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# The Effects of Imprisonment in a Time of Mass Incarceration

## ABSTRACT

Imprisonment has deleterious effects on prisoners' mental, physical, social, and economic well-being. These harms are long lasting and affect prisoners' partners and children. In the United States and elsewhere, imprisonment disproportionately inflicts these harms on people of color and people living in poverty. Although imprisonment is regarded as a reasonable and effective means of protecting the public, it is not, when compared with nonconfinement alternatives, an effective way to achieve public safety. Two broad sets of policy reforms would be better: retroactive and prospective sentencing reforms that reduce reliance on confinement for all types of offenses, including violent crimes, and broad initiatives that reduce reliance on prison and jails while also investing in housing, education, treatment, health, and communities. Researchers and policy analysts need to engage in problem-solving research that examines not only incarceration's effects but alternative ongoing efforts to achieve public safety and justice.

Imprisonment imposes innumerable short- and long-term harms on imprisoned people. It is psychologically, emotionally, and physically costly and undermines people's health and well-being while also increasing

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morbidity over the life course. It imposes steep financial costs. Although many imprisoned people work while behind bars, few are able to save money or support their families because of the high cost of subsistence items in prison, extremely low wages, and the widespread imposition and collection of legal financial obligations. Adverse financial effects persist over time, as imprisonment reduces employment, earnings, and opportunities for wealth accumulation after release. Imprisonment also disrupts and weakens bonds between incarcerated people, their romantic partners, and their children, destabilizing families in the process. These social and relational harms extend over time and outside prison walls.

Some of these effects are intensified by the American style of imprisonment. And some have been exacerbated by mass incarceration over the past half century (Haney 2012). The US incarceration rate began an unprecedented ascent in 1973, after which the number of people under the supervision of the criminal legal system increased more than fivefold.<sup>1</sup> This trend continued through 2007, when nearly one in 100 adults lived behind bars, 5 million were on probation or parole, roughly 10 million spent time in jail, and nearly one in three US residents were living with a criminal record (Pew Charitable Trusts 2008; Sabol 2014; Kaeble and Cowhig 2018, table 1). By 2020, the imprisonment rate had declined by 28 percent from its peak in 2007 (Carson 2021*a*). Even so, the US incarceration rate remains the highest in the world (Walmsley 2021).

The terms “mass imprisonment” and “mass incarceration,” coined by David Garland (2001), underscore the unprecedented scale of the US criminal justice system and the harms it causes. The scale of confinement sharply differentiates the United States from comparable democratic countries, where incarceration rates in recent years ranged from 38 per 100,000 residents in Japan to 188 in New Zealand (Walmsley 2021). By contrast, the US incarceration rate remains remarkably high—over 600 per 100,000 residents in 2020 (Kang-Brown, Montagnet, and Heiss 2021). Mass incarceration is also characterized by highly disproportionate confinement of people of color, especially young Black men with low levels of formal education (Pettit and Western 2004; Western and Wildeman 2009). These racial disparities have decreased in recent years: from 2010 to 2020, US state and federal imprisonment rates fell by 37 percent among

<sup>1</sup> Immigrant detention has also increased dramatically: on an average day in 2020, nearly 50,000 immigrants were detained in the United States, up from a few thousand in 1980 (Kassie 2019).

Black residents, 32 percent among Hispanic/Latinx residents, and 25 percent among White residents (Carson 2021a). Still, substantial racial inequities in incarceration nonetheless persist. For example, the imprisonment rate among Black residents in 2010 was 6 times higher than among White residents and remained 5.1 times higher in 2020.<sup>2</sup>

Mass incarceration is wrong for many reasons. There is little evidence that it makes Americans safer (Petrich et al. 2021). It is exorbitantly expensive (Wagner and Rubay 2017). It imposes significant human and social costs (Travis, Western, and Redburn 2014). Because racial and ethnic disparities in imprisonment have been, and remain, staggeringly high, these costs are disproportionately borne by people and communities of color (Alexander 2010). As a result of its scale, mass incarceration has damaged enormous numbers of people. While imprisonment probably has negative effects on prisoners anywhere and at any time, Americans are much more heavily burdened by its effects than are people elsewhere. The increase in the scale of the US criminal legal system has been so profound, and so consequential, that researchers now treat penal institutions and practices as key mechanisms by which race and class inequality has been reproduced over time (see, e.g., Western 2006).

For these and other reasons, concern about overuse of incarceration has grown, and many state and local governments have taken steps to reduce their prison and jail populations (Beckett 2022). The spread of COVID-19 in US prisons and jails intensified the push for decarceration (Denney and Valdez 2021), and the number of incarcerated people fell 14 percent, from 2.1 million people to 1.8 million from March 2020 to June 2021 (Kang-Brown, Montagnet, and Heiss 2021). However, most of this decline took place during the early months of the pandemic. By summer 2021, many courts had resumed operations, and jails were returning to their prepandemic practices, gradually reversing previous population declines. The jail population increased by 13 percent from mid-2020 to the spring of 2021 (Kang-Brown, Montagnet, and Heiss 2021). Several jurisdictions announced plans for prison expansion. Thus, although the pandemic triggered a nontrivial decline in US prison and jail populations, emerging evidence suggests that those drops will prove temporary.

The devastating effects of COVID-19 in prisons and jails reveal an important truth about prisons: they are places that cage human beings and

<sup>2</sup> Calculations are based on data from Carson (2021a), table 3.

deprive them of the means to ensure their health and safety. In this essay, we provide an overview of the harms of imprisonment and offer recommendations about alternative ways to pursue safety and justice. We focus on state and federal imprisonment in the United States. To be sure, state and federal prisons, which mainly house people who have been convicted of a felony offense and sentenced to 1 year or more of confinement, are only the tip of the carceral iceberg.<sup>3</sup> While the term mass incarceration is commonly used, the state criminalizes, supervises, and controls millions of people in prisons and jails and outside. In 2019, for example, 1.4 million US residents were in a state or federal prison, nearly 750,000 were in a local jail, close to 900,000 were on parole, and almost 3.5 million were on probation (Minton, Beatty, and Zeng 2021, table 1). Terms such as mass criminalization (Hinton and Cook 2021), the carceral state (Beckett 2018), and punitive excess (Travis and Western 2021) highlight this broad expansion of the state's capacity to surveil, punish, and control its residents. Because of space constraints, we focus on the effects of confinement in federal and state prisons. For the same reason, we draw mainly from recent scholarship and focus on the United States, although we sometimes refer to comparative and international research.

We begin in Section I by summarizing research findings about the effects of imprisonment on imprisoned people's health and well-being; their employment, earnings, and wealth; and their relationships with loved ones, including children. Where possible, we identify the mechanisms by which imprisonment has these adverse effects. In Section II we discuss the policy implications of this body of research. We first identify normative principles that, along with data and evidence, influence our recommendations for reducing the harms that imprisonment causes. We make the case for two broad sets of policy reforms: comprehensive sentencing reforms that reduce confinement time for current and future prisoners for all types of offenses, including violent crimes, and broader policy initiatives that reduce reliance on prison and jails while also investing in housing, education, treatment, health, and communities. Both strategies are crucial to ensuring that ostensible reforms actually reduce precarity, state violence, racial inequities, and marginalization. We invite researchers to engage in

<sup>3</sup> US prisons also house people who were released from prison but returned to it after violating the conditions of their release. A small number of states have combined jail and prison systems in which people awaiting adjudication or serving confinement sentences of less than 1 year are housed.

problem-solving research that examines not only mass incarceration's effects but also ongoing efforts to promote safety and justice by alternative means (Prasad 2018).

### I. The Effects of Imprisonment

Imprisonment imposes myriad health-related, financial, and relational harms on prisoners and their loved ones. The negative effects sometimes vary along demographic lines. And for some who face especially grim circumstances in the "free world," prison can offer a reprieve from even more acute deprivation. For instance, some imprisoned women report that prison offers a "temporary refuge" from abuse, extreme poverty, and marginalization (Bucerius, Haggerty, and Dunford 2021, p. 525). For these women, prison "interrupted what they understood to be lethal patterns of drug use" (p. 526) and provided a rare guarantee of a "safe place to sleep" (p. 528), three meals a day, and health care. Similarly, some imprisoned people in Leipzig, Germany, describe prison as a place of rest, predictability, privacy, and care relative to their experiences of hardship on the streets (and some were therefore opposed to decarceration efforts during the pandemic; Schneider 2021). Research in England, Wales, and Norway reveals that prison can afford opportunities for some for "reinvention" and an opportunity to "get clean" (Crewe and Ievins 2020). Although many of the studies that report such findings involve people incarcerated outside the United States, Comfort (2012) similarly finds that, for some, imprisonment in the United States can also provide an opportunity for "self-reflection" (p. 314) that some describe as akin to college, although "prison's punitive mission . . . fundamentally interferes with any other purpose young adults may attempt to extract from it" (p. 317).

Although prison may thus offer particular resources and opportunities for some especially disadvantaged people, these findings ultimately reveal the deep deprivation, marginalization, and structural violence many people living in poverty experience both inside and outside of prison. These caveats notwithstanding, the literature shows that imprisonment imposes many harms on the people who experience it and on their loved ones (Haney 2012). It is true that establishing a causal connection between imprisonment and particular adverse outcomes in individual studies is challenging because of possibly uncontrolled selection bias, limited longitudinal data, variation in the operationalization of key variables, and limited measures of important health and other metrics (Travis, Western, and

Redburn 2014; Massoglia and Pridemore 2015; Massoglia and Remster 2019). Still, the accumulated evidence of adverse effects is robust. For this reason, we offer few additional disclaimers in this essay regarding the challenges of establishing the causal effects of imprisonment.

