

The Impact of Felony Larceny Thresholds on Crime in New England

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EXECUTIVE SUMMARY

Criminal justice reform has been a high-priority policy area in New England and the nation in recent years. States are generally seeking legislation that would help reintegrate ex-offenders into society while still prioritizing the welfare of all members of the public and the achievement of fiscal goals. The research findings presented in this report indicate that raising felony larceny thresholds—that is, increasing the dollar value of stolen property at or above which a larceny offense may be charged in court as a felony rather than a misdemeanor, a policy adopted by three New England states over the last decade—seems to balance these objectives. Policymakers interested in criminal justice reform should consider incorporating felony larceny threshold increases into the suite of policy changes implementing such reform.

When assessing larceny incidents as a whole, this report concludes that enacting higher felony larceny thresholds does not lead to an escalation of crime in the short run. Even upon considering the subset of larceny incidents where escalation is most likely to occur and where analysis is potentially not affected by other concurrent changes in larceny penalties, this report finds only a small, 2 percent short-run increase in the intensity of larceny crime (value of stolen property) and still no increase in the amount of larceny crime (rate of occurrence).

Continuing to focus on the aforementioned subset of larceny incidents, this study shows that in the long run, raising larceny thresholds causes a *decrease* in larceny crime (2 percent in intensity and 13 percent in amount) in areas where, after the higher thresholds have been enacted, the capacity for wage increases for offenders is high. This decrease in crime is seemingly due to the offenders' improved criminal histories, assuming that the raised thresholds led to fewer felony convictions. Conversely, in areas where there is less scope for such post-enactment wage increases, the report finds an *increase* in the amount of larceny crime (19 percent) after felony larceny thresholds are raised. Descriptive analysis also suggests that prison admissions per incident, average prison time served per incident, and the number of offenders in prison custody all appear to decline in the short run following enactment, and likewise they exhibit declines in the long run, with the exception of average time served. However, although racial gaps in these outcomes shrink in the short run, such narrowing does not persist in the long run.

A cost-benefit analysis of raising larceny thresholds suggests that even in areas with less scope for post-enactment wage increases, the cost that would be incurred by a state due to larceny crime escalation is likely exceeded by the benefit that would accrue to the state from incarceration savings. Further research and some legislative caution remains warranted until more is known about the causal impact of larceny threshold policy on incarceration outcomes, as well as the differential causal effects on incarceration for offenders across demographic groups. Nevertheless, the collective evidence in this study suggests that public policies that raise felony larceny thresholds are likely to provide benefits to state governments, ex-offenders, and non-offenders in New England.

I. Introduction

In the United States, approximately 8 percent of the adult population has a felony conviction, and 3 percent of adults have been imprisoned (Shannon et al. 2017). Larcenies, in particular, comprise a notable 11 percent of felony convictions, and similar to crimes overall, may result in incarceration (Rosenmerkel, Durose, and Farole Jr. 2009).¹ Therefore, larceny felony convictions are an important component of total felony convictions.

These felony convictions act as a “primary” penalty to individuals, as they influence the probability of an offender being incarcerated as well as the average time served if incarcerated. However, felony convictions may also result in various “secondary” penalties, such as state-mandated civil “collateral consequences” (for instance, the loss of a professional work license) or other, non-mandated consequences, such as impediments to employment due to employer access to criminal records. Studies show that, regardless of incarceration, employment barriers from a felony record can be substantial and prompt recidivism (Agan and Starr 2018; Doleac and Hansen forthcoming; Holzer, Raphael, and Stoll 2006; Jackson and Zhao 2016; Pager 2003). These primary and secondary punishments can thus play important roles in the outcomes of offenders and non-offenders in society.

Felony larceny thresholds help states govern felony convictions, thereby regulating punishment severity. These thresholds determine the dollar value of stolen property at or above which a larceny offense may be charged in court as a felony rather than a misdemeanor. Felony offenses typically carry a penalty of at least a year in state prison, whereas misdemeanors usually result in less than a year in a local jail or probation. Since 2000, the majority of US states and all New England states have changed their felony larceny thresholds, typically raising them. Such legislation has often been part of broader criminal justice reform, an area of recent high priority in the region and nation. States are generally seeking legislation that would help reintegrate ex-offenders into society while still prioritizing the welfare of all members of the public and the achievement of fiscal goals. Such policy efforts have grown recently, in part, to address the issues created by large numbers of individuals interacting with the criminal justice system in decades past—a trend that has contributed to the United States having the highest incarceration rate in the world.²

Advocates of raising felony larceny thresholds argue that doing so helps to preserve the relationship over time between the severity of the crime and the resulting punishment, rather than allowing increasingly minor offenses to become at risk of meriting a felony record and possible prison time due to inflation.³ However, opponents of raising felony larceny thresholds worry that such policies might worsen crime.⁴ Such concerns are related to the broader question

1 For motor vehicle theft in 2000, 73 percent of felony convictions led to incarceration, with 41 percent of felony convictions resulting in state prison terms (32 percent of felony convictions result in local jail terms) (Durose and Langan 2003).

2 Sintia Radu, “Countries with the highest incarceration rates,” *US News & World Report*, May 13, 2019.

3 Greater Boston Legal Services, “Increase the Felony-Larceny Threshold to \$1500 or More,” from Massachusetts Legal Aid website; and Krisai (2017).

4 Nick Aresco, “Bill Would Raise Dollar Threshold for Felony Larceny to \$1,200,” from *WWLP* website, March 26, 2018; and Ryan Kearney, “Increasing Felony Threshold for Larceny Represents a Dramatic Raise for Thieves,” from Retailers Association of Massachusetts website, October 11, 2017.

of how punishment severity—here, operating via felony conviction probability, as altered by larceny threshold policy—affects criminal behavior, if at all.

Economic theory suggests that increasing punishment severity may lower crime due to “incapacitation” and “deterrence” effects. The incapacitation effect arises from an offender becoming incarcerated and thus prevented from committing crimes while serving a sentence. The deterrence effect arises from criminal activity becoming less attractive to a forward-looking potential offender due to a fall in the expected benefit of crime, net of costs (Levitt 2004). Focusing on the deterrence channel, although some studies have found support for it (for example, Hansen 2015), other studies have found that factors such as offender shortsightedness might mitigate it (Lee and McCrary 2017). Other research finds that greater punishment severity may actually increase crime rather than reduce it (for example, Drago, Galbiati, and Vertova 2011). Analogously, a recent report finds that a majority of states reduced both their prison populations and crime rates between 2007 and 2017, with the steepest decline in crime and incarceration occurring in Massachusetts.⁵ Thus, what effect, if any, reductions in punishment severity due to higher felony larceny thresholds have on crime is an open question.

This report therefore examines the causal impact of raising felony larceny thresholds on criminal activity. It also descriptively explores the relationship between such policy and incarceration-related outcomes.⁶ Using statistical analysis, the study finds that when larceny incidents are considered as a whole, enacting higher felony larceny thresholds does not lead to an escalation of larceny crime in the short run. Even when focusing on a subset of larceny incidents where escalation is most likely to occur and where analysis is not potentially affected by other, simultaneous changes in larceny penalties, this report finds only a modest, 2 percent short-run increase in the intensity of larceny crime (value of stolen property) and still no increase in the amount of larceny crime (rate of occurrence).

Still focusing on the aforementioned subset of larceny incidents preferable for analysis, this study shows that in the long run, raising larceny thresholds causes a decrease in larceny crime (2 percent in intensity and 13 percent in amount) in areas where, after the higher thresholds have been enacted, there is scope for wage increases for offenders. This decrease in crime is seemingly due to the offenders’ improved criminal histories, assuming that the raised thresholds led to fewer

A state’s felony larceny threshold is the dollar value of stolen property that determines whether a larceny theft is a misdemeanor or a felony.

⁵ Renee Loth, “Fewer Prisoners, Lower Crime,” *Boston Globe*, August 30, 2019.

⁶ The report is methodologically underpinned by research from Jackson (2020). The report findings help inform limited existing analysis of felony larceny thresholds and how they relate to larceny and theft rates in US states (Pew Charitable Trusts 2017) as well as theft values, prison admission rates, and sentence duration in North Carolina (Pew Charitable Trusts 2018). The study’s approach to examining criminal behavior aligns with Doleac and Sanders (2015), whereas its incarceration-related analysis partly aligns with Neal and Rick (2016).

felony convictions. In contrast, in areas where there is less scope for such post-enactment wage increases, the report finds an increase in the amount of larceny crime (19 percent) after felony larceny thresholds are raised.

Descriptive analysis of incarceration-related outcomes—prison admissions per incident, average prison time served per incident, and the number of offenders in prison custody—indicates that these measures all appear to decline in the short run following enactment, and likewise they exhibit declines in the long run, with the exception of average time served. Additionally, although racial gaps in these incarceration outcomes shrink in the short run, such narrowing does not persist in the long run.

Because the report's results suggest that, in considering whether to raise felony larceny thresholds, areas with less scope for post-enactment wage increases for offenders may face a tradeoff between potential fiscal gains from reduced incarceration and potential losses to society from increased crime, a basic cost-benefit analysis is undertaken. The results from such analysis suggest that the average annual cost that a state would incur due to such crime escalation is likely exceeded by the average annual benefit that would accrue to the state from incarceration savings.

Thus, not only do gains from raising felony larceny thresholds appear to contribute to a long-run decrease in the intensity and amount of larceny crime in areas with scope for post-enactment wage increases for offenders, but even in areas with less scope for such wage increases, escalation in the amount of larceny crime due to the policy is likely outweighed by the fiscal savings to state governments from reduced incarceration. Of course, additional research and some legislative caution remain warranted until more is known about the causal impact of larceny-threshold policy on incarceration outcomes, as well as the differential causal effects on incarceration for offenders across demographic groups. Nevertheless, the findings of this report suggest that public policies that raise felony larceny thresholds may provide benefits to state governments, ex-offenders, and non-offenders in New England.

