

INCARCERATION AND RECIDIVISM: LESSONS FROM ABROAD

Carolyn W. Deady | March 2014

Bottom Line: Locking up the same people over and over points to failures in the American penal system.

The United States has about 5% of the world's population yet it accounts for about 25% of the world's prisoners. Despite a steady decline in the crime rate over the past two decades, the United States incarcerates more of its citizens than any other country—716 people per every 100,000, according to the International Centre for Prison Studies (ICPS).¹ This translates to about one in every 100 American adults being in prison. As a point of comparison, the next closely ranked English-speaking, industrialized country is the United Kingdom (England and Wales), at 102 in the ICPS ranking of 221 countries. As a proportion of the population, the United States has 15 times as many prisoners as Iceland, 14 times as many as Japan and 10 times as many as Norway.

If crime is down, why are there still so many Americans behind bars? Experts point to a number of factors: harsher mandatory sentences, the decades-long war on drugs, high violent crime rates, a politicized criminal justice system, and lack of a social safety net. Recidivism rates also have a significant impact on incarceration numbers. Over 50% of prisoners in the United States will be back in jail within three years of their release.

Select Prison Populations per 100,000 of the National Population

Ranking	Country	Rate
1	United States of America	716
10	Russian Federation	475
47	Brazil	274
67	Mexico	210
102	United Kingdom	148
103	Argentina	147
117	Australia	130
126	China	121
133	Canada	118
149	France	101
151	South Korea	99
161	Netherlands	82
167	Germany	79
172	Denmark	73
176	Norway	72
179	Sweden	67
189	Finland	58
198	Japan	51
201	Iceland	47

Source: International Centre for Prison Studies

¹ International Centre for Prison Studies, "World Prison Brief," accessed November 5, 2013, www.prisonstudies.org/highest-lowest.

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Looking at recidivism in a sample of other countries, the U.S. rate does not appear exceptional. It should be noted that comparing international recidivism rates can be tricky. Countries track them differently, often using different terms (reconviction, re-arrest, relapse, re-imprisonment) and varied lengths of time for studies (1 yr, 3 yrs, 10 yrs).

Select Rates of Recidivism

Australia	39% ⁱ
Ireland	62% ⁱⁱ
Japan	43% ⁱⁱⁱ
Scotland	50% ^{iv}
United Kingdom (England & Wales)	46% ^v
United States	52% ^{vi}

ⁱ Reimprisonment rate within 10 years of release, Australian Bureau of Statistics, March 16, 2010.

ⁱⁱ Irish Prison Service Recidivism Study, May 2013.

ⁱⁱⁱ "Reducing the Rate of Recidivism," *The Japan Times*, July 8, 2013.

^{iv} Reconviction Rates in Scotland: 2010-2011 Offender Cohort, Scottish Government.

^v Rate applies to adult offenders in England and Wales released from custody in 2011. "Proven Re-Offending Quarterly Jan-Dec 2011," Ministry of Justice released October 31, 2013.

^{vi} "Confronting Confinement," Commission on Safety and Abuse in America's Prisons, June 2006.

Difficulties with comparison aside, the recidivism rates in other countries, even on the high end, reveal an interesting truth—recidivism does not have a significant impact on their prison population rates. Unfortunately, this does not hold true for the United States, most likely because Americans are imprisoned for crimes that may not lead to prison sentences in other countries such as passing bad checks, minor drug offenses, and other non-violent crimes. Also, prisoners in the United States are often incarcerated for a lot longer than in other countries. For instance, burglars in the United States serve an average of 16 months in prison compared with 5 months in Canada and 7 months in England.² With an emphasis on punishment rather than rehabilitation, U.S. prisoners are often released with no better skills to cope in society and are offered little support after their release, increasing the chances of re-offending.