#### *A. The Health and Well-Being of the Imprisoned*

US imprisonment generally worsens the mental and physical health of the imprisoned in both the short and the long term. For some groups (especially Black men), particularly disadvantageous conditions in the free world mean that incarceration may improve access to health care and reduce mortality in the short run but exacerbate these problems in the long run.

1. *The Psychological Harms of Imprisonment.* Many researchers in the post–World War II era analyzed the complex psychological harm caused by imprisonment (Liebling and Maruna 2005). Perhaps most famously, Gresham Sykes (1958) identified five psychic pains of imprisonment. They include deprivation of liberty, which encompasses both restricted movement and social isolation; deprivation of goods and services; diminished autonomy, including the compulsion to comply with rules that are often experienced as both arbitrary and irrational; and physical vulnerability and insecurity. The fifth and most fundamental kind of pain is symbolic: “The individual’s picture of himself as a person of value—as a morally acceptable adult who can present some claim to merit—begins to waver and grow dim” (p. 79). Other contemporaneous researchers similarly underscored the psychic costs of imprisonment (Haney, Banks, and Zimbardo 1973; Toch 1992) and institutionalization more generally (Goffman 1961).

During the 1980s and 1990s, however, many researchers began to operate from a very different premise, namely, that the psychological pains of imprisonment are relatively inconsequential (for a discussion and critique of this intellectual shift, see Liebling and Maruna [2005]). Yet recent studies confirm that imprisonment has a variety of negative effects on mental health and well-being both during and after incarceration (Liebling and Maruna 2005; Schnittker, Massoglia, and Uggen 2012; Turney, Wildeman, and Schnittker 2012). As psychologist Craig Haney puts it, “prisons are fraught with danger, dehumanization, and deprivation, and are pervaded by all the negative emotions that those things engender” (2017, p. 311; see also Haney 2001, 2020). This is especially true in the United States,

where prison conditions have deteriorated over time and overcrowding is commonplace. Imprisonment also requires prisoners to adapt to prisons' unique features and requirements in order to stay safe. These adaptations are often referred to as "institutionalization." Such adaptations are often functional in the prison but unhelpful in the free world: "It is important to emphasize that these are the natural and normal adaptations made by prisoners in response to the unnatural and abnormal conditions of prisoner life. The dysfunctionality of these adaptations is not 'pathological' in nature (even though, in practical terms, they may be destructive in effect). They are 'normal' reactions to a set of pathological conditions that become problematic when they are taken to extreme lengths, or become chronic and deeply internalized (so that, even though the conditions of one's life have changed, many of the once-functional but now counterproductive patterns remain)" (Haney 2001, p. 7; see also Haney 2012).

While researchers agree that imprisonment is psychologically unhelpful at best and harmful at worst, they identify different dimensions of the experience as most consequential. For example, Crewe (2011) emphasizes the harm caused by correctional policies and practices that make imprisoned peoples' futures uncertain and precarious. Irwin and Owen (2005) argue that the loss of agency and a pronounced sense of unfairness are among the most significant of imprisonments' psychic harms. Liebling (1999) highlights the social dislocation caused by imprisonment as well as heightened risks of mental illness and suicide. The prevalence of violence and victimization in prisons, which can induce or heighten symptoms associated with posttraumatic stress disorder (PTSD), are also singled out as especially harmful (Liebling 1999; Haney 2012; Travis, Western, and Redburn 2014; Schappell, Docherty, and Boxer 2016). Many of these stressors, including discrimination, stigma, and disruptions to the life course that formerly incarcerated people experience, continue long after imprisonment ends (Western 2006; Turney, Wildeman, and Schnittker 2012), although the pains of imprisonment do not always result in long-term psychological harm. As Haney summarizes,

The adaptation to imprisonment is almost always difficult and, at times, creates habits of thinking and acting that can be dysfunctional in periods of post-prison adjustment. Yet, the psychological effects of incarceration vary from individual to individual and are often reversible. To be sure, then, not everyone who is incarcerated is disabled or psychologically harmed by it. But few people are completely

unchanged or unscathed by the experience. At the very least, prison is painful, and incarcerated persons often suffer long-term consequences from having been subjected to pain, deprivation, and extremely atypical patterns and norms of living and interacting with others. (2001, p. 2)

Solitary confinement has especially adverse effects. As Haney observes, the “adverse and sometimes life-threatening psychological and physical consequences of social isolation, social exclusion, loneliness, and the deprivation of caring human touch . . . [appear in acutely] toxic forms” within solitary confinement and in the prison environment more generally (2020, p. 517; see also Nurse, Woodcock, and Ormsby 2003; Reiter et al. 2020). For this reason, the experience of solitary confinement causes significant psychological pain, exacerbates mental illness where it exists, and may induce it where it does not (Haney 2017; Reiter et al. 2020). It also appears that the experience of solitary confinement is quite common. For example, Western (2019) reports that in Pennsylvania 39 percent of people in men’s prisons, and 25 percent in women’s prisons, experience solitary confinement; on average, people spend more a month in solitary confinement during each spell of incarceration.

2. *Access to Health Care.* People who experience imprisonment tend to have poor health and limited access to health care before their incarceration (Wakefield and Uggen 2010; Travis, Western, Redburn 2014). A wide range of social conditions and dynamics beyond individual behaviors and conditions explain this pattern (Wang et al. 2008; Dumont et al. 2013). For example, people who are unemployed frequently lack health insurance that would allow them to secure medical care and income and therefore have difficulty eating healthfully, obtaining medication, and otherwise addressing their health needs. As Travis, Western, and Redburn observe, the poor health of many prisoners “can be attributed to overlapping synergistic epidemics (syndemics) of substance use, infectious diseases, and mental illness in the context of poverty, violence, homelessness, and limited access to health care” (2014, p. 204).

Ironically, imprisoned people are the only group of US residents for whom health care is recognized as a legally actionable right. In *Estelle v. Gamble*, 429 U.S. 97 (1976), the Supreme Court found that deliberate indifference to the medical needs of incarcerated people violates the Eighth Amendment’s prohibition against cruel and unusual punishment. This ruling and subsequent litigation (including *Brown v. Plata*, 563 U.S. 493



[2011]) expanded health care services for prisoners (Simon 2016). Thus, in a country with comparatively low rates of health care insurance coverage and other barriers to health care, “incarceration can be an opportunity of last resort” for access to medical care (Meyer et al. 2014, p. 721). As Travis, Western, and Redburn (2014, p. 215) note, “Some correctional facilities have served as important public health collaborators in screening for and diagnosing various infectious diseases” such as HIV. And because of the aging of the prison population, some prisons also increasingly serve as critical delivery sites for nursing home–level care (Smith 2013). But the availability of care in prison varies widely. For example, more than one-third of all state and federal prisoners have been diagnosed with a mental health condition, but nearly two-thirds of these prisoners report not having access to mental health care during their incarceration (Prison Policy Initiative 2021; see also Bronson and Berzofsky 2017).

Moreover, even when care is available in theory, correctional institutions are not ideal settings for care provision and often fail to meet incarcerated people’s health needs (Aday and Farney 2014). This is in part because people in federal and most state prisons are required to pay co-pays to get access to (privatized) health services. While these fees may appear low to outsiders, they are prohibitive for many incarcerated people (Travis, Western, and Redburn 2014). Moreover, prisons are difficult and often hostile environments in which imprisoned people must often navigate physical barriers, correctional staff indifference or even hostility, logistical challenges, and widespread assumptions about prisoner malingering in order to access health care (Vandergrift and Christopher 2021). In the absence of systematic accreditation, the courts are the main source of oversight of health care in prisons—and their willingness and capacity to ensure that prisoners’ right to adequate health care is provided varies notably (Schwartzapfel 2018). Ongoing litigation about the failure of many correctional systems to provide adequate and timely care suggests that these problems are endemic.

Many people also experience gaps in care after release from prison. This stems in large part from the “inmate exclusion” policy, which mandates Medicaid termination upon incarceration and often results “in gaps in Medicaid coverage at release” (Albertson et al. 2020, p. 317; see also Winkelman et al. 2016; Pew Charitable Trusts 2017). Even after the expansion of Medicaid triggered by the enactment of the Affordable Care Act in 2014, the incidence of uninsuredness (30 percent) is about twice as high among nonelderly adults with recent criminal legal system involvement

as among otherwise comparable adults (Winkelman et al. 2016; Albertson et al. 2020). In addition, discrimination based on both race or ethnicity and criminal records is associated with decreased health care access and use (Frank et al. 2014).

3. *Morbidity and Mortality during and after Imprisonment.* Imprisoned people generally have poor health before, during, and after incarceration. For example, rates of hypertension, chronic lung disease, and heart disease are two to four times higher among incarcerated people (Massoglia 2008a). Older adults and women who are imprisoned suffer from especially poor health (Travis, Western, and Redburn 2014). Because imprisoned people are more likely to experience poor health before incarceration, it is sometimes difficult to determine whether incarceration worsens physical health. However, studies reveal numerous likely causal pathways between incarceration and poor health. Some of these mechanisms, including acute and chronic stress and increased risk of infectious disease transmission, are operative during incarceration. Others, such as social and economic marginalization after release and discrimination against formerly incarcerated people in employment, housing, and health care, come into play following release (Massoglia and Remster 2019).