Box 1: Data Source and Sample Restrictions for Criminal Activity Measures

Data Source

This report uses data on reported US crime incidents from the National Incident-Based Reporting System (NIBRS) from 2000 through 2015 (National Archive of Criminal Justice Data 2018). NIBRS data are administered by the Federal Bureau of Investigation (FBI) and contain detailed incident-level information on crimes reported to law enforcement agencies, or “jurisdictions.” These jurisdictions are contained within 22 states and 24 associated felony larceny threshold increases (two apiece in Colorado and Louisiana). Several sample restrictions related to jurisdictions, stolen property, and larceny are applied to the raw NIBRS data for both descriptive and causal analyses regarding criminal activity, described below. Final sample sizes for causal analysis vary by measure of criminal activity (larceny stolen value versus larceny rate) and by time horizon (short-run versus long-run).^a

Sample Restrictions

- **Jurisdictions:** This analysis drops jurisdictions that (1) potentially represent different geographic areas over time (identified, for instance, by large population deviations), (2) do not consistently report to NIBRS, (3) have a missing or zero population value, or (4) do not span policy enactment.
- **Stolen Property:** This analysis excludes incidents if the stolen property (1) is unidentified, (2) has an unknown dollar value, or (3) reflects multiple types of theft (for instance, larceny and robbery), since the dollar value is aggregated across all theft types.
- **Larceny:** This analysis excludes larceny incidents if they are (1) exempt or potentially exempt from felony larceny threshold legislation in a given state due to characteristics of the larceny offender, victim, stolen property, or incident;^b (2) two large outliers with unverified stolen values; or (3) multiple-charge, multiple property type, attempted, or listed in the data with the report date rather than the incident date.^c

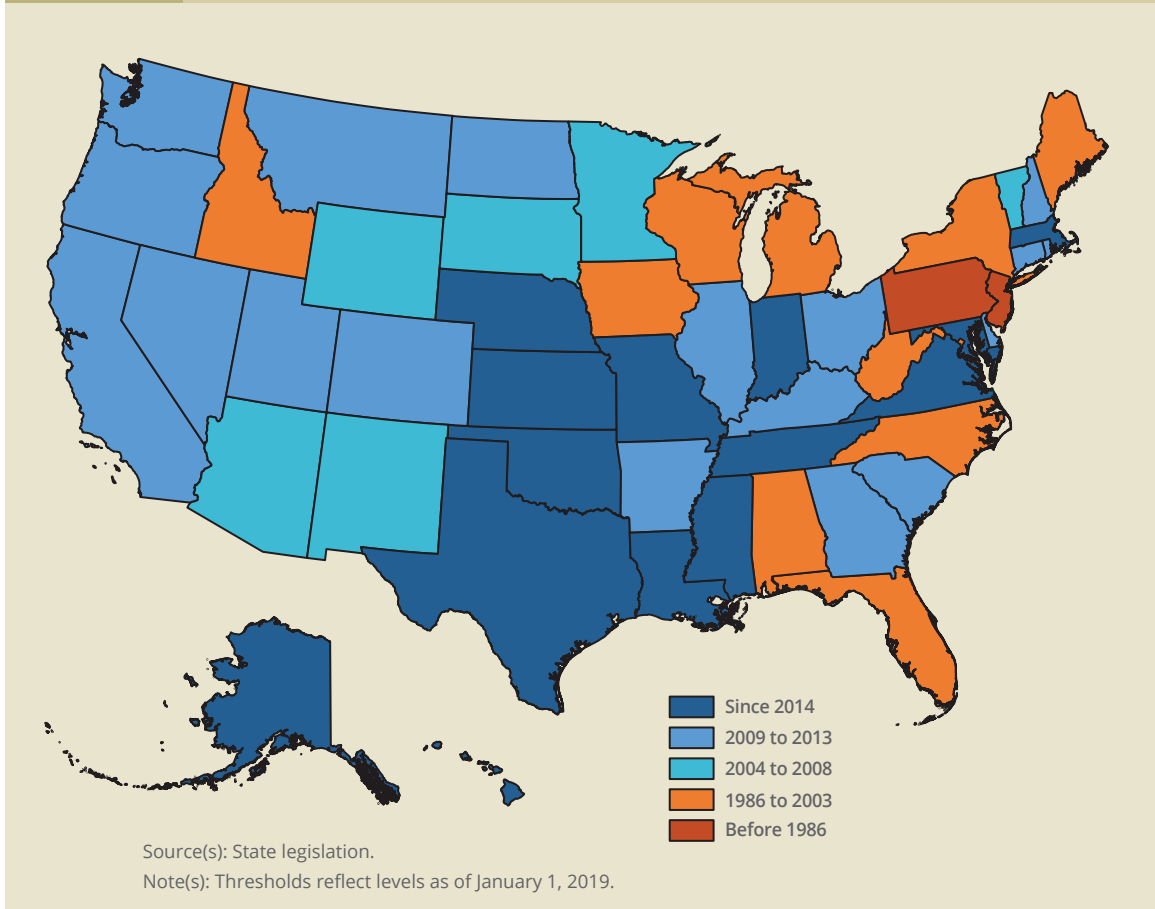
a For primary causal analysis restricted to the “response region” (the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state and associated larceny threshold increase), the stolen value observation count (incidents) is 22,556 in the short run (120 days surrounding enactment) and 338,316 in the long run (1,800 days surrounding enactment). The larceny rate observation count (jurisdiction-days) is 626,321 in the short run and 9,502,358 in the long run (both larceny and non-larceny theft jurisdiction-days in the latter case).

b For instance, in New Hampshire, a larceny constitutes a felony irrespective of the stolen property’s value if the property stolen is a firearm (class A felony), or if the offender has two prior convictions for “theft of property or services, as a felony or class A misdemeanor” (see New Hampshire 2010 S.B. 205, Regular Session). In Connecticut, a larceny constitutes a felony (class C) regardless of the stolen property’s value if “the victim of such larceny is sixty years of age or older or is blind or physically disabled” (see Connecticut 2009 H.B. 6576, Public Act No. 09-138).

c Regarding (2), one case is a 2001 shoplifting incident of \$700 million in Charleston County, South Carolina, and the other case is a 2011 incident involving \$67,558,237 in Evangeline Parish, Louisiana. Regarding (3), for long-run analysis, these restrictions also apply to non-larceny theft incidents (see Box 2 for a definition).

Figure 1

Most Recent Felony Larceny Threshold Changes United States, 2019



II. Felony Larceny Thresholds in the Nation and New England

Throughout the United States, there is substantial variation in the dollar amount at which a larceny becomes a felony offense. Some of the states with the highest felony larceny thresholds share borders with states with the lowest thresholds, which highlights the variation in penalties across states. Many states have made efforts in recent years to update their laws regarding larceny thresholds, whereas other states have not updated these levels in decades (Figure 1).

Given the wide range of enactment dates, the present-day buying power can vary drastically from when the legislation was originally enacted. Although Wisconsin and Texas were nominally the same in 2019 with the highest larceny threshold (\$2,500), the inflation-adjusted value of the Wisconsin legislation from 2001 is nearly \$3,600 in December 2018 dollars compared with the value of the Texas legislation from 2015 at just under \$2,700 in December 2018 dollars. Alaska has recognized this issue, and in an effort to keep the spirit of the original law intact, the most recent legislation, from 2016, has built-in automatic increases that enable the felony larceny threshold to rise with the Consumer Price Index for All Urban Consumers (CPI-U) every five years.⁷

For each of the six New England states, the felony larceny threshold level at the start of 2019, the year of enactment of that threshold, the previous threshold, and where the state ranks in

7 Keith Humphreys, "How Inflation Turns Petty Criminals into Felons," *Washington Post*, February 20, 2018.

Table 1

Most Recent Felony Larceny Thresholds New England States, 2019

State	2019 Threshold	Year of Enactment	Previous Threshold	Rank in New England (of 6)	Rank in US (of 50)
Connecticut	\$2,000	2009	\$1,000	1	3 (tied)
Maine	\$1,000	2001	\$2,000	4 (tied)	16 (tied)
Massachusetts	\$1,200	2018	\$250	3	15
New Hampshire	\$1,000	2010	\$500	4 (tied)	16 (tied)
Rhode Island	\$1,500	2012	\$500	2	7 (tied)
Vermont	\$900	2006	\$500	6	38

Source(s): State legislation.

Note(s): Thresholds reflect levels as of January 1, 2019.

terms of highest to lowest thresholds within the region and nationally are listed in Table 1. The current threshold in Connecticut is \$2,000, and it was last changed in 2009, when it was raised from \$1,000. Dannel Malloy, the governor of Connecticut from 2011 to 2019, engaged in significant criminal justice reform centered on reintegrating ex-offenders through an initiative called the “Second Chance Society,” but this initiative did not include any changes to the felony larceny threshold.

The felony larceny threshold in Maine is \$1,000 and was last changed in 2001, when it was reduced from \$2,000. Maine is the lone state nationally where the most recent threshold change was a reduction in the nominal value. In 1995, Maine increased the larceny threshold from \$1,000 to \$2,000 for the first reform since 1976. The change was proposed at the time by a state panel of prosecutors and attorneys, the Criminal Advisory Commission, who felt the adjustment was necessary to keep pace with inflation. After the increase, the Maine Merchants Association began pushing for a return to a threshold of \$1,000, which then-Governor Angus King signed into law in 2001.⁸ In 2013, a legislator introduced a bill to raise the limit to \$5,000, which would have been the highest in the country. The Retail Association of Maine characterized the increase as “a cost of living increase for the criminals,” and the legislation never left the Committee on Criminal Justice and Public Safety.⁹

⁸ Renee Ordway, “New Law Targets Store Thefts; Felony Threshold Lowered to \$1,000,” *Bangor Daily News*, July 3, 2001.

⁹ Whit Richardson, “Bill to Increase Felony Theft Threshold in Maine to \$5,000 upsets retailers,” *Bangor Daily News*, February 26, 2013.

The felony larceny threshold in Massachusetts is \$1,200 and was last changed in 2018, when it was raised from \$250. The change was part of a sweeping package of criminal justice reforms that aimed to reduce the number of people entering the criminal justice system. Massachusetts

The region's felony larceny thresholds range from \$900 in Vermont to \$2,000 in Connecticut. In 2018, Massachusetts raised its threshold from \$250 to \$1,200.

