

How Criminal Justice Shapes Politics and Policy

Dr. John Aldrich, Dr. Candis Watts-Smith, Arvind Krishnamurthy, Marianna Barrett, Wyatt Bui, Kaya Caouki, Rohan Gupta, David Gust, Annie Han, Ben Keschner, Satya Khurana, Amiya Mehrotra, Mal Narula, Julia Nasco, Alisha Nayak, Emma Shokeir, Nellie Sun, Hanna Tawasha

Research Question

What effects did BLM protests have on prosecutorial elections?

Theory and Hypotheses

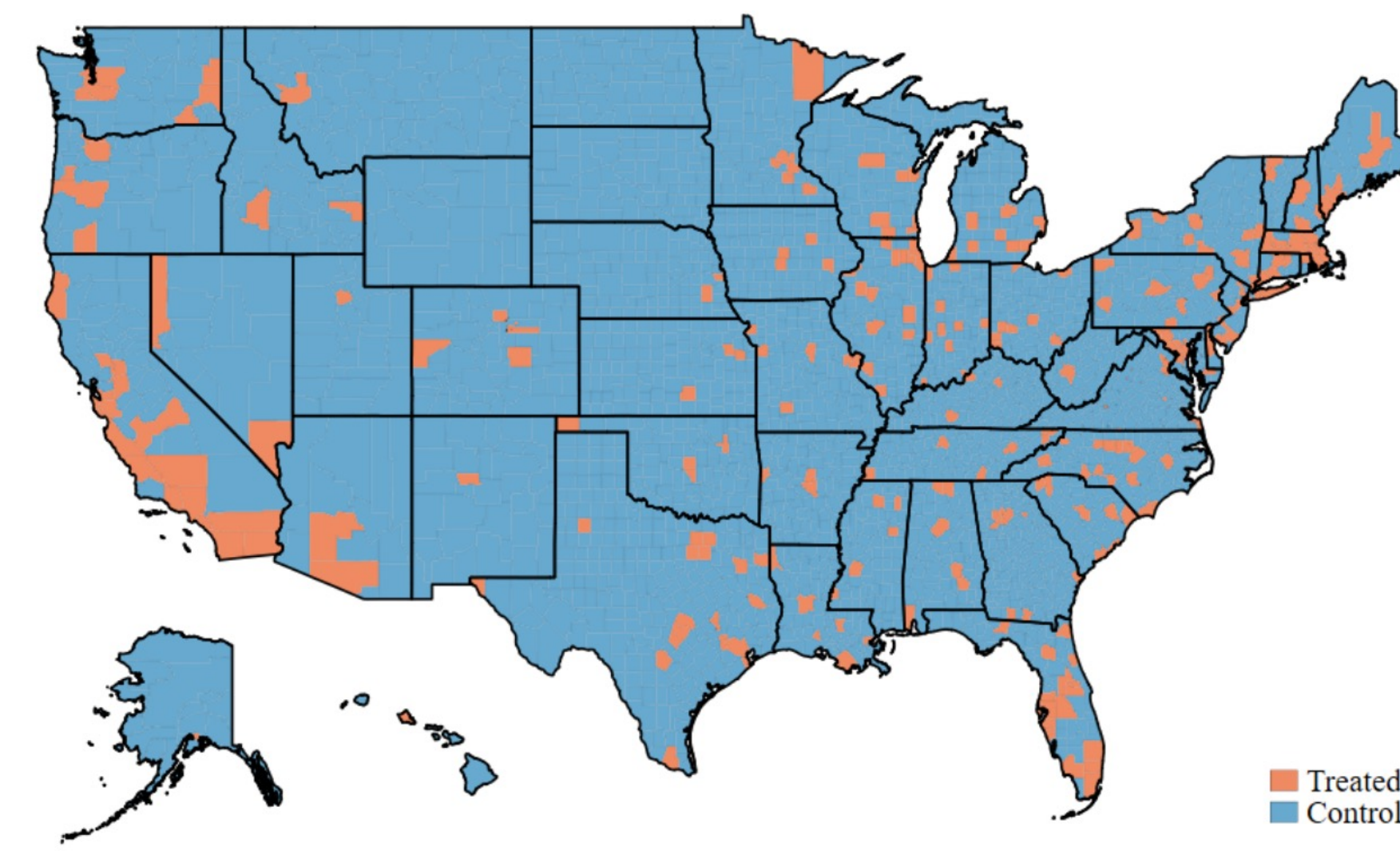
We know that these protests arise from criminal justice activity, like police violence (Williamson, Levine-Einstein, Trump 2018). Prosecutors help shape the criminal justice system, and prosecutorial elections are a site for democratic input on incarceration (Pfaff 2018). One potential goal of BLM protests is to reshape the criminal justice system, with prosecutorial elections as a potential site for changing how democratic inputs affect criminal justice. For example, in Chicago incumbent DA Anita Alvarez was ousted following substantial activism from BLM surrounding the police killing of Laquon McDonald. Because prosecutorial elections are historically uncompetitive and uncontested at rates above, protest activity can have a more substantial effect here relative to other electoral offices

- H1: BLM Protest activity will lead to an increase in contested prosecutorial elections
- H2: BLM Protest activity will lead to more competitive prosecutorial elections