High rates of morbidity among the currently and formerly incarcerated are linked to comparatively high mortality rates. Counterintuitively, though, the mortality rate for incarcerated Black men is notably lower than for nonincarcerated Black men (Spaulding et al. 2011; Travis, Western, and Redburn 2014; Carson 2021b). This is because incarceration eliminates some of the main causes of mortality for Black men, including gun violence and transportation-related accidents, and because access to health care is temporarily expanded (Patterson 2010; Massoglia and Pridemore 2015; Western 2019).<sup>4</sup> By contrast, White male prisoners do not experience reduced mortality during incarceration, in part because lack of insurance coverage before incarceration is less common among White men. Thus, “the more equitable mortality rates among inmates are not evidence of the beneficial effects of incarceration so much as an indictment of disparities in the community at large” (Dumont et al. 2013, p. 78).

<sup>4</sup> Western (2019) reports that men’s (race- and age-adjusted) homicide victimization rate is roughly four times higher for the general population than for incarcerated men. However, rates of assault in prison are more than five times higher than in the general population. Men are thus less likely to die of homicide, but far more likely to be assaulted, in prison than outside of it.

Moreover, any reductions in mortality that do occur for Black men (and possibly for Black women and other people of color) dissipate after release, after which mortality rates increase notably (Spaulding et al. 2011; Pridemore 2014; Rosen, Kavee, and Brinkley-Rubinstein 2020). For example, one study found that justice-involved individuals had 12.7 times the risk of death within 2 weeks after release compared with residents of the same age, gender, and race and 3.5 times the risk of death during the average follow-up period of 1.9 years (Binswanger et al. 2007; see also Albertson et al. 2020). The risk of death from suicide or drug overdose is especially high in the months following release (Binswanger et al. 2007; Travis, Western, and Redburn 2014). Thus, any reductions in mortality among Black men (and possibly other marginalized groups) during incarceration appear to be offset by much larger increases in mortality following release.

4. *Effects on Public Health and Racial Inequities in Health.* Many researchers have noted that US mass incarceration has profound health effects. The pandemic made those connections, and their implications, even more clear. As sociologist Hedwig Lee and her colleagues write, “The novel coronavirus 2019 (COVID-19) pandemic has brought into sharp relief the expansive nature of community. . . . To be sure, certain populations remain disproportionately burdened by COVID-19 infection risk, complications, and death, but, as we have seen, the rise in infection in any subpopulations can easily lead to infection in other communities. This new reality requires us to reimagine in a more inclusive way what ‘community’ and ‘safety’ mean. It also requires us to act in a more deliberate and universal way to protect communities. For a community to be resilient, every member of the community must be resilient” (Lee, Weiss, and Pendergast 2021, p. 1).

Findings from Wildeman’s (2016) cross-national study provide support for the idea that the scale of incarceration affects the overall health of the population (even in the absence of a global pandemic). This study examined the relationship between incarceration rates and population health in 21 developed democratic countries and found that increases in incarceration are inversely associated with gains in population health. However, it appears that this effect was driven mainly by the relationship between incarceration and poor health in the United States (see also Rich, Wakeman, and Dickman 2011). This effect likely stems from the concentration of formerly incarcerated people with limited access to health care in low-income neighborhoods (Massoglia 2008a) and limitations on health

care for incarcerated people and their families (Massoglia and Schnittker 2009). In addition, incarceration can increase the spread of infectious diseases, including HIV (Johnson and Raphael 2009), and sexually transmitted diseases more broadly, in the communities from which the incarcerated and formerly incarcerated are overwhelmingly drawn (Grinstead et al. 2005).

Given that US mass incarceration disproportionately affects Black people and other people of color, Massoglia argues that incarceration may act “as one of the fundamental systems of stratification that contributes to racial health disparities in general health functioning” (2008*b*, p. 297; see also Massoglia 2008*a*). Consistent with this proposition, Sykes and Piquero (2009, p. 214) find significant racial, educational, and marital inequalities in health testing and test results and conclude that “the penal institution is an active agent in structuring and re-creating health inequalities within prisons, thereby exacerbating existing community health inequities when inmates are released.” Similarly, Nowotny and Kuptesvyh-Timmer find that “mass incarceration has deleterious health effects for those directly affected by it (the incarcerated), and mass incarceration contaminates the communities where it is geographically concentrated” (2018, p. 1).

### *B. Employment, Earnings, and Wealth*

Having been imprisoned negatively affects nearly every aspect of former prisoners' lives. Compared with otherwise similar people who have never been imprisoned, former prisoners' levels of employment, current and lifetime earnings, and accumulated wealth are lower. Negative economic effects are greater for minority than for White former prisoners. Many causes have been documented. They include discrimination by employers, occupational disabilities, residence in disadvantaged neighborhoods offering few employment opportunities, and lack of membership in social networks that provide access to opportunities.

1. *Education, Employment, and Earnings before Incarceration.* Imprisonment disproportionately affects people with lower levels of formal education, spotty employment histories, and comparatively low incomes (Pettit and Western 2004; Western and Wildeman 2009; Looney and Turner 2018). For example, Looney and Turner find that “Boys who grew up in families in the bottom 10 percent of the income distribution . . . are 20 times more likely to be in prison on a given day in their early 30s than children born in top-decile families” (2018, p. 2). Imprisonment has become a common

event in the lives of men with little formal education, especially men of color (Pettit and Western 2004; Western and Pettit 2010).

Although the experience of incarceration is clearly shaped by inequality, mass incarceration also masks it. This is because incarcerated people are not represented in important data sources; this exclusion notably affects metrics used to assess inequality (Western and Beckett 1999; Western and Pettit 2005; Pettit 2012). For example, Pettit (2012) shows that the exclusion of incarcerated people from most national surveys leads to underestimates of the magnitude and persistence of the racial gap in educational attainment, employment, and earnings. Similarly, Ewert, Sykes, and Pettit (2014) find that including incarcerated men in estimates of the high school dropout rate reveals that Black men have not experienced any improvements in educational attainment since the early 1990s and that sizable racial inequality persists among men in educational attainment.

2. *Employment, Earnings, and Income during Imprisonment.* Although many people who enter prison were unemployed before their incarceration, a majority work while imprisoned (Halladay 2019). However, few prisoners earn much income and even fewer are able to save or contribute much to support their families. This is mainly because the wages paid to imprisoned people are, with a few exceptions, extraordinarily low (if they are paid at all): “On average, prisoners earn \$0.20 per hour if held in a state prison and \$0.31 per hour in a federal prison” (Halladay 2019, p. 938). Moreover, wages for incarcerated people have declined in recent decades (Sawyer 2016). Hatton argues that labor is a central, if overlooked, feature of mass incarceration and that, for prisoners, “work is a punitive curtailment of citizenship rights, even as it is a foundation of such rights for others” (2018, p. 174). This observation appears to be especially germane given recent evidence that most prison work programs fail to contribute to later desistance from crime or help build skills that are transferable to the workforce outside of prison (Blakinger 2021).

As low as prison wages are, the figures reported above overstate the capacity of imprisoned people to earn income, for two main reasons. First, prisons increasingly charge prisoners for everyday necessities such as soap, toilet paper, food, medical co-pays, and toothpaste, and the cost of these necessities is often quite high (Eisen 2015; Raher 2018). In addition, many departments of correction now charge imprisoned people for the cost of their incarceration. For example, in Riverside County, California’s pay-to-stay program charges prisoners \$142.42 per day (Eisen 2015). Although this rate appears to be comparatively high, 43 states authorize prisons to

charge fees for room and board (Halladay 2019). These prison-related charges coexist with other “legal financial obligations” (LFOs)—fees, fines, and restitution orders—that are increasingly assessed by courts, jails, and other legal authorities (Harris 2016; Martin et al. 2018; Kirk, Fernandes, and Friedman 2020). As a result of their increased imposition, an estimated 10 million people owe more than \$50 billion in LFOs (Brennan Center for Justice 2019). The modest wages that imprisoned people earn are often garnished to cover prison and other LFOs. In Massachusetts, for example, “any and all funds” can be used to pay court-assessed fines, court costs, victim witness assessments, and other LFOs (Sawyer 2016). Similarly, New Mexico deducts 15–50 percent of each paycheck for a Crime Victims Reparations Fund and other assessments.

In short, although roughly half of all imprisoned people work while they are living behind bars, few are able to contribute much to their families or leave prison with any savings. This is because of the very low wages paid to prisoners, because many prisoners rely on these wages to obtain everyday necessities, and because of routine garnishment of prisoners’ wages.

3. *Employment and Earnings after Incarceration.* Formerly incarcerated people continue to experience diminished levels of employment and comparatively low wages following their release (Pettit and Lyons 2007, 2009; Western et al. 2015; *Economics Daily* 2019). For example, Pettit and Lyons find that “incarceration appears to have important consequences for employment and wage outcomes regardless of when individuals are admitted to prison. Even the most motivated offenders suffer sizeable and significant wage penalties and, over time, decreased likelihood of employment” (2009, p. 725). Similarly, Western and Pettit conclude that “prison was associated with a 40 percent reduction in earnings and with reduced job tenure, reduced hourly wages, and higher unemployment” (2010, p. 13). More recent studies similarly find that prior incarceration notably depresses employment and earnings. Gordon and Neelakantan (2021), for example, estimate that first-time imprisonment reduces expected lifetime earnings by 33 percent and employment by 22 percent for Black men with a high school degree and by 43 and 27 percent, respectively, for their White counterparts. Some studies show that these effects are greatest for those who spend longer behind bars: earnings and employment are lowest among people who were incarcerated for more than 6 months (Ramakers et al. 2014; *Economics Daily* 2019; but see Kling 2006).