Senator William Brownsberger, co-chairman of the Joint Committee on the Judiciary and a lead sponsor of the legislation, stated that the “bill is about lifting people up instead of locking people up.”¹⁰ Before this legislation, Massachusetts had not changed its threshold since 1987, when it was the third-lowest in the nation, after New Jersey's (\$200) and Virginia's (formerly \$200 but changed in 2018 to \$500). The Massachusetts Senate had set the increase to \$1,500, but the Massachusetts House amended the Senate legislation and passed a bill calling for an increase of \$1,000. The resulting compromise is the threshold of \$1,200.¹¹

Vermont has the lowest felony larceny threshold in the region at \$900, and it is the lone state in New England where the threshold is below the most common level nationally of \$1,000. The threshold in Vermont was last changed in 2006, when it was raised from \$500. There have been legislative efforts to raise it further since then, including in 2015 as part of a plan to reduce the prison population. That proposal included raising the threshold to \$3,000, which would have been the highest level in the country, but that bill did not make it out of committee. Legislative endeavors across New England and the United States often have involved multiyear efforts and compromises to land at the present levels. The threshold in Florida received regional media attention for several years before a July 2019 bill was passed, raising it from \$300 to \$750, which was a compromise after pressure from retailers opposing higher thresholds. Before the legislation, Florida had the second-lowest larceny threshold, which had been in effect since 1986.¹²

10 Michael Jonas, “Criminal Justice Bill Reaches Finish Line,” *CommonWealth Magazine*, April 13, 2018.

11 Katie Lannan, “Stage Set for Mass. Democrats to Compromise on Criminal Justice Reform Bill,” *State House News Service*, November 16, 2017.

12 Julia Ingram, “Stealing Stuff Worth Less than \$750 Still a Crime in Florida, but Soon Won't Be a Felony,” *Miami Herald*, July 1, 2019.

Box 2: Data Source and Sample Restrictions for Incarceration Measures

Data Source

This report uses data on US prison admissions and releases from the National Corrections Reporting Program (NCRP) from 2000 through 2015 (United States Department of Justice 2017). NCRP data are administered by the US Bureau of Justice Statistics (BJS), collected by Abt Associates, and contain detailed offender-level information on incarceration in state prison facilities compiled by state departments of correction.^a This report uses these offender records, further specifying sample restrictions via data “cells” to allow alignment of the NIBRS and NCRP data by offense type, area, time period, and offender demographics for incarceration-related analysis, described below.^b Many of the NIBRS-only analysis sample restrictions (see Box 1) are relaxed because the necessary information to apply the restriction is not available in the NCRP data. The NIBRS-NCRP descriptive analysis sample is restricted to a “balanced” set of 8 (short-run) to 11 (long-run) states and associated felony larceny threshold increases in order to minimize composition changes over time.^c

Sample Restrictions

- **Offense Type:** This analysis focuses on larceny and non-larceny theft.^d NIBRS incidents are limited to those with stolen values above the pre-enactment felony larceny threshold.
- **Area:** This analysis centers on states, attempting to link the jurisdiction where an incident occurs to the location of subsequent incarceration.
- **Time Periods:** This analysis uses periods of 120 days and 360 days relative to enactment.^e
- **Offender Demographics:** This analysis uses a binary measure for race (white and non-white) given small sample sizes within narrower racial categories.

a Abt Associates has acted as the data collection agent for the BJS since October 2010 (United States Department of Justice 2016). Coordinating with the BJS, Abt implemented various data quality adjustments to transform the NCRP from an annual account of prison admissions, releases, and stocks into chronologically linked offender prison term histories. As a result of this term history procedure, 35 percent of records in the raw NCRP data are not used in this study. More specifically, in the 2000–2015 NCRP data, there are 11,706,501 retained offender records, whereas 6,373,444 records are unused—that is, 35 percent of 18,079,945 records are excluded.

b Due to confidentiality obligations when using the restricted-access NCRP data, all cell-level data used for analysis reflect counts of at least 11 persons or else are replaced with missing values, along with corresponding values of average time served.

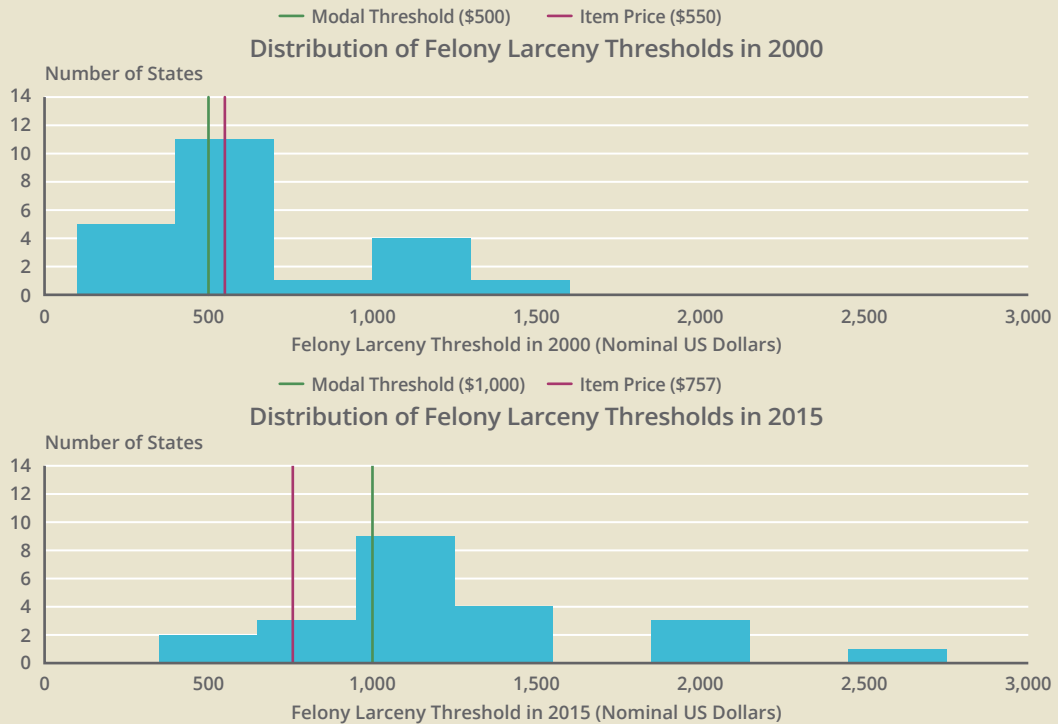
c For the NIBRS-NCRP joint sample, NIBRS incident counts are weighted to account for incomplete coverage of the state population by the NIBRS reporting jurisdictions (using US Census Bureau population data), as well as weighted to account for cases of missing offender demographics in both the NIBRS and NCRP data.

d Non-larceny theft reflects burglary, robbery, and “other theft”—counterfeiting/forgery, embezzlement, extortion/blackmail, fraud, kidnapping/abduction, stolen property offenses, and bribery (with the caveat that bribery could reflect a voluntary monetary exchange).

e This choice, intended to help align the NIBRS offenders who commit incidents with the NCRP offenders who are incarcerated, is informed by a 2000 BJS report that notes the median time between arrest and sentencing for persons convicted of a larceny felony in state courts is 134 days, with 88 percent of persons sentenced within one year (Durose and Langan 2003).

Figure 2

Variation in Analyzed Felony Larceny Thresholds United States, 2000 and 2015



Source(s): State legislation, Bureau of Labor Statistics' Consumer Price Index inflation calculator, and authors' calculations.

Note(s): Analysis sample contains 22 states. "Item price" reflects a hypothetical product with a constant real value over time.

III. Felony Larceny Thresholds and Crime in the Sample

The report now examines the impact of raising felony larceny thresholds on criminal activity. This causal analysis is conducted using data on US crime incidents reported to law enforcement agencies, henceforth "jurisdictions."¹³ Jurisdictions can vary in size and level of government, sometimes corresponding to cities, counties, or other governing bodies. After the imposition of various sample restrictions that help ensure credible analysis, the resulting set of jurisdictions are contained within 22 states and 24 state-enactment "events," where an enactment event reflects state-level legislation from 2000 through 2015 that adjusts the state felony larceny threshold (see Box 1 for further details on data and sample restrictions).¹⁴ All enactment events in the analysis sample correspond to increases in felony larceny thresholds.¹⁵

Figure 2 shows how the distribution of felony larceny thresholds changed between 2000 and 2015—that is, the analysis period—for the 22 states in the analysis sample. Thresholds

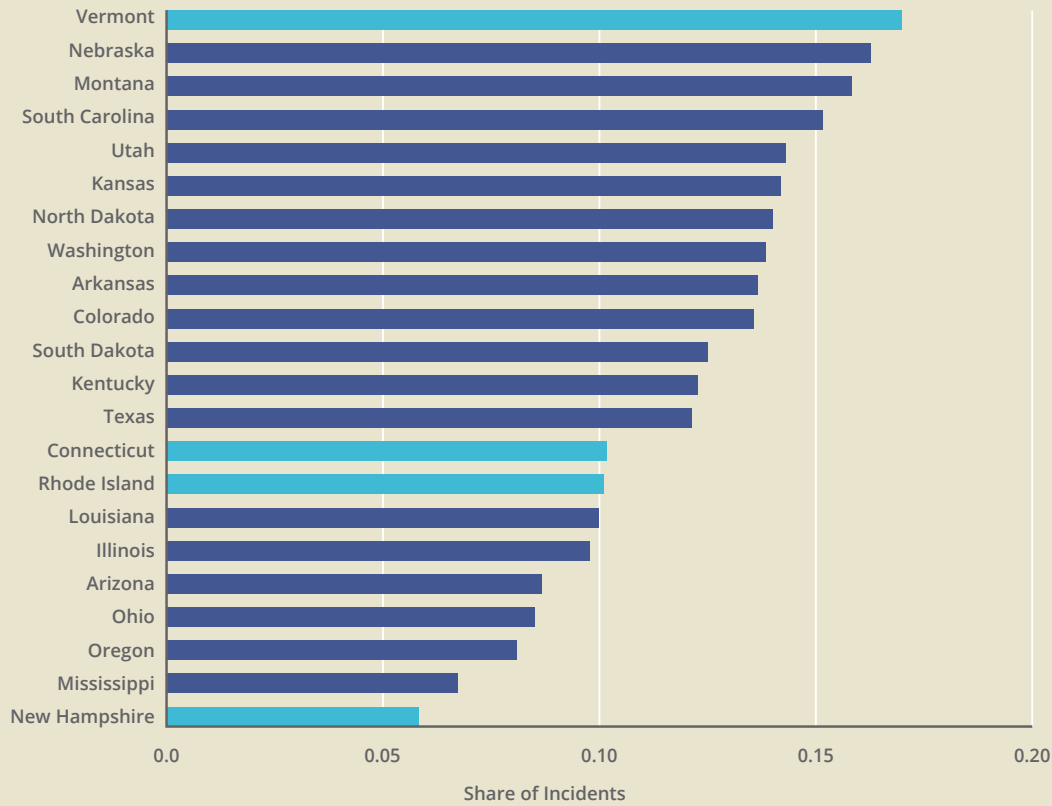
13 The Uniform Crime Reporting Program of the FBI, which administers the data used for this report's analysis, defines an incident as "one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place." However, the terms "acting in concert" and "same time and place" should be interpreted on a case-by-case basis. For instance, a computer programmer manipulating a bank's computer and embezzling \$70,000 over an 18-month period is recommended to be recorded as a single embezzlement incident (United States Department of Justice 2013).