Data and Analysis

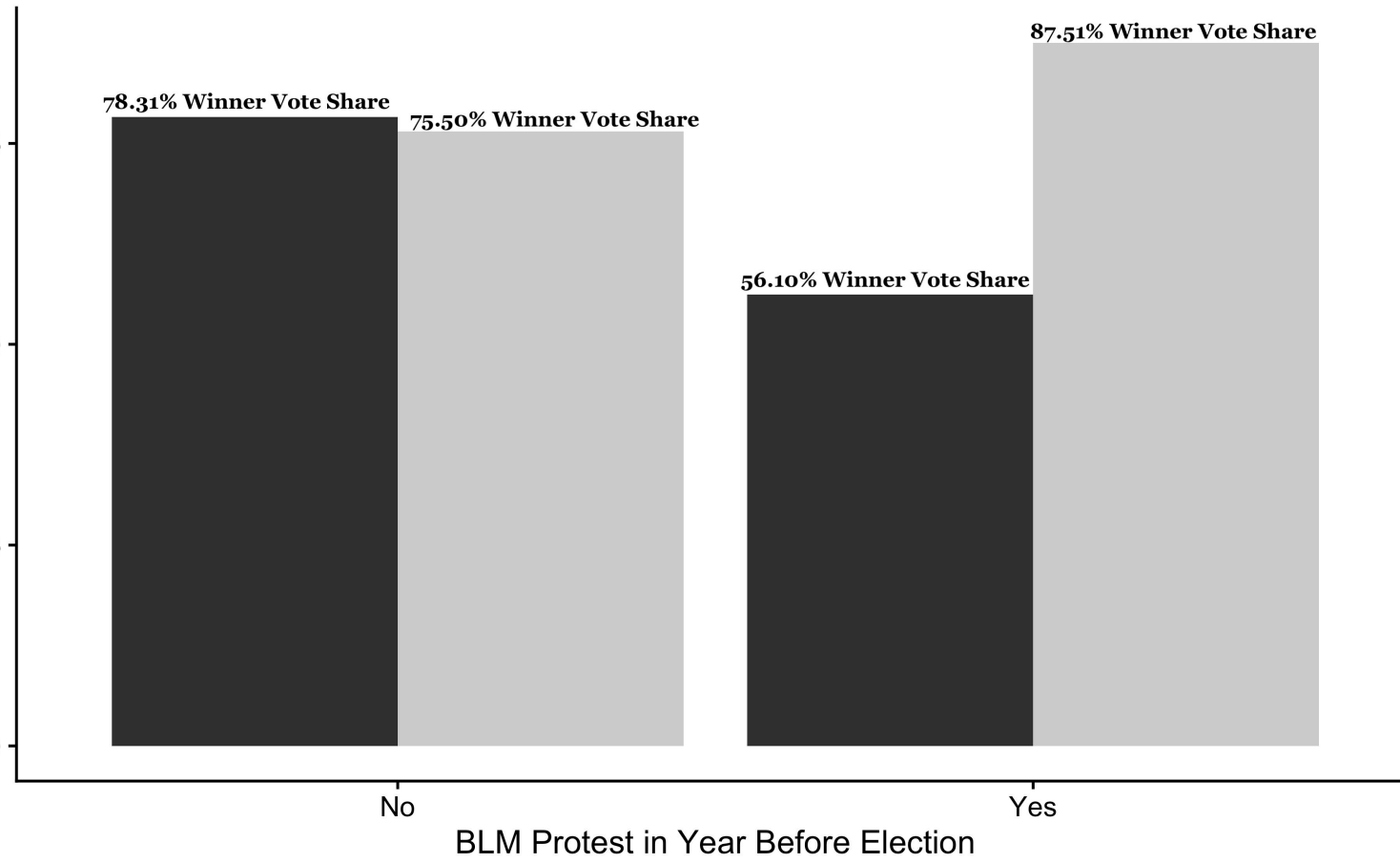
We used the following data for our analysis.

1. BLM Protest Activity Data between 2014 and 2016, courtesy of Williamson, Levine Einstein and Trump 2018.
2. Prosecutorial Elections Data for One Full Cycle (2013 through 2017) courtesy of the UNC Prosecutors and Politics Dataset (Hessick and Morse 2019)
3. We then harmonize the protest data with the elections data, to make sure these are all the geographic unit of prosecutorial district.

