

EconoFact Chats: Crime and Punishment (and Rehabilitation)

Jennifer Doleac, Arnold Ventures

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Michael Klein:

I'm Michael Klein, executive editor of EconoFact, a non-partisan web-based publication of The Fletcher School at Tufts University. At EconoFact, we bring key facts and incisive analysis to the national debate on economic and social policies, publishing work from leading economists across the country. You can learn more about us and see our work at www.econofact.org.

Michael Klein:

The United States has, at any one time, about 2 million people in prisons and jails. This makes the rate of incarceration in the United States more than twice that of any other economically advanced country. There are severe costs to this, both in terms of the resources used to run prisons and jails, and the losses associated with having so many people not participating in the economy. And, of course, there is the price paid by individuals themselves when they are removed from society. There are a range of possible sources of this problem, and these raise important questions. What can be done to keep people from committing crimes? What can help reduce recidivism? Should the United States reduce the set of crimes that lead to jail and imprisonment? Importantly, data are being brought to bear to answer these questions by people like my guest today, Jennifer Doleac. Jen is the Executive Vice President of Criminal Justice at Arnold Ventures. Before she took this position, she had more than 15 years of experience as an academic economist. Jen has been at the forefront of the empirical analysis of criminal justice. Her new book, *The Science of Second Chances: A Revolution in Criminal Justice*, shows how careful research can be used to determine what policies and programs are effective for a range of issues related to crime prevention, reducing recidivism, and helping the incarcerated reenter society. Jen, welcome to EconoFact Chats, and thanks for joining me today.

Jennifer Doleac:

Hi Michael, thank you so much for having me.

Michael Klein:

Jen, I really enjoyed *The Science of Second Chances*, and I'd like to start out by asking the question that you pose in the very first sentence of your book: How does an economist wind up studying crime?

Jennifer Doleac:

Yes, I get this question all the time, and it was definitely by accident. I went to graduate school... went to get my PhD, because I loved economics. I loved the toolkit that economics provides as a way of thinking about the world, you know, the way we think about how people respond to incentives, but also the toolkit in terms of how we do empirical analyses to figure out what works. But I wasn't totally wed to what topic I would be applying that toolkit toward. I think I assumed I would study education, or higher education, probably because, you know, as a relatively young person, I really only knew the education system. It was the only world I was really familiar with. But then, like most economics PhD students, I wound up spending a lot of my time hunting around for interesting natural experiments that I could apply the econ toolkit to, and came across a newspaper article about law enforcement DNA databases. That article

basically was making the point that across the United States, laws about which types of criminal offenders are required to provide a DNA sample to law enforcement vary from state to state. So, you might be arrested or convicted of the exact same crime in Kansas as the neighboring state, but whether you go into the DNA database differs across state lines. And the point of the article was, this is really crazy and totally unfair and a weird policy, and that might all be true, but to an economist, that is a beautiful natural experiment, right? It seems almost random whether you go in the database or not, depending on which state you happen to live in. So that became my dissertation, trying to figure out what the effect of DNA databases were, and then I happened to leave graduate school at a time when there were just a few senior people in the field who were really trying to convince new PhDs to enter this field, to really build a field that hadn't really existed in the economics space before. There were a lot of education economists, a lot of health economists, but there really weren't crime economists, and this set of senior scholars was trying to convince me and others that this was a worthwhile use of our time and expertise. I was skeptical at first, it felt very risky to go down an uncertain path, but the more I thought about crime and the criminal justice system, the clearer it was that there is just a ton to do in the space, and the questions are really important, and the econ toolkit is really relevant. So, here I am.

Michael Klein:

A through theme of your book is something that we try to drill into our students and anyone else who's willing to listen to us, that correlation is not causation. This means that you and other researchers have to look for what are called natural experiments, something you alluded to already, and they use these to understand the effects of policies. Can you explain what a natural experiment would be, and why it would be important to look at that instead of just looking at statistics?

