

Conviction, Incarceration, and Recidivism: Understanding the Revolving Door

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Abstract :

Noncarceral conviction is a common outcome of criminal court cases: for every individual incarcerated, there are approximately three who are recently convicted but not sentenced to prison or jail. We develop an empirical framework for studying the consequences of noncarceral conviction by extending the binary-treatment judge IV framework to settings with multiple treatments. We outline assumptions under which widely-used 2SLS regressions recover margin-specific treatment effects, relate these assumptions to models of judge decision-making, and derive an expression that provides intuition about the direction and magnitude of asymptotic bias when they are not met. Under the identifying assumptions, we find that noncarceral conviction (relative to dismissal) leads to a large and long-lasting increase in recidivism for felony defendants in Virginia. In contrast, we find that incarceration relative to noncarceral conviction leads to a short-run reduction in recidivism, consistent with incapacitation. We argue that, while it is unlikely that the assumptions on judge decision-making hold exactly in our data, their violation is unlikely to overturn our qualitative findings regarding the effect of conviction. We argue that failure of the assumptions restricting judge decision making is unlikely to change our qualitative findings regarding the effect of conviction. Lastly, we introduce an alternative empirical strategy, and find that it yields similar estimates. Collectively, our results suggest that noncarceral felony conviction is an important and potentially overlooked driver of recidivism.