

# **If You Build It, They Will Fill It:**

## **The Unintended Consequences of Prison Overcrowding Litigation**

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## **ABSTRACT**

With more than two million people behind bars on any given day, the scale of imprisonment in the U.S. is unprecedented and unparalleled. Incarceration has become so widespread that it has significant effects on labor markets, inequality, wages and citizenship. Research attempting to understand this trend has pointed to the effects of law-and-order politics on incarceration rates. Historically, however, support for “getting tough on crime” has not necessarily translated into political support for expanding prison capacity—which is a necessary condition for mass incarceration. In other words, putting people in prison is easy; building them is not. In this paper, we examine the unintended effect of prison overcrowding litigation on incarceration using newly available information on prison civil rights litigation joined with cross-section time-series data from 49 states from 1972-1996. Our analysis indicates the following: (1) that prison overcrowding litigation is followed by sizeable increases in per capita correctional spending on capital outlays (capacity-building); and (2) that increases in capital outlay spending are followed by increases in the incarceration rate, although this effect is very small. In effect, prison overcrowding litigation has indirectly contributed to mass incarceration by boosting prison capacity.

## **INTRODUCTION**

With more than two million people behind bars on any given day, the scale of imprisonment in the U.S. is unprecedented and unparalleled. Incarceration has become so widespread that it has significant effects on labor markets, inequality, wages and citizenship. Research attempting to explain the “race to incarcerate” has largely looked at the rise of law-and-order politics and changes in sentencing policy and incarceration rates that have occurred as a result. Whether politicians and the media stoked or merely responded to the public’s growing fear of crime, the fact of the matter is that without increased prison capacity, the incarceration rate could not have experienced such a dramatic expansion. However, the politics of prison construction, at least initially, was far more problematic politically than simply getting tough on crime. In other words, putting people in prison was easy; building prisons was not.

To see why this is so, one only need consider the relationship between state and local governments: local actors responsible for sending people to prison (police, prosecutors, and judges) are absolved of the responsibility of ensuring the capacity existed to imprison them. Furthermore, the growth in incarceration in the late 1970s and early 1980s coincided with the tax revolt movement and renewed fiscal and political pressure on state and local governments to tighten their belts. Finally, even if you could fund prison construction, the ‘Not In My Back Yard’ phenomenon made it difficult to site new prisons. The inertia against expanding prison capacity was strong, at least in the formative years of the prison boom (Jacobs 1983-84).

While state departments of corrections are principally in charge of forecasting prison populations and planning expansion, their requests often fall on deaf ears in the

legislature. In this context, prison reform litigation plays an interesting and somewhat paradoxical role. Even though prison officials are typically the defendants in such cases, the “may have much to gain by being a party to lawsuits relating to prison practices and conditions” (Zimring and Hawkins 1991: 214). When state prisons are subject to overcrowding litigation, for example, the need for expanded capacity takes on a new urgency. Thus can overcrowding litigation serves as a catalyst for the expansion of prison capacity, which in turn is a precondition for higher incarceration rates.

In this paper, we examine the unintended effect of prison overcrowding litigation on incarceration rates using cross-section time-series data from 49 states from 1972-1996. Our analysis indicates the following: (1) that prison overcrowding litigation is followed by increases in correctional spending on capital outlays; and (2) that increased capital outlay spending is followed by increases in the incarceration rate. Therefore, prison overcrowding litigation has indirectly contributing to mass incarceration by boosting prison capacity.

## **WHAT WE (DON'T) KNOW ABOUT PRISON REFORM LITIGATION**

Little systematic empirical research exists on the impact of prison reform litigation (PRL). A few detailed case studies have traced how some of the earliest and biggest cases changed prison conditions in their jurisdictions (Carroll 1998; Crouch and Marquart 1989; DiIulio 1990; Martin and Ekland-Olson 1987; Yackle 1989). The 12 largest cases, where the state's entire correctional system was under Federal court order due to crowding, have received the most attention; but these are only a small and highly selective number of total prison cases (Schlanger 2001; 2006), representing only about

2% of all Federal court cases aimed at changing prison conditions, and about 15% of cases where crowding specifically was an issue.<sup>1</sup> If we want to estimate the impact of prison reform litigation in general, we need to at least examine a large, representative sample of cases, if not the entire universe.

