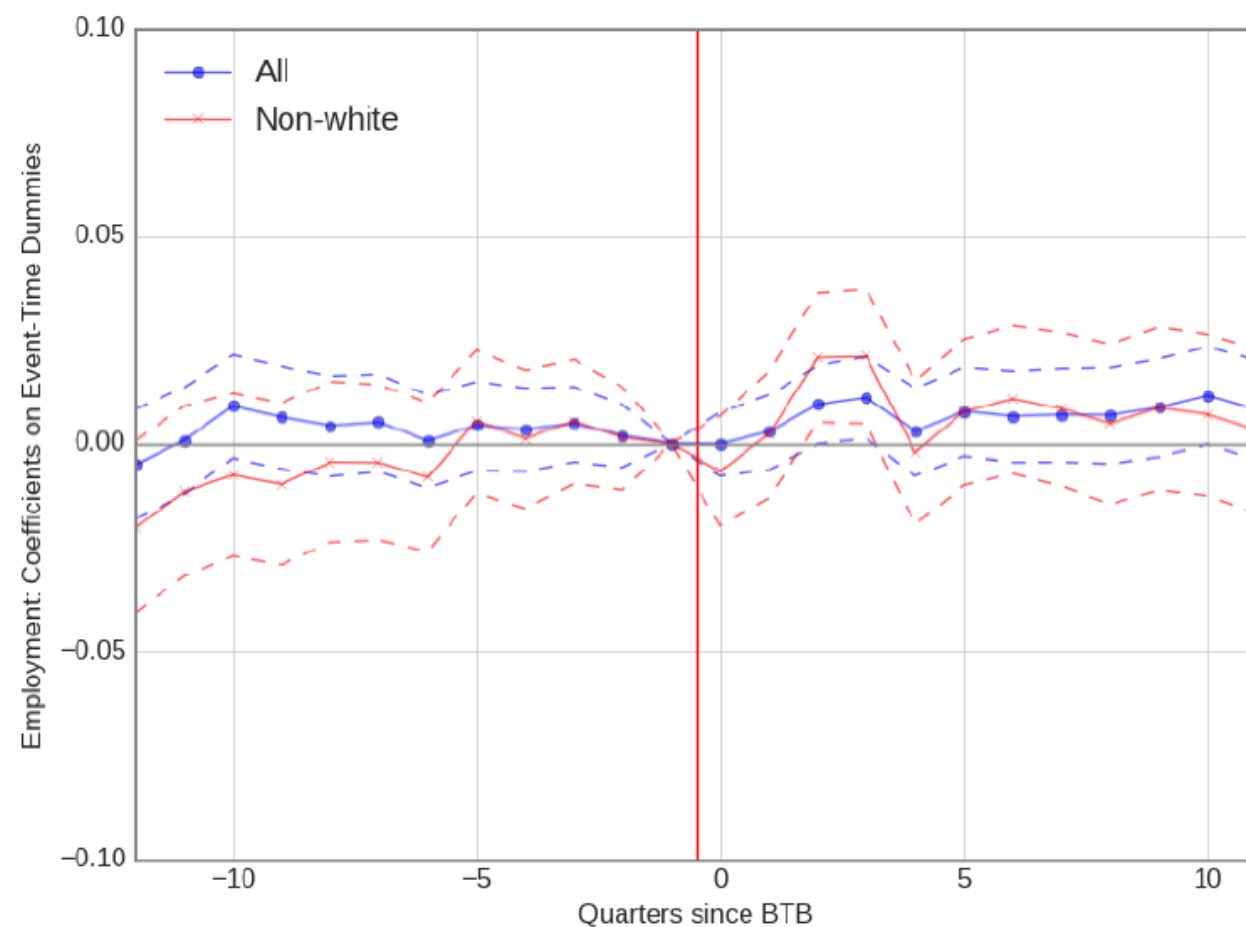
Source: Doleac and Hansen 2016.

Note: The analysis spans the years 2004 through 2014.