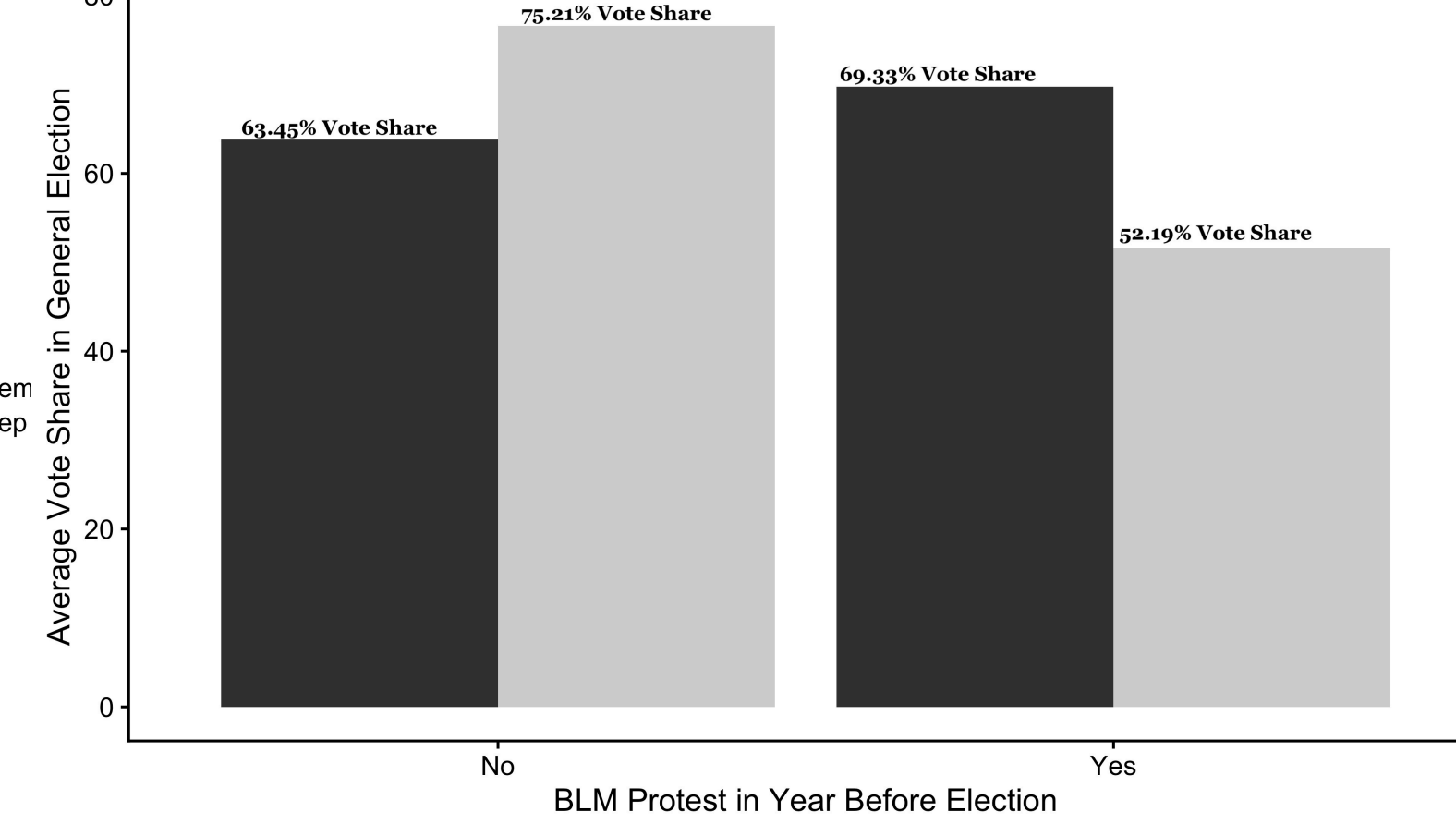


Results

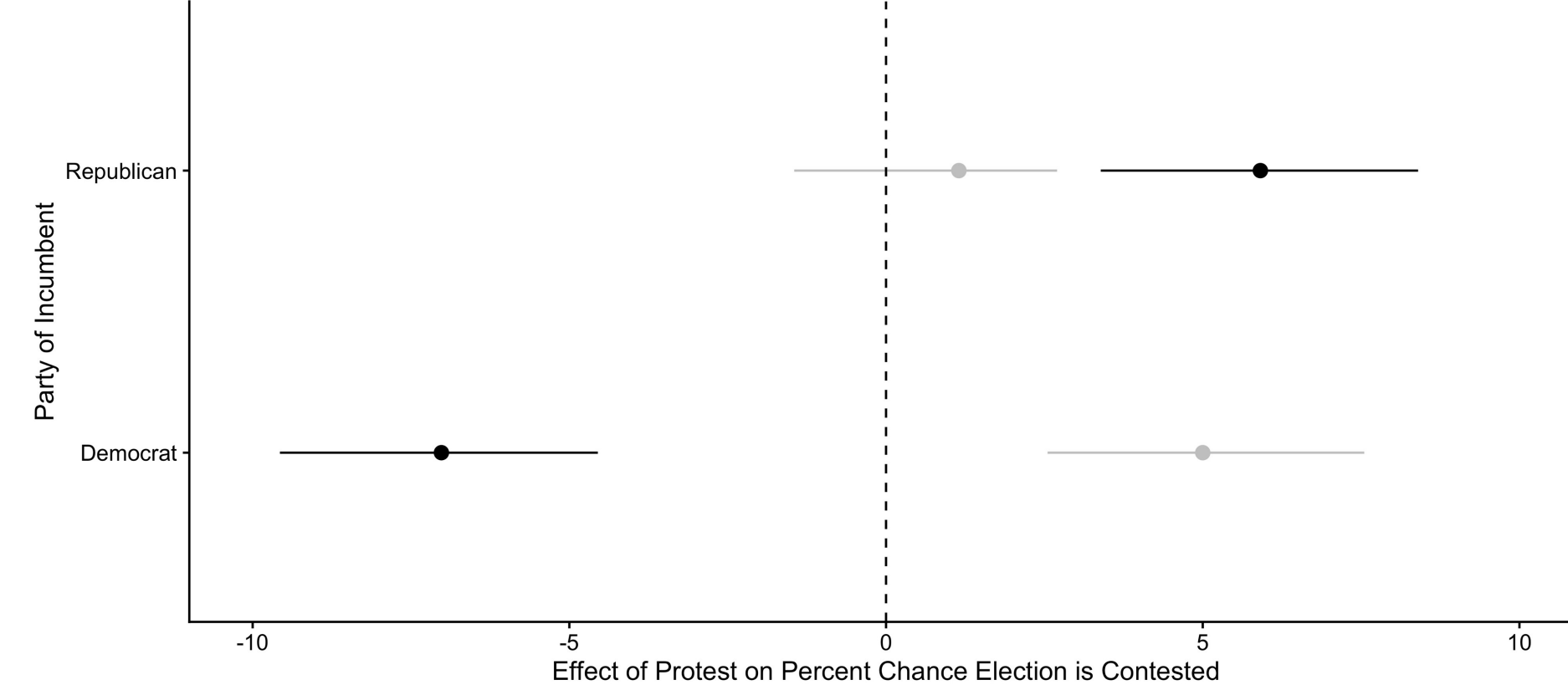
BLM Protests Make Democratic Primaries More Competitive and Republican Primaries Less Competitive



BLM Protests Lead to Democrats Performing Better in General Elections and Republicans Performing Worse in General Elections



Protests Make Dem Primaries More Contested and Dem Generals Less Contested Protests Don't Change GOP Primaries but Make GOP Generals More Contested



Results

1. We find that BLM protests increase the competitiveness and contestation of Democrat prosecutorial primary elections
2. We find that BLM protests decrease the competitiveness and contestation of Republican prosecutorial primary elections.
3. We find that BLM protests are associated with better Democrat DA performance in general elections, and worse Republican DA performance in general elections.