14 The initial year, 2000, aligns with a Pew study documenting felony larceny threshold changes (Pew Charitable Trusts 2017). The final year, 2015, was the last available year of crime incident data at the start of the project on which this report is based. Additionally, Colorado and Louisiana, and jurisdictions therein, each experienced two threshold changes during the sample period.

15 Maine, which lowered its threshold in 2001 from \$2,000 to \$1,000, as previously discussed, is not in the analysis sample due to a lack of data from "certified" (that is, meeting certain data quality criteria) jurisdictions that spans policy enactment. Another New England state, Massachusetts, is also not in the analysis sample because before legislation in 2018, as discussed, the state had not changed its felony larceny threshold since 1987. The remaining four states in the region, however, are included in the analysis sample.

Figure 3

Comparing the Prevalence of Larceny Crime across States
United States, 2000–2015



Source(s): State legislation, 2000–2015 National Incident-Based Reporting System data, and authors’ calculations.

Note(s): Analysis sample contains 22 states. Displayed are state-specific 2000–2015 unweighted averages of annual counts of larceny incidents as a share of all crime incidents. Each state sample reflects the set of jurisdictions obtained after all sample restrictions for causal analysis are imposed (including jurisdictions with only non-larceny incidents during the analysis period), except the restrictions regarding the “response region” (the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state-enactment event) and the 120-day short run.

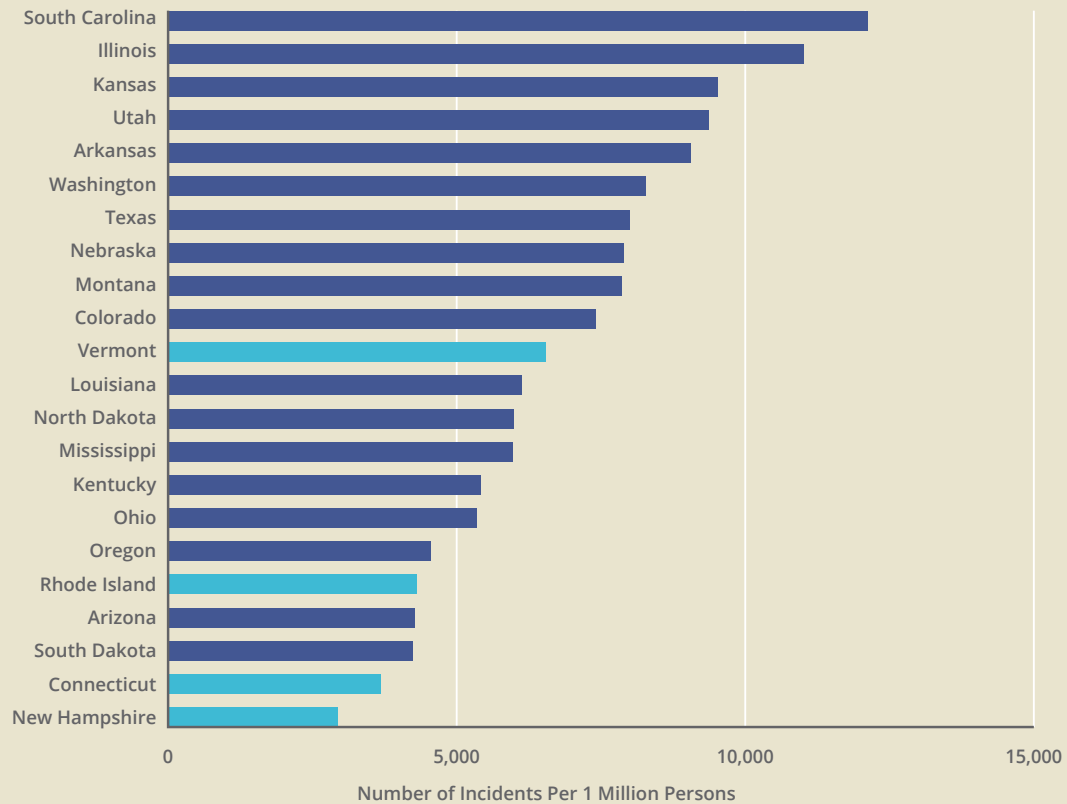
ranged in nominal value from \$250 (Arizona and Washington) to \$1,500 (Texas) in 2000, and from \$500 (Illinois and Kentucky) to \$2,500 (Texas) in 2015. During this period in the sample, larceny threshold values tended to increase by more than inflation did, with the modal (most frequently occurring) increase doubling a state’s threshold value from \$500 to \$1,000. Of the four New England states in the analysis sample, New Hampshire, Rhode Island, and Vermont all had \$500 larceny thresholds in 2000, whereas Connecticut had a \$1,000 threshold at that time. By 2015, Vermont’s threshold was \$900, New Hampshire had a \$1,000 threshold, Rhode Island had raised its threshold to \$1,500, and Connecticut’s threshold was \$2,000, as discussed earlier.

Before turning to causal analysis and how enactment of higher felony larceny thresholds affects crime, it is useful first to describe crime patterns across states in the analysis sample. For each of the 22 states in the sample, Figure 3 depicts the prevalence of larceny

Larceny represents a nontrivial proportion of total crime analyzed; the annual larceny rate per 1 million persons ranges from 2,939 incidents in New Hampshire to 12,125 incidents in South Carolina.

Figure 4

Comparing Larceny Rates across States United States, 2000–2015



Source(s): State legislation, 2000–2015 National Incident-Based Reporting System data, and authors' calculations.

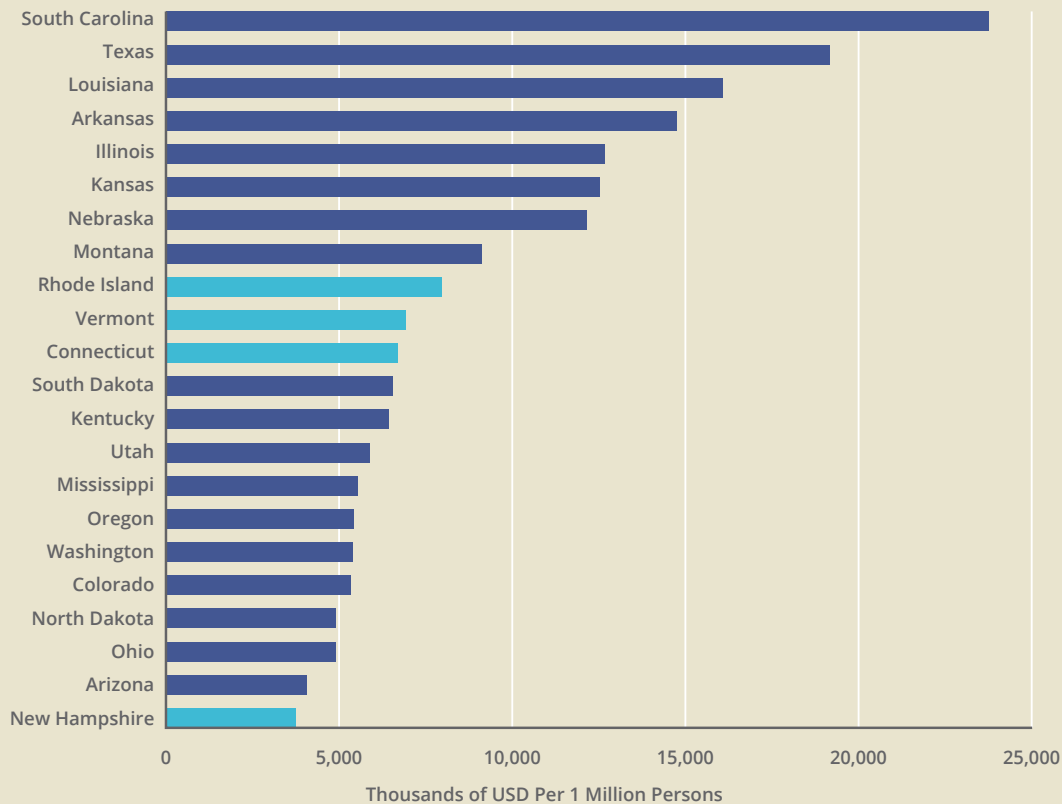
Note(s): Analysis sample contains 22 states. Displayed are state-specific 2000–2015 unweighted averages of the annual count of larceny incidents per 1 million residents. Each state sample reflects the set of jurisdictions obtained after all sample restrictions for causal analysis are imposed (including jurisdictions with only non-larceny incidents during the analysis period), except the restrictions regarding the "response region" (the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state-enactment event) and the 120-day short run.

incidents as a share of all crime incidents (based on 2000–2015 unweighted averages of annual shares). Across all states, this larceny share ranges from a low of 5.8 percent in New Hampshire to a high of 17.0 percent in Vermont. In the remaining New England sample states, the larceny share is 10.2 percent in Connecticut and 10.1 percent in Rhode Island. Thus, although larceny occurrence varies in the analysis sample, larcenies generally account for a nontrivial proportion of total crime.

Further exploring larceny patterns, Figure 4 displays the state-specific 2000–2015 unweighted average of the annual number of larceny incidents per 1 million residents. On average, the yearly larceny rate per 1 million persons ranges from 2,939 incidents in New Hampshire to 12,125 incidents in South Carolina. Regarding the rest of New England, Connecticut (3,679 incidents) and Rhode Island (4,313 incidents) also have larceny rates that are among the lowest in the analysis sample of 22 states, whereas Vermont's rate (6,544 incidents) lies in the middle of the sample.

