ABF American Bar Foundation
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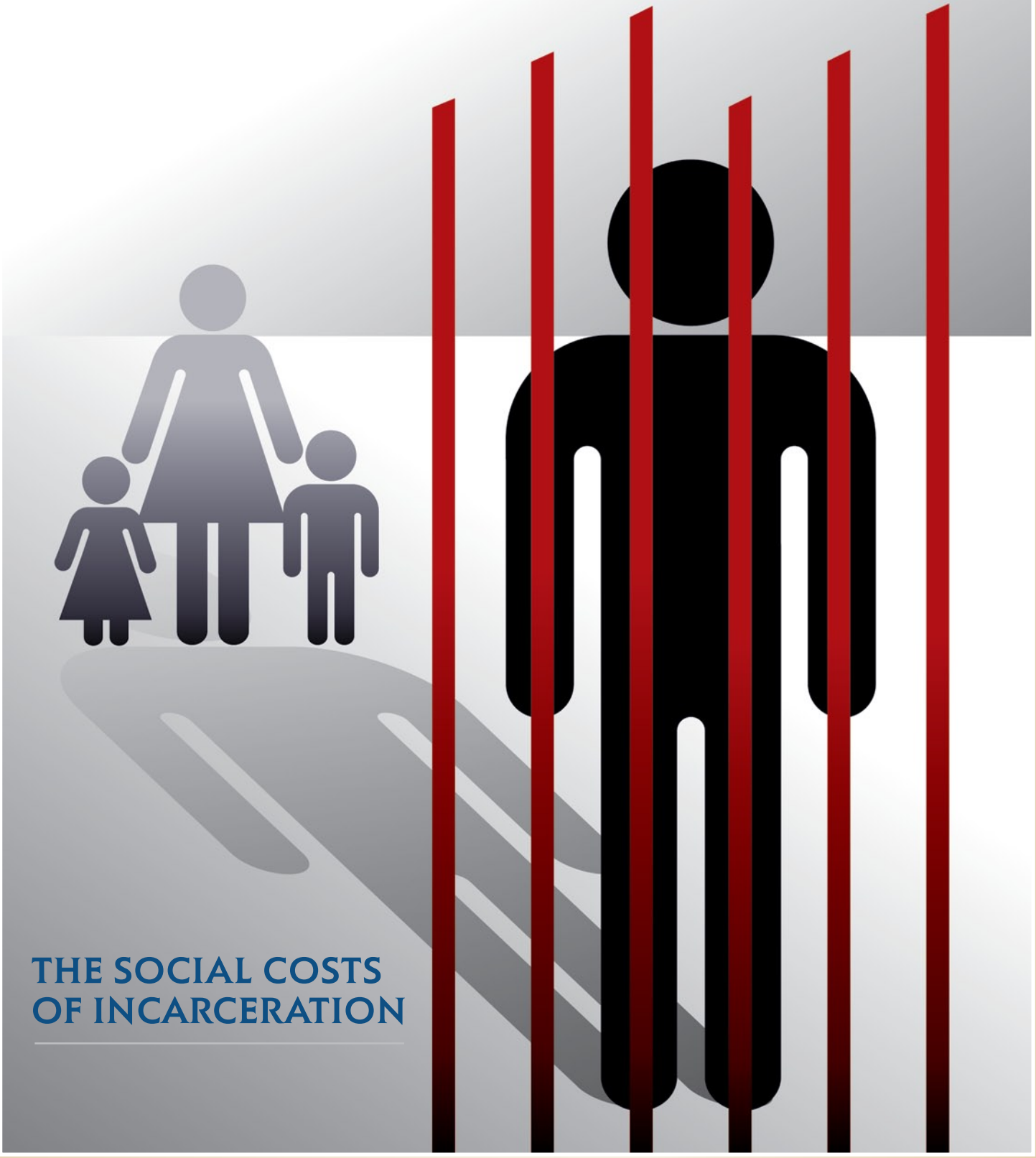
RESEARCHING LAW

AN ABF UPDATE
VOL 21 | NO 3 | SUMMER 2010



THE SOCIAL COSTS OF INCARCERATION

Social Costs of Incarceration

John Hagan

John Hagan is Research Professor and Co-Director of the Center on Law and Globalization at the American Bar Foundation, and John D. MacArthur Professor of Sociology and Law at Northwestern University. He is Editor of the *Annual Review of Law and Social Science*. Hagan has served as President of the American Society of Criminology, and received its Edwin Sutherland and Michael J. Hindelang awards. In 2009, he was awarded the Stockholm Prize in Criminology for his research on genocide in Darfur. He serves as a member of the National Scientific Advisory Council for the National Survey of Adolescent Health, and sits on numerous editorial boards. Hagan has published widely in the areas of adolescent criminology, international criminal law and war crimes. His books include *Mean Streets: Youth Crime and Homelessness* (with Bill McCarthy, 1997), *Northern Passage: American Vietnam War Resisters in Canada* (2001), *Justice in the Balkans* (2003) and *Darfur and the Crime of Genocide* (with Wenona Rymond-Richmond, 2009).