Jennifer Doleac:

Sure, yeah. So if we want to know what the impact of a particular intervention or program is, the ideal experiment we would run would be, you know, as if we were in a laboratory, and you could just flip a coin whether someone goes in the treatment group or the control group, and that helps you ensure that the only difference between those two groups is whether they got the treatment. There wasn't some underlying difference between them. And there are lots of economists that do run randomized trials, and randomized controlled trials, and field experiments, but a lot of times it's not possible to actually randomize. For instance, whether you hire more police officers, or whether you put someone in prison...those are unlikely to be determined truly at random.

Michael Klein:

So, for example, if you hire more police officers, it could be because there is more crime, and so there is this underlying difference between places that hire more police officers and those that don't, and that would sort of screw up your ability to really understand what's going on.

Jennifer Doleac:

Right, exactly. So, you can't do it at random, but that basic correlation might be misleading, right? Because places that have more crime would hire more police officers, but it's not the police officers that are causing the crime, It's the other way around. So looking for interesting policy shocks or other types of variation in the data...randomness in the data, even if it's not a truly random policy, can provide traction on those underlying causal questions of, you know, do police cause more or less crime?

Michael Klein:

As I mentioned, you were a leader in using this type of rigorous analysis for issues related to criminal justice, and you have a podcast. I love that the title of the podcast is “Probable Causation”, which has, of course, two meanings here.

Jennifer Doleac:

Yes, yes, definitely emphasizing the causation piece of things. I think, in the criminal justice space, you know, there are a lot of other scholars and other fields that have been studying this topic for a long time, but what economists bring, among other things and different theoretical lenses, is really this obsession with causal inference and determining what is cause and what is effect, and really distinguishing correlation from causation.

Michael Klein:

So Jen, let me go back to where I started. The United States has the highest rate of incarceration of any economically advanced country. And not only that, the rate is more than double that of countries like France and Great Britain. What are some of the reasons for this?

Jennifer Doleac:

So, this is a somewhat philosophical question, but I think there are fundamentally two reasons. One is that our citizens keep voting for it. This is fundamentally a policy choice to depend really heavily on incarceration as a public safety tool. There are a lot of other ways to fight crime, but we do use prison a lot more than other countries do. And my current hunch about why Americans make that choice more than other countries is there is sort of an underlying Puritan strain in American history, I guess, where we value retribution more than other other societies do. So, it's sort of a historical and perhaps religious perspective, but, fundamentally, the answer is we keep voting for it, and that's a policy choice.

Michael Klein:

In the book, you discuss the different reasons that people are incarcerated. Can you go through these and explain each one a little bit, please?

Jennifer Doleac:

Sure, yeah. There are a few different reasons. So one is that when you take people off the street, and put them into prison, you are physically incapacitating them...physically preventing them from committing more crime out in the community. So, this is what economists and researchers call an incapacitation effect. So that's one reason. You keep bad guys off the street. Another reason is deterrence, and there are two forms of deterrence here. One is specific deterrence, which is, we hope that the experience of being in prison will be really negative, and you'll want to avoid it again in the future. So it should prevent you, if you've spent time in prison, from offending again. But there's also general deterrence. If I see that you spend time in prison, that looks really miserable, I might avoid committing crime so that I don't have the same fate that you did. Another reason we put people in prison is rehabilitation. Surely, this varies from place to place but all prisons, at least in theory, are trying to leave people better than they found them...providing programming, and so on, to put the people on a better trajectory, so hopefully people can use their time while they're in prison to reflect, to educate themselves...to get onto a better path when they get out. And the last is, as I just mentioned, retribution. This is just a matter of personal preference