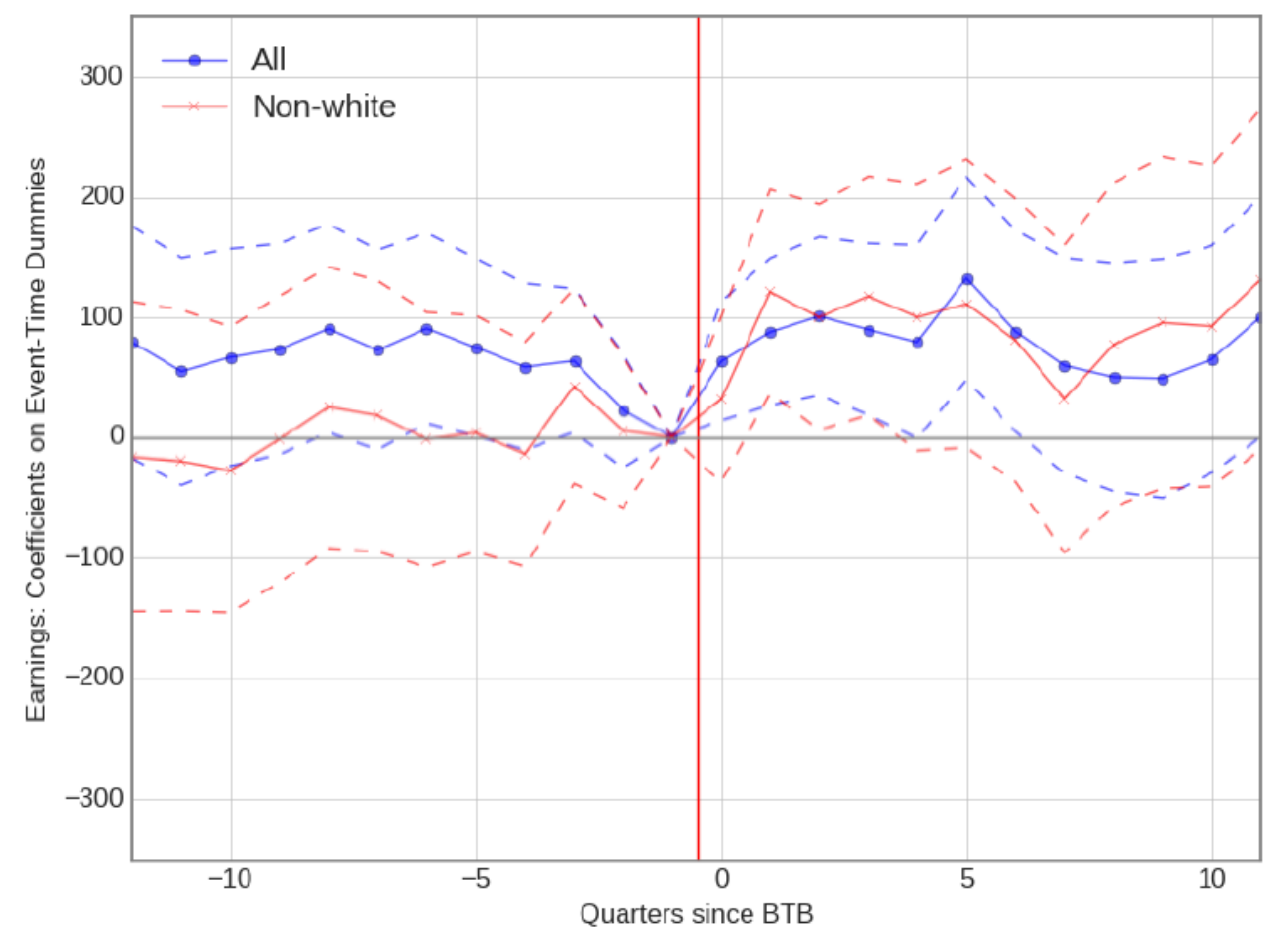
Rose (2017)

- Measured the effect of a Seattle BTB policy on people with criminal records in Seattle, relative to other areas of Washington State
- Detailed administrative data on employment and earnings, linked with criminal records
- BTB had no impact on any employment outcomes for the target group