The U.S. prison population has grown exponentially in the last decades of the twentieth century.

Earlier, for a half-century between 1920 and 1975, the state and federal prison population represented about 1 in 1,000, or .10 of 1 percent of the population. Starting in 1975, according to sociologist Mary Patillo, "the incarceration rate increased in every single year" so that, by 2001, .69 percent of the population was in prison or jail."[1] More recently, the Pew Center on the States estimated in 2008 that, at the start of that year, slightly more than 1 in 100 adults (1 in 99.1) were incarcerated.[2]

While, at first glance, one percent may seem an acceptably small proportion of the U.S. population, incarceration is disproportionately concentrated among minorities and the poor. As Patillo wrote in 2004, "African Americans are seven times more likely than whites to be in prison... Although less than 1 percent of the population was incarcerated in 2001, around 10 percent of black men in their late twenties were in prison… the prison and jail incarceration rate of young black men who have dropped out of high school exceeds 30 percent. Other research indicates that around…30 percent of black non-college men will go to prison at some time in their lives." As economist Glenn C. Loury commented recently, "in this society, to a degree virtually unmatched in any other, those bearing the brunt of order enforcement belong in vastly disproportionate numbers to historically marginalized groups."[3]

THE SOCIAL COSTS OF INCARCERATION

The high concentration of incarcerated people from minority communities means that the insti-

[1] M. Patillo, D. Weiman and B. Western, eds., *Imprisoning America: The Social Effects of Mass Incarceration* (Russell Sage Foundation, 2004)
[2] Pew Center on the States, *One in 100: Behind Bars in America 2008* (Washington, D.C.: The Pew Charitable Trusts, 2008)

tution of the prison has become an overarching and influential presence not only in the lives of individuals who are convicted of crimes, but also among their families and social networks. Research has shown that most convicts and ex-convicts maintain some level of connection to their nuclear and extended families, and their absence from the family while in prison as well as their problems upon return to the community deeply affect those family members and, by extension, the immediate community. Inadequate services to help reintegrate ex-convicts into society exacerbate problems of family cohesion, employment, schooling, health, and civic participation.

At the ABF Research Professors John Hagan and Traci Burch are studying the broad social effects of incarceration from different disciplinary perspectives. Hagan, a sociologist, researches the effects of parental incarceration on children making the transition from adolescence to adulthood, with a special focus on academic achievement. Burch, a political scientist, is studying the effect of incarceration on voter turnout, both among ex-felons (who are allowed to vote in most states) as well as upon non-convicted people who reside in the same neighborhoods as ex-felons.

PARENTAL INCARCERATION

Hagan's ABF project, "Parental Incarceration and Intergenerational Social Exclusion: The Long Arm of the Law," which has been generously funded by the National Science Foundation, has resulted in several publications including, most recently, "The Mass Incarceration of Parents in America: Issues of Race/Ethnicity, Collateral Damage to Children, and Prisoner Reentry" (2009). In this article, Hagan and co-author Holly Foster (of Texas A&M University) explore several sociological theories to explain the intergenerational influences of parental incarceration, while at the same time analyzing data from two major surveys of American adolescents and Texas prisoners.

"Americans rarely think of prison inmates—black or white, men or women—as parents," the authors state. But the majority of U.S. inmates *are* parents, statistics show. As the authors note, about 3 million children have an incarcerated parent, or one who has been released recently. "African American children are most likely to have a parent in prison (7.5 percent), followed by Hispanic children (2.3 percent), and white children (1 percent). By age fourteen, among children born in 1990, the cumulative risk of parental imprisonment is 25.1 to 28.4 percent for African American children and 3.6 to 4.2 percent for white children, or 6.8 times more likely in the former group." Because of the extent of the problem, the authors argue, "it is… important for scholarly and policy reasons that Americans realize that most inmates are parents, that the imprisonment of parents likely

[3] G. Loury, *Race, Incarceration, and American Values* (MIT Press, 2008)