We interpret these findings to suggest that BLM protests do affect prosecutorial elections by moving DA elections generally to the left. However, they also make Republicans more unified in support of candidates. We plan to further investigate the mechanisms underpinning these results by adding in prosecutorial elections data for 2018-2021, and bringing in analysis of data on monetary contributions to DA elections to determine whether these protests increase financial contributions to DA elections.

Research Question

Is prison construction driven by surplus labor and surplus land?

Theory and Hypotheses

Prison construction is theorized to increase a county's employment rate by creating construction jobs and long-term jobs within the prison, including jobs as prison guards, cooks and staff (King, Mauer, Huling 2004; Eason 2017). Ruth Wilson Gilmore (2007) expands upon this idea, suggesting that prison construction is driven by the state's need to find productive use for surplus (non-profitable) land and surplus (unemployed) labor. Based on these ideas, we hypothesize that:

- H1: Higher poverty and higher unemployment will lead to a higher likelihood of prison construction within a county
- H2: Higher rurality (more surplus land) will lead to a higher likelihood of prison construction within a county

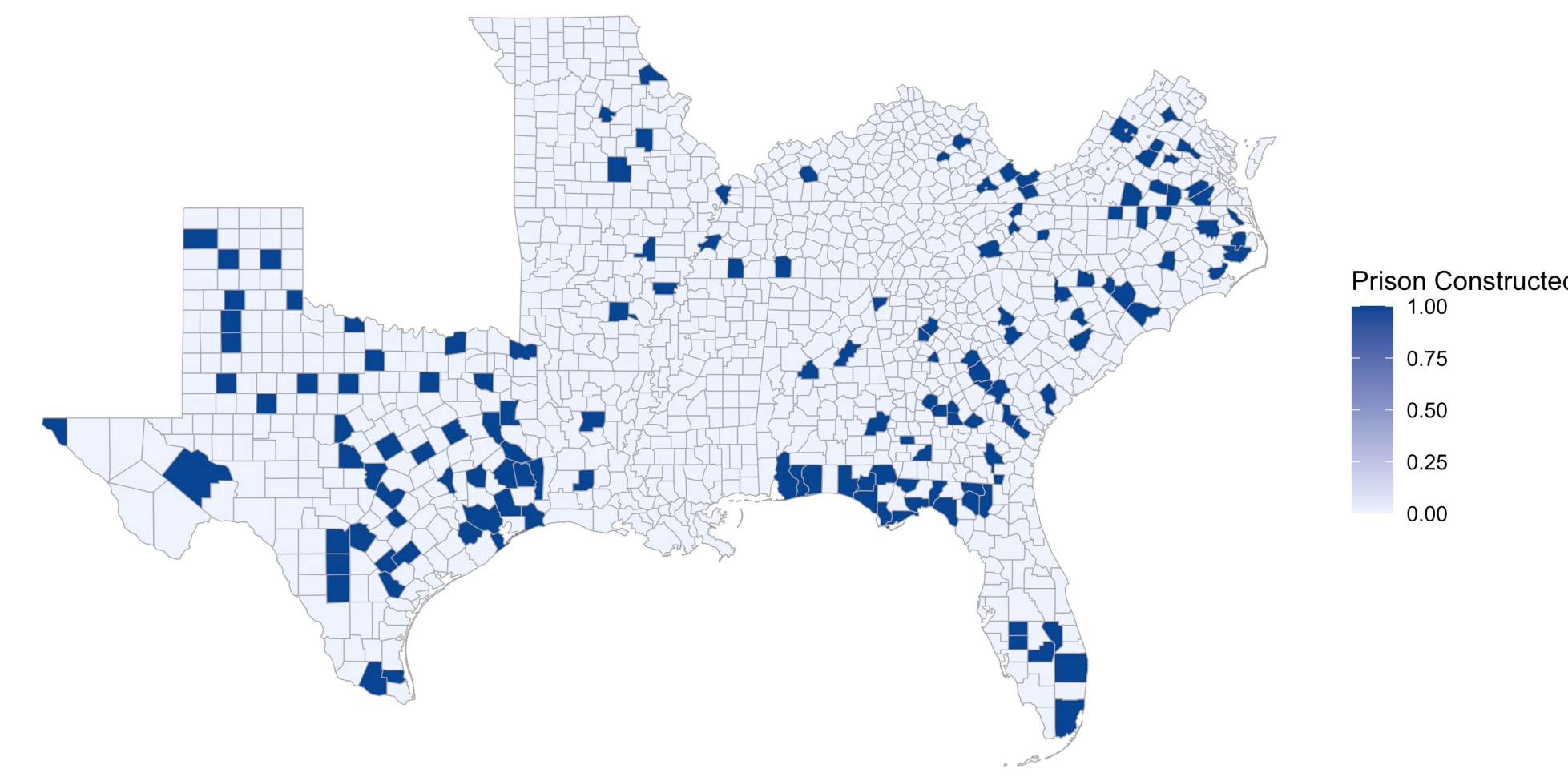
Data

We used the following data for our analysis.

1. A hand-coded dataset of every prison constructed in the Southern United States between 1990 and 2010.
2. Time-Series Census data on rurality, unemployment, poverty, median income and racial demographics between 1990 and 2010.
3. Vera Institute for Justice timeseries data on incarceration rates by county from 1990 to 2010.