C. Employment event-study



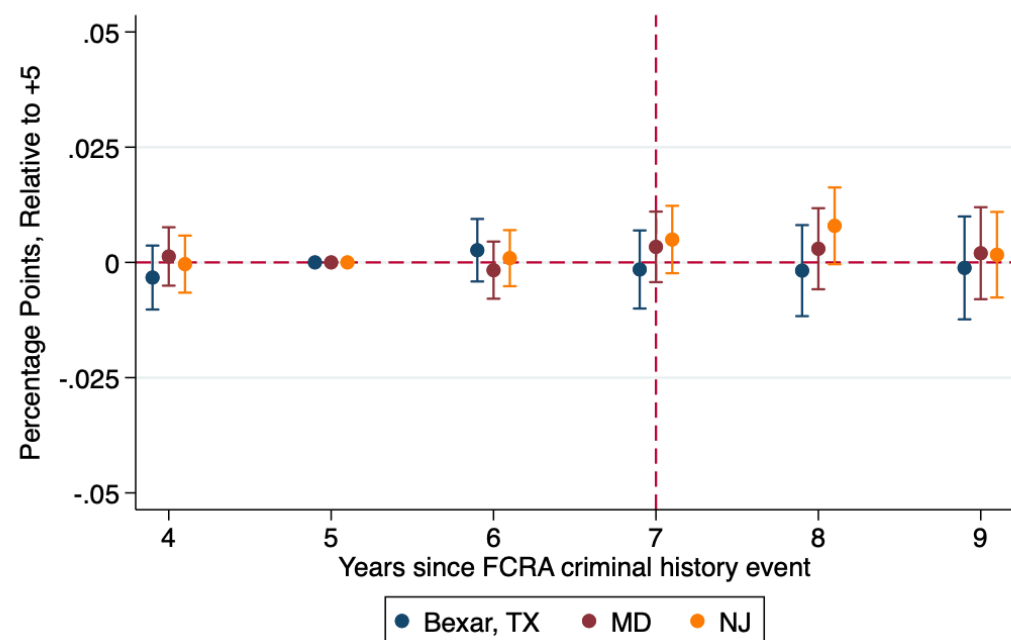
D. Earnings event-study



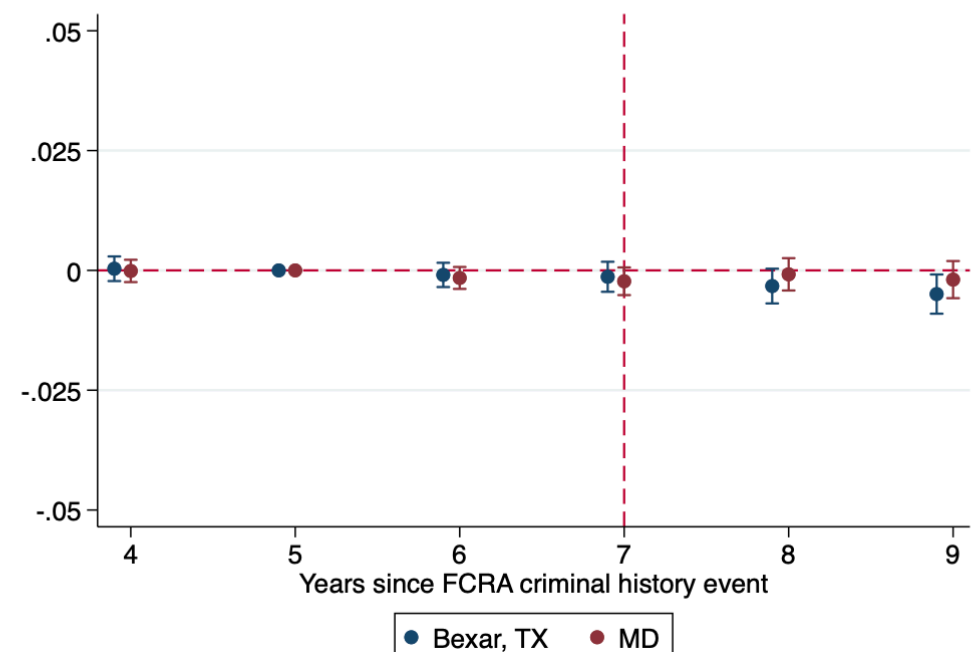
Agan, et al. (2024)

- Measures the effect of federal and state laws requiring that records are sealed after 7 years in employment background checks, as well as a big Clean Slate law in Pennsylvania (sealed all non-conviction records immediately)
- Zero impacts on employment in both cases
- A similar study on Clean Slate in New Zealand likewise finds no employment effects (Dasgupta, et al. 2025)