Traci Burch

Traci Burch holds appointments as Assistant Professor in Political Science at Northwestern University and Research Professor at the American Bar Foundation. She received her doctorate in Government and Social Policy from Harvard University. In 2009, her dissertation, *Punishment and Participation: How Criminal Convictions Threaten American Democracy*, won the E.E. Schattschneider Award from the American Political Science Association. Burch's research interests include criminal justice policy, race and ethnic politics, and political behavior. Recent publications include "American Politics and the Not-So-Benign Neglect of Criminal Justice," in *The Future of American Political Science: 100 Perspectives* (2009), and "Political Voice in an Age of Inequality," (with Kay Lehman Schlozman) in *America at Risk: The Dangers Ahead* (2009). Burch serves as Associate Editor of *Law and Social Inquiry*.

impacts their children, that most inmates ultimately return to communities after serving sentences, and that we know little about how the reentry of former inmates to the community may impact their children."

Hagan and Foster's research draws largely on data from the National Longitudinal Study of Adolescent Health (Add Health), a multi-year survey of a nationally representative sample of adolescents, commenced in 1994 by the University of North Carolina Population Center. The Add Health survey is following the cohort into young adulthood and is tracking respondents' social, economic, psychological and physical well being within the context of their families, neighborhoods and schools. Hagan and Foster analyzed data from the survey in an attempt to isolate the causal effects of parental incarceration on the life courses of children.

THEORIES

Before examining the data, however, Hagan and Foster discuss several sociological theories that may help throw light on the effects of parental incarceration on children. The first, *selection and self-control perspectives* hypothesize that "incarcerated parents and their offspring are often jointly characterized by transmitted traits that predispose their fates, whether or not these parents are convicted and incarcerated for crimes." These traits include low self-control, high impulsivity, and low conscience. In other words, selection and self-control theories would explain the negative outcomes of children of incarcerated parents as deriving from learned traits or possibly inherited tendencies that predispose the children to antisocial behavior and its consequences.

Another cluster of theories, *state sanction, dependence, and stigmatization*, would argue that "the stigma of parental criminalization may be a source of child problems in its own right." As Hagan and Foster state, "…sequences of intergenerational criminalization set in motion trajectories of exclusion rather than opportunities for reintegration. The result of such stigmatization is the culmination of disadvantage rather than advantage and, therefore, of detainment rather than attainment." The stigma of being an "outlaw" may pass by association to the children as well, setting in motion a downward social and economic life trajectory for the children.

Finally, the authors explain, *socialization and strain* theories "further emphasize the key intervening ways in which economic deprivation and family disruption lead to educational detainment and social exclusion in the transition to adulthood… the absence of an incarcerated parent may involve not only the loss of income and education-related opportunities that the imprisoned parent may have provided but also the reduction in the input this parent makes to family life more generally."

Single parents or foster parents may have less time and money to invest in children. Older children may find themselves caring for their younger siblings, diverting themselves from school. "Thus, imprisonment may more deeply alter family and community life than often realized, straining relationships and breaking apart 'fragile families'," the authors state. The lives of children can be further stressed by "family churning," the process by which families with an incarcerated or otherwise absent parent "decompose and reconstitute with surrogate parents and new stepparents." Seen from the perspective of socialization and strain theories, children in such circumstances have more limited "possibilities for educational attainment, which becomes a pivotal mechanism in the culmination of forces leading to the exclusion of the child from conventional society."

DATA ANALYSIS

The authors hypothesize that parental incarceration has negative effects on children that are independent from selectivity/self control factors "that lead to parents being incarcerated in the first place." Their purpose in the article is to "convincingly establish that parental incarceration has *causal* effects on child outcomes through mechanisms identified" in the stigmatization and socialization strain theories, "that operate above and apart from" selectivity and self control factors. In order to isolate these mechanisms Hagan and Foster employ the "propensity score matching" technique, a method that "allows differences (e.g., in childhood educational outcomes) between otherwise similar "treatment" (in this method, which is used in non-exper-

imental situations, 'treatment' refers to anything that is done to a subject or any condition imposed on them—such as incarceration of a parent) and "control groups to be persuasively interpreted as causal effects."

Using the propensity score matching method, Hagan and Foster "matched treated and control observations in terms of parental propensity for incarceration and computed the difference in the educational outcomes between the treated group with imprisoned fathers and the matched group of control respondents." They found that, to a significant degree, a father's imprisonment is correlated with his children's lower GPA and fewer years of schooling, *independent of* "selection factors" such as impulsivity, low self-control, and low conscience. Hagan and Foster note that, while the pattern of parental incarceration and lower academic attainment is found across racial and ethnic lines, the disproportionate rate of minority incarceration indicates "a cumulative process that leads to further disproportionate social exclusion of minorities."