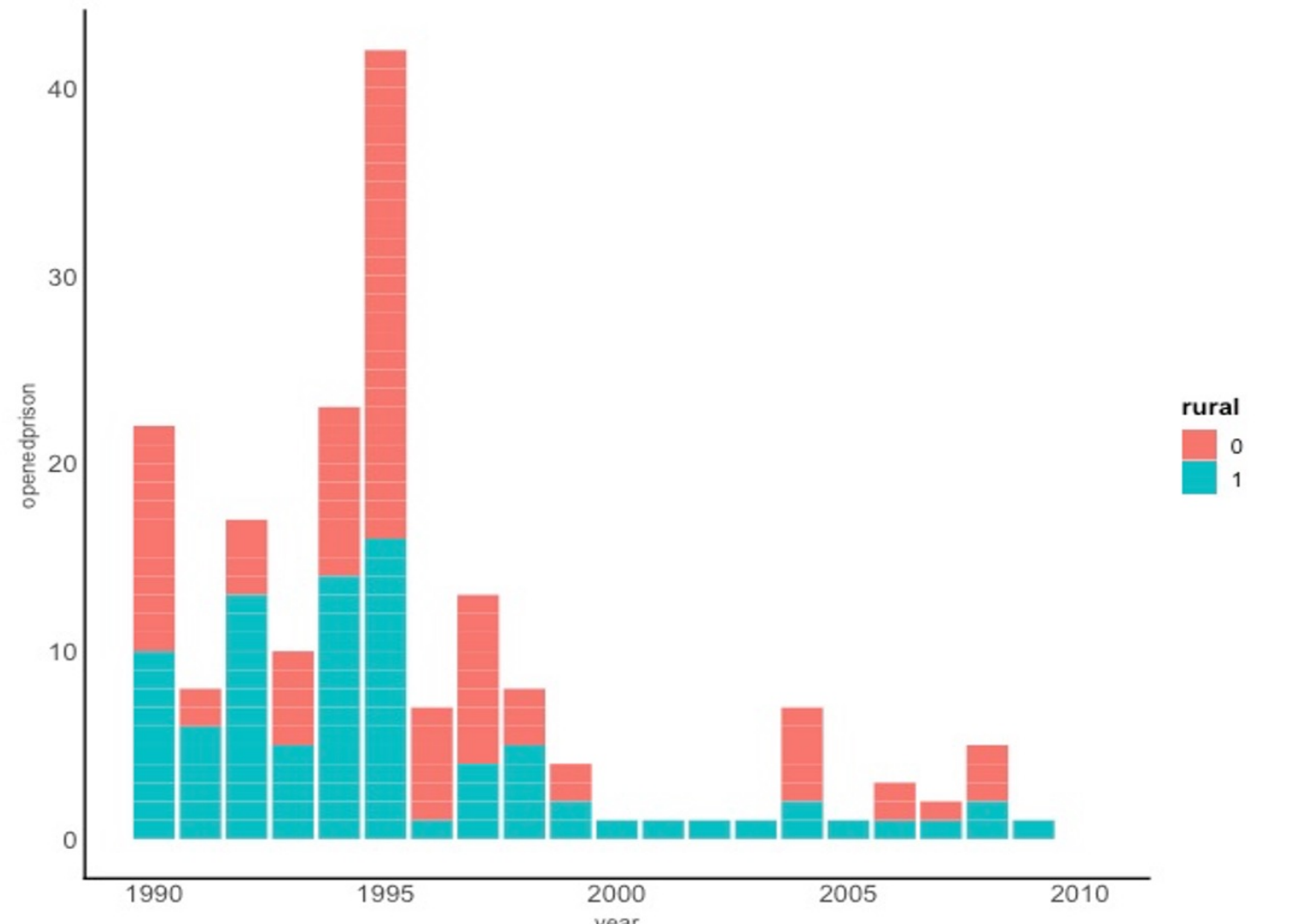
We then run two-way fixed effects (county, year) models with lagged measures of unemployment, poverty, income and racial demographics, and prison admissions to predict how changes in county economics affect prison construction

Prisons Constructed by County in Southern United States (1990 - 2010)