Figure 5

Comparing Larceny Values across States United States, 2000–2015



Source(s): State legislation, 2000–2015 National Incident-Based Reporting System data, and authors' calculations.

Note(s): Analysis sample contains 22 states. Displayed are state-specific 2000–2015 unweighted averages of the annual larceny nominal value (thousands of USD) per 1 million residents. Each state sample reflects the set of jurisdictions obtained after all sample restrictions for causal analysis are imposed (including jurisdictions with only non-larceny incidents during the analysis period), except the restrictions regarding the “response region” (the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state-enactment event) and the 120-day short run.

Lastly, in addition to detailing the number of larceny incidents per 1 million residents, examining the dollar value of larceny incidents per 1 million residents is of interest, as the latter measure may vary distinctly from the former depending on the typical dollar value per larceny incident. Figure 5 explores the state-specific 2000–2015 unweighted average of the annual larceny nominal value in US dollars per 1 million residents. As with the larceny rate in Figure 4, on average, the yearly larceny value per 1 million residents ranges from a low in New Hampshire (\$3.7 million) to a high in South Carolina (\$23.8 million). However, unlike larceny rates, the larceny values among the other three New England states are clustered consecutively in the middle of the analysis sample, with Rhode Island at \$8.0 million, Vermont at \$6.9 million, and Connecticut at \$6.7 million.

IV. Impact of Raising Felony Larceny Thresholds on Crime

Short Run

Having examined patterns across states regarding typical larceny crime activity from 2000 through 2015, this report now considers how enactment of higher felony larceny thresholds affects such activity in the short run and the long run. The short run is defined as the period within 120 days (roughly four months) of enactment, whereas the long run is defined as the period within 1,800 days (approximately five years) of enactment. For measures of criminal activity, this report focuses on two outcomes, analogous to the descriptive patterns in Figures 4 and 5: (1) the stolen value per larceny incident in nominal US dollars, and (2) the daily jurisdiction larceny rate, which is the count of larceny incidents on a given day per 1 million residents in a jurisdiction. Whereas the larceny rate can be thought of as measuring the quantity of crimes, the stolen value can be viewed as capturing the “intensity” of a given larceny crime. Thus, although both measures reflect criminal activity, they correspond to substantively different forms of such activity and, as a result, may have different policy implications. Moreover, although one could also examine another quantity measure—the daily jurisdiction crime occurrence—this study focuses on the crime rate, since it conveys useful additional information about the amount of crime in an area.¹⁶

Higher felony larceny thresholds generally do not escalate larceny crime within four months of enactment.

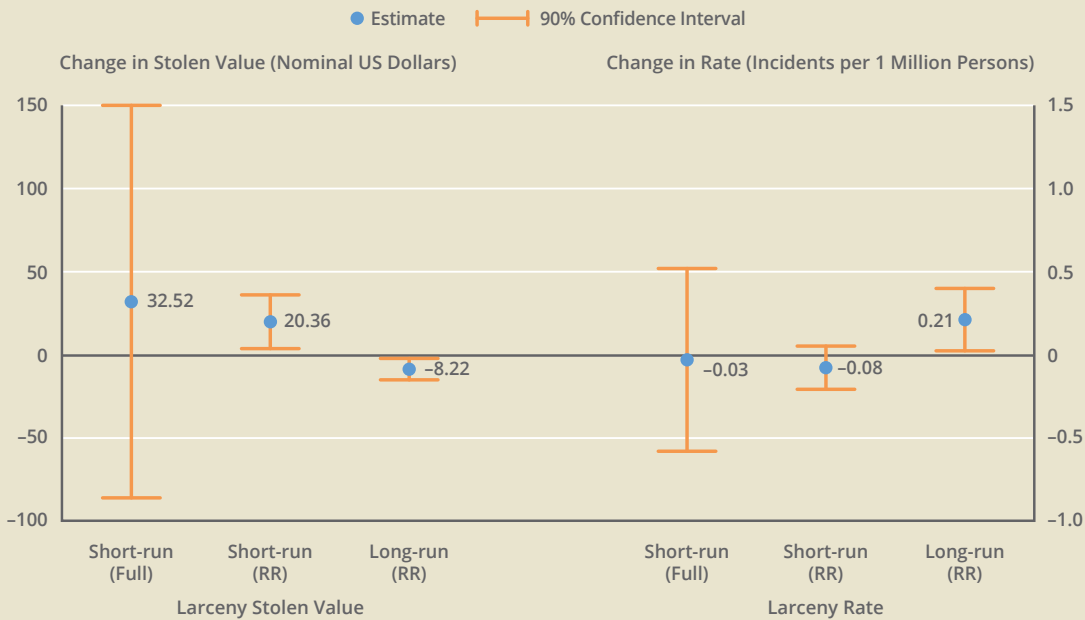
The report uses the statistical technique of regression analysis to conduct causal investigation. More specifically, the short-run analysis uses a form of regression analysis known as regression discontinuity to compare average criminal activity for larceny incidents in a narrow time interval surrounding felony larceny threshold enactment. The validity of this approach relies on enactment being the sole factor that changes discontinuously in the time interval, whereas all other factors evolve smoothly, thus allowing any post-enactment shift in criminal activity to be attributed to the larceny threshold policy

change. While such an assumption is credible for the short run, it is unlikely to hold for the long run. Thus, long-run analysis is accomplished using the statistical method known as difference-in-differences to compare average criminal activity for larceny and non-larceny theft incidents in a wide time interval surrounding felony larceny threshold enactment. The reliability of this approach hinges on larceny and non-larceny theft activity following similar trends in the absence of enactment, thus allowing any post-enactment dissimilarity in the patterns of the two types of crimes to be attributed to the larceny threshold policy change. All causal analysis also accounts for other relevant factors—for instance, inflation, as well as average differences in crime across jurisdictions that change over time—in order to help allow for a causal interpretation of the resulting estimates.¹⁷

¹⁶ Jackson (2020) examines the daily jurisdiction crime occurrence outcome, which is a binary indicator of at least one incident existing on a given day in a jurisdiction. The paper finds that results for this outcome tend not to differ significantly from zero.

¹⁷ Specifically, control variables included in estimation to account for these “other relevant factors” are jurisdiction-year-quarter indicators, day-of-week indicators, first-of-month indicators, major holiday indicators, a “running variable” for day relative to enactment (regression discontinuity only), and a larceny indicator (difference-in-differences only).

Figure 6 The Impact of Felony Larceny Threshold Enactment on Larceny Crime, by Time Horizon and Sample (Full and Response-Region) United States, 2000–2015



Source(s): State legislation, 2000–2015 National Incident-Based Reporting System data, and authors’ calculations.

Note(s): Analysis sample contains 22 states. Results based on regression analysis of observations at the incident level (for stolen value outcome) or jurisdiction-day level (for larceny rate outcome). Each estimate represents the average change in the indicated outcome (units in parentheses) resulting from raising the felony larceny threshold, specified for a given time horizon (short-run [120 days surrounding enactment] or long-run [1,800 days surrounding enactment]) and sample of incidents (full or response-region [“RR,” the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state-enactment event]). The 90 percent confidence interval displays the set of values that one can be 90 percent confident includes the true estimate.

For both larceny crime outcomes, Figure 6 first examines the impact of felony larceny threshold enactment on larceny criminal activity when assessing larceny incidents that reflect the full range of possible stolen values—that is, all larceny incidents that otherwise satisfy the sample restrictions (see Box 1). As the figure shows, examining all such larceny incidents reveals no statistically detectable effect of raising felony larceny thresholds on the intensity (stolen-property value) or amount (occurrence rate) of larceny crime. Thus, when one considers larceny incidents as a whole, the evidence suggests that raising felony larceny thresholds does not lead to an escalation of larceny crime in the short run.¹⁸ The related implication from this finding is that decreasing punishment severity through a lower probability of felony conviction does not seem to affect overall larceny crime in the short run.

However, there are two arguments for further restricting the sample of larceny incidents examined for this analysis. First, economic theory suggests that for the subset of larceny incidents with stolen-property values that range from the previous felony larceny threshold to the enacted larceny threshold for a state-enactment event, henceforth referred to as the “response region,”

18 The analysis also shows that raising larceny thresholds has no statistically detectable effect on non-larceny crimes.

the incentives to increase such incidents following enactment likely rise the most.¹⁹ Therefore, this report focuses analysis on the subset of larceny incidents involving stolen-property values that fall in the response region to examine whether there is any evidence supporting the view that raising larceny thresholds encourages some offenders to escalate criminal behavior. The second reason to concentrate analysis on the response region is that when states alter felony larceny thresholds, they also often make simultaneous changes to other larceny penalty thresholds located below the old felony threshold—generally, misdemeanor penalties—or above the new felony threshold—typically, felony penalties. Therefore, focusing on the response region also allows for more credible analysis because it removes potentially confounding effects from concurrent changes in other larceny penalties. The remainder of the causal analysis in this section will thus focus on incidents in the response region.

Returning to Figure 6, when concentrated on the response region, the precision of analysis is improved (as smaller confidence intervals show), and the report now statistically detects that increasing felony larceny thresholds raises the short-run average stolen-property value per incident. However, at \$20, or 2 percent of the average stolen-property value per incident before enactment, this increase in larceny intensity is only modest. Regarding the number of larcenies, even when the analysis is restricted to the response region, there remains no detectable effect of increasing felony larceny thresholds on the short-run daily larceny rate in a jurisdiction. Taken together, these response region findings suggest that offenders commit just as much larceny crime, and they steal slightly more valuable items. Also, as with the previous result, an implication of this finding is that decreasing punishment severity through a lower probability of felony

conviction causes a small increase in the intensity of certain (that is, response region) larceny crime in the short run, but not the amount of such crime.

Within five years of enactment, local labor markets may play a role in how higher felony larceny thresholds affect criminal activity.

