

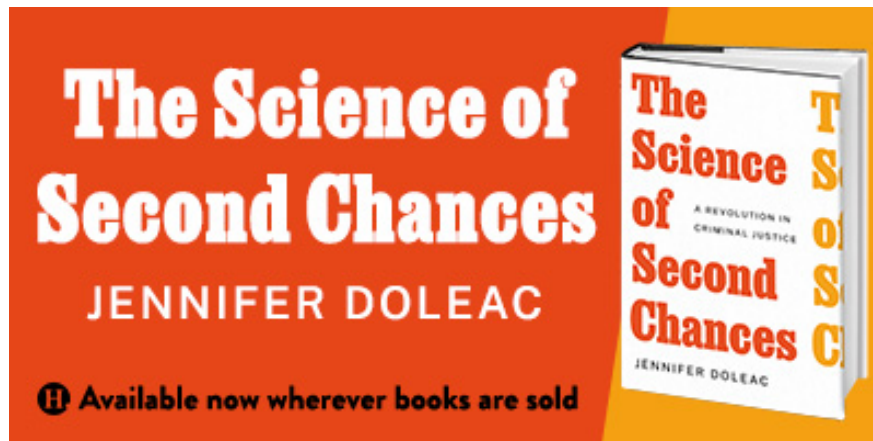
**LAW AND ECONOMICS SEMINAR
Autumn 2026**

**Professor John J. Donohue III
Professor A. Mitchell Polinsky**

**Thursday, October 29, 2026
4:15 - 5:45 p.m.
Stanford Law School
Room 285**

“The Science of Second Chances: A Revolution in Criminal Justice”

**Jennifer Doleac
Renaissance Philanthropy
(formerly Executive Vice President of Criminal Justice, Arnold Ventures)**



Note: It is expected that you will have reviewed the speaker’s paper before the seminar. The attached material is the introductory and concluding chapters of Jennifer Doleac’s book (whose title is above). At the seminar she will discuss several specific features of the criminal justice system and how, based on scientific evidence discussed in various chapters in her book, they can be improved.

Abstract (prepared by GoogleAI)

In [The Science of Second Chances: A Revolution in Criminal Justice](#), economist Jennifer Doleac provides an optimistic, data-driven blueprint for criminal justice reform. Doleac treats policy ideas as scientific hypotheses rather than moral imperatives, arguing that effective reform requires empirical evidence over good intentions. By applying the tools of economics—such as randomized controlled trials and natural experiments—she evaluates how small-scale interventions and behavioral shifts alter human choices. Ultimately, Doleac demonstrates that reshaping the incentives individuals face can drastically reduce recidivism rates, break the devastating cycle of incarceration, and build much safer communities at a far lower cost to our society.

The Science of Second Chances

A REVOLUTION IN
CRIMINAL JUSTICE

JENNIFER DOLEAC



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Small Changes, Big Opportunities

In the fall of 2014, University of Virginia student Hannah Graham was kidnapped and murdered. Local news channels showed surveillance footage from a nearby gas station—Hannah running along the road, alone, in the middle of the night—on a constant loop for weeks. It was early in the semester, and Hannah had just arrived on campus as a first-year student. She had apparently left a fraternity party that Friday night, made a wrong turn in her still unfamiliar surroundings, and soon realized she was lost. She took off running, in the opposite direction from campus, and eventually reached the downtown pedestrian mall. That area would normally be full of people on a weekend evening in September, but it was late—nearly midnight. Surveillance cameras at local businesses picked up her image, first alone, then walking with a man with his arm around her. People out that night recall seeing this young woman at a popular bar with the same man later. “He’s going to f— her up,” one witness remembered thinking. And then she was gone.

Five weeks later, Hannah’s remains were found in a rural area about twelve miles away.

I was just beginning my third year as an economics professor at UVA when this happened. Living in otherwise idyllic Charlottesville

at that time, during the weeks and months after Hannah's mysterious disappearance, had a lasting effect on me. That period was terrifying and heartbreaking. Large search parties were organized to look for any sign of her, over increasingly large areas. UVA students and local community members walked side by side, sweeping fields and vacant lots. After twelve long days, a local man, Jesse Matthew, was arrested—in southeast Texas, where he was apparently trying to leave the country to avoid capture. Hannah had not known him; she was simply unlucky that night when they crossed paths.

When his DNA was taken to match to crime scene evidence, it also quickly matched DNA from two previous violent crimes: a 2005 sexual assault in Fairfax, Virginia, and the murder of Virginia Tech student Morgan Harrington. Morgan had also disappeared mysteriously, when she was in Charlottesville for a Metallica concert in late 2009. She left the arena midway through the event and couldn't get back inside to join her friends. It appears that Matthew was driving a taxi the night Morgan disappeared; he likely picked her up. Her remains were found six miles from the spot where Hannah's would be discovered years later.

Jesse Matthew was an active member of the community. He had friends and family in town, and he worked at the same university I did, in the hospital. The fact that he had been nearby this whole time, without anyone's noticing anything amiss, was chilling. Like most women I knew, I barely left my home for weeks, my carefree illusions of personal safety shattered. I did not know Hannah personally, but her story affected everyone in town. I still remember stories about women at the university leaving their cars as close to building entrances as possible, parking regulations be damned. That tangible cost of fear—the extra parking ticket a small price to pay for a bit less time walking alone outside—stuck in my economist's brain. (For years, a colleague and I would try to obtain university data on parking tickets, an attempt to channel our sadness into something

productive: research. UVA claimed it didn't track parking tickets so had no data to give us.) Remembering this period always makes me emotional—partly, of course, because of that young life lost. But also because of how afraid we all were that it could easily happen again.

It turned out that Matthew had been convicted of trespassing—a misdemeanor offense—in 2010. At the time, Virginia required that DNA samples from those convicted of more serious crimes be added to the state law enforcement DNA database. Those DNA samples would then be compared to evidence from crime scenes, like the 2005 sexual assault in Fairfax and the 2009 murder of Morgan Harrington, looking for matches that could close an open case. But, like most states at the time, Virginia did not require DNA samples from those convicted of more minor offenses. And so Matthew escaped identification, and went on to kill again.