and values. There are a lot of people who, and maybe all of us, to some degree, think that if you've done something really terrible, you deserve to face the consequences. So what's interesting about this, I think, is that the first several of those issues I mentioned...so incapacitation, deterrence and rehabilitation, those are all empirical questions. How much those matter and what the impact is on public safety, they're all more instrumental. We're trying to use prison as a way to achieve public safety through one of these channels. Retribution is different. It's more of a question of morals and values, and it's something that data can't tell us. How much retribution or mercy someone deserves, that's going to be, again, a matter of personal preference, but I think it really does affect the public conversation. All of these things are in the mix, and so I personally find it very useful to distinguish between those, to help people, to help policymakers, to help citizens I'm talking to about policy choices, think through what is it that I'm hoping to get out of prison when I'm voting for this or that? Is it the retribution piece, or is it the public safety piece? And if it's the public safety piece, well, then let's look at some evidence to see if this policy we're thinking about actually works.

Michael Klein:

So if we're thinking about it in those terms, and I think that's a really good way to outline what's going on, what does economics have to offer in terms of thinking about incapacitation, or the deterrent effect, or rehabilitation?

Jennifer Doleac:

Yeah so economists have done lots and lots of studies using lots of mostly natural experiments, not randomized experiments, to figure out what the impact of our different policy choices is in different contexts. One thing that's really jumped out of the literature over the years is that what matters most, if what you want to do is deter crime, is the swiftness and certainty of punishment, not the severity of the punishment. So what really matters, then, is increasing the probability that someone gets caught and faces any consequences, not how harsh we make those consequences, or how long the prison sentence is. This is largely because we all discount the future at least a little bit. We all care a little bit more about the present than the future. The future is uncertain. But, there have been a lot of studies that have shown that people who are in prison, people who have criminal records, are, on average, discounting the future more than the rest of us. And so, that is, they're more present minded. They're not thinking that far ahead. Especially if you have...if you're struggling with substance use disorders or something like that, it's going to make you even more focused on the present. And so, this all means that if we really want to get the best bang for our buck, we want to prevent crime, we want to deter crime, the best thing we can do is increase the probability that people get caught, rather than focusing on those long prison sentences, which is essentially the opposite of the way our criminal justice system is structured right now.

Michael Klein:

Some people argue that prison sentences should be long, and there should be little discretion about setting these sentences. I guess that's kind of the retribution argument. But, you write about the fact that long prison sentences have little public safety benefit, and you sort of talk about the fact that crime is, as you put it, a 'young person's game.' Can you explain that?

Jennifer Doleac:

Yeah, so one reason that these long prison sentences don't have much public safety value is what I was just saying, that young people are not thinking that far ahead. And, you know, all people think less about the future and the present, but young people in particular. So because crime is a young person's game, you get even less deterrence from long sentences than you might for just increasing the probability of any sentence at all. But the other reason is because young people are really the biggest troublemakers...they're the biggest risk takers, they're more impulsive than adults are...we see that as people grow up, they grow out of those behaviors. I'm sure we can all think of a friend or two who was more reckless when they were younger than they are today. And that means that if we're trying to get public safety value from prison, again, one way to do that is deterrence, another way is incapacitation. It's taking those people who are a public safety threat off the street. Well, if we're taking someone who's 20 or 25 off the street, they might indeed be a public safety threat then. But keeping them in prison then for 20 years, once they're 40 or 45, the vast majority of those people will have grown up and aged out of crime. And so then we're getting a lot of incapacitation effect at the very beginning, but very little once they're in their 30s and 40s, and much less in their 60s and 70s, where an increasing number of inmates are heading. And so, it's just one of a couple reasons that we're really getting very little bang for our buck when we spend our public safety dollars on long prison sentences.

Michael Klein:

As suggested by the title of your book, *The Science of Second Chances*, one of its main themes is reducing recidivism. To what extent is recidivism responsible for the high rate of incarceration in the United States?