The bloated population of the American prison system and the vicious cycle of re-incarceration are costly. A Vera Institute of Justice (VIJ) study of 40 states found the cumulative cost of prisons in 2010 was \$39 billion.³ The annual average public cost in those same 40 states was \$31,286 per inmate. By comparison, the average cost per public school student (nationwide) was \$11,184 in 2010.⁴ According to the Justice Department, the average cost of incarceration for federal inmates for that same year was \$29,000. The nationwide expense of incarceration in both state and federal budgets in 2010 was about \$80 billion.⁵

The costs associated with incarceration and recidivism are not just financial. The toll on prisoners and their families is impossible to calculate. Loved ones can suffer from economic strain, psychological and emotional distress, and social stigma. Prisoners endure isolation from their families and the community. They are often housed in overcrowded and

² Adam Liptak, "U.S. Prison Population Dwarfs that of Other Nations," *New York Times*, April 23, 2008. Accessed November 6, 2013, http://www.nytimes.com/2008/04/23/world/americas/23iht-23prison.12253738.html?pagewanted=all&_r=0.

³ Christian Hendrickson and Ruth Delaney, "The Price of Prisons: What Incarceration Costs Taxpayers," Vera Institute of Justice, Center on Sentencing and Corrections, January 2012 (updated July 20, 2012). Accessed November 11, 2013, http://www.vera.org/sites/default/files/resources/downloads/Price_of_Prisons_updated_version_072512.pdf.

⁴ U.S. Department of Education, Institute of Education Sciences, "Fast Facts," National Center for Education Statistics. Accessed December 8, 2013, <http://nces.ed.gov/fastfacts/display.asp?id=66>.

⁵ U.S. Department of Justice, "Smart on Crime: Reforming the Criminal Justice System for the 21st Century," August 2013. Accessed November 13, 2013, <http://www.justice.gov/ag/smart-on-crime.pdf>.

dangerous prisons. The stress of surviving in prison can lead to depression and anxiety. Inmates may leave prison worse off than when they arrived, which can be detrimental to communities and society as a whole.

Lessons to learn from other countries

A recent VJI report highlights the different approaches to sentencing and incarceration used in Germany and the Netherlands.⁶ In those countries, the emphasis is on rehabilitation and re-socialization rather than just punishment. Incarceration is used less frequently and for shorter periods of time. Sanctions such as fines, probation and community-service are used as alternatives to incarceration when possible, particularly for non-violent crimes. The conditions and practices in the correctional facilities are meant to resemble life in the community. The end goal of incarceration is for ex-prisoners to be better citizens upon release, thereby increasing public safety.

Scandinavian countries are often considered models of successful incarceration practices, particularly Norway which, at 20%, has one of the lowest recidivism rates in the world. Here, too, the focus is far more on rehabilitation and less on punishment. The thinking is that justice for society is best served by releasing prisoners who are less likely to reoffend. The Norwegian penal philosophy is that traditional, repressive prisons do not work, and that treating prisoners humanely improves their chances of reintegrating in society.⁷ This is achieved by a “guiding principle of normality,” meaning that with the exception of freedom of movement, prisoners retain all other rights and life in the prison should resemble life on the outside to the greatest extent possible.⁸ Within the walls of Halden, one of the newest maximum-security prisons in Norway, are cells with flat-screen televisions and mini-fridges, long windows to let in more sunlight, and shared living rooms and kitchens “to create a sense of family,” according to Hans Henrik Hoiland, one of the prison’s architects.⁹ Prisoners are not left to their own devices upon release, either. There is a safety net. The government guarantees it will do everything possible to ensure that released prisoners have housing, employment, education, as well as health care and addiction treatment, if needed.

While Americans may scoff at the treatment of prisoners in other countries, particularly Norway where a convict can be sentenced to as little as eight years for murder, the low incarceration and recidivism rates suggest that the “normalization” approach works.

Provocatively, data suggests that countries in which wealth is more evenly distributed also have lower rates of incarceration and recidivism. Sweden, Denmark, Norway, and Finland are among

⁶ Ram Subramanian and Alison Shames, “Sentencing and Prison Practices in Germany and the Netherlands: Implications for the United States,” (October 31, 2013), Center on Sentencing and Corrections, Vera Institute for Justice. Accessed November 12, 2013, <http://www.vera.org/sites/default/files/resources/downloads/european-american-prison-report-v3.pdf>.