The parents of Hannah and Morgan quickly pointed out that Hannah's death could have been prevented if the state required DNA samples after misdemeanor convictions. "Hannah would never have met [Matthew] and he would not have abducted and murdered her, and simply put, she would be alive today," Hannah's mother, Sue Graham, told reporters in 2017. "He wouldn't have been hiding in plain sight, living in Charlottesville, working for the university medical system, coaching football at a local school."

Virginia delegate David Toscano agreed. "DNA has proven to be a very powerful tool to help people who might have been unjustly convicted," he said. "In the aftermath of the Hannah Graham case, you realize that the power of DNA can also help convict people who are guilty before they commit a subsequent offense." Toscano sponsored legislation that added DNA samples from those committing various misdemeanor offenses to Virginia's database.

Serial rapists and murderers like Matthew are a nightmare scenario—the most violent of offenders, whose violent impulses may

be impossible to change. Our best option is to remove them from society for a very long time. It's worth naming this group because they are the exception to the rule. Most of us would agree that people who are an active public safety threat should be in prison. Now, what do we do for everyone else?

Most people who cycle through our criminal justice system are far more sad than scary. Seventy percent of all cases arise from minor offenses—a large share of those are nonviolent misdemeanors like public drug use and shoplifting. Of the remaining 30 percent—felony offenses, typically punishable by a year or more in prison—the vast majority are nonviolent crimes like theft. The same people cycle through our justice system again and again, but most are not anything like Jesse Matthew. They are not dangerous—at least not inevitably so—but they are violating the law. Is it possible to break this cycle? Could we steer them toward a different, better path?

When he pushed for that DNA database expansion in Virginia, Delegate Toscano knew he was creating second chances for victims. He might not have realized he was creating second chances for many potential offenders as well.

EXPANDING DNA DATABASES

In 2018, in response to tragedies like Hannah's, Oklahoma expanded its own DNA database. It was now the thirty-first US state to collect DNA samples from people arrested on felony charges.

The state had been taking such samples from people convicted of felonies and some misdemeanors for years. But the new policy dramatically expanded this practice to include people arrested for, but not yet convicted of, a crime. After taking mug shots and fingerprints at booking, jail staff now swabbed people's cheeks. They placed that saliva swab in a sealed tube and sent it to a lab for analysis. "It's just another thing to do," Sergeant Ziakiya Byers told the

reporter Whitney Bryen. “I get a daily list that usually includes five to twenty names I have to swab.”

Over the next three years, Oklahoma would collect more than ten thousand saliva swabs from arrestees, adding these individuals to the state DNA database. Privacy advocates were outraged, but others praised this practice as an important step in the fight against crime. They hoped it would help catch repeat offenders more quickly. What observers did not predict at the time was that expanding the DNA database could also *deter* future crime.

Could this small change really make such a difference? For over half a century, US policymakers have attempted to deter crime by making sentences longer and longer. People know that if they commit a crime, they could spend a long time behind bars. You’d think this already provides plenty of incentive to obey the law.

Putting people behind bars does prevent them from committing new crimes. Researchers call this an “incapacitation effect”—while you’re locked up, you’re physically prevented from offending again. But while prison sentences can have an important incapacitation effect, there’s now a great deal of evidence that they don’t have much of a deterrent effect. It might be easy to assume the offenders who don’t respond to this incentive simply aren’t behaving rationally and so can’t be deterred. Our only option, then, must be to keep them locked up.

But what if I told you that we’ve been approaching this problem all wrong? It turns out that most potential offenders aren’t thinking that far ahead. We all vary in how much we think about the future when making decisions. And we all care at least a little bit less about our future happiness than we do about our present happiness—which is natural. But some people discount their future happiness a great deal—these people act more impulsively, caring little about the consequences of their actions today. They’re focused mostly on the present. Studies have shown that those who commit crime tend to fall into this group.

If someone who might commit a crime is heavily focused on today, without much regard for next month or next year, then adding five years to an already long sentence will have little effect on their current behavior. They're simply not considering those longer-term consequences.

What does this mean for those of us who want to create more second chances? If we want to change behavior, pushing people onto a different, better path that keeps them out of prison in the future, we should dwell less on the long-term consequences of criminal behavior—those long prison sentences aren't helping. Instead, we need to change the *short-term* consequences of criminal behavior.

This is where those saliva swabs come in. Around the world, law enforcement agencies take DNA samples from people arrested for or convicted of certain crimes, based on local rules. In the 1990s, getting a DNA sample involved drawing blood, but technology has improved so much that it now requires just a quick swab of someone's mouth. This saliva sample is then put into a machine that analyzes just a few key sections that differ substantially across people. The process is so quick and straightforward that it can be fully automated. The result is a string of numbers not unlike a Social Security number—the numbers themselves don't mean anything, but the combination uniquely identifies you.

Law enforcement has been using fingerprints to identify people for centuries. But DNA profiles are better, partly because they are more accurate and partly because it is much harder to avoid leaving DNA at a crime scene than it is to avoid leaving fingerprints. People often think you need a big pool of blood to have DNA evidence, but that isn't true. We all shed skin cells containing our DNA all the time—which means we leave DNA wherever we go. Crime lab analysts can take even very small samples of DNA—from skin cells left on a gun someone touched, for instance—and match them to the offender. Just like fingerprints, finding someone's DNA at a crime

scene doesn't mean they committed that crime. But it does mean they were present in that place, which is often very useful evidence. (For instance, it appears that Hannah Graham's DNA was found on the passenger side door inside Jesse Matthew's car, providing evidence that he drove her somewhere.)

So, this saliva swab gives law enforcement a more useful "fingerprint" that can later be matched to crime scene evidence, increasing the likelihood that someone will get caught if they reoffend. We all respond more to the probability of getting caught now than to a potential future punishment. But this difference is especially large for people at risk of committing crime—the group we're focused on here.

You might be thinking, *This all sounds good in theory, but how do we know it works in practice?* I wondered the same thing. And so I decided to study it.

HOW CAN WE TELL IF DNA DATABASES DETER CRIME?

Testing whether DNA databases put people on a better path is easier said than done. Simply comparing people who are in the database with those who are not wouldn't tell us what impact the DNA database had. Those who are in the database have typically committed more serious offenses in the past, and faced more stringent punishments. If we saw that people in the database committed more (or fewer) crimes in the future, we couldn't be sure whether this was the causal effect of the database or the result of these past differences. Correlation, as they say, does not imply causation.

