Systematic Literature Review

Punishment and Profit: Assessing the Impact of Private Prisons on U.S. Incarceration Rates

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Abstract

Prison privatization in the United States began to accelerate in the 1980s when the government began outsourcing prison contracts to private companies to reduce prison overcrowding and government spending (Stephensen, 2020). Private prisons claim cost efficiencies and higher quality which provide governments with a low-cost alternative to expensive public incarceration. Evidence supporting the assertion that private prisons achieve lower costs and higher quality is limited, largely due to challenges in making comparisons between private and public prisons (Mumford, Schanzenbach and Nunn, 2016, p.6). The scope of this literature review is, through the analysis of five studies, to attempt to conclude whether prison privatization effectively increases incarceration rates. The review does find that the utilization of private prisons does increase incarceration rates. However, it is extraordinarily complex and additional research is needed.

Key Words: Private Prisons, Incarceration Rates, United States

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Introduction

The U.S. had the highest prison population in the world in 2018 which was 2.1 million or 642 per capita. In contrast the U.S. total prison population in 1970 was 328,000 or 161 per capita (Walmsley, 2018). The U.S. prison population rate increased an average of 8% per year from the

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1980s to 1990s. The surge was attributed to the War on Drugs, mandatory minimum sentences, and three strikes laws (Nellis, 2024).

Incarceration rates decreased dramatically in 2020 due to the pandemic when U.S. prisons reduced populations through early release. Incarceration rates have seen an increase of 2% between 2022 and 2024 which is concerning (Vera Institute of Justice, 2024). The U.S. is no longer the world leader in prison population. However, in 2024 it still had the sixth largest prison population per capita, which was remarkably high compared to similar democracies. In 2024 the U.S. prison population per capita was 532 compared to the UK which was 144 (Fair and Walmsley, 2024). See Figure 2 - Figure 5 in Appendix B.

Studies have shown that both the U.S. war on drugs and tough on crime laws not only increased incarceration rates, but they were both unsuccessful in reducing crime and disproportionately targeted minorities (Drug Policy Alliance, 2015, p.1; Duke, 2010, p.21,). Marxist-influenced criminologist Richard Quinney theorized that laws are created by the ruling class to maintain their dominance and control over the working class (Quinney and Shelden, 2002). Similarly, Rusche and Kirchheimer (1939) argued that penal practices are shaped by the economic needs of society, with ruling class interests influencing laws and punishment to regulate labor and maintain social control. This perspective helps explain why the U.S. has sustained a large prison population, using incarceration not only as social control but also to generate profit through cheap prison labor. More than 60% of the U.S. prison population generates over $11 billion in goods and services annually, while inmates typically earn less than a dollar per hour for their labor (Anguiano, 2022). The goods and services produced by low-wage prison labor generate substantial profits for construction companies that build prisons, food service providers, and multi-national corporations, which benefit from paying extremely low wages and thereby significantly increasing their profit margins, reflecting how the elite profit and benefit from mass incarceration (D&S Admin, 2006).

Private vs Public

The number of inmates housed in private prisons in the U.S. was 8% in 2022 which is low compared to the overall prison population and twenty-three states have no reliance on private prisons (Budd, 2024, p.1). Advocates of prison privatization claim that private prisons are less expensive to build and operate, reduce bureaucracy, reduce overcrowding, and have greater

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ability to innovate, provide increased tax revenues, increased quality, and decreased government liability (Swanson, 2002). Critics of private prisons argue that they are more expensive and provide lower quality services; but they also point out that meaningful comparisons are difficult because much of the relevant data is not publicly available. Critics remark that private prisons are compensated per bed and there is no incentive to reduce recidivism (Mumford, Schanzenbach and Nunn, 2016). Research shows that regular visitation supports rehabilitation, and inmates who receive visitors generally experience lower recidivism rates (Bales and Mears, 2008; Mitchell *et al*., 2016). Private prisons tend to be further away from a prisoner's community, leading to less visits. Private companies manage phone and video call services and often charge high rates which leads to less prisoner contact with their families (In the Public Interest, 2016). Increases in recidivism could therefore increase levels of imprisonment. A further debate is that inmates in private prisons are exploited by companies through extremely low wages, which may create incentives that contribute to higher incarceration rates (Shemkus, 2015).

Other criticisms focus on several issues, including prisoners being paid far below standard wages and profit-driven cost-cutting measures that compromise their safety. Inmates are paid low wages under prison work programs and fees are deducted from their wages to cover miscellaneous inmate costs. At the same time private prisons receive federal taxpayer funding (Payne, 2023). In seven U.S. states, prisoners receive no compensation for their labor. In the remaining states that do pay, wages are shockingly low, averaging just $0.13 to $0.52 per hour, barely a fraction of the federal minimum wage (ACLU, 2022). A 2024 investigation by the Associated Press found that data on inmate injuries and deaths is often uncollected or unpublished. Through interviews with over 100 former prisoners and their families, the AP revealed that prisoners frequently receive minimal training for their work, and if they are injured or killed on the job, they are denied the rights and compensation granted to other American workers (McDowell and Mason 2024).