For some context to the small size of the short-run increase in larceny intensity, consider Connecticut, where an increase of \$20 in the larceny stolen-property value per incident would equal an average annual cost of \$0.08 per person and \$264,460 for the entire state population.²⁰ To further interpret the \$20 stolen value result, it is helpful to assume that “strategically escalating” offenders increase larceny stolen-property values by the full amount of a felony larceny threshold increase. As noted previously, the most prevalent threshold

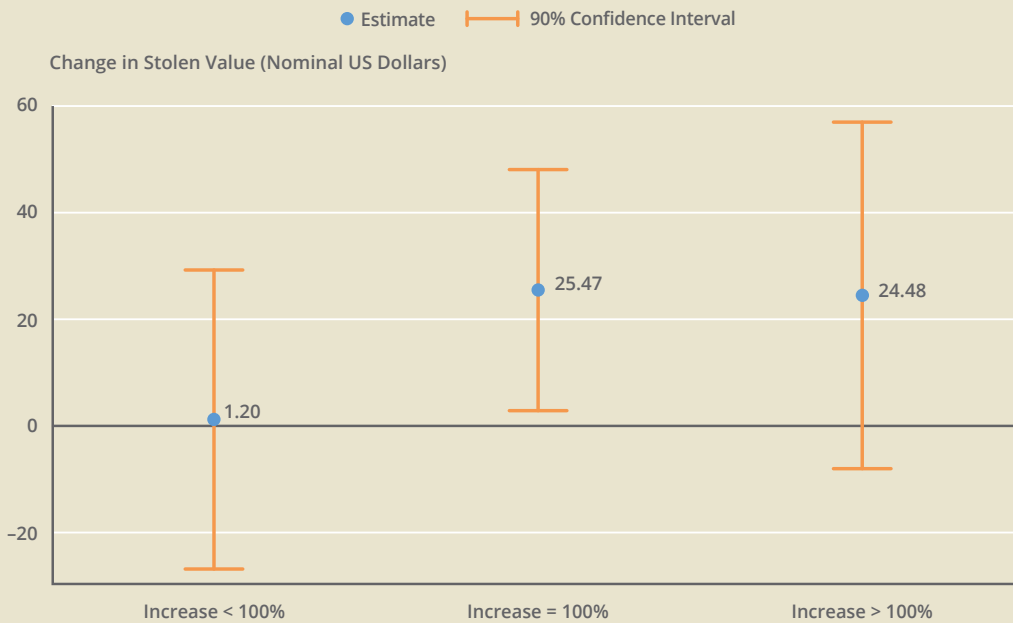
increase in the analysis sample is \$500, so this can be used to represent the typical increase. Therefore, the findings imply that only 4 percent ($[20/500] \times 100$) of response-region offenders escalate larceny crime in the short run in response to lower thresholds, whereas the remaining 96 percent of offenders do not change their short-run behavior in response to such legislation. Additionally, it is of interest to examine how the stolen-property value result varies by the size of a felony larceny threshold increase, rather than across all increases regardless of their size, as in

19 The response region is further widened by a \$1 buffer—from \$1 below the old felony larceny threshold to \$1 above the new felony larceny threshold for each state-enactment event—to allow for some offender miscalculation. This buffer also helps account for larceny threshold definitional differences across states. In some states, the listed felony larceny threshold reflects the smallest stolen-property value generally eligible for a felony charge, whereas in other states, the listed threshold indicates the largest stolen property value generally eligible for a misdemeanor charge (Jackson 2020).

20 As reflected in Figure 4, there is a 2000–2015 average of 0.003679 incidents per resident in Connecticut, resulting in an average annual cost per person of $0.003679 \times \$20.364 = \0.075 . To obtain a total cost of \$264,460 for all state residents, the study further multiplies \$0.075 by 3,529,941 persons, the 2000–2015 average of annual Connecticut population estimates from the US Census Bureau.

Figure 7

The Short-Run Impact of Felony Larceny Threshold Enactment on Larceny Stolen Values, by Size of Threshold Increase United States, 2000–2015



Source(s): State legislation, 2000–2015 National Incident-Based Reporting System data, and authors' calculations.

Note(s): Analysis sample contains 22 states. Results based on regression analysis of observations at the incident level. Each estimate represents the average short-run (120 days surrounding enactment), response-region (the stolen values that range from the previous felony larceny threshold to the enacted larceny threshold for each state-enactment event) change in stolen value (nominal US dollars) resulting from raising the felony larceny threshold, specified for a given proportional size of threshold increase (less than 100 percent, 100 percent, or greater than 100 percent). The 90 percent confidence interval displays the set of values that one can be 90 percent confident includes the true estimate.

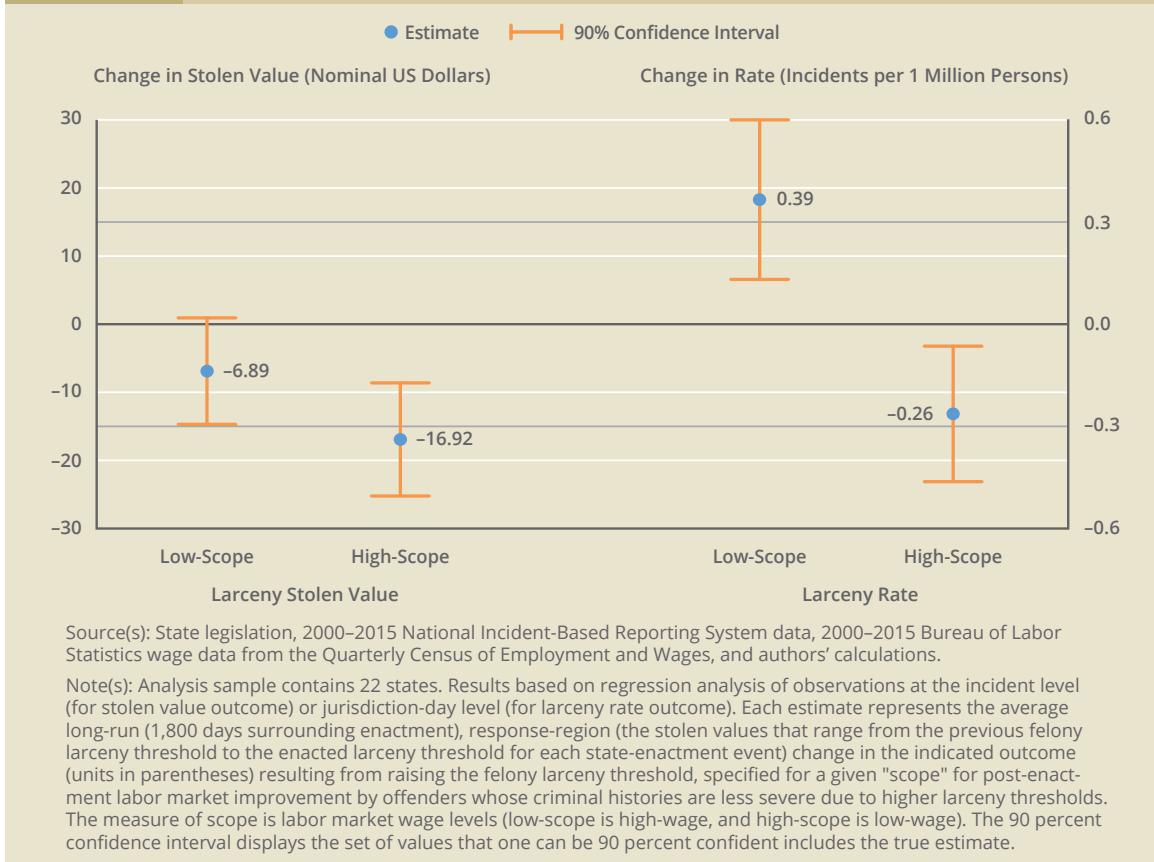
Figure 6. Figure 7 shows that the moderate short-run rise in stolen-property value that this report finds appears to be driven by states with large increases in larceny thresholds—that is, increases of 100 percent or more.

Long Run

Moving now to the long run and a return to Figure 6, which displays effects on criminal activity of raising felony larceny thresholds within roughly five years of enactment (1,800 days). Here, the report obtains a mixed finding: a statistically detectable *negative* effect of raising felony larceny thresholds on the intensity of crime, but a statistically detectable *positive* effect on the amount of crime. Specifically, the long-run average stolen-property value per incident in the response region declines \$8 (1 percent of the pre-enactment average), whereas the response-region average daily jurisdiction larceny rate rises 0.2 incidents per 1 million residents (10 percent of the pre-enactment average). These results suggest that decreasing punishment severity through a lower probability of felony conviction both reduces and increases certain (that is, response region) larceny crime in the long run.

A potential reason for these seemingly disparate results is that a diminished chance of felony conviction might lead to less severe criminal histories for some offenders. This improvement in criminal histories might, in turn, lead to increased labor market wages for affected offenders located in areas where there is scope for them to experience such a wage increase, thereby reducing incentives to commit crime. Areas with such “high scope” are thus locations where an

Figure 8 The Long-Run Impact of Felony Larceny Threshold Enactment on Larceny Crime, by Labor Market Scope
United States, 2000–2015



offender’s labor market wages are more likely to be hindered by having a serious criminal history, and pre-enactment wage levels can be used as a proxy to identify such high-scope (and low-scope) areas. The rationale for such a proxy is that in areas with low pre-enactment wages, the number of employers in the labor market relative to the number of workers in the labor market (employed or unemployed) may be small. Such labor market composition might therefore make it difficult for someone with a felony conviction to earn high wages, as employers would have access to a large pool of potential workers, many of whom would have less severe criminal histories. Conversely, in areas with high pre-enactment wages, the number of employers in the labor market relative to the number of workers in the labor market (again, employed or unemployed) may be large. This labor market structure might make it easier for someone with a felony conviction to earn high wages, since employers would face a small potential-worker pool and therefore have fewer alternatives to workers with severe criminal histories. Thus, an improvement in an offender’s criminal history would likely lead to a larger wage increase if the offender worked in an area with low pre-enactment wages versus high pre-enactment wages. This mechanism suggests that offenders located in areas with low pre-enactment wages may demonstrate long-run declines in larceny activity, while offenders located in areas with high pre-enactment wages may exhibit either no long-run change in larceny activity or increases in such activity. Therefore, the mixed long-run results in Figure 6 may be masking differential offender responses that vary by labor market conditions.