Consider a simple example: You're sitting in a coffee shop, staring out the window, watching pedestrians walk by outside. It's a cloudy day, and you notice many of them are carrying umbrellas. A few raindrops begin to fall. Those passersby open their umbrellas and hold them overhead. The rain comes down harder, and soon it

is pouring. “Gosh,” you think, “those umbrellas caused the rain. If people stopped carrying umbrellas, there would be no rain!”

Of course you would not think that. Clearly the threat of rain caused people to bring umbrellas when they left home that morning, and those first few raindrops caused them to use their umbrellas—not the other way around. In this example, umbrellas and rain are correlated—but this correlation between umbrellas and rain does not imply that the umbrellas caused the rain.

In the real world, these causal links—whether A caused B, or B caused A, or some third factor, C, caused both A and B—are not so obvious. It takes lots of work to figure them out.

In the DNA database example, someone’s risk of committing crime in the future might determine whether they’re added to the database, or being added to the database might change their risk of committing crime in the future, or some third factor (like local law enforcement’s access to DNA technology to solve crimes) might affect both their likelihood of being added to the database and their likelihood of committing new crimes. How do we figure out which interpretation is the right one?

The gold standard for measuring causal effects is conducting a lab experiment, in which some people are randomly assigned to a treatment group and the rest are assigned to a control group. Randomization gives us confidence that there aren’t any other, underlying differences between the two groups that might drive differences in future behavior. If we had such an experiment in this context, we could easily measure the causal effect of the treatment (being added to the DNA database) on future criminal behavior simply by comparing future outcomes across the two groups.

Of course, such a randomized experiment is not possible here. For legal and ethical reasons, governments won’t add people to their DNA databases at random. So I put on my economist hat and went hunting for natural experiments instead.

What would that ideal experiment look like in this context? Imagine that, for each person charged with an offense, we flipped a coin. If it landed on heads, we'd add them to the DNA database; if it landed on tails, we wouldn't.

As ridiculous as that scenario sounds, imagining this ideal experiment can help us find natural experiments—real-world events or practices that sort similar people into treatment and control groups as if at random. The goal is to find natural experiments that approximate the ideal randomized experiment as closely as possible.

Now consider how DNA databases are implemented in practice. In the US, states decide which groups of offenders are required to provide a DNA sample to the law enforcement database. (The FBI then links these state databases with one another and with DNA evidence from crime scenes. The result is CODIS—the Combined DNA Index System.) Most states started with people convicted or incarcerated for the most serious offenses—murder, rape—and then gradually added more groups of offenders over time. These rules are based on laws that are passed by state legislatures and then implemented on specific dates—as in Oklahoma. When a legislature expands its state database, the rules governing who is added to that database change overnight. One day that state might add only convicted murderers and rapists, but the next day, when a database expansion goes into effect, it adds convicted burglars as well.

These policy changes set up the natural experiments I was looking for. Imagine two identical people charged with the same crime. One was charged the day before the database expansion, while the other was charged the day after the expansion. The first person is not added to the database, while the second person is. Everything else about their punishment and experience of the criminal justice system (including local use of DNA technology more broadly) will be the same—the only difference between them is whether they were added to the DNA database. The precise dates of their charges sort

them into the treatment and control groups I need, as if at random. The date of their charge serves as the coin flip from the ideal experiment we imagined above.

In the US, I obtained detailed criminal history data from several states, allowing me to track individuals over time. I then considered how DNA database policies evolved in those states. The states gradually added new categories of offenses—first murder, then rape, then burglary, and so on. This gave me a bunch of small natural experiments. Looking closely at the data revealed that offenders charged before and after each database expansion look the same in every way but one: the likelihood that someone is added to the DNA database jumped suddenly at the expansion date.

What happened next?

Comparing these two groups—those charged just before and after relevant database expansions—revealed big differences in future behavior. I found that expanding state DNA databases to include people convicted of serious violent felonies (murder, rape, aggravated assault, or robbery) reduced future convictions by 17 percent. Adding people convicted of serious property felonies (burglary, larceny, or motor vehicle theft) reduced future convictions by 6 percent.

These reductions in future convictions meant that being added to the DNA database deterred future crime. Those who were in the database knew they were now more likely to get caught if they reoffended, and as a result they reoffended less often.

At this point, all US states require that people convicted of felony offenses be added to the database. Is this enough? Or should we expand these databases further? Many states, like Oklahoma, add people who are arrested or charged with felonies (without waiting for a conviction), or people convicted of misdemeanor offenses. On average, this will add people to the database earlier in their criminal careers. Is this helpful?

I worked with Anne Marie Anker and Rasmus Landersø, both at a Danish research institute called the Rockwool Foundation, to shed light on this question. Because Anne Marie and Rasmus both live in Denmark, we were able to access rich data from that country. Denmark expanded its DNA database in 2005. It went from including only a small share of people charged with very serious offenses like murder to including anyone charged with the equivalent of a felony; they did not need to be convicted. This was a huge expansion that allowed us to study the effect of DNA databases on a broad range of offenders. We focused on men ages eighteen to thirty, as this is the most criminally active group—in Denmark and around the world.

Our results in this context were even more striking than the results I'd found in the US. We found that adding anyone charged with a felony to the law enforcement DNA database in Denmark reduced future criminal convictions by over 40 percent. Again, people responded to the higher probability of getting caught by committing fewer crimes. Being added to the database also increased enrollment in school and rates of employment—signs that folks really were on a better path. This effect was largest for the youngest men, those ages eighteen to twenty-four. This means that intervening earlier, when people still had a meaningful chance to change course, had the biggest impact.

Several factors might explain the larger effects in Denmark. One is that putting more serious offenders (convicted murderers and rapists) in the database may not add much value, as those offenders will typically spend many years in prison. (See Jesse Matthew's example.) By the time they are released—if they ever are—they will be much older and likely much lower-risk. The earlier database expansions I studied in the US targeted these more serious offenders and thus may have had less room to move the recidivism needle.