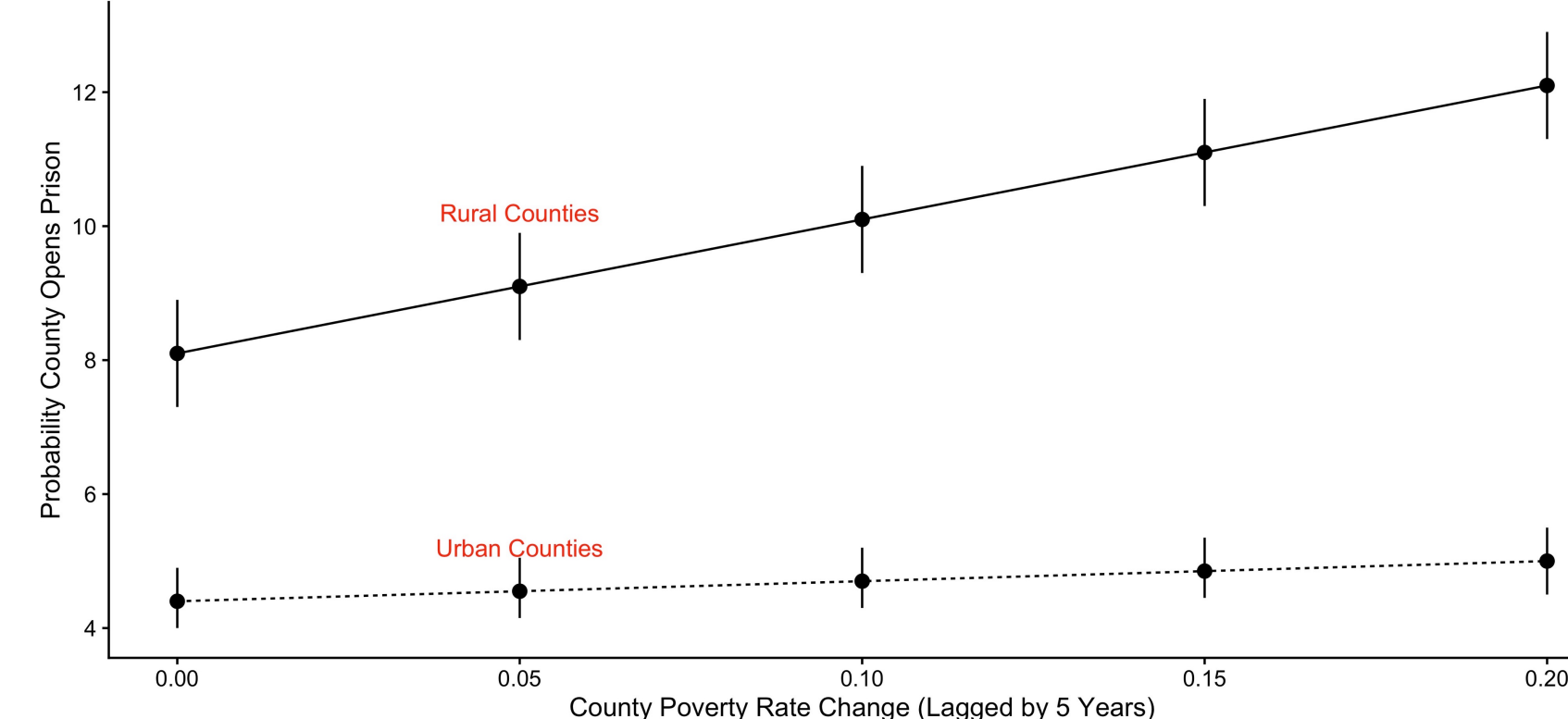


Results

Rural Prison Growth Matched Urban Prison Growth in Our Study Timespan



Increasing Poverty in Rural Counties Drives Prison Construction



Conclusion

1. We find that rural counties are more likely to open prisons between 1990 and 2010 than non-rural counties.
2. We find that the biggest predictor of prison construction is increasing poverty rates (lagged by 3-5 years) interacted with county rurality

Moving forward, we hope to include analysis developing more granular measures of surplus land – including measures of vacant lots and locally undesirable land. In addition, we hope to also analyze the effects of prison construction on county economics after a prison has been constructed.

Research Question

Did the Affordable Care Act's 2014 Medicaid expansion reduce prison and jail admissions?

Theory and Hypotheses

On January 1st, 2014, the Affordable Care Act (2010) expanded eligibility for Medicaid to adults with income 138% of the federal poverty level. A disproportionate number of justice involved individuals suffer from mental or physical impairments (Frank and McGuire 2010). For this reason, prior studies have found that access to health insurance decreases recidivism rates (Fry et. al. 2020) and criminal offending (Deza et. al. 2022). As a result, we hypothesize that:

- H1: States that expand Medicaid access will decrease prison admissions at a faster rate than States that do not expand healthcare access

