

# Does US mass incarceration work? When you look at other countries, the numbers just don't add up.

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10/20/2016

*Despite a declining prison population, the US still sends more people to jail per capita than any other country. But does this predilection towards incarceration lead to lower crime rates? By relating crime and incarceration data to country-specific data on measures such as development and social policy [Holger Spamann](#) finds that the US' incarceration rate is a distinct outlier given the amount of crime it experiences. He writes that the incarceration gap may be down to factors such as poor race relations, but that it is more likely that the US' policy of mass incarceration simply doesn't do enough to deter or prevent crime.*



The US locks up five times more people per capita than other OECD countries, and more than any other country in the world. And yet, US crime rates are higher than the OECD country average, and US homicide rates are much higher. Does US mass incarceration fail to reduce crime?

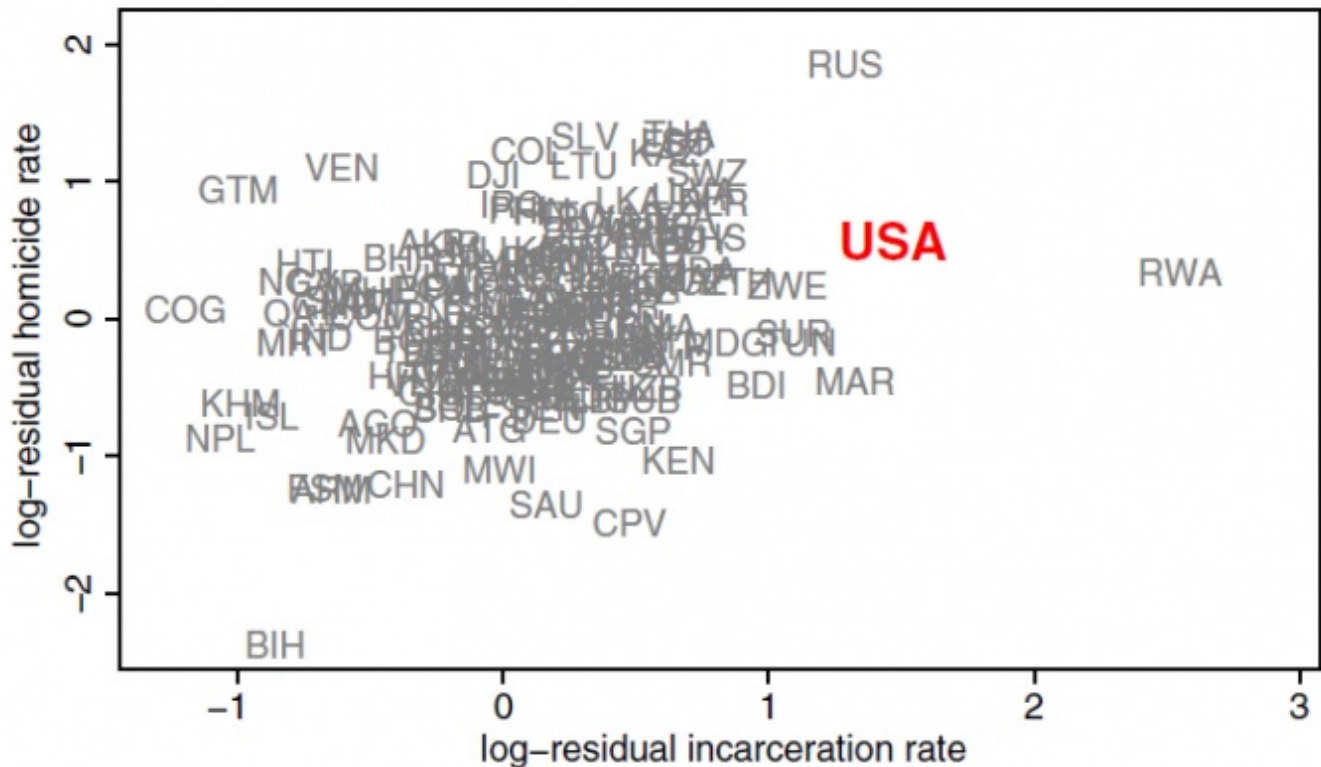
Probably, but interpreting the comparative data isn't that easy. The relationship between crime and punishment is a two-way street, and countries differ on many more dimensions than just their penal policies. To begin with, a higher crime rate mechanically leads to a higher incarceration rate, holding constant average prison time per crime committed.