In Denmark, on the other hand, we focused on younger offenders who typically would not spend much time behind bars. This

gives the DNA database room to have an impact on behavior. By targeting people earlier in their criminal careers, this technology steered them onto a different path. Relative to those not added to the database, we see that younger people (that eighteen-to-twenty-four group) were much more likely to enroll in school. The older group (ages twenty-five to thirty) were more likely to be employed when they were added to the database.

When it comes to criminal justice policy, it is natural to focus on tragedies like Hannah Graham's murder, cases in which a terrible crime would have been avoided if the offender had been locked up sooner. We can easily see the harm that would never have occurred if our policies had been different. But as a researcher, I know this isn't the whole story. Catching people quickly when they commit crime is important, but not just because it physically prevents new offenses. Increasing the swiftness and certainty of punishment has other benefits as well: crimes that are avoided entirely, that we'll never have to see, because people were deterred from offending in the first place. Studies like those I conducted in the US and Denmark make these hidden benefits visible, revealing just how much harm is prevented when people know they are more likely to get caught.

The punch line of these studies is that a simple saliva swab deters crime in a way that long prison sentences do not. Increasing the probability of getting caught—in this case by adding people to a law enforcement DNA database—changes incentives in just the right way to change behavior. This pays a double dividend—fewer crime victims as well as fewer people in prison.

To be clear, this change won't deter everyone. But it is a major step in the right direction. Many people committing crime can be put on a better trajectory if we change the incentives they face. If we cut recidivism each year by 42 percent (as in Denmark), we'll quickly see far fewer people in our jails and prisons. We can then

focus our energy and resources (including incarceration when necessary) on the much smaller group that remains.

THERE'S NO FREE LUNCH

As economists like to say, there's no such thing as a free lunch. We don't get the big benefits described above without costs, and it's always important to consider both the costs and benefits of any intervention. What are the costs of expanding DNA databases?

The financial costs are very low—about \$3 per DNA kit plus staff time. And crime is expensive. So, in purely financial terms, reducing recidivism using this tool is a bargain.

But there are intangible costs too. Some worry that expanding DNA databases broadens the criminal justice system. After all, we are adding more people to a database controlled by law enforcement. If your goal is to shrink this system, that might seem like the wrong direction.

And perhaps more concerning, the information in DNA databases is based on people's genetic code. That sounds like a big invasion of privacy.

But as I described above, the information included is extremely limited—it's more like a hashed Social Security number that is meaningless outside the database. And people who are charged with and convicted of crimes are already in many databases. In the US, their fingerprints are in the national Automated Fingerprint Identification System (AFIS). Their names, birth dates, and even mug shots are in public arrest and conviction records. Employers can see their criminal records when doing background checks.

Relative to the other places their information is recorded, DNA databases seem pretty benign. The fact that someone is in this database is not public information, and the ID that's recorded is not useful for anything except matching to other DNA.

So, what is the intangible cost of adding someone to a DNA database, in this context? Compared with other ways of fighting crime—putting police on every street corner, or locking people up for years—it seems difficult to argue that this tool adds a meaningful burden to someone's life. And especially when we realize that being added to the database reduces the likelihood of reoffending (and thus the likelihood of being locked up), it becomes clear that this practice makes the criminal justice system less, not more, invasive.

As DNA databases become larger, they dramatically reduce the number of people convicted and incarcerated for new crimes—shrinking the scale and impact of the system. With a small, carefully targeted shift in incentives, beginning with that simple saliva swab, many people change their behavior. This intervention breaks the incarceration cycle rather than perpetuating it.

This is just one small change that achieves big results. Can we create second chances with even smaller, more incremental shifts within our criminal justice system? Indeed we can.

REDUCING FAILURES TO APPEAR IN COURT

When people are accused of breaking the law—from something minor like trespassing to a more serious offense like robbery—the next step is typically a court hearing. This is the beginning of the process to determine whether they are guilty, and if so, what the consequences will be.

Getting people to show up in court is a difficult challenge. We need to persuade someone who is accused of breaking the law (and so perhaps cares less about following rules than most people do) to take time out of their life to face the consequences—not exactly the most pleasant task. It's probably not surprising, then, that many miss their court hearings.

What can we do about this? The standard approach in the US

is to lock people up, requiring cash bail for release. More than 30 percent of people currently incarcerated in the US haven't been convicted yet—they are simply in jail awaiting trial. Cash bail entails paying part or all of some bail amount so that a defendant can go home; if they show up in court, they will get most of that amount back. Of course, low-income defendants are less able to pay, which means this system often punishes poverty. A major barrier toward reforming the status quo is that people worry that defendants can't be trusted to show up for their hearings and face punishment without these measures.

The legal system provides big incentives to show up for your court date. If you miss it, not only will you lose any money you put down as bail, but the court will grant a warrant for your arrest, and you could face new, often more serious charges. It could also mean more severe consequences if you're ever arrested for another offense: since courts consider past "failures to appear" (FTAs) when deciding whether someone is a flight risk, missing a hearing today can mean pretrial detention (time in jail) in future cases. The best data suggest that 23 percent of felony defendants who are released pretrial still don't show up for court, for a variety of reasons.

"Transportation is an issue. I have no license and I always need to get a ride to court. It can take two or three hours sometimes because I need to find someone to take me there. And then it takes time to actually get into the courthouse with all the screening. Transportation and getting in are problems for me," a woman named Rochelle told interviewers in 2023, as part of a project to understand FTAs in Lake County, Illinois. Lake County is in the northeastern part of Illinois, along Lake Michigan and bordering Wisconsin.

Omar recalled, "I had rented a room, but then moved to another apartment. I was working the night shift and my wife recently was diagnosed with cancer. My daily schedule was really busy and I had also misscheduled my court dates. Honestly, court is a big priority

for me, but I couldn't keep up with my other responsibilities and schedules."

Jack remembered consciously choosing to skip his hearing to avoid losing his place to sleep that night: "I'm homeless. As part of the agreement with the local shelter, they drop several of us at the community library and tell us to stay there until two thirty p.m. If I leave, the shelter won't guarantee my place for that evening. I called pretrial services to let them know I couldn't visit them because I was staying at the library. . . . I thought my messages to pretrial would reschedule my court. As it turns out, it didn't reschedule. I didn't want to jeopardize my shelter for that evening by leaving the library."