The cumulative effect of the loss of earnings associated with incarceration is substantial. As Craigie, Grawert, and Kimble write, “The lifetime

effects of this earnings loss are staggering. The roughly half-million dollars lost by the average formerly imprisoned person is more than the entire lifetime earnings of someone who spends his or her life at the poverty line (\$382,000). And this loss does not account for missed opportunities for additional wealth generation, from Social Security benefits to accrued interest on retirement accounts to forgone investment opportunities” (2020, p. 19). Because incarceration is more common in communities of color, incarceration contributes to racial gaps in employment and earnings. For example, Gordon et al. (2021, p. 1) find that “differences in incarceration and nonemployment can explain a significant portion of the black-white gap in lifetime earnings—44 percent of the gap for high school graduates and 52 percent of the gap for high school drop-outs” among men with low levels of formal education.

While it is clear that formerly incarcerated people generally have comparatively low levels of employment and earnings, questions about causality remain challenging. This is mainly because quantitative studies are unable to control for more subtle factors—such as prior victimization—that may differentiate some people who experience incarceration from those with similar demographic characteristics and levels of education who do not (Travis, Western, and Redburn 2014). For example, Western et al. (2015) find that among people leaving prison in Massachusetts, those with histories of addiction and mental illness were the least socially integrated and had the weakest family ties, most unstable housing, and lowest levels of employment (see also Visser, Debus-Sherrill, and Yahner 2010; Western 2019). These qualitative findings regarding the importance of behavioral health issues underscores the challenge of using national survey data, which generally do not include measures that would allow researchers to control for such factors, in order to isolate the impact of incarceration. Variability in the effects of incarceration also makes establishing causality challenging. For example, some studies suggest that the relationship between incarceration and earnings may vary by race, with former incarcerated Black people paying the steepest price (Lyons and Pettit 2011; Western and Sirois 2018; Apel and Powell 2019).<sup>5</sup> These caveats notwithstanding, researchers have identified a number of mechanisms by which incarceration appears to suppress employment and

<sup>5</sup> For a discussion of some of the limitations of the survey data on which many studies rely, see Travis, Western, and Redburn (2014, pp. 241–42).



earnings among formerly incarcerated people. Each of these mechanisms is briefly described below.

4. *Stigma and Internalized Stigma.* Criminal conviction carries significant social stigma. Experimental studies show that this stigma reduces opportunities for employment among job applicants, especially for applicants of color (Pager 2003, 2007; Pager, Western, and Bonikowski 2009; Vuolo, Lageson, and Uggen 2017). Sociologist Devah Pager's pathbreaking work on this topic found that otherwise identical (and fictional) applicants who indicated that they had been convicted of a drug-related felony were notably less likely to receive a callback from potential employers. This form of discrimination interacts with, and compounds, the effect of race: Black applicants who reported no criminal conviction were less likely to receive a callback than White applicants who reported having a conviction record. Pager, Western, and Bonikowski's (2009, pp. 792–93) replication of this study in New York City included Latino job applicants and again found significant discrimination based on conviction status but also that “black and Latino applicants with clean backgrounds fared no better than white applicants just released from prison.”

It is thus evident that criminal conviction carries a stigma that reduces the job prospects of formerly incarcerated people who seek work, particularly for applicants of color who also experience racial discrimination. Yet the extent to which this stigma explains low levels of employment and earnings among formerly incarcerated people is unclear. This is because many formerly incarcerated people do not seek work, in which case employer discrimination cannot account for high levels of unemployment and poverty among the formerly incarcerated. For example, Apel and Sweeten's (2010) analysis of National Longitudinal Study of Youth (NLSY) data shows that many of the formerly incarcerated people who were unemployed were not looking for work, often for sustained periods of time.

Schnittker and Massoglia (2015) draw on social-psychological research to make sense of widespread labor market disengagement among formerly incarcerated people. In doing so, they emphasize the importance of internalized stigma, particularly in the context of the trauma associated with imprisonment: “Some of the self-defeating behavior of former inmates, including disengagement, can be seen as reflecting the psychological dilemmas former inmates face after release. . . . Although coping with stigma is difficult for all stigmatized persons, the situation of former inmates may be especially difficult given a confluence of factors, including



some atypical features of incarceration stigma, institutional pressures that amplify that stigma, and the lingering psychological pains of imprisonment, which mitigate effective coping” (p. 349). Ricciardelli and Mooney’s (2018) interviews with formerly incarcerated people also support the idea that “internalized stigma,” along with lingering trauma, may discourage job seeking and labor force participation among the formerly incarcerated.<sup>6</sup>

5. *Neighborhood Conditions.* Local socioeconomic conditions also affect the labor market experiences of the formerly incarcerated. For example, Sabol (2007) analyzed the relationship between local labor market conditions and employment among former prisoners in Ohio. Formerly incarcerated people experienced longer unemployment spells, and earned lower wages, in counties with higher unemployment rates. Noting that many former prisoners return to the most disadvantaged sections of a limited number of urban areas, other researchers have also found that residential location affects labor market outcomes for formerly incarcerated people (Morenoff and Harding 2014; Kirk 2015). Sugie and Lens (2017) find that, because local conditions are generally inhospitable, the capacity of the formerly incarcerated to travel to job-rich areas is key to transcending these limitations.

International and comparative research provides additional evidence that local economic conditions affect formerly incarcerated people’s financial futures. For example, Aaltonen et al. (2017) compare former prisoners’ employment trajectories in four Nordic welfare states (Denmark, Finland, Norway, and Sweden) and find that postrelease employment rates were highest in the country with the lowest level of unemployment (Norway) and lowest in the country where unemployment is more common (Finland). At a more general level, these findings indicate that local economic conditions may have some influence on the employment trajectories of the formerly imprisoned. That so many formerly incarcerated people return to neighborhoods with high levels of unemployment and limited transit options thus helps explain low levels of labor market participation and earnings upon release from prison.

6. *Hidden Sentences and Collateral Consequences as Labor Market Barriers.* Emerging evidence suggests that policies that limit occupational opportunities for formerly incarcerated people are also consequential.

<sup>6</sup> Awareness that wages will be garnished to pay for LFOs may also discourage some formerly incarcerated people from seeking work in the formal labor market (Beckett and Harris 2011; Cadigan and Kirk 2020).

As of 2015, more than 35,000 laws imposed more than 40,000 penalties or disabilities beyond visible forms of punishment such as imprisonment and probation on justice-involved people in the United States (Kaiser 2016, pp. 178–79; see also Warner, Kaiser, and Houle 2020). Many of these policies restrict those with a criminal record from accepting certain types of jobs entirely or from obtaining necessary certifications or licenses.

In one of the first attempts to quantify the effects of these policies, Warner, Kaiser, and Houle (2020) examine the effects of these “hidden sentences” on the formerly incarcerated. The results indicate that recently incarcerated young adults are less likely to find employment if they live in states that have comparatively large numbers of hidden sentences. Similarly, the earnings penalty of incarceration is larger in states with more laws and policies that restrict occupational options. While additional research in this area is needed, it appears that policies that restrict opportunities to engage in certain types of labor suppress labor force participation among the formerly incarcerated.

7. *The Challenge of Returning Home and Navigating Postrelease Surveillance.* Although imprisoned people generally look forward to their release, this process can be challenging, even overwhelming, and the difficulties associated with this transition undermine the labor market prospects of formerly incarcerated people. Halushka’s (2020) study of recently imprisoned men on parole in New York City, for example, shows that navigating the bureaucratic requirements of criminal justice and welfare institutions is a dehumanizing, demoralizing, tedious, and time-consuming experience that provides minimal resources and consigns many people to a life of permanent poverty (see also Miller 2021). Similarly, on the basis of interviews with people leaving prison and returning to the Boston area, Western and his colleagues conclude that

Prison release is a disruptive event that is often unpredictable and unfolding in a context of severe hardship. The high level of material deprivation we observed was combined with feelings of anxiety, isolation, and unease with criminally involved peers immediately after prison release. New technology, crowds, mass transit, and other aspects of everyday life were unfamiliar and only slowly became part of the respondents’ daily routines. While other researchers have suggested that the exposure to prison conditions or the stigma of a criminal record may produce negative effects . . . the stress of transition from prison to community is a distinct channel rooted in the fundamentally segregative character of incarceration. (2015, p. 1540)

Sociologist Sarah Brayne (2014) has identified yet another way prior criminal justice system involvement may suppress employment and earnings. Her analysis indicates that people who have been stopped by police, arrested, convicted, or incarcerated “are less likely to interact with surveilling institutions, including medical, financial, labor market, and educational institutions, than their counterparts who have not had criminal justice contact. By contrast, individuals with criminal justice contact are no less likely to participate in civic or religious institutions” (p. 367). Brayne infers that fear of surveillance and subsequent system avoidance among the justice-involved shape individuals’ behavior and involvement with institutions and other formal settings, such as legal employment, in ways that reproduce poverty and inequality. In short, recent studies indicate that the challenges associated with returning home and living with a criminal record also diminish employment and earnings among the formerly incarcerated.