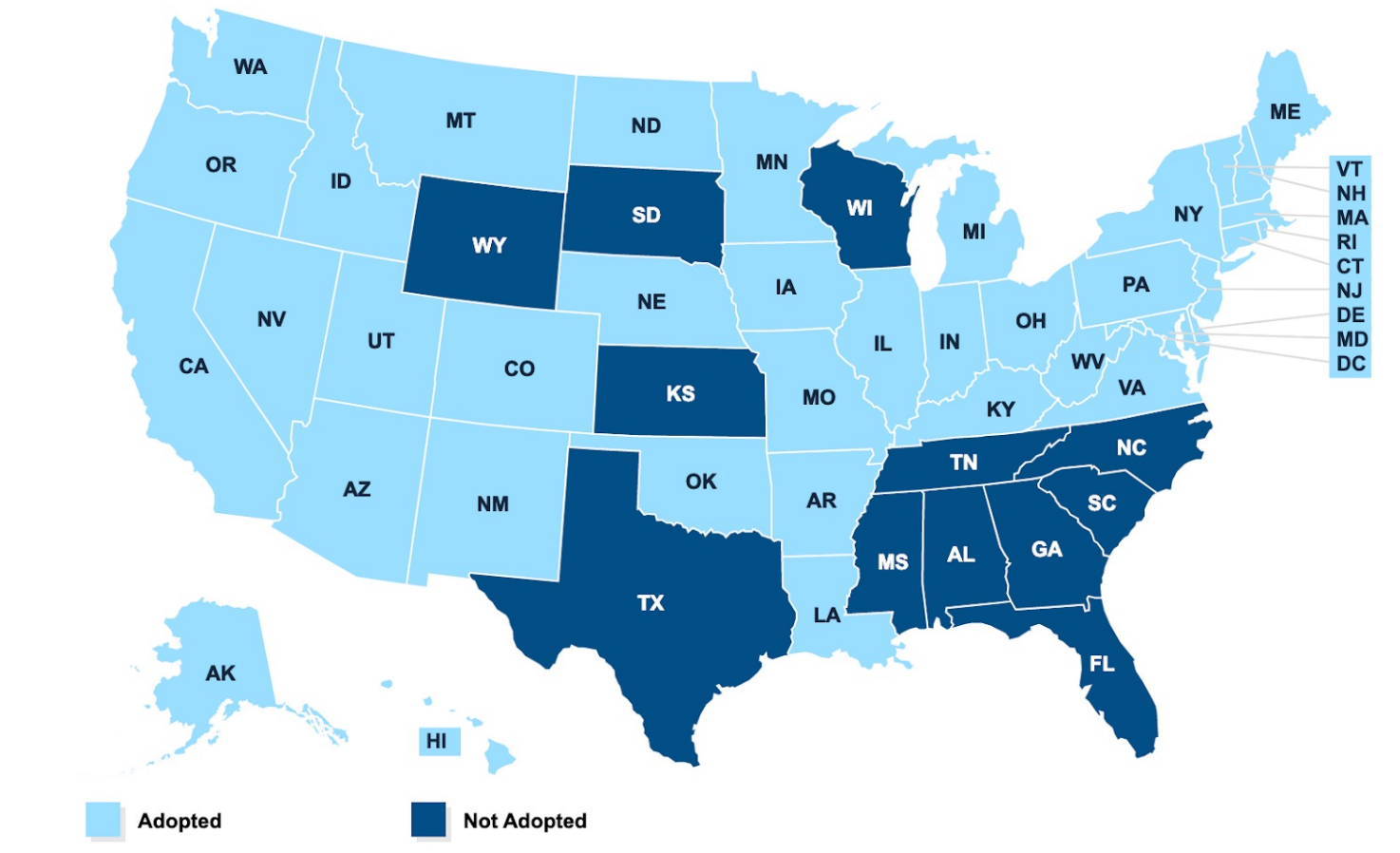
Data

We used the following data for our analysis.

1. Prison and Admissions Data at the state level (per capita) from the Vera Institute for Justice and the National Corrections Reporting Program for 2008 to 2017.
2. Jail Admissions data from the annual survey of jails, and census of jails.
3. Medicaid expansion data courtesy of the Kaiser Family Foundation.
4. County level data for Medicaid expansion and incarceration between 2010 and 2018.

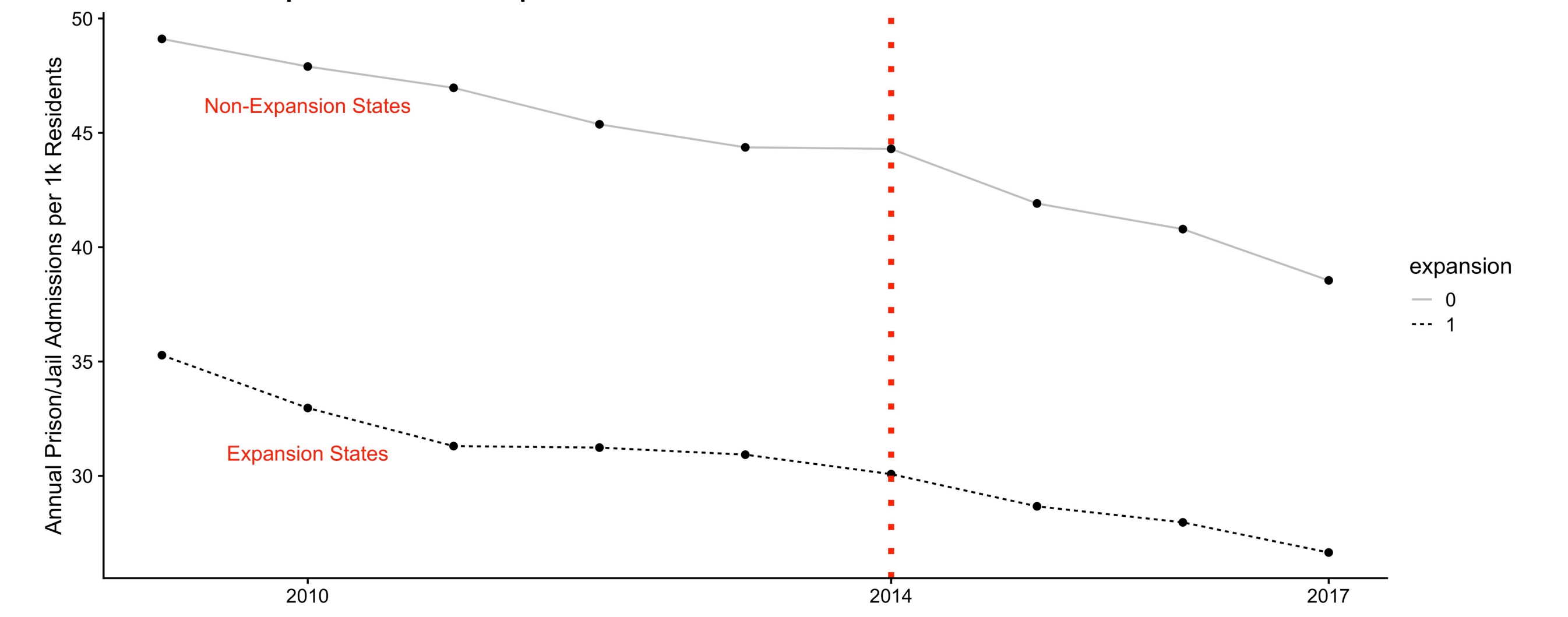
We first run differences-in-differences analysis to see if jail and prison admission rates are different before and after state Medicaid expansions.

Next, we compare differences in admissions at the county level, comparing border counties** in states that did and did not expand.