Jamel also remembered making a strategic choice to skip his hearing: "I was charged with a stupid nonviolent misdemeanor. My attorney begged to reschedule my dates due to my home/family responsibilities. Nope. My wife just had eye surgery and couldn't care for herself, and our son has autism. I had to care for my family. I am the breadwinner. That misdemeanor charge wasn't important enough and the judge wasn't working with me. It wasn't important enough for me to turn myself in—I stayed out to make money for my family."

And some people miss their hearings for very human but perhaps less sympathetic reasons. "My judge intimidates me and made me cry at the last hearing. It is not pleasant to attend court with that judge," said Candace.

If FTAs are high for all these reasons, even with severe consequences hanging over people's heads, it might seem that FTAs are inevitable and locking people up until their case is resolved is the only way to ensure that our criminal justice system functions smoothly. That's not good, given substantial evidence that being detained pretrial causes higher recidivism in the future. People lose their jobs and income, and they are more likely to plead guilty to the current

charge because they're so desperate to get out of jail. This all creates a vicious, costly cycle. Is it really necessary?

Maybe not. What if, for people like Rochelle and Omar, skipping a court date wasn't intentional? What if some defendants who don't show up for their hearing aren't actively avoiding the consequences of their actions, they simply didn't know they had a court date, or hadn't made plans to get there? Perhaps others, like Jack, Jamel, and Candace, who made a conscious choice to skip their hearing, didn't know the extent of the consequences they would face by doing so. Is there something we could do to reduce FTAs among these groups?

Alissa Fishbane (a researcher at the nonprofit organization *ideas42*), Aurélie Ouss (an economist and criminology professor at the University of Pennsylvania), and Anuj Shah (a psychology professor at Princeton University) also had these questions. They worked with New York City to try something new: redesigning the summons forms given to lawbreakers, and then sending text message reminders of upcoming court dates.

In New York City, summonses are essentially tickets, given for very low-level offenses like cannabis possession, breaking open-container laws (drinking in public), and trespassing in a park after hours. The consequences for such offenses would typically be a fine, not jail time. But people who get a summons do need to attend a court hearing to have their case resolved. In New York City, about 40 percent of all defendants issued a summons missed these hearings. For many, this escalates their low-level, low-consequence offense to an arrest warrant and jail time.

What had summons forms looked like in the past? To the researchers—and even to criminal justice professionals—they were unnecessarily confusing. “It was as if the thing was written in Gothic German,” Liz Glazer, the director of the New York City Mayor’s Office of Criminal Justice, said at the time. Key information—where and when you were required to show up for your hearing—was

buried amid other fine print. Even more concerning, the main consequence for missing that hearing (an arrest warrant) was mentioned only on the back of the form. It's possible that many people missed their court dates because they didn't know about them, or because they didn't think those hearings were a big deal.

Attention is costly, and people often are not paying attention, especially if they have other problems to deal with. All the incentives in the world won't change behavior if people don't know about them. Redesigning these forms so that the key information was highlighted at the top was a priority for this research team.

The researchers also wanted to see whether text messages could make this information more salient. Not everyone gave police officers a phone number when they were issued a summons, but those who did could receive text messages reminding them about their hearings. Some of those messages mentioned that the defendant would face an arrest warrant if they did not show up; others encouraged them to put the court date on their calendars and make a plan to get to the courthouse that day.

"It is mildly embarrassing that a doctor will text you a reminder of your appointment date, your mechanic will text you when you need to bring your car in to get it serviced, and yet the courts are not catching up with that type of service," said Judge Ryan Hope from the Athens Clarke County Municipal Court in Georgia, soon after his court launched a similar court reminder system.

Because these researchers are social scientists, they didn't just want to make changes—they wanted to see whether these changes worked. Were these updates simply good customer service, or would they meaningfully move the needle on FTAs?

To measure the causal effects of these changes, we again need an experiment—something that separates people into similar treatment and control groups. The ideal experiment would randomize

who received the old versus new summons forms, and whether they received text messages.

For the summons forms, they took advantage of the fact that those forms come on a pad, and police officers go through the entire pad until they run out. When they run out, they get a new pad of forms. This will naturally happen at different times for different officers—in a way that creates as-if-random variation in the exact date that a police officer switched from the old summons forms to the new, redesigned forms. Similar people issued summonses just days apart, by the same police officer, would be given different forms. Other people issued summonses on the same day, from different officers, might receive different forms as well. The researchers then used this variation in when individual officers began using the new forms as a natural experiment, to see what happened to FTAs for those who received old versus new summons forms.

At the time, Police Commissioner James P. O'Neill was optimistic about the impact this would have: "Any measure that can help to expedite the disposition of summonses will add to the efficiency of the system and benefit everyone involved in the process." Was he right?

The researchers found that those who received the new, redesigned summons form were six percentage points less likely to miss their court hearings. This represents a 13 percent reduction in FTAs—a huge effect for such a small change.

For the text message reminders, they were able to use a more classic, randomized controlled trial (RCT). Starting with all the defendants who gave police their phone number, they randomly assigned defendants into four groups: 25 percent received text messages that mentioned an arrest warrant, 25 percent received text messages that encouraged people to make a plan to get to the courthouse that day, 25 percent received messages that did both, and the remaining

25 percent of defendants were in the control group that did not receive any text messages.

Measuring the causal effects of those text messages was then straightforward: the researchers could simply compare outcomes across the groups. Only 62 percent of defendants in the control group showed up in court for their hearings; sending any text message increased this number to 70 percent—a 13 percent improvement. This difference was largest for those who received text messages mentioning an arrest warrant—which suggests that some people had not responded to this incentive before because they simply didn't know about it.

What about the costs?

Redesigning the summons forms required some time and effort up front, but printing the new forms wasn't any more expensive than printing the old forms. Thus, the average cost of that intervention, over all defendants, was close to zero. Text messages aren't free, but they are cheap—less than a penny per message sent.

These small changes won't eliminate FTAs, of course—plenty of defendants will still miss their hearings, and pretrial detention will still be necessary in many cases. But simply making information about those hearings—and the consequences for missing them—clearer helps a surprising number of people avoid warrants and new charges due to FTAs. It gives people a second chance to avoid getting pulled further into the criminal justice system. And it allows us to use our costlier interventions, like arrest warrants and jail time, for those who are true flight risks.