Politics

Private prison corporations make donations and lobby to political candidates to keep private prisons open which could keep incarceration rates high (Young, 2020). The leading private prison companies in the U.S., CoreCivic and The GEO Group had an active role in shaping legislation such as the three strikes laws that have been shown to increase incarceration rates. Both companies also significantly contributed to Donald Trump's first presidential campaign and

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later benefitted from Trump's strict immigration programs as private prisons are frequently used for immigration detainees (Valentin, 2021). Under the second Trump presidential administration, private prison contracts in the U.S. are expected to increase (Charalambous and Romero, 2024). 90% of undocumented individuals are already housed in for-profit private prisons (Cho, 2023). Since Trump's second term began, he announced a reversal of Biden's 2021 executive order which did not renew federal private prison contracts (Eisen, 2025). Additionally, the U.S. Attorney General, Pam Bondi lobbied for a private prison company before her appointment as Attorney General (U.S. Senate Committee on the Judiciary, 2025).

In March 2025, the Trump administration deported 261 Venezuelans and Salvadorans to El Salvador's Cecot prison, citing gang affiliations and unlawful residence in the United States. El Salvador receives approximately $20,000 per inmate per year to detain foreign prisoners in its detention system (FitzGerald, 2025). By comparison, the average annual incarceration cost for a federal public prisoner in 2022 was roughly $42,000 (Wills, 2023). Using foreign prisons can therefore offer a significant cost reduction for the U.S. government, particularly when managing non-citizen detainees. Incarceration rates are likely to increase over the next four years, with many residing in private prisons or outside the U.S. due to the current administration cancelling funding for numerous programs aimed at violence prevention and mental health (Prison Policy Initiative, 2025).

Theoretical Analysis

Previous research of imprisonment rates has considered the reasons why incarceration rates fluctuate. Wacquant asserts that private prisons profiting from inmates is a secondary concern, with the primary issue being policies that criminalize behaviour through mandatory minimum sentences (Frampton, Lopez and Simon, 2008). While the inception of private prisons may not be the impetus for rising incarceration rates, how private prisons are conceptualized may increase detention rates.

Methodology

Preliminary searches to narrow the review question revealed that private prisons in the U.S. were not new. Private prisons were first contracted in 1983 due to rising confinement rates and government budget concerns (Singal, 1998). However, the privatization of prisons in the U.S.

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began in the mid-nineteenth century, when many prisons operated as plantations, exploiting prisoner labor for large-scale agricultural production under conditions that closely resembled slavery (Bauer, 2018). This preliminary search also revealed that prison privatization occurs in other countries such as Australia and New Zealand (Eisen and Autrey, 2019). Therefore, it was necessary to focus the search on incarceration rates in the U.S. since the mid-1980s.

The search methodology utilized Scopus and JSTOR databases explored on the 8th of March 2025. The inclusion criteria were books and journal articles in English that were published between January 1, 2018, and February 28, 2025. The exclusion criteria were sources that were not a book or journal article. Non-English sources including anything published on or before December 31, 2017 and anything published on March 1, 2025 or later were excluded. The search included books and journal articles to ensure the results contained scholarly sources and excluded material not in English due to limited time for translation. See Table 1 in Appendix A for the inclusion and exclusion criterion. The search terms used on Scopus and JSTOR databases were:

Private Prisons AND Incarceration Rates AND United States

AND

Private

The search terms were chosen to focus primarily on data related to private prisons. However, precursory searches showed that many of the same books and journal articles also included information on public prisons. Rather than limiting the research, this proved useful, as it allowed for direct comparisons between private and public prison systems. See Table 2 in Appendix A lists the five articles reviewed.

Findings

The objective of this structured literature review is to examine whether private prisons influence incarceration rates in the United States. There were five studies included in this review after assessing seventy-two journal articles and books during the screening and selection process. A qualitative summary of the findings is in Table 3 in Appendix A.

Kim (2019) suggests that private prisons may exacerbate recidivism rates compared to their public counterparts. Similarly, Mamun *et al.* (2020) found evidence that incarceration in

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private facilities may be associated with higher rates of offending. These findings raise questions about the rehabilitative effectiveness of privatized incarceration. However, Mukherjee (2021) found that data on reoffending was inconsistent pointing to the lack of standardization across the reports. Dippel and Poyker (2023) and Galinato and Rohla's (2020) results focused on incarceration rates and sentencing rather than reoffending. Four sources they reviewed found that inmates served longer prison sentences in private prisons for a variety of reasons including lobbying, corruption, and infractions while incarcerated (Kim, 2019; Galinato and Rohla, 2020; Mukherjee, 2021). Dippel and Poyker (2023, p. 532) found that media coverage of private prison openings increased sentences by an average of three months for identical crimes, likely due to the heightened prominence of private prisons rather than direct judicial influence.