Figure 8 confirms that in low-wage (high-scope) jurisdictions in the long run, both the average intensity of larceny crime (stolen-property value) and the average amount of larceny

crime (occurrence rate) decrease by a statistically detectable effect: \$17 (2 percent of the pre-enactment average) and 0.3 incidents per 1 million residents (13 percent of the pre-enactment average), respectively. In contrast, in high-wage (low-scope) jurisdictions, there is no detectable change in the average larceny stolen value and a detectable increase in the average larceny rate of 0.4 incidents per 1 million residents (19 percent of the pre-enactment average). Thus, while the overall long-run results in Figure 6 are mixed across larceny crime outcomes, the findings stratified by wages indicate a consistent pattern across crime outcomes for a given type of labor market.²¹ Additionally, although not definitive, the presence of these differential effects in the long run is consistent with potential changes over time in employers' ability to view offenders' criminal histories, given "look-back" periods for convicted crimes that vary by felony versus misdemeanor conviction status. For example, the look-back period for convicted crimes for which criminal records are not eligible to be sealed or expunged (and are thus more easily accessible by employers) is usually a shorter duration for misdemeanors than it is for felonies. In Connecticut, for instance, the waiting period to apply for criminal record expungement is three years from the disposition date for a misdemeanor and five years from the disposition date for a felony.²²

As with the small overall short-run increase in larceny stolen-property values due to larceny threshold enactment, it is beneficial to contextualize the size of the long-run increase in larceny rates that occurs in high-wage areas. Using Connecticut as an example again, a rise in the daily larceny rate of about 0.4 incidents per 1 million residents would equal 142 incidents per 1 million residents over an entire calendar year, an increase of approximately 4 percent in larceny crime for the entire state.²³ While such crime escalation is not inconsequential, it is smaller than the 13 percent increase in the larceny rate that is implied when the effect is scaled relative to the amount of larceny crime in the response region only (pre-enactment). Additionally, such heightened larceny crime levels in high-wage labor markets would need to be considered along with fiscal gains from a possible reduction in incarceration due to higher felony larceny thresholds, which the study turns to next.²⁴

21 Jackson (2020) also finds qualitatively similar results using unemployment rates as an alternative measure of the scope for post-enactment labor market improvement by offenders whose criminal histories are less severe due to higher felony larceny thresholds. The rationale for such a measure is that in areas with high pre-enactment unemployment rates, job vacancies are typically scarce relative to the number of unemployed workers. This job scarcity might make it difficult for someone with a felony conviction to be hired or earn high wages, as employers would face a large pool of potential workers, many of whom would have less severe criminal records. Thus, an improvement in an offender's criminal history would likely lead to a larger increase in wages in an area with high pre-enactment unemployment rates than an area with low pre-enactment unemployment rates. The wage proxy for labor market scope used in this study is preferable to an unemployment rate proxy because the former measure is more closely aligned with economic theory.

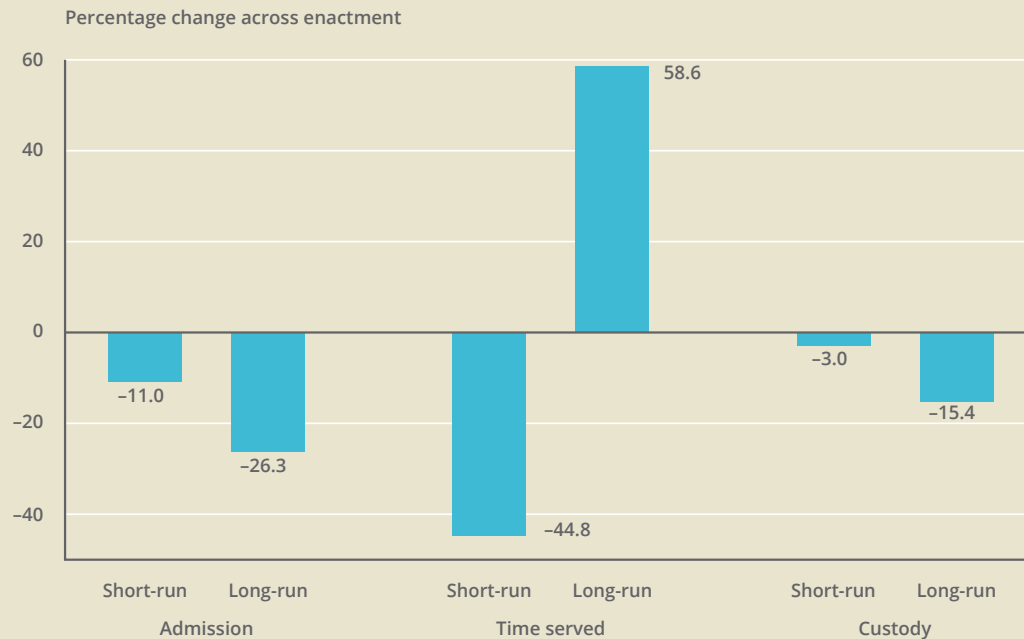
22 "Is Your Criminal Record Keeping You from Working?" from the CTLawHelp.org website, posted in 2018.

23 As reflected in Figure 4, there is a 2000–2015 average of 3,679 incidents per 1 million residents in Connecticut. To obtain the increase in larceny crime implied by the offender response in high-wage labor markets, the study multiplies 0.390 incidents per 1 million residents by 365 calendar days, resulting in an annual increase of 142 incidents per 1 million residents. The report then divides 142 incidents per 1 million residents by 3,679 incidents per 1 million residents in the state, and then multiplies the result, 0.039, by 100 percent.

24 The report estimates a reduction in larceny crime from higher felony larceny thresholds in low-wage labor markets, which benefits both non-offenders and offenders (due to an assumed increase in legal market consumption in the latter case; increased illegal market consumption through crime has no overall effect on the well-being of society since it is assumed to have an equal but opposite effect on the well-being of non-offenders). Thus, higher larceny thresholds in low-wage labor markets have a definitive benefit to society regardless of any fiscal savings from a potential reduction in incarceration.

Figure 9

The Relationship between Felony Larceny Threshold Enactment and Incarceration United States, 2000–2015



Source(s): State legislation, 2000–2015 US Census Bureau population data, 2000–2015 National Corrections Reporting Program data, 2000–2015 National Incident-Based Reporting System data, and authors' calculations.

Note(s): Analysis sample generally contains 8 (short-run) to 11 (long-run) states. Displayed are percentage changes occurring across larceny threshold enactment, specified for a given incarceration measure (prison admissions per incident, average prison time served per incident, or number of offenders in prison custody) and time horizon (short-run [120 days surrounding enactment] or long-run [1,440 days surrounding enactment]).

V. Felony Larceny Threshold Enactment and Incarceration

In addition to examining the causal impact of raising felony larceny thresholds on criminal activity, it is important to study the relationship between such larceny threshold legislation and incarceration-related outcomes—namely, prison admissions per incident, average prison time served per incident, and the number of offenders in prison custody. Changes in such outcomes matter crucially for offender reintegration into society, state government fiscal spending, and likely, non-offender welfare. However, unlike the previous criminal activity causal analysis in the report, the incarceration analysis here is purely descriptive—specifically, non-causal comparisons of average outcomes before and after enactment of higher felony larceny thresholds. This non-causal approach is due to analysis limitations that stem from the reduced availability, over time and across areas, of the incarceration data compared with the availability of the criminal activity data.²⁵

Figure 9 displays the non-causal relationship between raising felony larceny thresholds and incarceration-related outcomes.²⁶ In the short-run, 120-day period preceding enactment, 3.7

25 The criminal activity data are analyzed with days as the time unit and jurisdictions as the area unit, whereas the incarceration data are analyzed with 120-day (short-run) or 360-day (long-run) periods as the time unit and states as the area unit (see Box 2).

26 The sample of states for this descriptive incarceration analysis is also restricted in order to establish a relatively stable group over time, thereby ensuring that changes in sample composition have a minimal effect on the results. With the exception of the short-run custody measure, there is generally a balanced panel of eight short-run state-enactment events: Illinois, Montana, New Hampshire, Ohio, Oregon, South Carolina, Utah, and Washington. For the short-run custody measure and all long-run measures, there is generally a balanced panel of 11 long-run state-enactment events: the eight typical short-run state-enactment events, plus Colorado (2007), Kentucky, and South Dakota.

percent of larceny incidents—an incident in this analysis is roughly equivalent to an offender—are admitted to prison.²⁷ Within 120 days of enactment, this larceny admission probability falls to 3.3 percent, a reduction of 11.0 percent (0.4 percentage point). Likewise, average time served per larceny incident, 0.04 years in the 120-day period before enactment, falls 44.8 percent in the short run (0.02 years). Lastly, the number of offenders in custody, 5,243 persons in the 120-day period before enactment, falls 3.0 percent in the short run (159 persons).

Turning to the long run, Figure 9 also shows that for two of the three incarceration measures, percentage declines are observed within roughly four years of enactment.²⁸ The long-run declines—26.3 percent for the admission measure and 15.4 percent for the custody measure—also exceed their short-run counterparts. For time served, Figure 9 indicates a long-run increase of 58.6 percent. It is not clear what accounts for such a pattern regarding the average time served per incident. However, criminal activity causal analysis presented earlier in this report (see Figure 6) suggests that long-run increases in average time served per incident following enactment may be due to an escalation in larceny activity in some labor markets. It is also possible that other factors, such as changes in some stage(s) of the criminal justice system, contribute to the observed pattern.

Lastly, the report also examines how the relationship between larceny threshold enactment and incarceration varies by race.²⁹ In the 120-day period preceding enactment, 2.5 percent of larceny incidents by white offenders result in prison admission compared with a rate 2.5 times as high for non-white offenders (6.3 percent). Similarly, during the same period, white offenders serve 0.03 years per incident on average compared with 0.06 years for non-white offenders, and there are slightly fewer white offenders (2,550 persons) than non-white offenders (2,652 persons) in custody, indicating a disproportionately large number of incarcerated non-white offenders in

When thresholds are raised, the percent of larceny incidents that result in prison admission falls in the short run and long run.