PRISONER REENTRY

In the final section of the article, Hagan and Foster turn to examine the question of prisoner reentry into families and communities. They argue that this issue is especially important in policy terms "because of the evidence we have presented… that imprisonment of fathers has harmful effects on the educational outcomes of their children that potentially can be mitigated by rejoining families." They also note that prior research has shown that rejoining families has the further benefit of reducing recidivism.

To gain insight into the issues surrounding prisoner reentry Hagan and Foster examine data compiled in 1998 and 1999 for the Texas Commission on Alcohol and Drug Abuse by the Public Policy Research Institute of Texas A&M University. The project gathered data from face-to-face interviews with newly arrived inmates at intake facilities, through which virtually all Texas prisoners pass, yielding a representative sample. The sample included 1,295 men and 1,198 women, of whom 675 were fathers and 785 were mothers of minor children.

The interviews illuminated inmates' family ties and their expectations for those ties upon release. The data show that, not surprisingly, both before and after imprisonment mothers "are much more likely than fathers to have been living [with] (58 percent v. 38 percent) and to expect to live with (76 percent v. 56 percent) their children." However, when interviewees are broken down by race or ethnicity, the findings are more nuanced. As Hagan and Foster summarize, "before and after imprisonment Hispanic fathers (51 and 67 percent) are about as likely as Anglo mothers (51 and 72 percent) to have been living and to expect to live with their children. Hispanic mothers (61 and 78 percent) are almost identical to African American mothers (63 and 78 percent) to have been living and expect to live with their children. Meanwhile, Anglo (36 and 49 percent) and African American (32 and 54 percent) fathers are similar in having been living and expecting to live with their children. The most striking findings are that Hispanic fathers are so strongly linked to their families and children and that African American and Anglo fathers are so similar to one another in expecting to have this link to families and children after leaving prison. Overall, more than half or more of all fathers expect to live with their families and children after leaving prison."

CONCLUSION

Hagan and Foster's findings on prisoner expectations of family reunification have policy implications that necessitate a better understanding of the issues surrounding parental incarceration. As the authors emphasize, "assuming that the Texas prison survey… is representative, well over half of all incarcerated parents and more than three-quarters of incarcerated mothers expect to return to their children and families when they leave prison." The finding that about half of African American fathers—roughly the same percentage as Anglo prisoner fathers—expect to return to their families after imprisonment, "contradicts harsh stereotypes that confront African American fathers who are sent to prison and underlines a broad foundation across racial/ethnic groups for the investment of resources in encouraging and supporting the rehabilitation and reunification of parents and prospective families, for the welfare of

both the children and their parents." As the authors conclude, "more than a quarter million parents annually will be 'coming home' from prison for the foreseeable future. We are only beginning to understand the ramifications of this reunification process."

THE EFFECTS OF INCARCERATION ON POLITICAL PARTICIPATION

Traci Burch's ongoing research project at ABF is entitled "Concentrated Disenfranchisement: How Criminal Convictions Decrease Voter Registration." The project explores the effect of rising felony conviction rates on the political behavior of people both with and without criminal backgrounds, arguing that criminal justice affects participation not only among convicted offenders, but also among their families, friends and neighbors. Focusing primarily on the short-term effects of incarceration for neighborhood political participation, Burch analyzes voting behavior in the 2008 general election among individual ex-felons, but also among non-offenders living in the same communities.

In an article under development, "Turnout and Party Registration among Ex-felons during the 2008 General Election," [4] Burch focuses on the first of these subjects—the effects of incarceration on the voting behavior of individual ex-felons. She argues that "experiencing a criminal conviction can alter radically an individual's desire and ability to participate in politics." In this segment of her larger research project Burch examines "voter registration, turnout, and where available, party registration in the 2008 general election for more than one million men with felony convictions." The paper "represents the first attempt to estimate participation among this group on a large scale using real data from departments of corrections to validate the registration and turnout of felons."

THE DATA AND ANALYSIS

As a first step in her study, Burch combined millions of voter registration and history files with data from the departments of corrections in Florida, Georgia, Michigan, Missouri, and North Carolina. In these states, felons are allowed to register and vote after serving their sentences, Burch notes (today, only two states, Kentucky and Virginia, ban ex-felons from voting for life. Florida enacted ex-felon voter rights only after 2006, making the 2008 election the first in which a limited number of ex-felons could vote). These voters do not represent all citizens with felony convictions, however. As Burch notes, "all of the states in this study prevent voting among some or all felons still serving sentences" (only Maine and Vermont permit current inmates to vote). Still, Burch wanted to "get a sense of how these offenders barred from the election would have voted" and to do so she examined registration and turnout among people captured and convicted for their first offense shortly *after* the election, reasoning that "conceptually, this groups represents people who would have been punished and disfranchised during" the 2008 general election, "had they been captured and convicted just a few months earlier."