The studies evaluated offer mixed and sometimes contradictory findings regarding the relationship between private prisons and incarceration rates, reflecting the complexity of isolating the impact of privatization on the justice system. Galinato and Rohla (2020) provide strong evidence that private operation of prisons correlates with both increased detention rates and longer sentences for comparable crimes, suggesting that privatization may incentivize extended confinement. Similarly, Mukherjee (2021) observes an increase in prison population levels within private facilities, though without a corresponding rise in recidivism, indicating that longer sentences may not necessarily be justified by behavioural outcomes. While Galinato and Rohla (2020) and Mukherjee (2021) argue that private prisons are incentivized to keep individuals incarcerated for longer periods, Pfaff (2020) reframes the issue by emphasizing that the incentive structures driving extended confinement do not meaningfully contribute to reducing recidivism. Pfaff argues that private prison contracts prioritize occupancy and cost savings over recidivism, giving facilities little incentive to support long term rehabilitation.

In contrast, Dippel and Poyker (2023) argue that while overall incarceration rates in private correctional facilities did not surpass those of public institutions, sentence lengths increased at the point of a private prison's opening, a phenomenon they link to media influence rather than criminal justice necessity. Mamun *et al.* (2020) found no direct rise in imprisonment but proposed that higher reincarceration in private prisons could gradually increase overall prison populations. Finally, Kim's (2019) research was inconclusive, highlighting the limitations of existing data and the difficulty in drawing definitive links between privatization and incarceration

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trends. Taken together, these findings underscore the need for a more nuanced approach to understanding how private prisons may subtly shape incarceration practices, either through direct policy incentives or indirect institutional pressures.

Discussion

Prolonged Incarceration

Only one article focused on additional time added to an inmate's sentence. Mukherjee's (2021) research finds that private prison detainees serve 85-90 extra days. The study also found that private prison inmates are 9-14% more likely to receive additional days added to their sentence due to infractions. This disparity is attributed to more robust infraction tracking systems in private facilities, which highlights a risk of profit driven motives. Considering that private prisons are financially incentivized to keep beds filled, extending incarceration through infractions implies a troubling alignment between disciplinary procedures and corporate interests. Hendricks (2021) notes that detainees in private prisons serve 4–7% longer sentences, which amounts to roughly an additional three months on average. This may be due to the much higher rate of disciplinary violations in private facilities, which reduces eligibility for early release and can even add extra time to a sentence.

Recidivism

Mamun *et al.* (2020) found that private prison cost saving measures may compromise prison conditions potentially leading to higher rates of recidivism and therefore long-term increases in confinement rates. Nevertheless, the article also acknowledges the methodological difficulty of drawing direct comparisons between reimprisonment rates in public and private prisons, an issue that underscores the inconsistency in measuring outcomes across the carceral system.

On the contrary, Mukherjee's (2021) study of public and private prisons does not find any consistent evidence that private prisons affect recidivism more than public prisons. Mukherjee detected that those prisoners with felony convictions had a higher rate of reincarceration while older inmates had a lower rate of repeat reoffending, suggesting the need for further exploration comparing reoffending by offense type and detainee age. One way to reduce high rates of

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imprisonment is compassionate or early release for prisoners less likely to reoffend which would reduce costs on medical care for aging prison populations (Widra, 2023).

Kim's (2019) research highlights a shift in the understanding of recidivism in private prisons. While early studies suggested that private prison inmates had lower reincarceration rates, more recent and methodologically rigorous research reversed that conclusion. Updated findings show that prisoners released from private prisons are 4.4% more likely to reoffend and return to prison within three years compared to those released from public institutions. The initial optimism about private prisons faded once more rigorous research designs were applied, highlighting how weaker early methods can produce misleading findings (Kim, 2019, p.35).

Galinato and Rohla (2020) found that private prisons were associated with higher imprisonment rates; however, they did not examine reoffending. Prisoners offered an opportunity to prepare for release could have a significant impact on reincarceration and consequently prison population levels. Recent studies in Norway and abroad found that participation in educational, vocational, and drug treatment programs reduces recidivism by 10–29% (Santa Cruz, 2022), yet private prisons often offer fewer job training and mental health services, which may increase reoffending and ultimately raise detention rates (Mamun *et al.*, 2020). If private prisons fail to provide comparable rehabilitative services such as education, vocational training, and mental health support, positive outcomes, including reduced imprisonment and reoffending rates, are unlikely to be achieved.