At this point you might be thinking that these small changes sound great for some people—those who don't face real challenges in their lives. But many people who get caught up in the criminal justice system struggle with mental illness or trauma or substance use. A small shift in incentives—or making those incentives more obvious— isn't going to work for them. They'll need real, meaningful

help before we can expect them to respond in a rational way to any consequences. How could incremental reforms give this group a second chance?

I'm glad you asked.

CONNECTING PEOPLE COMING OUT OF JAIL WITH MENTAL HEALTH CARE

A large share of people in jail and prison struggle with mental illness—26 percent of jail inmates and 14 percent of prison inmates exhibit signs of serious psychological distress, compared with just 4 percent in the broader population. Prisons typically provide some mental health care to inmates, though of course quality varies tremendously across the US and around the world. But jails typically do not provide such care, because they are built and intended for much shorter stays, including pretrial detention. (Once someone is sentenced to a lengthy period of incarceration, they are sent to a prison.) Providing meaningful care in jails, where someone might be locked up for only a day or two, is challenging.

That said, many people who churn through jails as the result of arrests for low-level offenses like trespassing, public intoxication, or drug possession seem especially likely to be there because of an untreated mental illness. Access to health care could provide a real second chance for this group.

William, a sixty-two-year-old inmate in Chicago, has been in jail nine or ten times. Over the years, he's been diagnosed with depression, anxiety, and symptoms of bipolar disorder, and he's been repeatedly arrested for theft that funds his illegal drug use. He told the journalist Adam Geller that judges don't take mental illness seriously, so nothing changes when he's released from jail. "Once we leave here," he says, "we're back on doom street." It's a familiar problem across the country.

Many communities have taken big steps in recent years to expand access to affordable, quality health care to those who need it. Yet even in communities where cheap or free mental health care is available, many people do not get the help they need.

One such community is Johnson County, Kansas. Anyone can walk into a local clinic there and get affordable health care, including mental health care. But local leaders noticed that 25 percent of jail inmates exhibited symptoms of mental illness when they arrived at the jail. They wondered whether directly connecting that group with health care services after they left the jail would reduce their likelihood of being rearrested.

“There’s just a hugely disproportionate number of folks entering into jail and prison systems that have serious mental illnesses,” said Rob MacDougall, clinical director of emergency services for Johnson County Mental Health. “If we had more appropriate ways to treat them—or knew they were at-risk and had the ability to reach them ahead of time—we could avoid mental illnesses being [made worse] by entering the criminal justice system.”

Johnson County officials partnered with the economists Mary Kate Batistich, William Evans, and David Phillips, of the University of Notre Dame’s Lab for Economic Opportunities (LEO), to test whether such a program would work.

They screened everyone on their way into the jail for mental illness. This gave them a list of people who likely needed treatment. Once those individuals were released, the jail gave their names and available contact information to outreach workers, who did the best they could to contact them over the next several days.

The outreach workers were remarkably successful at contacting this relatively hard-to-reach group: they made contact with 44 percent of the people on their list. Once they were in touch, they offered to make an initial appointment for them at a health care facility. They made appointments for 27 percent. And that’s it. They didn’t

follow up with them to make sure they went to the appointment, or to help them stick with any treatment plans. They just made what is often called a “warm handoff” and hoped for the best.

To figure out whether this light-touch intervention did any good, the researchers needed a control group. It turns out that only people who lived in the county where the jail was located were eligible for outreach. Many people who live in the surrounding area also commit crime in that county, and they, too, are arrested and locked up in the Johnson County jail. A large share of these non-residents also screened as having mental illness. But because of this eligibility restriction, they did not receive any outreach after they were released.

Before the outreach program was implemented, trends in rearrest were very similar across the resident and nonresident groups. This gave the researchers confidence that the nonresidents were a good comparison group, and that comparing trends across these groups going forward would tell us the causal effect of the outreach program. (The researchers also compared people who lived just on either side of the county border, to ensure the groups were even more similar. Both strategies gave them the same results.)

What did they find? This light-touch warm handoff had big benefits. Eligibility for this program reduced the likelihood of another jail booking in the following year by 17 percent, and effects were even larger for those who had not received mental health care in the past. The researchers weren’t able to see whether or how long the people contacted actually received health care; surely many missed their appointments. That makes these average effects even more striking.

“We should only have people in custody who are a danger to themselves or the community—and I think we’re heading there, thank goodness—and those that aren’t, we’re trying to get some decent treatment so they leave better,” Johnson County sheriff Calvin Hayden told the *Johnson County Post*.

Once again, this intervention doesn't completely solve the problem of mental illness as a root cause of criminal behavior. But a 17 percent reduction in rearrests is a pretty big win for such a tiny program. It cost Johnson County just \$15 per person, on average, for these outreach services. That is a bargain for the county, given how expensive it is to process and house jail inmates. It is also a gift to the individuals this program served, many of whom are now getting the care they need.

"Little things [like this outreach program] can have that butterfly effect of maybe helping someone get to a more positive place in their life," MacDougall said. "We're missing a lot of that these days."

SMALL STEPS TOWARD BIG IMPACTS

DNA databases to reduce reoffending, clearer forms or text message reminders to reduce FTAs, and connecting people coming out of jail with mental health services all highlight the ability of small changes to have big impacts. Each of these interventions dramatically reduced the number of people who were pulled further into the criminal justice system. They provided meaningful second chances at a key moment, and tens of thousands of people benefited just during the short time periods these researchers studied. Imagine how those impacts accumulate over time and across places.

How many other, relatively simple shifts are currently overlooked and underestimated? I can tell you there are many. Let's start at the beginning of the criminal justice process, with how to intervene after someone's first arrest or criminal charge.

Conclusion

In July 2023 I left my tenured position in academia to join Arnold Ventures (AV), a nonpartisan philanthropy and think tank that focuses on evidence-based policy in the US. AV is a major player in the criminal justice research and policy space, and they got in touch at just the right time. I'd been an economics professor at large research universities for over a decade, and I was ready for a change.

