

# Risk assessment tools may increase incarceration rates

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Robert Werth. Credit: Jeff Fitlow/Rice University

The use of risk assessment tools has increased considerably within criminal justice institutions in recent decades, and these tools have been viewed by many as a way to stop or even reverse the United States' heavy

reliance on imprisonment. But new research from a Rice University sociologist suggests these tools may actually contribute to expanding the number of people caught up in the criminal justice system.

"Theorizing the Performative Effects of Penal Risk Technologies: (Re)producing the Subject Who Must Be Dangerous" will appear in an upcoming print edition of the journal, *Social & Legal Studies*. The paper by Robert Werth, a senior lecturer in sociology at Rice, draws on both empirical data and previous research and examines the effects of risk assessment tools within the parole system.

"In the United States today, there's a big debate going on about how to best reform [criminal justice](#) systems and reduce mass incarceration," Werth said. "In the realm of punishment, risk assessment tools are used to predict the likelihood of reoffending. They evaluate individuals on a number of factors, including past criminal behavior, age, education, etc. They are used to help determine parole and how closely or not closely to supervise people who are paroled."

In the paper, Werth suggested that risk assessment instruments are contributing to an environment that considers everyone who is assessed a risk, which in turn may lead to higher levels of people being caught up in the criminal [justice](#) system.

"While these instruments note variations in the amount or level of risk, at the same time they promote the idea that everyone in the criminal justice system is dangerous," Werth said. "Yet we know that a significant number of people are there for low-level, non-violent offenses and represent little or no threat to public safety."

Werth notes that as the use of risk assessment tools increased, so did the number of people imprisoned. In 1970, only one state—Illinois—used actuarial risk assessment tools for determining parole release from

prison. During the 1970s, the federal government and California began using these tools. In the 1980s, six more states joined the list. By 2004, 28 of the 32 states with a parole system were using risk assessment tools as part of the parole decision-making process.

In 1972, there were approximately 375,000 people incarcerated in the U.S. By 2007, the number had climbed to 2.1 million people. In 1972 the incarceration rate was 161 incarcerated people per 100,000 residents, compared with 767 per 100,000 in 2007.

Last year the U.S. spent approximately \$80 billion on prisons, Werth said. He hopes the research will shed light on how risk assessment tools may impact incarceration rates.

"It has been argued that risk assessment tools could help stem the tide of mass incarceration," Werth said. "However, the evidence suggests that thus far, [risk](#) assessment instruments have contributed to expanding the number of people enmeshed in the criminal justice system—encompassing imprisonment, probation and parole."

**More information:** Robert Werth. Theorizing the Performative Effects of Penal Risk Technologies, *Social & Legal Studies* (2018). [DOI: 10.1177/0964663918773542](https://doi.org/10.1177/0964663918773542)

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