⁷ William Lee Adams, “Sentenced to Serving the Good Life in Norway,” *Time*, July 12, 2010. Accessed November 12, 2013, <http://content.time.com/time/magazine/article/0,9171,2000920,00.html>.

⁸ Gerhard Ploeg, “Norway is Doing Something Right,” *New York Times*, December 18, 2012. Accessed November 5, 2013, <http://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/norways-prisons-are-doing-something-right>.

⁹ Adams, “Sentenced to Serving the Good Life in Norway.”



the ten countries with the smallest gap between rich and poor.¹⁰ In these countries, citizens pay higher taxes and receive more social services. John Pratt, a professor of criminology and expert on Scandinavian prisons, believes that strong welfare systems reduce poverty and inequality—key drivers of criminality.¹¹

The good news is that the United States is already working toward reform at both the federal and state levels. In August 2013, Attorney General Eric Holder announced a change in Department of Justice policy so that low-level, nonviolent drug offenders with no ties to large-scale organizations, gangs or cartels will no longer be charged with crimes that carry, as he put it, “draconian mandatory minimum sentences.”¹² Louisiana, Pennsylvania and 15 other states are currently taking part in the Justice Reinvestment Initiative, a data-driven program aimed at decreasing spending on corrections by reducing prison populations and increasing public safety, and saving taxpayers billions of dollars in the long run.¹³ State and local officials then decide how to reinvest a portion of the savings in programs that can decrease crime and improve public safety such as community-based treatment, probation, and prevention-oriented policing strategies.

It’s a good start, but more needs to be done. The U.S. criminal justice system needs to continue to shift its focus from punishment to rehabilitation, particularly for non-violent offenders. We can learn from other countries like Norway, Germany and the Netherlands that advocate the principle of normalization and also effective approaches to incarceration.

The U.S. goal should be to make prisoners better citizens, which will, in turn, reduce the recidivism rate and ultimately the prison population, not to mention the tax burden on citizens. Correctional facilities should provide education, instruction in life-skills, adequate medical care, and including treatment of mental illness. Repeat offenders are often imprisoned for less serious, non-violent crimes. The behavior of re-offenders can be often be linked to substance abuse, mental illness, lack of job skills, learning disabilities and lack of education. Prison sentences for less serious crimes often result in shorter sentences. Thus, even if prisons offer treatment and support for offenders while in detention, less time in prison can limit access to these services. For these prisoners, reintegration programs that offer treatment and support after release are crucial in order to stop the cycle of recidivism. The financial costs, as well as the personal, emotional and societal costs, associated with incarceration in the United States are far too high.

Gehard Ploeg, a senior adviser in the Norwegian Ministry of Justice, believes that Norway is doing something right.¹⁴ Acknowledging that the Norwegian criminal justice system is often viewed as

¹⁰ CIA *World Factbook*, Distribution of Family Income. Accessed November 20, 2013, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html>.

¹¹ Adams, “Sentenced to Serving the Good Life in Norway”.

¹² U.S. Department of Justice, “Attorney General Eric Holder Delivers Remarks at Annual Meeting of the American Bar Association’s House of Delegates, San Francisco,” August 12, 2013. Accessed November 20, 2013, <http://www.justice.gov/iso/opa/ag/speeches/2013/ag-speech-130812.html>.

¹³ Justice Reinvestment Initiative, July 2013, Bureau of Justice Assistance, U.S. Department of Justice. Accessed November 6, 2013, https://www.bja.gov/ProgramDetails.aspx?Program_ID=92.

¹⁴ Ploeg, “Norway is Doing Something Right.”



being too lax, he points out, “Prisoners are required to take responsibility for their actions—past, present and future...we believe that it is more effective for a person to want to stay away from crime than for systems to try and scare them away from it. Who would you rather have as a neighbor?”

There is no doubt that many political leaders and members of the public would have profound objections to an approach that emphasizes rehabilitation over punishment. But the American desire to punish is extremely costly in human and financial terms. There are other options that, the data tells us, are more effective at reducing crime. Perhaps punishment for the sake of punishment isn’t justice, but retribution. The American criminal justice system should aspire to more than that.



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