Sentencing

Petrich *et al.* (2021) found that lengthy prison sentences do not prevent crime and may increase reoffending. Recidivism and longer sentences can both elevate incarceration rates, and three of the five articles reviewed reported increases in sentencing days within private prisons. Galinato and Rohla (2020) found that non-violent crimes saw sentencing increases of between 2 and 29 days in private prisons. Their analysis implied that judges may sentence more people to prison when private prisons expand available capacity. When judicial resources are limited, Mukherjee (2021) noted that sentence lengths were reduced and plea bargains became more common, while Yang (2016) estimated that judge vacancies resulted in one thousand fewer federal prisoners per year. Together, these findings suggest that sentencing outcomes are

DOI: https://doi.org/10.5526/esj.443

influenced not only by legal criteria but also by institutional capacity, with private prisons often providing more available space than public facilities.

Dippel and Poyker (2023) observed that judges give stricter sentences during re-election periods. Mukherjee's (2021) study of Mississippi prisons also identified that inmates with longer sentences were often in private detention centers and misconduct during incarceration frequently resulted in longer prison terms. These findings raise similar concerns regarding sentencing and the extent to which it is shaped by institutional and political pressures.

Another article that Kim (2022) examined in places where lobbying and corruption were active, there was a higher incidence for longer prison sentences with sentences being handed out for non-violent crimes rather than probation. During the 2016 U.S. election cycle, private prison companies contributed approximately $1.6 million to candidates, political parties, and outside spending groups—an investment that raises serious ethical problems about the privatization of justice (OpenSecrets, 2024). The preference for prison over non-custodial sentences indicates profit incentives are being prioritized over rehabilitation goals.

Limitations and Future Research

Both Kim (2019) and Mamun *et al.* (2020) found that data from private prisons was difficult to access to compare with public prison data because private prisons do not share their data. Existing reports of private prisons' cost effectiveness and low recidivism are considered biased because they were funded by the private prison industry (Mamun *et al.*, 2020). The lack of transparent, unbiased data from private prison companies highlights a broader issue of poor standardization across the correctional system.

Galinato and Rohla (2020) posit that private prisons may increase imprisonment by shaping prosecutorial decisions about which cases to pursue, while also suggesting that in more corrupt jurisdictions private prisons can contribute to harsher outcomes by encouraging judges to impose prison sentences for both guilty verdicts and plea bargains. Dippel and Poyker (2023) argue that while private prisons do not directly shape judicial decisions, judges may consider the associated costs; when aware that a private prison has opened, they may impose longer sentences than they would for public facilities.

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A limitation in the research of Mamun *et al.* (2020) lies in the assertion that public or private prisons being removed altogether. There could be advantages to having both prison types for different uses. Further research should consider a mix of public and private prisons and effects on costs, reoffending, and levels of incarceration.

Dippel and Poyker's (2023) study highlights that judges give stricter sentences during re-election periods, but this finding has scarcity of data. Additional examination is needed to determine if sentences to public prisons are also affected around judge election periods.

Mamun *et al.* (2020) note the difficulty of comparing cost and recidivism rates between private and public prisons, suggesting that future research should focus solely on recidivism outcomes across the two systems. One explanation for high prison populations is reincarceration due to reduced rehabilitation programs in prisons. The recidivism rate in the U.S. is over 50% within three years of release from prison (Benecchi, 2021). Private and public prison rehabilitation programs and their success rates should be included in the research.

Only Mukherjee's article discussed additional days added to prison sentences for infractions and there is limited data on the subject. Good Time Credits, which are days reduced from a prison sentence for good behaviour (NCSL, 2024) along with additional days for violations should be included in future research as both programs may affect detention rates.

Conclusion

This systematic literature review examined whether private prisons influence incarceration rates in the United States. Overall, the review finds that higher incarceration rates correlate with the presence of private prisons, particularly for non-violent offenses. Across several studies, private facilities were associated with longer sentences and additional days served. Some research suggested that private prisons may indirectly affect sentencing behaviour; while judges are not explicitly influenced by private facilities, media coverage surrounding the inception of a private prison may contribute to harsher sentencing patterns.

Findings on recidivism, however, were not consistent across studies. Some research linked private prisons to higher rates of reoffending, while other studies attributed elevated recidivism to institutional conditions, such as harsher environments, fewer rehabilitation programs, and limited support services, rather than privatization alone. As a result, the evidence does not offer a unified

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conclusion about the relationship between private prisons and recidivism, reflecting significant variability in methodologies and explanatory factors across the literature (Dippel and Poyker, 2020; Galinato and Rohla, 2020; Kim, 2019: Mamun *et al.*,2020; Mukherjee, 2021).

A gap was present in two studies examining women's prisons with the data implying that reincarceration rates were unaltered which reinforces the mixed reoffending results (Mamun *et al*., 2020; Mukherjee, 2021). Mamun *et al.'s* (2020) recommendation of future research including prison heterogeneity could identify methods that would reduce reoffending and therefore overall imprisonment rates. Prison heterogeneity includes studying the inmate's prior offences, current prison situation, and their individual experiences to lower recidivism (Mears, Cochran and Cullen, 2014). Including prison heterogeneity in future research would allow researchers to identify trends that could help create more individualized rehabilitation programs that may help to reduce reoffending and incarceration.