Jennifer Doleac:

So based on the best evidence we have, in the United States, about two thirds of people released from prison will be rearrested within three years, and half will be reincarcerated during that time period. We also know that most felony defendants have a prior arrest or conviction. So, it turns out that once people are in the system, they are at very high risk of reoffending, so recidivism really matters. And this means that breaking the cycle is a top policy priority. So, in my view, if we can figure out a way to use arrests, and convictions, and supervision, and prison as intervention points to change people's trajectories for the better, not only will those people be better off, but our communities will be safer, taxpayers will save a lot of money. It just turns out prison is really expensive, and so if we can figure out a way to avoid it, then that is really useful.

Michael Klein:

Well, I'd like to ask you more about that. How do we enable people to re-enter society after leaving prison? As I was reading that part of your book, I thought of the movie *Shawshank Redemption*, in which the character Brooks Hatlen commits suicide when he's paroled after a half century of incarceration because of his inability to adjust to the outside world. What are the particular challenges facing people when they're released from prison that makes it very difficult to re-enter the outside world?

Jennifer Doleac:

There are a lot of challenges, and to some extent it depends on how long they were in prison. But for a lot of folks coming out, you know, they need to find a place to live, they need a job. They need transportation

to that job. They probably need medical care. There are a lot of folks in prison who have some sort of mental illness or substance use disorder, and they might have been getting care in prison, but need to find and establish care on the outside. They need just a valid ID that they might never have had, but certainly might have expired while they were incarcerated. They might be reconnecting with family members they haven't seen in a long time, that can be really emotionally challenging. They need to build or rebuild a positive support network. So the list kind of goes on and on, and for someone coming out of prison, really going from 100% structure to 100% freedom, or maybe, say, 90% freedom, if they're on parole and have a parole officer, it can be really overwhelming.

Michael Klein:

So what are some examples of successful policies in this country or in other countries that help people reenter society and therefore reduce recidivism?

Jennifer Doleac:

Yeah, there are a wide range of evidence based policies and programs at this point, and we're learning more all the time. There are also a bunch of programs that are really popular, that we now know do not work. So for instance, wraparound services are the kinds of programs where you try to provide a really wide array of services to somebody, based largely on that long list I just gave you of challenges people face. A lot of people who work in the nonprofit sector, and in government are really trying to help people, and they see all the different challenges they're struggling with, and they sort of feel like addressing any one of those challenges, you know, is barely touching the problem as they try to just do more and more. And it turns out, we've now had some nice randomized trials of these kinds of programs, and they just don't work. What do work are more targeted programs..so things like providing better mental health care... maybe that's through a Medicaid expansion, maybe it's through some other program. We know that if it's someone's first arrest, a second chance to just avoid that first criminal record is super helpful. It helps that person avoid getting pulled further into the system. Cash transfers at key moments – we give people gate money when they leave to be able to afford a bus ticket, and maybe a place to stay that night, or you can imagine other key moments when people are struggling. Being able to just give them a small amount of money can do a lot of good. To help people find a job, policies like court issued rehabilitation certificates that give employers more information about the person that they're considering, or insurance covering employees with criminal records are both really helpful, or at least seem to be helpful so far. And then, over all of this, providing incentives to take opportunities when they arise. You know, you have the call I was mentioning earlier for more swift and certain consequences for reoffending, I think, are also really helpful.

Michael Klein:

So you mentioned expunging somebody's criminal record, and that's a little bit linked to a memo you did for EconoFact, which is actually one of my favorite memos, and one that I often talk about when I talk about EconoFact more broadly, and that's called “Ban the Box”. So Ban the Box was a program where people didn't have a box that they had to check whether or not they had a criminal record, and the idea was that it might help people. But then, you know, economists love to have examples of unintended consequences. Can you describe what the unintended consequences were in this case?