8. *Racial Inequality in the Price of Imprisonment: The Role of Networks.* Research indicates that people of color pay the steepest price for being formerly incarcerated. For example, Western and Sirois (2018, p. 1517) find that formerly incarcerated “blacks and Hispanics have lower total earnings than whites even after accounting for health, human capital, social background, crime and criminal justice involvement, and job readiness.” Racial differences in access to networks appear to help explain this pattern (Lyons and Pettit 2011; Apel and Powell 2019). That is, formerly incarcerated White job seekers are more likely to find stable, high-paying jobs through social networks. Western and Sirois conclude that “these findings support a hypothesis of racialized re-entry that helps explain the unusual disadvantage of African Americans at the nexus of the penal system and the labor market” (2018, p. 1517).

Moreover, some policies that restrict occupational opportunities and appear, at first glance, to be race neutral may not be. For example, Warner, Kaiser, and Houle’s analysis of the impact of hidden sentences on the job prospects and earnings of the formerly incarcerated finds that “hidden sentences are more strongly associated with access to employment for black formerly incarcerated respondents than for whites or Hispanics. This finding is in line with, and supports, recent research that shows evidence for a ‘racialized reentry.’ . . . One interpretation of these findings is that hidden sentences institutionalize discrimination and make it easier for employers to discriminate against people of color” (2020, p. 147). In short, there is strong evidence that incarceration erodes the already poor job and earning

prospects of the formerly incarcerated, especially for people of color. This effect appears to be attributable to various informal social processes as well as formal policies that limit opportunities for formerly incarcerated people.

9. *The Effects of Imprisonment on Wealth and Asset Accumulation.* Recent studies also examine whether and how incarceration affects people's ability to accumulate wealth. This question is especially germane given the magnitude and persistence of the racial wealth gap, which shows no sign of abating (Oliver and Shapiro 2019). Not surprisingly, these studies show that the experience of incarceration depresses rates of home ownership and other forms of asset accumulation. Maroto's (2015, p. 207) hybrid mixed effects analysis of NLSY data indicates that formerly incarcerated people "are less likely to own their homes than never-incarcerated people by an average of 5 percentage points, and their probability of home ownership decreases by an additional 28 percentage points after incarceration." As a result, the net worth of formerly incarcerated people decreases by an average of \$42,000 following incarceration. Other studies report similar findings (Sykes and Maroto 2016; Maroto and Sykes 2020). These effects also affect families and children—and they sustain racial inequality. For example, Schneider and Turney (2015) find that incarceration rates are negatively associated with home ownership rates among Black people and that they widen Black-White inequalities in rates of home ownership. Similarly, Turney and Schneider (2016) find that incarceration is negatively associated with ownership of a bank account, vehicle, and home among men and that these consequences also affect formerly incarcerated men's romantic partners.

10. *Directions for Future Research.* As economic inequality climbs and wealth accumulation among millennials falls far behind that of earlier generations (Kent and Ricketts 2021), future research might consider how these broader societal trends affect the most marginalized communities, including the formerly incarcerated. Future research might also consider how the pandemic altered the effects of incarceration on labor market opportunities and outcomes. Finally, as Travis, Western, and Redburn conclude, "The collection of longitudinal data tracking individuals before and after their contact with the criminal justice system is needed" (2014, pp. 256–57).

### *C. Relationships with Partners and Children*

Imprisonment affects prisoners' and ex-prisoners' relationships with partners and children in fundamental ways. Although methodological

and design limitations of research on these subjects are significant, several adverse affects are clear. Imprisonment weakens relationships between couples and fosters breakups, although it is unclear whether this is because of imprisonment per se or because of forced separation. Parental imprisonment adversely affects children directly through weakened relationships with parents and indirectly through reduced household earnings and stability during and after parental confinement. Negative effects of mothers' imprisonment appear to be particularly strong. All of these negative effects are disproportionately more severe for Black people and members of other minority groups and their families than for Whites.

1. *Marriage and Partnerships.* Researchers have examined the effects of imprisonment on existing romantic relationships, on the likelihood of marriage/partnership following release from prison, and on aggregate rates of marriage and singlehood. Each of these topics is highly important in light of research showing that stable romantic partnerships contribute to desistance from crime (Laub, Nagin, and Sampson 1998; Sampson, Laub, and Wimer 2006; Forrest 2014). Mass incarceration has interrupted opportunities for, and the stability of, partnerships in several ways.

First, incarceration increases the likelihood that preexisting romantic relationships will end (Western and Wildeman 2009; Apel et al. 2010; Turney 2015). Early studies focused exclusively on the effects on marriage dissolution and found that incarceration had only modest effects. However, more recent studies include nonmarital cohabitation and suggest broader effects (Travis, Western, and Redburn 2014). The inclusion of nonmarital unions is important because rates of marriage among incarcerated men are about half as high as among nonincarcerated men (Lopoo and Western 2005). The effects of imprisonment on union dissolution is greatest for cohabiting couples and couples with children (Western, Lopoo, and McLanahan 2003; Turney and Wildeman 2013; Turney 2015). While these studies mainly rely on statistical methods, the adverse effects of imprisonment on partnerships has been substantiated by quasi-experimental studies (Fallesen and Andersen 2017), which find that people who served their sentence at home under electronic monitoring had a 13.3 percentage point lower risk of relationship dissolution than those who were imprisoned.

The main mechanism by which imprisonment disrupts partnerships appears to be physical separation, although the stress and strain associated with incarceration may also play a role. For example, Massoglia, Remster, and King (2011) find that incarceration has no effect on marital dissolution

after duration of incarceration is taken into account, which suggests that physical separation is the key causal mechanism. This emphasis on separation is also supported by evidence that other forms of long-term separation such as military enlistment have a similar effect on rates of marital dissolution.

There is less consensus regarding the effects of incarceration on future relationship status. Raphael (2007) finds that having served time in jail or prison reduced the odds that formerly incarcerated people would subsequently marry (see also Huebner 2005, 2007). Compared to young men who had not been imprisoned, those who had been incarcerated were about 14 percent less likely to be married. Analyzing the same data set, however, Lopoo and Western (2005) found that the adverse effect of incarceration on relationship status did not persist after release (see also Apel et al. 2010). In light of these mixed findings, Bacak and Kennedy (2015), analyzing a marginal structural model, find evidence that incarceration does reduce the likelihood of entering marriage following release. In short, studies of the effects of incarceration on future relationship status produce mixed findings, although more recent studies suggest a negative effect. Future research might usefully emulate Bacak and Kennedy (2015) by studying both nonmarital and marital partnerships (including among LGBTQ people).

Finally, researchers have examined whether mass incarceration has an aggregate effect on marriage rates in the general population. This research generally relies on state-level incarceration rates to estimate the effects of incarceration on marriage and divorce. This research design assumes that marital status does not affect incarceration and that some other factor is not causing both high rates of incarceration and high rates of union instability (Travis, Western, and Redburn 2014, pp. 266–67). Some of these studies indicate that mass incarceration may have contributed to falling marriage rates, especially for Black women (Charles and Luoh 2010; Mechoulam 2011). Others suggest small or limited aggregate effects. For example, Mechoulam (2011) finds that the incarceration of Black men suppressed marriage rates among Black women up to the mid-1980s but not thereafter. The comparatively modest effect of incarceration on aggregate marriage rates is likely a function of already-low rates of marriage among men with low levels of educational attainment (Lopoo and Western 2005).

Given the broad shift away from marriage in the general population, future research might usefully assess the effects of incarceration on aggregate

rates of partnerships and singlehood. In addition, researchers might wish to explore the possibility that lowered marriage rates may provide some benefits to women in particular (see Mechoulam 2011). Future studies might also shed additional light on the possibility that effects of higher rates of singlehood vary by gender and other factors.

2. *Incarcerated Parents' Relationships with Children.* There has been a dramatic rise in the number of children who experience parental incarceration. Unsurprisingly, there are notable race and class inequities in this experience (Gotsch 2018; Miller 2018; Turney and Wildeman 2018). Sykes and Pettit find that “in 1980, roughly half a million children had a parent behind bars. By 2012, nearly 2.6 million children had at least one parent in prison or jail” (2014, p. 135). The likelihood that a child will ever have this experience is even higher: more than 5.7 million kids—1 in 12—have experienced parental incarceration during their lives. Latinx and Black children are respectively 2.5 and 7.5 times more likely than White children to have a parent in a correctional institution; American Indian, Alaskan Native, multiracial, and ethnic minority children are also overrepresented among those who experience parental incarceration (Gotsch 2018; see also Sykes and Pettit 2014; Miller 2018). Western and Wildeman conclude, “Just as imprisonment had become a normal life event for young black male dropouts, so had parental imprisonment become normal for their children” (2009, p. 236). The reason so many children have been affected by mass incarceration is clear: most incarcerated people are parents, and about half of imprisoned parents lived with their children before incarceration (Glaze and Maruschak 2008; Gotsch 2018).

Although some studies suggest that parental incarceration can be a time to rebuild bonds (Edin, Nelson, and Paranal 2004) and facilitate communication (Giordano 2010), most find that incarceration fractures relationships between parents and children “in terms of physical closeness and financial contributions” and erodes “relationships that may already have been fragile” (Travis, Western, and Redburn 2014, pp. 269–70), with harmful effects on children’s well-being. For example, Turney and Wildeman (2013) find that incarceration negatively affects parent-child engagement, shared responsibility in parenting, and cooperation in parenting among fathers who were living with their children before their incarceration (see also Geller 2013). Using propensity score models, Washington, Juan, and Haskins (2018) find that paternal incarceration is associated with decreased involvement with fathers of children in middle childhood.