(a) Felony Non-Convictions, no other convictions



(b) Mis. Non-Convictions, no other convictions

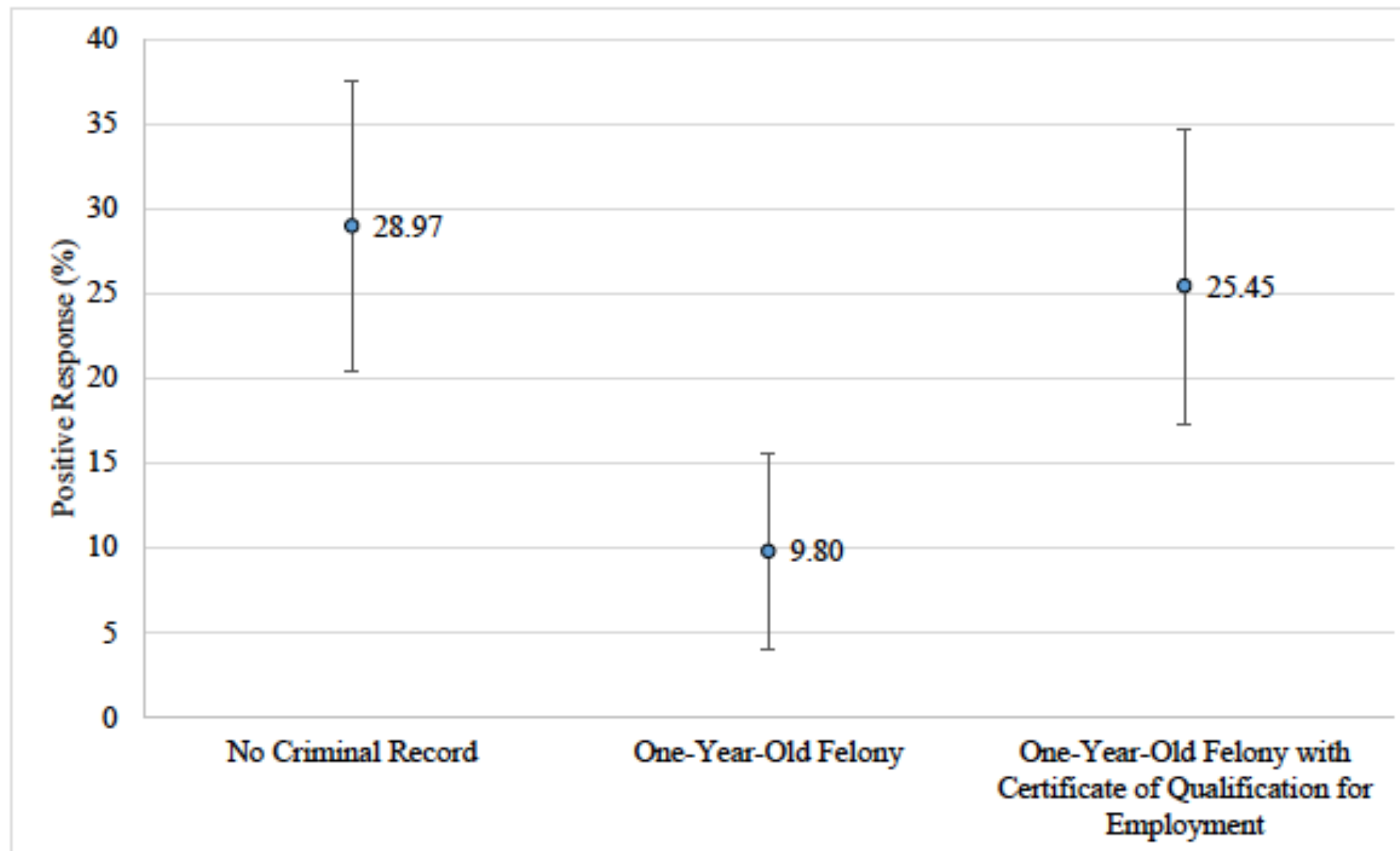


Removing information does not work

- Neither of these approaches have increased employment for people with criminal records
- Unintended consequences:
 - Ban the Box has increased racial discrimination — when employers can't ask, they try to guess
 - Some early evidence that Clean Slate has this effect as well (Onal 2024)
- What could we do instead?