The findings of this systematic literature review indicate that private prisons do increase U.S. imprisonment rates in some instances however the topic is complex and shaped by a variety of factors. Previous research on private prisons and levels of detention specifically was limited and often included other variables, concluding the need for more targeted and rigorous future research. U.S. policymakers often politicize high rates of imprisonment, crime rates and public safety. Policymakers should review previous research and push for future studies to understand the root causes of crime, the role that prison rehabilitation programs can provide to curb recidivism, and how prison reform can reduce incarceration rates. While private prisons may continue to have a role in the U.S. prison system, figuring out how to utilize them effectively alongside public prisons to prioritize rehabilitation over profits is the key to carceral success.

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Appendix A

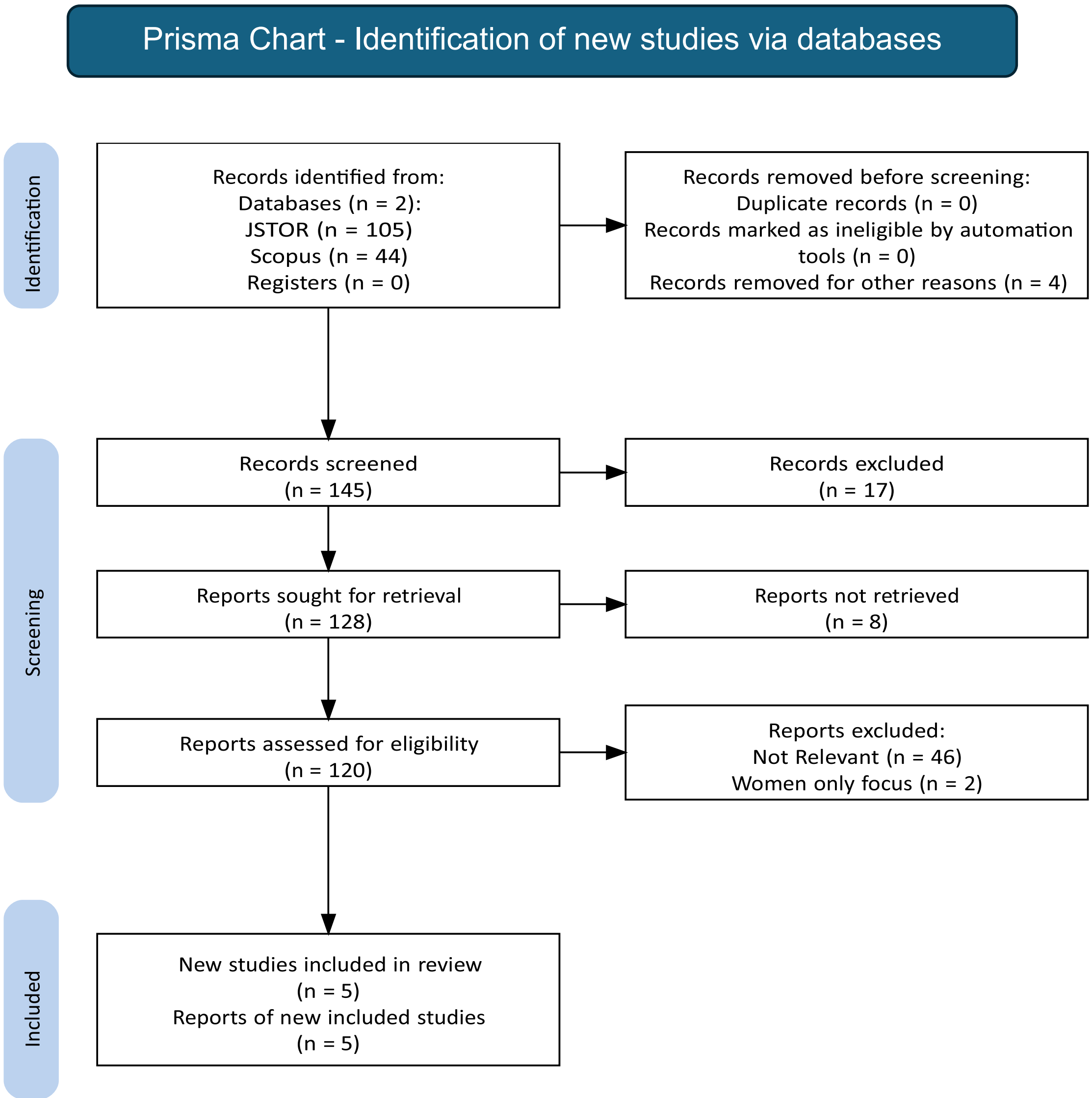

Figure 1. Prisma Chart

(Haddaway et.al, 2022).