Recent studies also shed light on the mechanisms underlying negative effects of paternal incarceration on fathers' relationships with their children. For example, Turney and Wildeman (2013) find that lower levels of paternal involvement in children's lives stem from changes in the quality of the parental relationship, in fathers' economic conditions, and in fathers' health. The first of these is especially important: virtually the entire association between paternal incarceration and fathers' parenting is explained by changes in fathers' relationships with their children's mothers. These effects are smaller (and may be nonexistent) among fathers who are not living with their children before incarceration, probably because most nonresident fathers have less contact with their children.

Most studies of the effects of parental incarceration on children focus on paternal rather than maternal incarceration. More recently, though, researchers have examined the effects of maternal incarceration on mothers' relationships with their children and their family life more generally. Although less common than paternal incarceration, maternal incarceration appears to be especially disruptive because of higher levels of parent-child cohabitation before incarceration. Turney and Wildeman (2018) find that in addition to impairing romantic relationships, maternal incarceration leads to chronic strains in family life and is a stressor from which families are often unable to recover (see also Poehlmann 2005).

In short, the experience of imprisonment generally undermines imprisoned peoples' relationships with their loved ones. These relational effects are distributed in a highly uneven manner. Nearly half (44 percent) of Black women, and one-third (32 percent) of Black men, have a family member who is imprisoned (Lee et al. 2015). By contrast, 12 percent of White women and 6 percent of White men have an imprisoned family member. The cumulative risk of ever having had a loved one incarcerated is, of course, higher, especially for people of color. A recent study found that 63 percent of Black respondents, 48 percent of Hispanic respondents, and 42 percent of White respondents indicated that they had ever experienced the incarceration of an immediate family member (Enns et al. 2019).

This literature has some limitations (see Travis, Western, and Redburn 2014, pp. 275–77). Most or all of the quantitative studies analyze Fragile Families and Child Well-Being longitudinal data, which are limited to select urban areas.<sup>7</sup> Qualitative studies are generally based on convenience

<sup>7</sup> For more information about the Fragile Families and Child Well-Being data source, see <https://fragilefamilies.princeton.edu>.



samples in a limited number of (overwhelmingly urban) jurisdictions. Future studies might draw on alternative data sources, use experimental designs, or both to address these limitations. Researchers might also explore the effects of COVID-19 on incarcerated parents and their relationships with children.

## II. Implications for Policy and Research

Imprisonment causes significant harm. When it occurs on a mass scale, and in the context of pronounced inequality and widespread precarity, those harms are multiplied. The penal system is now an important mechanism by which racial and class inequalities are reproduced over time (Western 2006). At the same time, there is compelling evidence that incarceration is not an effective or humane way to protect public safety—even if we accept a narrow definition of public safety (Travis, Western, and Redburn 2014; Tonry 2016; Petrich et al. 2021). For example, a recent meta-analysis of 116 studies found that confinement either has no effect on recidivism or slightly increases it relative to use of noncustodial sanctions such as probation. Petrich et al. conclude that “this finding is robust regardless of variations in methodological rigor, types of sanctions examined, and sociodemographic characteristics of samples. All sophisticated assessments of the research have independently reached the same conclusion. The null effect of custodial compared with noncustodial sanctions is considered a ‘criminological fact.’ Incarceration cannot be justified on the grounds it affords public safety by decreasing recidivism” (2021, p. 353).

The strength of this conclusion may surprise many readers, yet other types of evidence provide additional support for it. Many countries with far lower incarceration rates than the United States experience far less crime, and many have enjoyed declines in crime rates that are similar to those that have taken place in the United States without increasing their use of incarceration (Doob and Webster 2006; Zimring 2007; Tonry 2014*b*). Similarly, US states that reduced their imprisonment rates the most in recent years have experienced the largest drops in crime rates (Pew Charitable Trusts 2014; see also Lofstrom and Raphael 2016). Research has for decades consistently shown that short sentences deter as much as long ones and that most people—including people serving long and life sentences—mature and desist from crime (Travis, Western, and Redburn 2014). Moreover, incarceration is often criminogenic (Haney 2020). For these and other reasons, the National Research Council recently concluded that

“statutes mandating lengthy prison sentences cannot be justified on the basis of their effectiveness in preventing crime” (Travis, Western, and Redburn 2014, pp. 155–56).

In short, incarceration is an ineffective and harmful means of achieving public safety. Mass incarceration is, therefore, an especially unwise and destructive institutional development, one that both reflects and perpetuates poverty and racial inequality while also largely failing to achieve its ostensible mission of keeping people safe. And when we adopt a more capacious understanding of what safety means and requires, it is clear that mass incarceration not only fails to produce public safety but is a threat to it (Beckett 2022).

Many researchers are engaged in public scholarship aimed at educating the public and policy makers about the harm imprisonment and mass incarceration cause and the need for alternative approaches to achieving public safety and justice. Doing so often means “going beyond the data” to weigh costs and benefits or identify possible alternatives. This, in turn, requires that social scientists identify the normative commitments that, along with data and evidence, guide their interpretations and recommendations. In this section, we offer a normative framework that might inform these efforts. We then draw on this framework, and social scientific evidence, to argue for two broad sets of policy changes that would reduce use of incarceration while building a safer and more just society.

#### *A. Normative Commitments in Efforts to End Mass Incarceration*

We believe it is important for researchers who engage in public scholarship regarding mass incarceration to be transparent about normative commitments. A few values seem especially germane.

1. *Racial Equity.* Mass incarceration cannot be understood without reference to the long history of racial injustice throughout US history, especially the enslavement and subjugation of Black people (Alexander 2010; Muhammad 2011; Hinton and Cook 2021). The criminal justice system continues to be rife with bias and unfairness and reproduces racial inequality in communities that are struggling with poverty and numerous forms of violence (Western 2006; Lee et al. 2015; Wakefield, Lee, and Wildeman 2016). Efforts to reduce reliance on incarceration should, we believe, treat equity, fairness, and remediation of past and current racial injustices as primary objectives.

2. *Human Rights.* The principle of universal human rights should guide analysis of what needs to be done to redress mass incarceration

and reduce reliance on imprisonment (Beckett 2022). The idea that all humans are entitled to inalienable rights, including rights to hope and to dignity, has a long history in the United States and elsewhere but has been denied in practice far too often.<sup>8</sup> The belief in the inherent value of all people, including those who live at the margins of society or have been convicted of terrible crimes, is sometimes expressed as the idea that “no one is disposable.” This value underscores the importance of considering the rights and dignity of all, including people who have been convicted of the most serious offenses (Stevenson 2014). It is for this reason that many countries allow neither the death penalty nor life sentences without the possibility of parole (Mauer and Nellis 2019; van Zyl Smit and Appleton 2019).

3. *Social Justice.* Commitment to social justice means that corrective courses of action should seek not only to reduce incarceration and the power of the carceral state but also, wherever possible, to address related sources of harm that disproportionately affect the socially disadvantaged. The concept of social justice has been articulated and theorized in numerous ways; at its core, it involves a commitment to redressing social inequality and promoting “the capacity to flourish” among the most marginalized (Sen 1989, p. 47). This value underlies our preference for changes that reduce the harm caused both by the criminal legal system and by social ills such as extreme poverty, houselessness, unmanaged addiction, and interpersonal violence. These social problems disproportionately affect people of color, people contending with poverty, and other historically marginalized groups. And as sociologist Neil Gong (2021) notes, decarceration can lead easily to abandonment and precarity if not also accompanied by increased investment in housing, income support, health care, families, and communities. Prominent proponents of abolition of imprisonment, theorists and activists alike, emphasize that ending mass incarceration requires not only dismantling coercive state institutions and practices but also imagining, building, and instituting humane approaches to safety and justice in their place (Davis 2003; Gilmore 2017; Kaba 2021). Releasing people from prison to the streets and a life of hardship, precarity, and struggle is clearly insufficient.

<sup>8</sup> Legal scholar Jonathan Simon (2016, 2017) has written eloquently and persuasively about the importance of the right to dignity.

*B. Ending Mass Incarceration*

Evidence of the damage caused by incarceration on a mass scale has been amassing for decades, and policy makers appear to be increasingly aware of its harmful and counterproductive effects. Some states have taken steps to reduce their reliance on prisons (Beckett et al. 2018; Beckett 2022). However, most reforms to date target the “low-hanging fruit,” or what Gottschalk (2015) calls the “nons”: nonserious, nonviolent, and nonsexual crimes (see also Seeds 2017; Beckett 2022). Even in relation to drug law reform most decarcerative reforms focus only on drug possession (as opposed to drug distribution). Lawmakers in recent years have more often increased penalties for drug distribution than reduced them (Beckett and Brydolf-Horwitz 2020). As a result, most of the draconian sentencing laws that contributed to the prison buildup remain on the books and continue to ensure long prison stays for many (Gottschalk 2015; Tonry 2016).