Leasure & Stevens Andersen (2016)

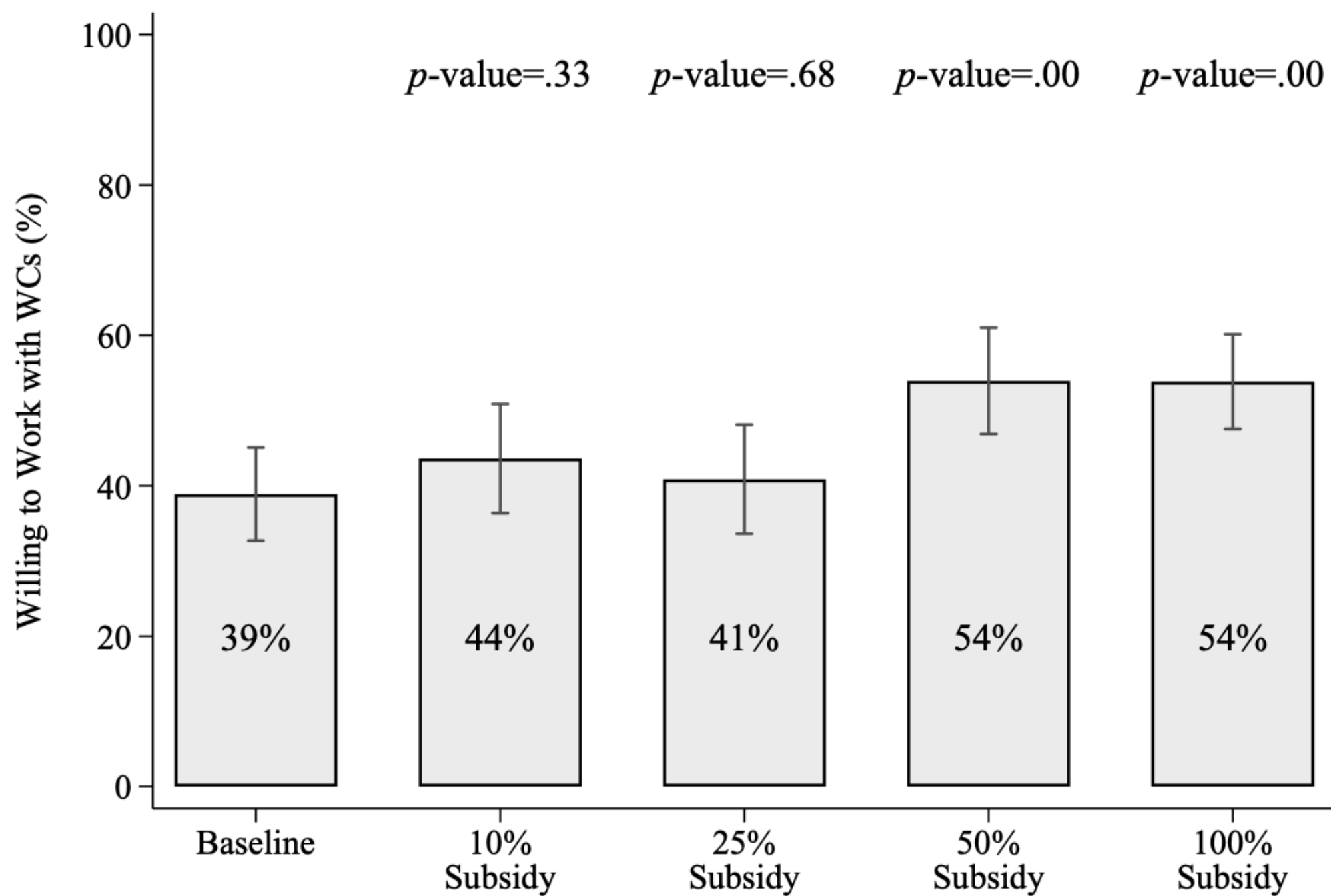
- Rehabilitation certificates: Court-issued certificates provide a “positive credential” to counter “negative credential” of a criminal record
- Audit study testing effect of rehabilitation certificates in Ohio
- Measured effect on callbacks from employers
- Certificates almost completely wiped out the negative effect of the criminal record



Cullen, Dobbie, and Hoffman (2023)