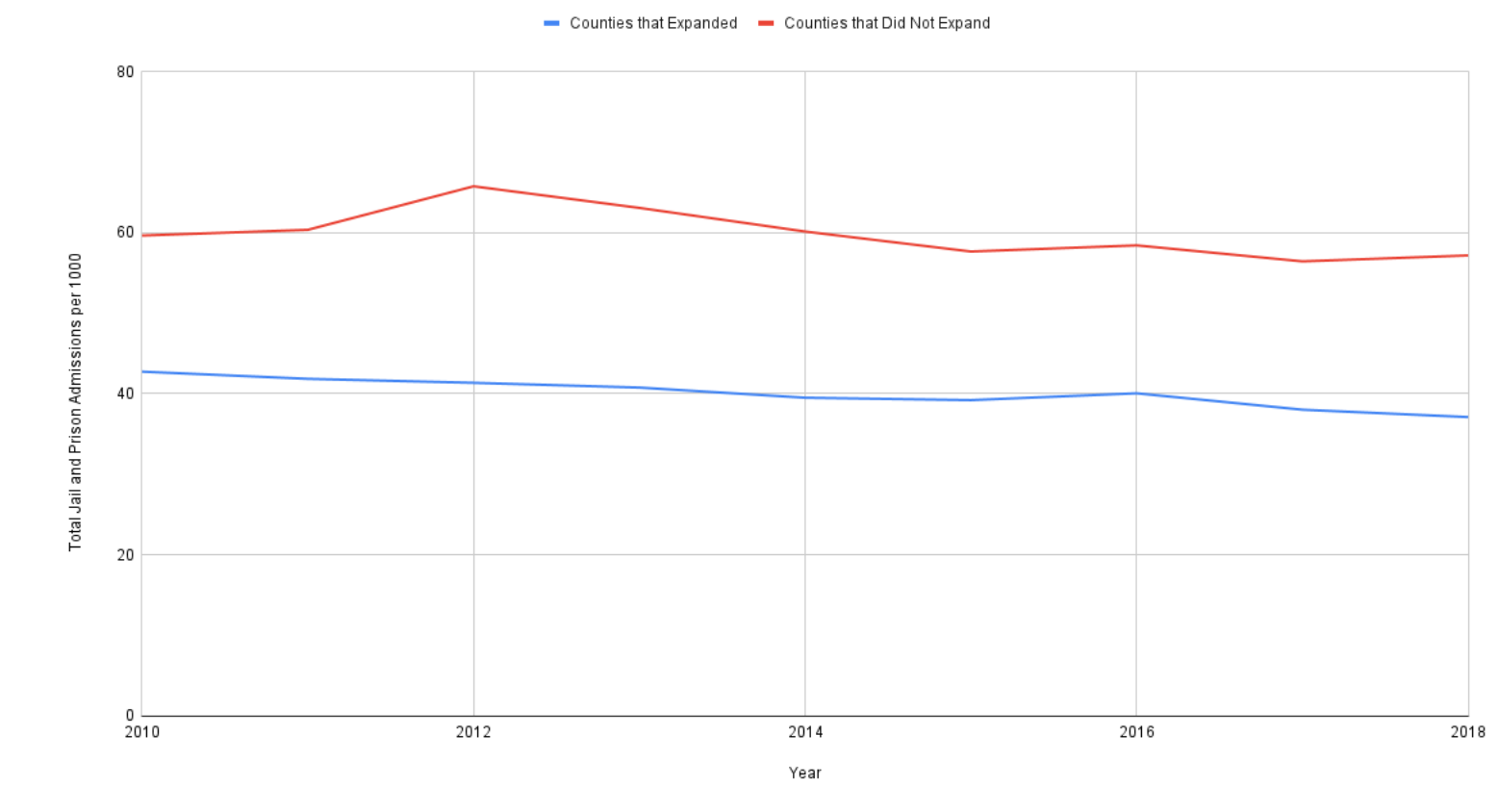


Results

Health Care Expansion Had No Impact on Prison Admissions Rates



2014 Medicaid Expansion Impact on Incarceration in Border Counties



Conclusion

1. We find that Medicaid expansion did not affect prison or jail admissions at the state level or across border counties in expansion and non expansion states..

It is likely that the ACA expansion would more likely impact recidivism rates rather than general incarceration due to the health issues exacerbated by time in prisons. Another possibility is that the process for accessing Medicaid may have barriers greater than income that prevent these high-risk individuals from accessing it with steps in the application process, including technological issues and proof of identification.

Moving forward, we hope to identify whether counties with higher changes in insurance rates saw bigger changes in prison admissions. In addition we hope to analyze whether crime changes following expansion.

Citations

Deza, Monica, Johanna Catherine Maclean, and Keisha Solomon. "Local access to mental healthcare and crime." *Journal of Urban Economics* 129 (2022): 103410.
 Eason, John M. *Big house on the prairie*. University of Chicago Press, 2017.
 Frank, Richard G., and Thomas G. McGuire. "Mental health treatment and criminal justice outcomes." *Controlling crime: Strategies and tradeoffs* (2010): 167-207.
 Fry, Carrie E., Thomas G. McGuire, and Richard G. Frank. "Medicaid expansion's spillover to the criminal justice system: evidence from six urban counties." *The Russell Sage Foundation Journal of the social sciences: RSF* 6, no. 2 (2020): 244.
 Hessick, Carissa Byrne, and Michael Morse. "Picking Prosecutors." *Iowa L. Rev.* 105 (2019): 1537.
 King, Ryan Scott, Marc Mauer, and Tracy Huling. "An analysis of the economics of prison siting in rural communities." *Criminology & Public Policy* 3, no. 3 (2004): 453-480.
 Pfaff, John. *Locked in: The true causes of mass incarceration and how to achieve real reform*. Basic Books, 2017.
 Gilmore, Ruth Wilson. *Golden gulag*. University of California Press, 2007.
 Williamson, Vanessa, Kris-Stella Trump, and Katherine Levine Einstein. "Black lives matter: Evidence that police-caused deaths predict protest activity." *Perspectives on Politics* 16, no. 2 (2018): 400-415.

**State borders used for analysis are listed below, only counties bordering the adjacent state are used in the analysis presented above.
 (expanded / not expanded)
 1. North Dakota / South Dakota
 2. Nebraska / South Dakota
 3. Nebraska / Kansas
 4. Oklahoma / Kansas
 5. Oklahoma / Texas
 6. Arkansas / Texas
 7. Kentucky / Tennessee
 8. Illinois / Wisconsin