For a publicly engaged academic like myself, with lots of ideas about how to make both research and policy better, leading AV's Criminal Justice program has been a terrific opportunity to put all those ideas into action.

It's also been an opportunity to refine my thinking about what is stymieing progress in the criminal justice space.

My team at AV invests in building a larger evidence base, funding activities and hosting convenings that we expect will facilitate more and better evidence on what works. Our goal is to speed up the production of studies like the ones I've described in this book—those that use randomized field experiments or natural experiments to measure the causal effects of policies and programs. (In other words: studies with good control groups.) As solutions emerge from this evidence base, our policy and advocacy teams work to implement those solutions across the US. Unsurprisingly, we're working

to scale many of the interventions you read about in the previous chapters—that is, we’re trying to change local, state, and federal policies to bring these interventions to more people who would benefit from them. And new potential solutions emerge every day.

Since joining AV, I’ve thought a great deal about the barriers to evidence-based reforms like these. There are many, many open questions still left to answer about what works and what doesn’t. But we’ve learned a lot about how to put the justice-involved population on a better path, and how to help young people avoid being pulled into the system to begin with. Why aren’t these lessons being put into practice? And how can we speed up the pace at which we are finding new solutions to our most pressing public safety problems? What is holding us back?

I see at least six challenges to adopting the incrementalist, science-based approach I’ve advocated for in this book:

1. People assume that most good ideas will work.

I find that the biggest reason people don’t adopt a science-based approach to criminal justice reform is that they don’t think it is necessary. They assume that most policies and programs that sound good will have their intended effects. If that were true, then requiring careful study before we implement our good ideas at the state or national level wouldn’t be helpful. Many people (mostly on social media, but sometimes in person) have openly accused my calls for rigorous research of being thinly veiled attempts to slow progress. I must not actually care about the people those programs aim to help, they’ve said (though they typically use much more colorful language). Otherwise I wouldn’t be willing to wait for research.

My economics colleagues and I assume the opposite: that most of the interventions we try won’t work. Throughout this book, I’ve shared many examples of well-meaning

interventions that were ineffective, and some that even backfired. (There are many more examples of ineffective programs and policies out there, but a book entirely on what doesn't work would be really depressing.) In a world where changing human behavior is difficult, and our well-laid plans can have big unintended consequences, pushing to implement new, untested ideas at scale is reckless. Sometimes you will get lucky and you'll see big benefits. Sometimes you will get very unlucky and do direct and active harm to the population you are trying to help. But much more often you'll have no impact at all. In that most likely scenario, you've spent time, energy, and money pushing for change that had no impact. Economists call those wasted resources "opportunity costs," and they are real costs that we should consider when we want to bring about change in the world. Every moment and dollar we spend pushing for a policy or program not based on evidence is a moment and dollar we are not spending to scale something we're more certain will work—like the many ideas in this book. I worry a lot about the opportunity costs of running down roads that prove to be dead ends because we got ahead of the evidence.

In the search for second chances, the status quo is unacceptable. Too many people cycle through our criminal justice system again and again, with no clear path out. To change this, we must try new things—new programs, new policies, new ways of looking at old situations. But to avoid running far down another dead-end path, we must avoid becoming wedded to seemingly good ideas before we know whether they are effective.

2. Policymakers and practitioners are trying not to fail, when failure is inevitable. Their goal should be to fail fast.

Most good ideas we try won't work. And so I am skeptical of anyone who claims to have solutions to long-standing, complicated social problems without rigorous evidence to back them up.

When I talk with policymakers, I tell them their goal should be to fail fast—not to avoid failure. Failure is inevitable. But it is how we learn. Only by trying and failing and trying something else will we eventually find effective solutions. When we become committed to particular solutions before we know whether they are effective, we slow down this process. If we implement a program with no way to evaluate its impacts, we might wait years or decades before realizing we're not better off (if we ever do). And we probably won't invest the necessary time and energy in testing other ideas that could work better—why bother, if we think we've solved the problem?

Entering these conversations with humility and the expectation of repeated failure before we find success means we'll be more focused on measuring the impacts of what we're trying, and figuring out as quickly as possible if we need to try something else. I sincerely believe this is the fastest way to find solutions to our most pressing problems. The key is being committed to eventually finding an answer, not to getting it right on the first try.

3. Lack of clarity about the goals of reform. What outcomes are we trying to change? How will we know if we've succeeded?

When policymakers and advocates claim they have a great idea, we should all be in favor of trying it, but skeptical about whether that new approach will indeed be the solution to the problem we seek to solve. And so we must push these leaders to define how they'll know if their new idea is working. Insist on a plan, not just for implementation but for measuring success.

One consequence of being a data-driven empirical researcher is that I'm always thinking about how I would measure the impacts of something in practice. If someone tells me their new program will "improve outcomes," I am quick to ask, "Which outcomes?" You might be surprised how often people will stare at you blankly when you ask what, exactly, they are hoping will change as a result of the policy or program they are pushing for.

As a social scientist, I focus on designing studies that measure impacts using actual data. This involves using statistical software, and testing the effect of one variable on another. There's no way to do this if we don't know what the outcome variable is.

One reason it is important to push stakeholders to define success is that it sharpens everyone's thinking. Thinking through what changes they hope to see on the ground can lead to very useful conversations—not just about what problem we're trying to solve (which might be less clear than we'd thought), but also about how a program should be implemented and how we can measure the outcomes we care about.

Another reason is to hold ourselves accountable. It is often easy to find statistically significant effects somewhere if you look hard enough. Based on our usual standards of statistical significance (a measure of whether we think an effect could emerge by pure chance), we should expect about five outcomes of every hundred we test to be statistically significant. A team looking to show that their program was effective can simply keep running more tests, looking at more and more outcome variables, until they find something statistically significant. ("The employment-focused program did not increase employment, or reduce recidivism, or change any of dozens of other outcomes we looked at next, but it did reduce drug

use. Hooray, it was effective!”) This is typically a well-meaning effort, rather than a nefarious attempt to mislead. But in the research world, this is known as *fishing* or *p-hacking*, and it is not a reliable way to find true effects. The more tests you run, the more likely you are to get a false positive.