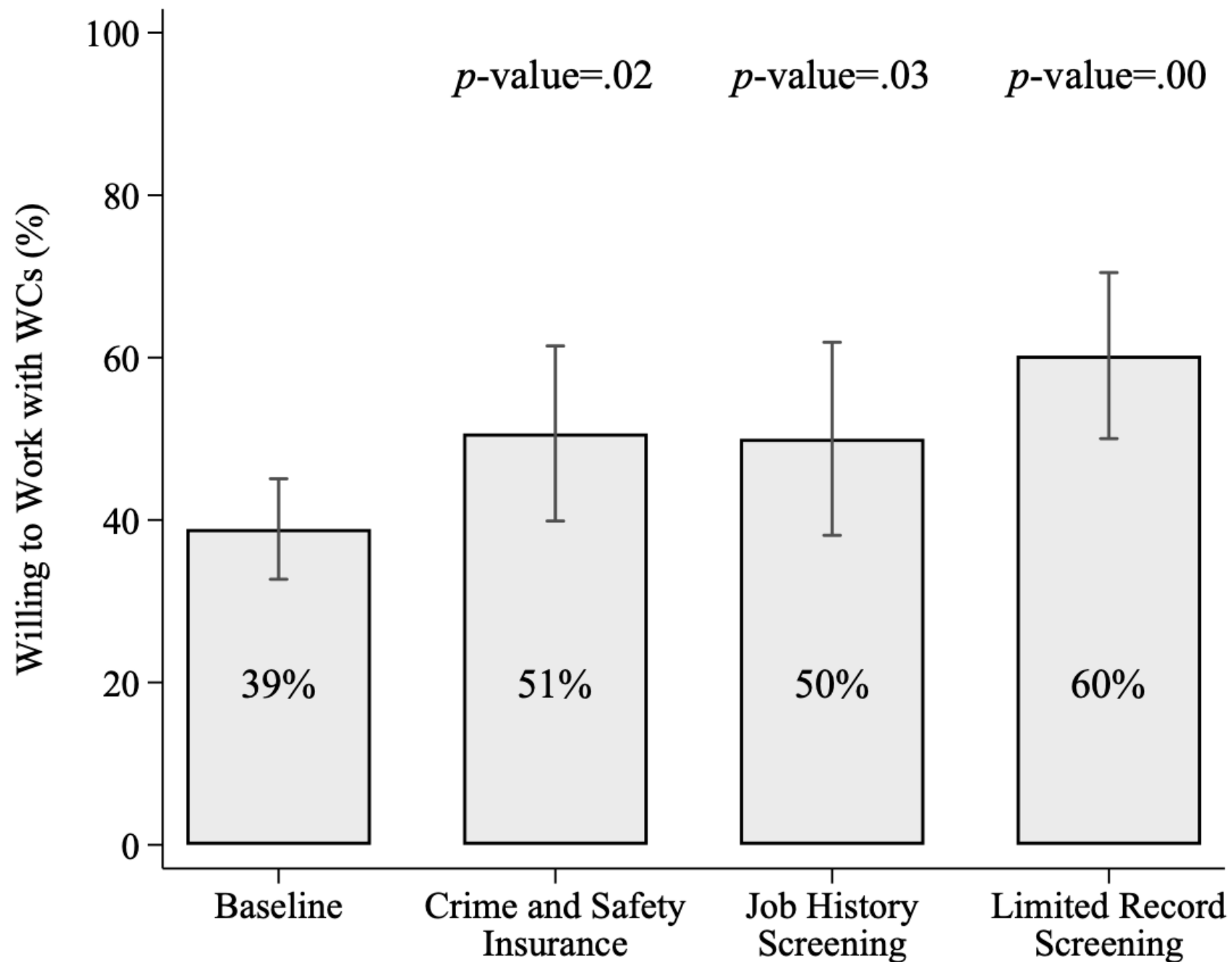
- Field experiment on a large hiring platform for temporary workers
- Asked hiring managers if they'd be willing to accept an employee with a criminal record
 - If “yes” their hiring criteria were immediately changed (strong incentive to be honest)
 - If “no” then offered various incentives to try to make them a “yes” (randomized experiment)

Wage subsidies were somewhat effective



Other strategies were even more effective

- Dollar-for-dollar, crime and safety insurance was the most effective strategy



Directly addressing employers' concerns worked

- **Punchline:**

- Directly addressing employers' concerns — with more information or incentives that reduce cost or risk — is much more effective than the default approach of removing information