This approach ignores the reality that widespread imposition of long and life sentences, mainly in cases involving violent crime, has contributed significantly to mass incarceration. The majority of the nation’s state and federal prisoners are serving time for violent crimes, and the United States imposes far longer sentences in such cases than do other democratic countries (Tonry 2016; Ghandnoosh 2019; Beckett 2022). Moreover, while people of color are overrepresented among people convicted of all types of offenses, racial disproportionality is most pronounced among people convicted of violent crimes and, relatedly, among those serving long and life sentences (Ghandnoosh 2019; Grunwald 2021). Reform strategies that do not reduce penalties for violent crime will likely increase racial disproportionality in US prisons (Grunwald 2021). Reliance on excessive sentences is also costly and consumes significant tax dollars that might otherwise be spent on crime prevention initiatives, victim services, and restorative justice (RJ) alternatives. The clear implication of this body of research—and of the normative framework we outlined—is that comprehensive sentencing reform that includes the most serious offenses is needed if we are meaningfully to reduce reliance on incarceration and the racial inequities it embodies and aggravates.<sup>9</sup> Limiting maximum prison sentences to 20 years would be a significant change in the United

<sup>9</sup> Pfaff (2017) argues that sentence length has not increased and that changes in sentencing policy did not fuel mass incarceration. Instead, he attributes mass incarceration to one main dynamic—the increased propensity of prosecutors to file felony charges given arrest—and

States but would bring the country into line with human rights norms and the practices of other democratic countries (Ghandnoosh 2019; Mauer and Nellis 2019). To ensure that such a policy would also redress the inequities and excesses of the past, sentencing reforms must be made retroactive and allow for meaningful opportunities for postconviction relief for people serving long and life sentences. Decreasing prison admissions would also, eventually, reduce the size of the prison population, but that alone would take much longer to reduce the size of the prison population, would leave many (disproportionately Black and Brown) people serving long and life sentences, and would not decrease racial disproportionality in prisons (Grunwald 2021).

This does not mean, however, that penalties for comparatively minor offenses should not be reduced, for several reasons. First, the routine imposition of confinement and other penalties for low-level crimes contributes to mass incarceration and mass criminalization, occasions entirely avoidable pain and suffering, and reproduces racial and socioeconomic inequality (Stuart, Armenta, and Osborne 2015; Stuart 2016; Atkinson and Travis 2021). Second, relying on confinement sentences—or even conviction—for minor crimes does not protect public safety (Agan, Doleac, and Harvey 2021). And third, it seems unlikely that lawmakers will reduce long sentences for violent and other comparatively serious crimes if they have not reduced reliance on confinement for minor offenses. At the same time, reforms aimed at reducing or eliminating penalties for minor offenses must be carefully and thoughtfully pursued. Reforms, especially those aimed at making troubling practices more procedurally fair, can create the perception but not the reality of change, thereby pacifying critics, entrenching carceral state power, and making more transformative change more difficult (Steiker and Steiker 2014; Butler 2016; Gilmore 2017). Moreover, in some cases, political actors justify their support of very modest reforms in terms of the increased capacity those reforms will generate to punish other people more severely (Beckett et al. 2018). Both social scientific research and the normative principles set out above underscore the need to reduce reliance on incarceration, including for cases involving violence. Yet the political and cultural challenges associated with violent crime pose a significant obstacle, one more difficult to surmount than

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advances a reform agenda that, he argues, would lead to more meaningful change by reducing felony filings. For a critique of this perspective, see Beckett (2018, 2022).

the opposition of vested interests (Beckett 2022). Resistance to reducing punishments for interpersonal violence reflects deeply rooted and widely shared images of violent people as monstrous and irredeemable others. This myth of monstrosity (Beckett 2022) is deeply rooted in racist tropes and stereotypes (Muhammad 2011; Haney 2020). It is also irreconcilable with a substantial body of research showing that people convicted of more and less serious crimes are not two distinct moral or social categories and that extreme poverty, trauma, instability, and violent victimization typically precipitate acts of interpersonal violence (Western 2019; Haney 2020). Evidence of extensive victimization among people who subsequently commit violent acts challenges popular understandings of criminal behavior and contradicts the widespread assumption that people who commit violent acts and people who survive them are distinct groups with opposing interests. The myth of monstrosity rests on an overly narrow conception of violence, one that disregards and discounts the racial and structural violence that pervade US history and society. Yet this structural violence—including extreme poverty, racial oppression and discrimination, housing precarity, and untreated addiction and mental illness—helps explain unacceptably high levels of interpersonal violence in some US neighborhoods (Western 2019). Acknowledging the many forms violence takes, and undermining the myth of monstrosity, will be necessary if we are to develop responses to violence that reduce rather than compound it.

### *C. Getting from Here to There: Challenging the Myth of Monstrosity*

Comprehensive sentencing reform that reduces long and life sentences—and creates viable postconviction release mechanisms—is clearly needed. What is less clear is how, given the durability and power of the myth of monstrosity, to get such laws enacted. There are few avenues for challenging the popular assumption that criminal defendants are inherently malicious individuals. In capital cases, the Supreme Court has recognized that this may not be true and requires that sentencing decisions take account of individual circumstances in order not to violate the Eighth Amendment's prohibition of cruel and unusual punishment. As a result, defense attorneys representing capital clients can introduce evidence of "mitigating circumstances" in the sentencing phase of capital trials. Some legal scholars have proposed that opportunities to present evidence of mitigating circumstances be expanded to noncapital cases (Gohara 2013). However, evidence regarding this potential strategy is discouraging. The vast majority of

cases are resolved through plea bargains rather than at trial. Even in cases that go to trial, evidence of mitigating circumstances is often dismissed. As Haney notes, “A simple and seemingly irrefutable assertion that ‘not everybody’ exposed to one or another set of destructive background factors engaged in violent crime is used to trivialize what, in virtually any other context, we would all recognize as critically important to the decision at hand” (Haney 1995, p. 591). While the “not everybody” argument is intuitively appealing to many, it ignores the reality that peoples’ experiences of broadly similar circumstances are not identical. Evidence that some smokers do not develop lung cancer, for example, does not mean that a causal relationship between smoking and cancer does not exist but rather suggests that the risk smoking poses is mediated by other factors. Similarly, gender, poverty, the age at which a person experienced abuse, the existence or absence of alternative sources of support, and myriad other factors mediate the long-term effects of childhood abuse, neglect, and trauma. Invocations of the not-everybody argument sweep these nuances aside, wrongly dismiss all evidence that social biography matters, and bolster the myth of monstrosity (Haney 2020). The effectiveness of legal mechanisms for introduction of mitigating evidence is limited for another reason. Juries’ willingness to treat evidence of abuse and trauma as grounds for mercy is shaped by race. Summarizing his observations of numerous capital cases involving Black defendants, Haney concludes that “a particular kind of racially discriminatory death sentencing comes about as a result of an ‘empathic divide’ that exists between many white jurors and African American defendants. White jurors may have an especially difficult time understanding the mitigation that inheres in the structure of the lives that many African-American defendants have led” (2014, p. 1558). Findings from experimental studies confirm Haney’s observation. Mitigating circumstances that may be perceived as exculpatory for White defendants are often ignored, or even interpreted as incriminating, when defendants are Black (Lynch and Haney 2011). Research showing that race shapes jurors’ responses to evidence of mitigating circumstances casts doubt on the likelihood that such an approach will bring about a more just and fair system.

Recent studies suggest more promising avenues for undermining the myth of monstrosity. At first glance, it may seem that politicians who stress commitment to harsh penalties for violent crimes are reading public opinion reasonably accurately: many members of the public do support harsh penalties for violent offenses, and nearly all express more support

for punitive responses to violent than to property crimes (O'Hear and Wheelock 2020). Interestingly, though, people who have experienced violence, or live in areas that put them at higher risk of it, are not more punitive than others. Instead, the widespread preference for long sentences for violence is associated with traditional views about individual responsibility and accountability as well as racial resentment and authoritarianism (Cullen, Butler, and Graham 2021). That support for punitive responses to violence is rooted in values and attitudes rather than in experience means that these preferences may be fungible. In particular, advocates of alternative responses to violence could make the case that less punitive responses to violence also comport with traditional values. For example, proponents of RJ often emphasize the ways in which restorative practices respect and serve the value of accountability (e.g., Boyle 2010; Sered 2019). Emphasizing these kinds of connections may help dislodge the widely accepted idea that the only way to hold people accountable is through long prison sentences.

Many advocates are doing important cultural work by disseminating biographical narratives that challenge the myth of monstrosity. Some groups, such as the Alliance for Safety and Justice (2019), amplify the voices of the survivors of crime and violence—especially survivors of color whose voices are often omitted or silenced—who do not favor the current approach to public safety. Relatedly, some advocates disseminate and amplify the stories of people who in the past were convicted of a violent offense but now lead lives of peace and integrity, whether behind bars or in the free world. Researchers could support this effort by collecting and publicizing the stories of people whose lives refute the core assumptions of the myth of monstrosity, although this needs to be thoughtfully done to maximize the transformative potential of these stories (Desmond and Martinez Rosas 2021).

These and other cultural strategies are essential to countering the myth of monstrosity, which has impeded serious consideration of comprehensive sentencing reform. In the meantime, more minor reforms may help dislodge the image of people convicted of an act of violence as monstrous others. For example, requiring that prisons and jails adopt trauma-informed practices would constitute a minor step toward acknowledging the histories of victimization that abound among inmates in those institutions. Similarly, improving conditions of confinement (e.g., around medical care, visitation, and the use of solitary confinement) would acknowledge the humanity of the people affected. These smaller reforms may also help



lay foundations for more sweeping transformation of our approach to the problem of violence.