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Table 1. Inclusion and Exclusion Criteria

Type	Criterion
Inclusion	Sources in English Language
Inclusion	Sources published on or after January 1st 2018
Inclusion	Sources published on or before February 28, 2025
Inclusion	Journal Articles and Books
Exclusion	Sources not in English Language
Exclusion	Sources published on or before December 31st 2017
Exclusion	Sources published on or before March 1st, 2025
Exclusion	Any source which is not a journal article or book

Table 2. Articles Reviewed

Author	Year	Title
Dippel and Poyker	2023	Do Private Prisons Affect Criminal Sentencing?
Galinato and Rohla	2020	Do privately-owned prisons increase incarceration rates?
Kim	2019	Prison Privatization: An Empirical Literature Review and Path Forward
Mamun *et al.*	2020	Private vs. public prisons? A dynamic analysis of the long-term tradeoffs between cost-efficiency and recidivism in the US prison system
Mukherjee	2021	Impacts of Private Prison Contracting on Inmate Time Served and Recidivism

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Table 3. Summary of Findings

	Prison Privatization: An Empirical Literature Review and Path Forward	Private vs. Public Prisons? A Dynamic Analysis of long-term tradeoffs between cost efficiency and recidivism in the US prison system	Do privately-owned prisons increase incarceration rates?	Do Private Prisons Affect Criminal Sentencing?	Impacts of Private Prison Contracting on Inmate Time Served and Recidivism
Author	Kim, D.Y (2019)	Mamun, S., Li, X., Horn, B., Chermak, J. (2020)	Galinato, G. and Rohla, R. (2018)	Dippel, C. and Poyker, M. (2023)	Mukherjee, A. (2021)
Type	Empirical Literature Review	Dynamic System Model	Empirical Model	Difference-in-Differences	Empirical Analysis
Research Purposes	Cost efficiency, prison quality, recidivism, nonprofit prison privatization, corrections improvements, local economy development, determinants of privatizing prisons	Compares cost efficiency versus recidivism rates between private and public prisons.	Effects of private prisons and incarceration rates.	Whether the presence of private prisons influence sentencing decisions of state judges.	Studies the impact that private prisons have on length of sentences and recidivism
Findings	Private prisons not shown to be more cost effective than public prisons. Higher rates of recidivism in private prisons. Inmates serve longer sentences in private prisons. States with private prisons have longer prison sentences when corruption and lobbying occurs.	Private prisons have short term savings only. Public prisons long term are less costly. Private prisons have harsher conditions. Private prisons have less mental health support and job training. Public prisons have lower recidivism rates.	Increase in prison proportion when private prison opens. Tough on crime laws show increased incarceration. Fraud, public order and regulatory crimes saw increases in incarceration when private prisons open. Sentencing changes when private prisons open. Private prisons may increase incarceration rates where capacity is constrained or there are corrupt officials.	Media coverage of the initial opening of private prisons will increase sentence lengths compared to opening of public prison. Sentences found to be 3 months longer when private prisons have just opened compared to sentencing for the same crime just weeks later. Longer sentences are given before elections.	Private prison inmates serve more days than public prisoners. Prisoners in private prisons serve additional days due to infractions. Prisoners with prior incarcerations, less educated, young, black, single receive more infractions. Judge absences led to more plea bargains and reduced prison sentences.
Limitations	Data from private prisons difficult to access. No formal prison standards exist. Early research not rigorous enough.	Private prisons may not accept violent offenders. Difficult to compare data.	Limited research on private prisons influencing arrest rates and guilty verdicts	No evidence that private prisons impact longer sentences before elections more than public prisons.	Conflicting evidence on time in prison and reoffending.
Future Research Needs	Long term studies needed. Various types of studies needed.	Consider prison heterogeneity within research. Research on substance abuse programs and recidivism.	Further studies on corrupt officials and fair sentencing and how they impact incarceration rates.	Future studies should include data on female incarceration rates at private prisons.	More research needed to determine if additional days in prison reduces recidivism.