Jennifer Doleac:

Yeah, so what I and other economists were concerned about when we first heard about Ban the Box is that if you take information that employers care about away from them...and so, for whatever reason, employers are worried about hiring someone with a criminal record, when you tell them they can't ask up front, then based on everything we know about human nature and behavior, economists would not expect every employer to just treat everyone equally. They're going to try to guess who has a criminal record, right? So if that's something they cared about before, they still care about it, we haven't changed their underlying incentives. We've just told them they can't ask. And so, what I was worried about was that they would then use other characteristics that we know are correlated with a criminal record, like race in the United States, we have big racial disparities in who has a record, and that then, employers might discriminate more on race, and racial gaps in hiring might increase. And so, there have been a bunch of studies on Ban the Box now, and indeed that does seem to be what happened. Implementing Ban the Box policies in cities and states increased racial disparities in hiring, making it more difficult for young black men who don't have a criminal record to get their foot in the door, because employers assume that they are likely to have a criminal record.

Michael Klein:

So, one of the things I like about that, along with, you know, the way that it dramatically shows these unintended consequences, is that it's a reflection of wider societal challenges. You try to fix one thing, and it kind of ends up showing how there are other problems in society. On a very broad level, Jen, in what way do you think your study of criminal justice has revealed to you, or to those who have looked at your work, sort of wider challenges in society?

Jennifer Doleac:

Oh, I think the fundamental challenge is this...that these are really difficult problems to solve, and changing human behavior is just difficult. Economists are used to most of the well-intended policies and programs that we try not working, right? We're used to being the bad guys in the conversation who are saying, yet again, this great idea you had did not work. And it's because everyone just sort of...you make a policy change, and then everyone on the ground actively finds ways to adjust their behavior to try to get back to what they were doing before, or adapts their behavior based on their own underlying incentives. They don't just do what you hope they were going to do all the time. And so, I think the real challenge that, especially now that I'm working more directly on the policy side at Arnold Ventures, the real challenge that my colleagues and I are trying to address is trying to convince lawmakers, advocates, people who care about just making policy better, that they shouldn't become wed to a particular idea until they have evidence that it's effective. So we need to be out there trying things if we want to change the status quo, but we need to be doing it in a spirit of trial and error and aiming to fail fast, rather than just assuming that if we implement this idea that seems obvious, the problem is going to go away. And so I think that fundamental shift in mindset to a more scientific trial and error approach is uncomfortable often in the policy space, and I think that's the big challenge that I see.

Michael Klein:

So that's a little bit pessimistic, but I'd like to end on a more optimistic note, Jen. What's a good example of a policy that really has worked in the criminal justice sphere, and you see the benefits of it?

Jennifer Doleac:

Ooh, to be clear, I am very much an optimist in this space. So much has worked. I am very excited right now about increasing access to mental health care, especially for young men. I think that that is something we're seeing just huge gains all the way from thinking about cognitive behavioral therapy for youth, teens, young adults, who are at high risk of risky behavior or impulsive behavior, all the way to, you know, more serious mental health treatment for more serious illnesses – schizophrenia or depression, or anxiety. Yeah, let's see, what else? I'm excited about, thinking about for folks who are who want jobs coming out of prison, we know that employers are worried about that criminal record, but I really think what the economic toolkit allows us to do is think through, okay, what is it that employers are worried about, and how can we directly address their concerns? So thinking about giving them more information, so that they don't have to guess based on the criminal record about whether someone will be a good hire or not – thinking about insurance as a way to shift the risk from the employer to government or the courts, those are the kinds of interventions that seem really promising to me, and I think that could really move the needle, and they're really fundamentally based on economic thinking.

Michael Klein:

Well, Jen, congratulations on the publication of *The Science of Second Chances*. I found it to be a really engaging book, and very much enjoyed it. Also, I'd like to commend you on all the important work that you've been doing, not only in terms of the research, but bringing the research to policy to help make things better. And also, finally, thank you for joining me on EconoFact Chats.

Jennifer Doleac:

Thank you, Michael. This was really fun, and yeah, I am definitely learning a lot about how research can interact with the policy space, and again, very optimistic about all of this.

Michael Klein:

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