*D. Ending Mass Incarceration through Social Investment*

Together with social scientific evidence of mass incarceration's harmful effects and its failure to enhance public safety meaningfully, the normative framework set out above underlines the need to simultaneously diminish carceral state power, reduce racial and other inequities in the justice system, and improve underlying social conditions. This is a tall order, but we believe it is doable. We consider below what such an approach might look like.<sup>10</sup>

Risks of interpersonal violence are highly uneven. In the United States, for example, people of color, people who live in poverty, and people living in high-crime neighborhoods face especially high risk of victimization (Langton and Truman 2014; Sered 2019). Violent victimization is, in turn, highly correlated with negative mental health and social outcomes such as PTSD, socioemotional distress, and reduced quality of life. Individuals exposed to trauma (including violent victimization) are at increased risk of physical and mental illness; poor physical and mental health affect survivors' ability to engage successfully in education and the labor market (Sledjeski, Speisman, and Dierker 2008; Cutler, Lleras-Muney, and Vogl 2011).

Advocates of tough sentencing practices often base their arguments on the needs and wants of crime victims, but current criminal justice and sentencing policies do not serve violence survivors well, especially those from disadvantaged communities. Many people convicted of violent crimes and serving long sentences are themselves victims of abuse and violence (Western 2019). Most victims never enjoy their "day in court," either because they do not file a police report or because arrest and prosecution do not occur (Travis 2012). As Sered (2019) points out, that roughly half of people who experience violence do not report the crime to the police

<sup>10</sup> In focusing on violence, we do not mean to imply that the scale of punishment is driven solely or primarily by rates of crime or violence. Incarceration is widely viewed as a public safety intervention. Strategies that ignore threats of interpersonal violence in some US communities are neither inclusive nor credible (Desmond and Martinez Rosas 2021). Moreover, upticks in crime or violence, such as have occurred during the pandemic, often trigger calls for harsher penalties. Proposals to alter sentencing policies radically are unlikely to be politically credible if not accompanied by alternative public safety and justice strategies.

means they prefer nothing to what the state has to offer. Even among people who do report, most do not receive the services they need (Herman 2010). People who are poor, of color, or both are especially unlikely to receive needed services (Stillman 2015; Sered 2019). Moreover, many survivors who do report their victimization are dissatisfied with the process, and too many experience revictimization that amplifies their psychological distress. Some studies find that victim participation in the conventional criminal justice process exacerbates rather than alleviates survivors' trauma (Englebrecht, Mason, and Adams 2014).

Policies that allow for the imposition of long and life sentences are often said to reflect survivors' preferences, but this is also misleading. Long prison sentences do little to mitigate the negative effects of violence, are not favored by many people who have experienced interpersonal violence, and often end up punishing people who are themselves victims of abuse, crime, and violence. A recent national survey found that 61 percent of those who have experienced interpersonal violence favor shorter prison terms and enhanced spending on prevention and rehabilitation; only 25 percent preferred sentences that keep people in prison as long as possible (Alliance for Safety and Justice 2019). Similarly, significant majorities of survivors of all political orientations favor investing public safety dollars in education rather than in prisons and jails. In California, crime victims are a leading force in the movement for criminal justice reform (Stillman 2015).

Long prison sentences consume significant public dollars that could be reallocated to improve victim services and enhance crime prevention efforts (Tonry 2014a). For example, increasing access to high-quality, early education programs improves educational outcomes and reduces subsequent criminal legal system involvement (Heckman et al. 2010). The US Department of Education has, however, acknowledged that children in countries as diverse as Mexico, France, and Singapore have a better chance of receiving preschool education than do children in the United States (Ghandnoosh 2019). Other public safety interventions that do not involve incarceration have also been found to be highly cost effective. These include employment training and job assistance in the community and outpatient drug treatment (Drake 2013). Within prison settings, substance abuse treatment, education (both K–12 and postsecondary), and vocational training are cost-effective means of reducing recidivism and improving public safety. Community-based organizations that focus on violence prevention and strengthening communities have also been found

to reduce violent crime (Sharkey, Torratts-Espinosa, and Takyar 2017; see also Sharkey 2018). Sharkey, Torratts-Espinosa, and Takyar (2017, p. 1214) found that “every 10 additional organizations focusing on crime and community life in a city with 100,000 residents leads to a 9 percent reduction in the murder rate, a 6 percent reduction in the violent crime rate, and a 4 percent reduction in the property crime rate” (see also Telep and Hibdon 2018).

In short, investing in youth, families, and community-based organizations will advance the cause of public safety and is a preferred strategy for many crime survivors. Increased investment in RJ alternatives would also help meet survivors’ needs, improve public safety, and dislodge the cultural centrality of the myth of monstrosity. Interventions based on RJ principles vary across a number of important dimensions but generally “involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible” (Zehr 2002, p. 12). RJ initiatives that involve diversion from the criminal legal system have the potential to facilitate survivor healing while also holding people who cause harm to others accountable but without relying on jails and prisons. A growing body of evidence suggests that programs informed by RJ principles hold a great deal of promise in terms of improving survivor well-being, reducing recidivism, and, in some cases, decreasing reliance on prisons and jails.

When given the option, many people who have experienced violence and other harms choose to participate in RJ alternatives (see, e.g., Sered 2019). Studies of RJ programs generally indicate that all involved parties report high levels of satisfaction (Umbreit et al. 2005; Wilson, Olaghere, and Kimbrell 2018). In fact, expression of satisfaction is consistent for both victims and responsible parties across sites, cultures, and offense seriousness. In addition, research tracing the effects of RJ conferencing on PTSD symptoms associated with robbery and burglary found that RJ practices notably reduce traumatic effects (Angel et al. 2014; see also Wilson, Olaghere, and Kimbrell 2018). High levels of victim satisfaction reflect increased feelings of safety and positive attitudes toward perceptions of greater fairness (Umbreit et al. 2005; Sered 2019).

Although RJ programs tend to focus on meeting survivors’ needs and repairing harms, the efficacy of criminal justice interventions is often measured in terms of reduced recidivism. Many survivors participate in RJ processes precisely because they hope doing so will ensure that the

person who harmed them will not harm others (Sered 2019). For these reasons, many studies assess whether RJ processes affect the likelihood of future harm. Although significant methodological challenges are associated with these evaluations, many find that RJ programs reduce future violations (Umbreit et al. 2005; Umbreit, Vos, and Coates 2007; Sherman et al. 2015).

Unfortunately, most RJ programs are not used for violent crimes. Yet RJ may be most effective in such situations. One Canadian study found no significant effects on future violations by people convicted of low-level offenses but a 38 percent reduction in recidivism for people who committed violent crimes (Sherman et al. 2015). Another study found a direct and positive correlation between the long-term success of the program (measured mainly in terms of recidivism) and the seriousness of the offense (McCold and Wachtel 1998). The implication is that RJ programs may have the greatest potential to improve victim healing and reduce recidivism if they include cases that involve interpersonal violence (see also Sered 2019). It seems likely that RJ initiatives improve interpersonal relationships and hence communities' capacity to address harms without reliance on the police or criminal legal system.

A number of important concerns have been raised about RJ alternatives; scalability remains especially challenging. It is as yet unclear whether and how diversion frameworks based on RJ principles can be scaled up in a way that leads to meaningful improvements in survivor well-being and public safety. Yet the answers to these difficult questions will never be learned in the abstract. Increased investment in and experimentation with RJ alternatives is needed to inform assessments of its scalability and viability.

### III. Conclusion

Imprisonment causes a great deal of harm to individuals, families, and communities. It causes significant psychological harm, worsens mental and physical health, and increases morbidity over the life course. Although many imprisoned people work while they are behind bars, few can contribute to their families or save money because of the meager wages paid to imprisoned workers, the high cost of subsistence items, and widespread imposition and collection of LFOs. Incarceration reduces employment, earnings, and opportunities for wealth accumulation after release from prison. Imprisonment also disrupts and weakens bonds between incarcerated people,

their romantic partners, and their children, destabilizing families in the process.

As evidence of imprisonment's harms has accumulated, some researchers have tried more effectively to disseminate their findings to policy makers and public audiences. This public scholarship has an important role to play and has likely helped raise awareness of the harm caused by incarceration. We invite researchers to consider adopting a problem-solving approach. Prasad (2018) distinguishes "problem-solving sociology" from "public scholarship" in which researchers seek to engage in dialogue with affected parties or broadly disseminate their findings. The fundamental difference is that the problem-solving approach calls for researchers to identify and assess potential solutions to problems rather than describe and analyze the problem itself. A problem-solving approach thus requires focusing on (attempted) solutions and proposing new solutions rather than only studying problems or critiquing existing solutions. Prasad emphasizes that this approach is not an alternative to scientific inquiry. It will yield new substantive and theoretical insights and substantive findings and often require development of new methods.

Such an approach to the study of imprisonment in general, and mass incarceration in particular, would yield important and useful new knowledge. Mass incarceration's many harms and failures are well documented and reasonably well understood. It is true that causality is difficult to establish definitively in certain areas, especially in a single study. Absolute certainty is unlikely to ever be obtained. Alternatively, we could call the question, as climate scientists have increasingly done, and shift our focus to identifying and analyzing solutions to the problem of mass incarceration.

The seeds of such a problem-solving approach have been planted. For example, Sharkey, Torrats-Espinosa, and Takyar's (2017) study found that the presence of community-based organizations reduces violence. This finding invites a new research and policy agenda that studies approaches to public safety and justice that do not rely on police and prisons (see also Bell 2020). Prasad (2018) notes that such studies could advance general social scientific understanding of a variety of topics related to public safety and justice. They would likely also yield important insights into improving public safety and enhancing justice in ways that build, rather than harm, the communities most affected both by violence and by mass incarceration. The destruction and harm both cause are now well understood. The time has come for researchers to use our skills to help solve the problems we have usefully described and analyzed for decades.

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