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Appendix B

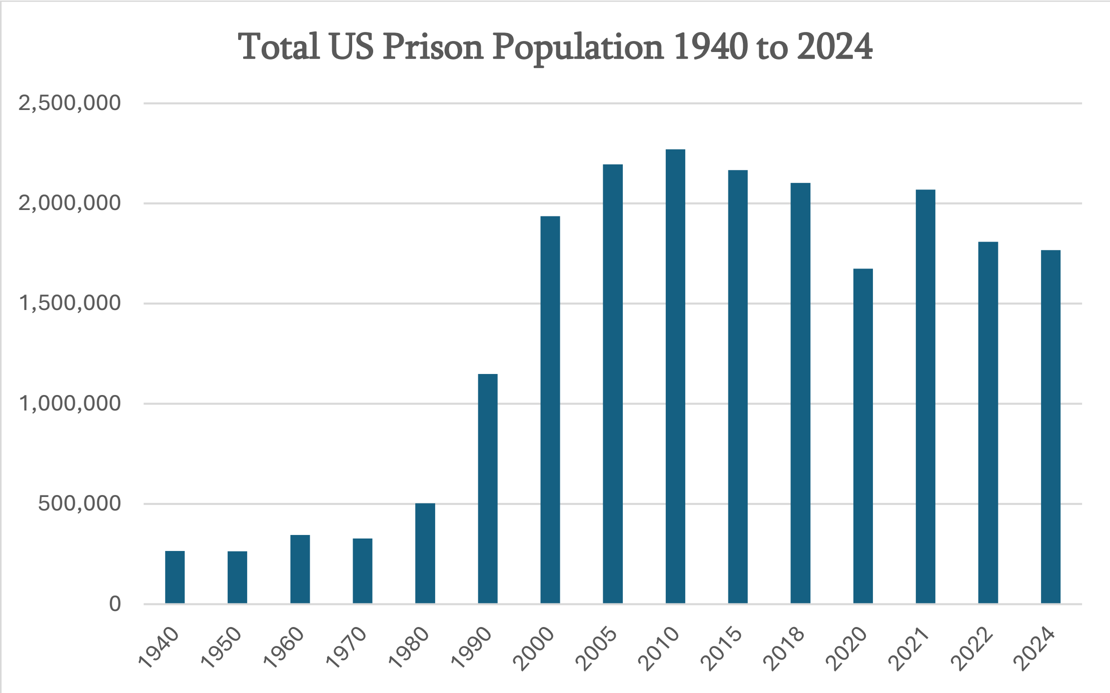

Figure 2. U.S. Prison Population (World Prison Brief, no date).

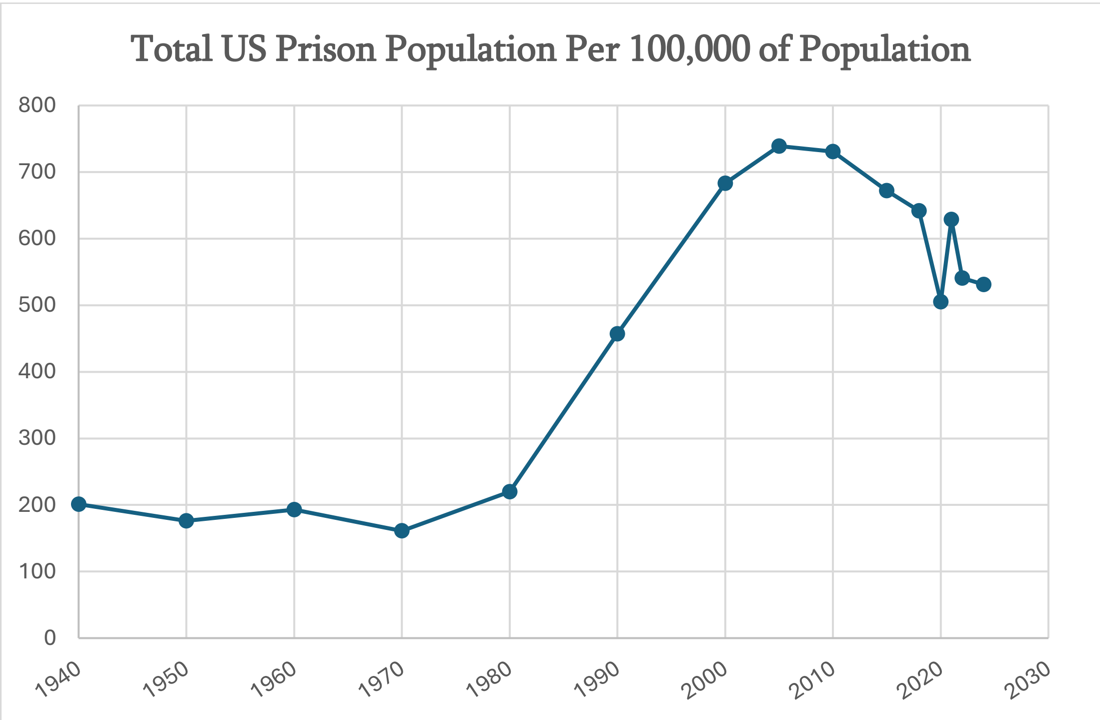

Figure 3. U.S. Prison Population per capita (World Prison Brief, no date).

