

# Mass Incarceration and Mandatory Minimums

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Mandatory minimums: Laws that set (often high) minimum sentences for crimes,

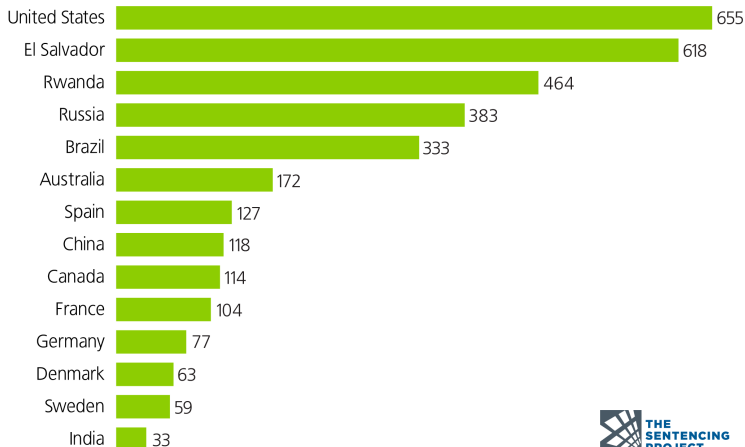
# Question

What is the effect of mandatory minimum sentences on incarceration rates?

Mandatory minimums: Laws that set (often high) minimum sentences for crimes, rather than make recommendations and let judges / juries determine sentences on a case by case basis.

# Motivation

## International Rates of Incarceration per 100,000

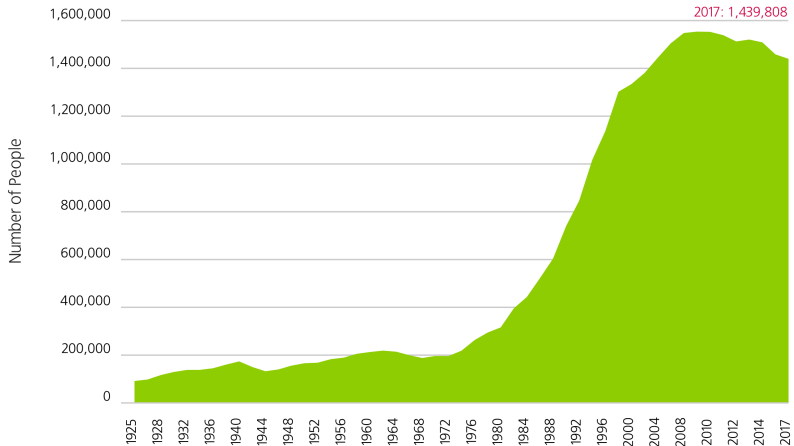


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## U.S. State and Federal Prison Population, 1925-2017



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Did this  $\rightsquigarrow$   $\uparrow$  incarceration?

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So how could they be to blame?

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Maybe the ability of prosecutors to threaten defendants with a crime that carries a large minimum sentence  $\rightsquigarrow$  defendants pleading guilty to lesser crimes.



## Question

Does the passage of **mandatory minimum legislation** make defendants:

1. More likely to plead guilty to a crime
2. More likely to plead guilty to more serious crimes / accept longer sentences.

# Ideal Experiment

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Test:

- Do defendants under threat of mandatory minimums accept more punitive deals.

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- Exclude Washington because also had changes in mandatory minimums in 1995.

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Control for crime rates



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Absent changes in mandatory minimums, incarceration rates in Western US states would have had parallel trajectories.

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(If control for crime rates: need parallel trends *after* controlling for crime rates).

Figure 1: If Increase Incarceration



Figure 2: If Doesn't Increase Incarceration



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Generalized Difference-in-Difference:

- Compare states before and after passage of mandatory minimums,
- Controlling for common time trends.

Sample:

- All US states.

## Feasible Design #2

For state  $s$  in year  $t$ :

$$\begin{aligned} \text{PleaBargains}_{s,t} = & \alpha + \beta_1 \text{MandatoryMinimums}_{s,t} + \beta_2 \text{crime}_{s,t} \\ & + \psi_t + \gamma_s + \epsilon_{s,t} \end{aligned}$$

Where:

- $\psi_t$  are annual fixed effects
- $\gamma_s$  are state fixed effects
- $\text{crime}_{s,t}$  is crime rate in given state-year

## Assumptions if Design #2

Absent mandatory minimum legislation, all states would have parallel trends in incarceration.



- **Mandatory minimum legislation:** in each state must be documented by searching news sources.
- **Plea Bargain Sentences** information comes from *National Corrections Reporting Program*
- **Crime rates:** data comes from Uniform Crime Reporting database

## Recap

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Does mandatory minimum legislation  $\rightsquigarrow$  more punitive sentences?

- Compare average sentences before and after passage of mandatory minimum legislation
- Simple design: Western states before and after 1994 (Cali /not-Cali)
- Generalized design: All US states, with timing of mandatory minimums varying by state

(Controlling for crime rates)