Burch's assumption that party preference and voter behavior would be similar among felons and people of the same socio-economic background not convicted of crimes at the time of the election, is backed by past research which consistently shows that "in general, non-voters tend to have the same preferences as voters." Thus, Burch hypothesizes that "one should expect the candidate preferences of offenders to mirror those of other people with the same race, gender, and educational level." Calculating registration and turnout rates in this manner for this "counterfactual group"—felons barred from the election—"helps overcome many of the problems of inference that plague previous research on felon disfranchisement," Burch notes.

Burch explains her research method in the following manner: "This analysis counts the raw registration, vote totals, and party registration for two groups of offenders: men who experienced their first conviction and sentence after the election and men who finished serving their sentences before the election. The probability of voting among ex-offenders and pre-conviction offenders is estimated using multivariate analyses in order to show how participation varies by race, gender, age, punishment type,

[4] Quotes that follow are drawn from an article under development, and should not be cited or reproduced in other publications.

and education (where available). Knowing voter registration and turnout among these two groups gives a sense of what would have happened if these offenders had been convicted and disfranchised during the election; they provide estimates of the counterfactual turnout rates among current and former offenders barred from voting during this election cycle."

FINDINGS

Analyzing the data, Burch found that, within the states surveyed, ex-felon turnout increased between 2004 and 2008. Yet, the average of ex-felon turnout in these states, at 22.2 percent, was "much lower than previous research predicts and is certainly lower than that of similar individuals with low socioeconomic status from the general population." For example, Jeff Manza and Christopher Uggen, two experts on the subject of felon disfranchisement "estimate in the absence of disfranchisement laws, 35 percent of felons nationwide would have voted in the 2004 general election," Burch notes. In contrast, Burch's analysis reveals that in the 2008 general election "…22 percent of ex-felons voted in Georgia, 19.4 percent voted in Missouri, and 24.2 percent voted in North Carolina." In Michigan, where felony probationers were never disfranchised, nearly 35 percent of ex-felons voted in the general election, while in Florida, "only 11.1 percent of eligible ex-felons voted" in 2008, Burch observes. Burch notes that the low turnout-rate in Florida "is likely due to the fact that [2008 was] the first presidential election in which some of Florida's ex-felons could vote."

Among offenders who served time for their first offense after the election, turnout was even lower than that of ex-felons. In Florida, 9.4 percent of people convicted of crimes after the election voted; in Georgia, 16.7 percent; in Missouri, 11.7 percent; and in North Carolina, 17.3 percent. Again, Burch notes, "Michigan is exceptional; 38.9 percent of offenders in Michigan voted before they served time."

CONCLUSION

"The results presented here," Burch states, "demonstrate that many fewer people with criminal convictions voted [in 2008] and in previous years," than previous research would indicate. Significantly, though, Burch argues "even at such low rates of participation, imposing ex-felon disfranchisement laws still would have prevented thousands of people from voting in these states. These turnout numbers, while low relative to the general population, represent growth from 2004, especially for black male ex-felons."

Nevertheless, the low turnout rate of 22.2 percent that Burch's research has revealed shows that "participation rates among eligible offenders… lag far behind those of even disadvantaged people who have not been convicted of crimes," Burch notes. "That turnout is so low," even when the electorate in general was highly mobilized, "suggests that full democratic participation remains a remote prospect for the U.S.," Burch argues, and indicates a need for more research "into the political behavior of people on the margins of society."

As Burch concedes "reasonable people disagree as to whether offenders should be encouraged to participate in politics on an equal footing with law-abiding citizens." However, she emphasizes, "these normative judgments are separate from the empirical understanding of how laws can potentially affect political participation. Achieving a deeper understanding of how being convicted, punished, and disfranchised for committing a crime affects political behavior is essential to comprehending voting patterns among disadvantaged citizens generally. Likewise," Burch concludes, "future research should also explore how variation in laws and other conditions at the state level can influence voting patterns."

Traci Burch is preparing several articles for publication on her research on ex-felon voting patterns. John Hagan and Holly Foster's most recent publication on their research on parental incarceration is "The Mass Incarceration of Parents in America: Issues of Race/Ethnicity, Collateral Damage to Children, and Prisoner Reentry," *The Annals of the American Academy of Political and Social Science*, May, 2009.

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AN ABF UPDATE

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Quarterly Publication
Volume 21, Number 3
Summer 2010

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