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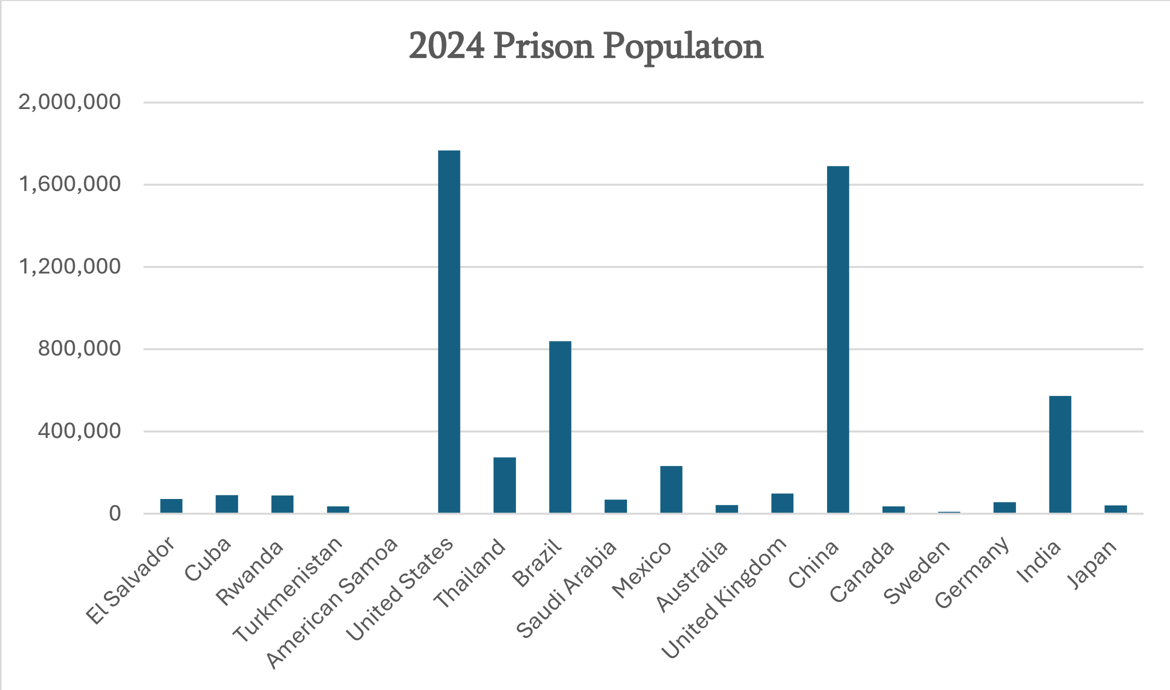

Figure 4. Selected World Prison Population (Fair and Walmsley, 2024).

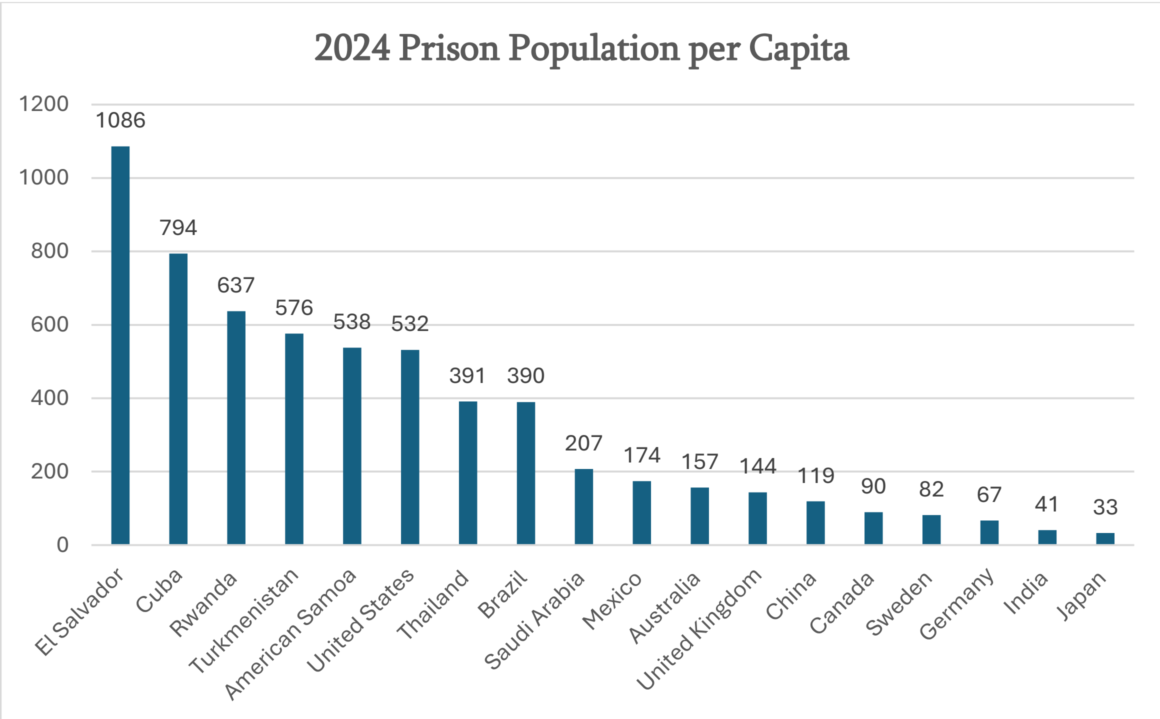

Figure 5. Selected World Prison Population (Fair and Walmsley, 2024)

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