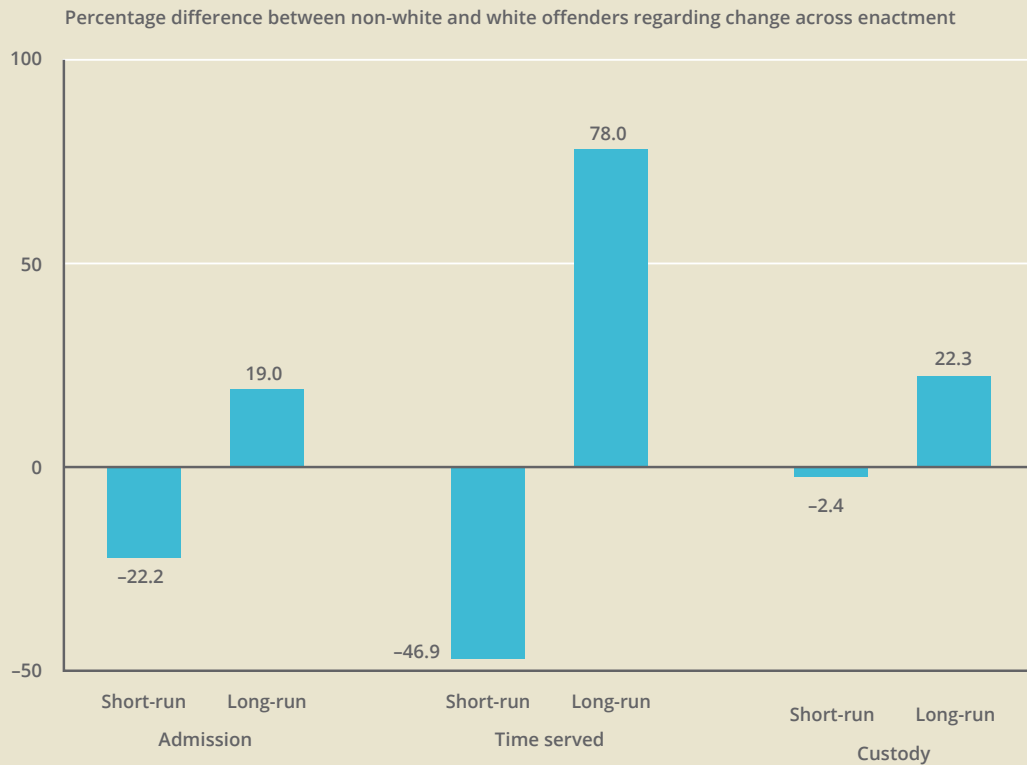
27 More than 90 percent of larceny incidents in this analysis sample involve only one offender.

28 The long-run time horizon surrounding enactment for this analysis is now 1,440 days, or roughly four years, rather than five years. This timing change allows the chosen sample of states to be a relatively stable group over time, thus ensuring that changes in sample composition have a minimal effect of the results. Jackson (2020) shows that related regression analysis that allows for the full five-year time horizon but includes period and state fixed effects (to address average outcome differences across periods and states, respectively) generally leads to qualitatively similar conclusions.

29 The analysis also examines age and gender.

Figure 10

The Relationship between Felony Larceny Threshold Enactment and Incarceration: Disparities by Race United States, 2000–2015



Source(s): State legislation, 2000–2015 US Census Bureau population data, 2000–2015 National Corrections Reporting Program data, 2000–2015 National Incident-Based Reporting System data, and authors' calculations.

Note(s): Analysis sample generally contains 8 (short-run) to 11 (long-run) states. Displayed are percentage differences for non-white offenders minus white offenders regarding the change occurring across larceny threshold enactment, specified for a given incarceration measure (prison admissions per incident, average prison time served per incident, or number of offenders in prison custody) and time horizon (short-run [120 days surrounding enactment] or long-run [1,440 days surrounding enactment]).

the population. As shown in Figure 10, for all three incarceration outcomes, these gaps between white and non-white offenders shrink in the short-run—specifically, 22.2 percent for admissions, 46.9 percent for time served, and 2.4 percent for custody. However, over the long run, these short-run reductions associated with felony larceny threshold increases do not appear to persist, and the racial disparities for all three incarceration measures actually grow larger. These long-run gap increases are sometimes, although not always, partly driven by worsened incarceration outcomes, relative to the short run, for non-white offenders.³⁰ Nevertheless, because these findings are descriptive only, they should not be interpreted causally, as more research is needed in order to support causal claims to that effect.

30 For example, regarding admissions per incident, the short-run decline is 1.9 percent for white offenders and 23.0 percent for non-white offenders. The long-run decline in this outcome, net of non-larceny theft patterns, is 59.3 percent for white offenders and 8.6 percent for non-white offenders.

VI. Discussion

When assessing larceny incidents as a whole, the analysis in this report finds that raising felony larceny thresholds does not lead to an escalation of larceny crime in the short run. Even when considering the subset of larceny incidents for which such escalation is most likely to occur and where analysis is not potentially affected by other simultaneous changes in larceny penalties, this study finds only a modest, 2 percent short-run increase in the intensity of larceny crime (stolen-property values) and still no increase in the amount of larceny crime (occurrence rates). Continuing to focus on the aforementioned subset of larceny incidents, this report shows that in the long run, raising larceny thresholds causes a decrease in larceny crime (2 percent in intensity and 13 percent in amount) in low-wage areas where there is scope for post-enactment wage increases for offenders. This decrease in crime is seemingly due to the offenders' improved criminal histories, assuming that the raised thresholds led to fewer felony convictions. Conversely, in high-wage areas where there is less scope for such post-enactment wage increases, this report finds an increase in the long-run amount of larceny crime (19 percent) after felony larceny thresholds are raised. Descriptive analysis also suggests that prison admissions per incident and the number of offenders in prison custody decrease following enactment, in both the short run and the long run. However, while average prison time served per incident similarly declines in the short run, this measure exhibits an increase in the long run. Additionally, although the racial gaps in these three outcomes all shrink in the short run, such narrowing does not persist in the long run.

An important question that remains is whether raising felony larceny thresholds is an advisable policy for high-wage areas, which, unlike low-wage areas, face a tradeoff between potential fiscal gains from reduced incarceration and potential financial losses to the public from increased crime. The findings in this study can be used to conduct a basic cost-benefit analysis to help address such a question. A general caveat to this cost-benefit analysis is that, for simplicity, it will not incorporate the multitude of additional factors—for instance, those related to physical or mental health—that might contribute at least some amount to the costs or benefits of raising felony larceny thresholds. Nevertheless, the chosen focal elements of the analysis are likely primary, or at least large, drivers of the costs and benefits of the policy, especially when considering a non-violent, property crime such as larceny.³¹

To calculate the benefit of a higher larceny threshold that results in incarceration savings, the first step is to use state-prison information on total expenditures and offenders in custody in the United States—\$51,728,476,000 and 1,162,365, respectively, in 2015—to obtain an estimate of the average annual expenditure per offender for a state: \$44,503.³² Next, the report uses the long-run annual average decline of offenders in custody that is associated with larceny threshold

Even in labor markets where larceny crime increases in the long run due to a higher threshold, such escalation is likely outweighed by the fiscal savings from reduced incarceration.

31 Additionally, as noted earlier, the societal benefit from lower incarceration in this case is limited solely to fiscal gains, since such reduced incarceration in high-wage labor markets is coupled with an increase in criminal activity. Alternatively, in a scenario where reduced incarceration also coincides with a decrease in criminal activity, as in low-wage labor markets, then the presumed increase in legal market activity by offenders that might drive such a decline in crime *would* contribute toward a cost-benefit analysis of raising felony larceny thresholds.

32 State corrections expenditure information in 2015 is from the Bureau of Justice Statistics (from the "Justice Expenditure and Employment Extracts, 2015 – Preliminary" [Table 4]), as is the total offender count in state prisons (from the National Prisoner Statistics).

enactment—755 persons, as reflected in the Figure 9 percentage change (with the caveat of it not being a causal estimate). Further dividing the aforementioned offender decrease by the 11 states that comprise the long-run sample for the report’s incarceration analysis yields a state average decrease of 69 offenders. Multiplying \$44,503 per offender by 69 offenders results in an estimate of about \$3.1 million for the average annual incarceration savings for a state implementing a higher felony larceny threshold.

To calculate the cost of a higher larceny threshold that results in a higher larceny rate (in a high-wage labor market), the first step is to multiply the estimated effect (0.4 daily jurisdiction larceny incidents per 1 million residents) by 365 days, obtaining an annual effect of 142 larceny incidents per 1 million residents.³³ Multiplying the annual effect by the average 2015 population across the 50 states (6,404,525 persons) yields 909 larceny incidents per year, on average, in a state.³⁴ Further multiplying the previous larceny rate by \$1,043 (this study’s estimate of the long-run average stolen-property value of a “response region” larceny incident in the pre-enactment period; this is the relevant incident value to align with the estimated larceny rate effect) results in an estimate of about \$900,000 for the average annual dollar increase in larceny crime for a state implementing a higher larceny threshold. Thus, even for high-wage labor markets that might experience a long-run increase in larceny rates following enactment of a higher felony larceny threshold, a basic cost-benefit analysis suggests that the average annual cost that would be incurred by a state due to such crime escalation (about \$900,000) is likely exceeded by the average annual benefit that would accrue to the state from incarceration savings (about \$3.1 million).

In summary, given that the incarceration analysis in this report is descriptive, and given observed patterns regarding racial gaps in incarceration, further research and some legislative caution is likely warranted until more is known about the causal impact of felony larceny threshold policy on incarceration outcomes, both overall and across demographic groups. Nevertheless, taken as a whole, the findings in this study suggest that raising felony larceny thresholds achieves advocates’ and legislators’ intended goals, including reducing the range of larceny theft that is generally at risk of a felony conviction, which is associated with declines in the number of imprisoned offenders. Not only do such policy gains appear to contribute to a long-run decline in the intensity and amount of larceny crime in low-wage areas, but even in high-wage areas where the amount of larceny crime increases due to the policy, such crime escalation is likely outweighed by the fiscal savings to state governments from reduced incarceration. Collectively, these effects suggest that raising felony larceny thresholds may provide benefits to state governments, ex-offenders, and non-offenders in New England.

33 More precisely, the estimated effect is 0.39 daily jurisdiction larceny incidents per 1 million residents (see Figure 6), resulting in the stated annual effect of 142 larceny incidents per 1 million residents, rather than 146 larceny incidents per 1 million residents.

34 State-specific population information in 2015 is obtained from US Census Bureau data.

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