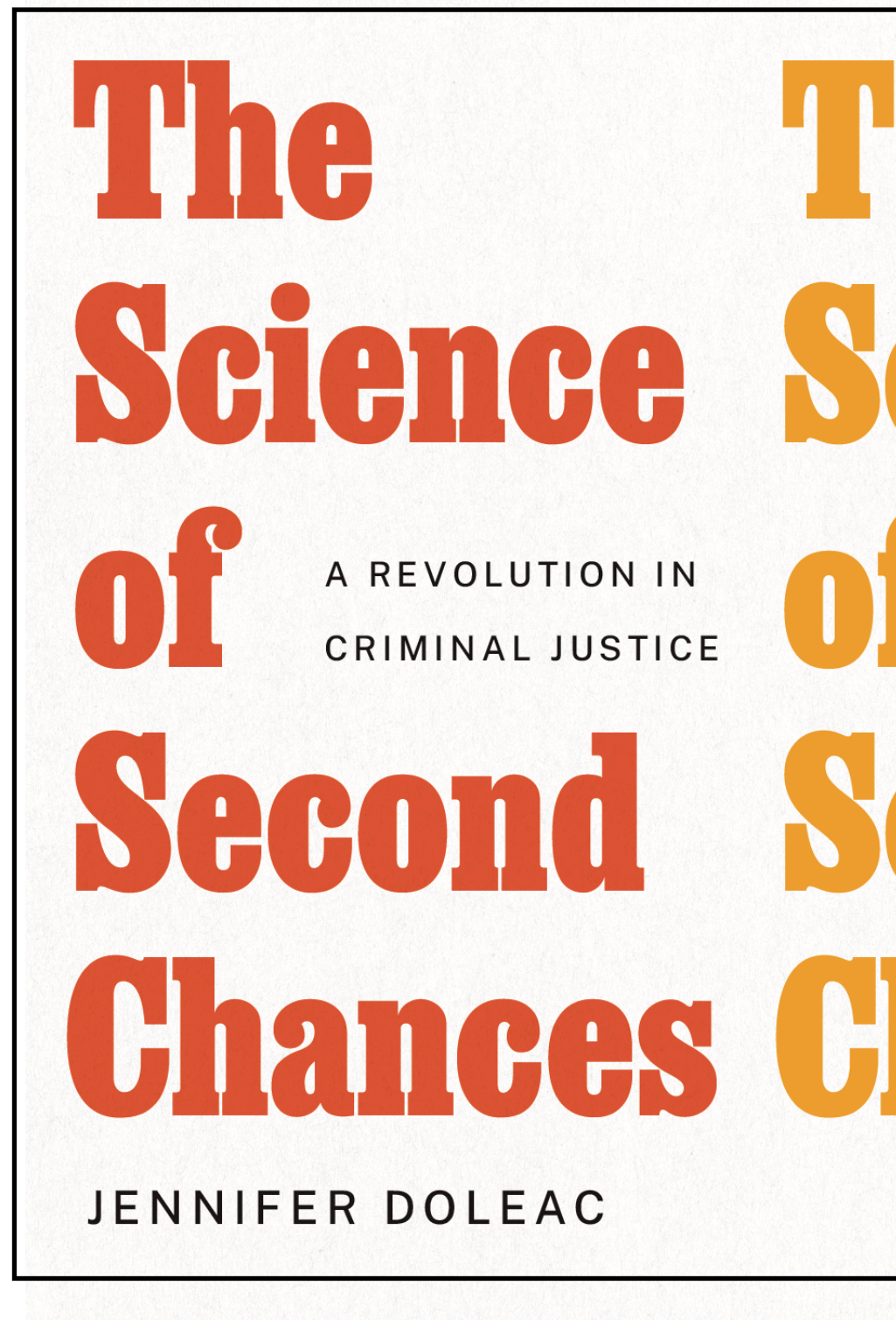
- **Next question:**

- How do we effectively implement these strategies at scale?

Summary

- A few evidence-based approaches to break the incarceration cycle:
 - Err toward leniency for first-time defendants
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 - Use electronic monitoring as an alternative to incarceration
 - Provide cognitive behavioral therapy (CBT) in prison
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Want more? I have a book coming out!



End