More to the point, it is unreasonable to expect that countries would have identical crime rates if they adopted identical penal policies. Hence it is also unreasonable to expect that a country should have a lower crime rate than another simply because the former adopted tougher penal policies than the latter. In particular, the US is quite unique among its usual peers on many dimensions associated with higher crime.

For example, the US also has the highest income inequality and teen birth rates among Western OECD countries. Perhaps US crime rates would be much higher still if its penal policies were as lenient as Western Europe's. Comparing the raw data is comparing apples to oranges. However, adjusting for such factors to construct something closer to an apples-to-apples comparison still suggests that US mass incarceration isn't working.

In my research, I made this point by means of global cross-country regressions of crime rates and incarceration against measures of development, institutions, demographics, and social policy. These regressions allow us to filter out, so to speak, the confounding effect of these background country characteristics (development, institutions, demographics, and social policy), and focus attention on the part that is not explained by them. As Figure 1 shows, the US is still a distinct outlier after filtering, with a much higher incarceration rate than predicted, without a compensating reduction in (filtered) crime.

**Figure 1 – Modelling Homicide and Incarceration Rates around the World 2005**



This does not mean that the filtering is unimportant. In the regressions, demographics, institutions, and socioeconomics predict much of the international variation in crime and punishment. Accounting for those characteristics by means of the estimated regression models, we would expect the US to have higher crime and incarceration rates than other Western OECD countries. But we would not expect the US incarceration rate to be nearly as high as it actually is. The US incarcerates many more people than expected, but does not seem to get less crime in return.

To be sure, to draw inferences from comparative data, we must extrapolate from other countries' experience. National idiosyncracies makes any such extrapolation perilous. But could any of them plausibly be large enough to explain the remaining gap in the US' incarceration-crime nexus?

The US "war on drugs" is not an explanation. It is true that about a quarter of US inmates are serving time for drug crimes, and many others are serving time for drug-related crimes such as violence between dealers. But again, it does not seem to be working. Rates of drug abuse and drug-related deaths in the US are as high or higher than expected given US characteristics.

Guns are a more plausible explanation. In the US, firearms are notoriously easy to procure, and most US murders are committed with a gun. That being said, guns are surprisingly popular in many other countries with much lower homicide rates than the US, whereas countries with the highest homicide rates mostly have surprisingly low gun ownership rates.

Crime and punishment in the US are heavily concentrated among minorities, particularly (young) black males. Relative to non-Hispanic white males, black males are incarcerated at seven times the rate and murdered at ten times the rate in any given year. Peculiarities of US race relations might thus be a partial explanation. That being said, even non-Hispanic white Americans are incarcerated at 2.8 times the OECD average and murdered twice as often as the OECD median.

It is impossible to say for sure whether these or other factors might reconcile the comparative data with strong crime-reducing effects of US mass incarceration. In my mind, it is more plausible that the policy of mass

incarceration actually isn't working that well. Some well-targeted imprisonment is surely effective for crime control. But beyond a certain point, lengthening sentences may add little to deterrence, and does not usefully incapacitate either: old people tend not to commit crimes even if they are not in prison serving a long sentence. Moreover, too many convictions may remove stigma and disrupt families and communities, undermining non-legal social control.

As with most pressing policy questions, we cannot expect conclusive evidence. At the very least, the comparative data should induce skepticism that US mass incarceration is necessary to control what would otherwise be the Wild West. We probably need not fear a crime wave when the US reduces its prison population, as has now started to happen.

*This article is based on the paper, 'The US Crime Puzzle: A Comparative Perspective on US Crime & Punishment' in the American Law & Economics Review.*

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Holger Spamann is Professor of Law at Harvard Law School, where he teaches corporate law and corporate finance. His research focuses on the law and economics of corporate governance and financial markets, judicial behavior, and comparative law.



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