Asking stakeholders to precommit to the outcomes they think are most important is the best way to avoid this pitfall. If they are pushing for a new employment program, ask them what outcomes they are hoping to change. If they say employment and recidivism, then that is how we should define success. If the program does not improve those outcomes, then we can all agree that the program was not effective in meeting those goals, and we should try something else. (Any other findings should be considered suggestive.)

4. Misunderstandings about the types of studies we need to understand what works—and the types of studies that are possible.

Once we agree on how we'll define success, we need to figure out how to measure whether the policy or program achieved that result. At this point, bringing in a researcher should give us confidence that we'll have a clear answer. Unfortunately, not all research approaches are well suited to telling us whether something worked.

Throughout this book, I've emphasized the need for a strong control or comparison group in order to measure the causal effect of some intervention. Our goal is to run a randomized experiment or find a natural experiment that approximates the experiment we might run in a lab. These are the methods we need if we want to measure the causal effect of that intervention—that is, to test whether the intervention caused an observed change in the outcome.

Many researchers who do not use causal methods—and the politicians and practitioners they advise—claim that such causal studies are impossible in the real world, and that my bar for what counts as high-quality evidence is too high. “We can’t randomize who goes to prison,” they’ll say.

But as you’ve seen throughout this book, there are myriad natural experiments that approximate randomization and enable us to measure the causal effects we are seeking. No, we can’t randomize who goes to prison, but we do randomize cases to different judges. Staggered rollouts of a new program across counties or states creates as-if-random variation in who has access to that program. And date or risk score cutoffs separate otherwise identical people into treatment and comparison groups. The world is full of natural experiments like these, but we need to look for them.

For too long, researchers have produced weak studies that don’t measure causal effects, and stakeholders have unknowingly accepted that evidence as the basis for reform. No wonder we’re still struggling with the same problems we’ve had for decades. It’s time we all started thinking more like scientists. When someone says they measured the impact of some intervention, ask about the control group. And push them on why they think the only difference between that group and the treatment group is the intervention of interest. “What determined who got the treatment?” is a great question to ask. You’re looking for something akin to a randomized experiment. If it is someone’s choice—the judge decided to send person A to prison but not person B, or person A signed up for the training program but person B did not—you should be very skeptical. People’s choices are not random.

Of course, finding good control groups is not always possible. You’ll have a better chance if you implement a new policy

or program with an evaluation in mind. And designing that evaluation will be easier if researchers who know how to measure causal effects are involved sooner rather than later.

5. Siloed networks—practitioners and researchers don't talk.

When I worked in an academic research setting, my colleagues and I spent a lot of time looking for interesting policies and programs to study. As a PhD student and junior scholar, I read countless newspaper articles, looking for natural experiments.

Now that I'm surrounded by policy experts and practitioners, I'm frequently asked why academics don't study the interesting policies and programs that have been implemented. These groups often suggest writing research agendas highlighting broad research questions we need answers to (for instance, how to increase employment for people with criminal records), thinking that academics aren't aware of the need for those answers. (They are.)

The disconnect between these worlds is huge. And it's not because these groups don't want to talk, or have fundamentally different goals or worldviews. These people simply don't know each other.

At AV, I've leaned into our convening power to help address this disconnect. (It's amazing how quickly people say yes when a funder invites them to an event or meeting.) I believe that getting researchers and practitioners in the same room, to meet and talk to one another, is one of the best ways to facilitate more and better research. The practitioners can tell the researchers about the exciting interventions they're trying, and the data they have available, and the researchers can suggest ways of studying their impacts—and, even better, offer to conduct that study. Only so much will get done in a one-day

event, but my hope is that these people will stay in touch and be resources to one another going forward.

Because of my time on the academic side, I take for granted information that comes as a huge surprise to practitioners and policymakers. For instance, most academics work for data, not money. In fact, we generally think that getting paid by an organization whose program we're evaluating produces a conflict of interest; such a conflict would make it difficult to publish that study, which is all we care about. To cover our salaries, we either teach classes at our university or raise external funding from foundations like AV. So please do not hire a consulting firm to evaluate the impact of your program! More often than not, the resulting study will either be too low-quality to be useful, or no one will believe it because of the conflict of interest.

Some organizations, like LEO at Notre Dame (which I mentioned a couple of times in previous chapters) and J-PAL North America at MIT, have dedicated staff available to talk with people from nonprofit organizations and government agencies about what a causal study might look like. Those organizations will work with you to lay the groundwork for such a study, and connect you with academic researchers who can lead those studies. Again, this is all free to the organization.

6. The belief that only big, structural change can have a meaningful impact on society.

The biggest obstacle to meaningful progress might be the pervasive disbelief that any changes we can make would be too small to matter. "Incremental change" is often dismissed as not serious. Only big, structural reforms could possibly address our sky-high rates of incarceration and recidivism.

I hope the examples throughout this book have shown you that this is not the case. Seemingly small changes in incentives and opportunities can have big impacts on behavior. And they are also possible. As I tell critics who claim that only big structural change is worth doing: No one is stopping you. If you're still not convinced by my incrementalist approach to reform, then go ahead and pursue the big structural changes you think society needs. In practice, I find that calls for structural reform serve as an excuse not to bother with the changes that are within reach. With millions of people searching for second chances, it is cruel to let the perfect be the enemy of the good. The solutions at our fingertips would change so many lives.

Let's get to work.

NOTES

1: SMALL CHANGES, BIG OPPORTUNITIES

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- 5 **Toscano sponsored legislation:** Denise Lavoie, “Virginia Student’s Murder Sparks Bid to Expand DNA Databank,” Associated Press (2018), apnews.com/article/7bdbcfdb5bf4f83945e803298503212.
- 7 **“I get a daily list”:** Whitney Bryen, “In Unannounced Move, Oklahoma Jails Begin Collecting DNA from Arrestees,” KGOU (2018), kgou.org/oklahoma-news/2018-12-11/in-unannounced-move-oklahoma-jails-begin-collecting-dna-from-arrestees.
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- possible criminal prosecution. See 42 U.S.C. § 14135a(a)(5),” bop.gov/policy/progstat/5311_001.pdf.
- 9 **Hannah Graham’s DNA was found:** CBS/AP, “Docs: UVA Victim Hannah Graham Refused to Get in Killer’s Car.”
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