A few quantitative studies have looked at the budgetary consequences of PRL (Fliter 1996; Harriman and Straussman 1983; Levitt 1996; Taggart 1989), but in addition to being inconclusive, they are marked by significant data limitations and methodological problems. Existing studies suffer from the following problems: (1) They use only a limited number of relevant cases with no explicit selection criteria (e.g., the most recent study only includes 30 of the 44 states that had been subject to some remedy); (2) They fail to include key control variables to rule out spurious relationships (e.g., there is no independent measure of crowding to determine whether crowding by itself spurs prison expansion even in the absence of litigation); (3) They use time series methods that have been criticized and superseded by more robust models (e.g., they treat each state as a separate time series rather than pooling them together and they omit states that had not been subject to litigation); and (4) They only look at the impact of litigation on budget outlays for corrections, ignoring for example the impact that court orders may have on staffing and programming.<sup>2</sup> The Research Design section below describes how our research improves upon existing studies.

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<sup>1</sup> Estimates based on preliminary research we have conducted using the Civil Rights Litigation Clearinghouse at Washington University (<http://clearinghouse.wustl.edu>), created by Margo Schlanger.

<sup>2</sup> Levitt (1996) is somewhat of an exception here, since he uses pooled time series regression and looks at the effect of crowding litigation on incarceration rates, finding that they reduce incarceration in the short term. But he limits his analysis to the 12 cases affecting all prisons in a state. There is good reason to think that the long term effects could be different and that narrower suits would have different outcomes.

## **THE IRONY OF PRISON REFORM LITIGATION**

There is little doubt that prison reform litigation vastly improved the quality of confinement in the U.S. Prison reformers hoped that “state decision makers would embrace less costly, noncustodial alternatives” when forced to “bear the cost of maintaining constitutional prisons” (Feeley and Rubin 1999:375). But the historical irony is that PRL might in fact have acted as a catalyst for the expansion of prison capacity, which was, in turn, a necessary precondition for mass incarceration (Guetzkow and Schoon 2009; Schoenfeld 2010).

The catalytic effect of PRL is rooted in the way it can shift the balance of political power in states undergoing litigation, giving more power to prison administration officials and their allies. Prison officials seeking to expand their capacity have to fight with other agencies and priorities over a larger piece of the budgetary pie (Jacobs 1983-1984). B when prison officials are targets of, for example, an overcrowding suit, they sit down at the negotiating table with the force of the Federal government behind them, and the need for action takes on a new urgency.

However, the notion that prison officials will automatically respond to overcrowding suits by demanding increased capacity is far from given. James Jacobs (1983-1984: 212-16) observes, for example, that since prison administrators have historically been concerned with maintaining order and control, prison expansion may be viewed as an unnecessary burden and source of uncertainty. He argues that prison administrators could have just as easily pushed for measures that would also give them more control over prisoners, such as discretion over early release mechanisms. The notion that PRL could affect state power dynamics, and that the targets of litigation play a

role in constructing the legitimate response to that litigation bears strong resemblance to recent theorizing in the study of law and organizations, and it is to this similarity that we now turn.

### **“THE ENDOGENEITY OF LAW” AND PRISON REFORM LITIGATION**

The endogeneity of law is a term used by socio-legal scholar Lauren Edelman and her collaborators to describe how the organizational response to injunctive remedies in anti-discrimination lawsuits shaped courts’ perceptions of what counts as compliance (Edelman 2005; Edelman et al. 1999). Their analysis runs along familiar lines: anti-discrimination litigation alters the balance of power in organizations, boosting the relative clout of HR professionals. These professionals and their associations construct a response to lawsuits—for example the adoption of internal grievance procedures—that comes to be viewed as natural and legitimate features of organizations, and which serves to prevent future litigation. We apply this logic to PRL and argue that PRL alters the balance of power in state government, boosting the relative clout of prison administrators. The administrators, along with correctional associations and accrediting bodies, construct a response to lawsuits—for example the adoption of grievance procedures or increased capacity—that come to be viewed as natural and legitimate features of prisons, and which serve to prevent future lawsuits.

The other important feature of the endogeneity of law is the contention that the policies and procedures that organizations adopt in response to litigation may have no significant impact on discrimination; they can be merely window dressing. Likewise, the policies and procedures that prisons have adopted in response to PRL may also have little

impact on prison life. In the words of Al Bronstein, former head and lead litigator of the National Prison Project, “procedural due process ... gets you the fair procedures and then the prison officials make the same old unfair decision” (quoted in Schlanger 1994: 2020, fn. 107). And while due process reforms can be counted as a major achievement of PRL, the efficacy of expanding prison capacity in reaction to prison overcrowding litigation can also be viewed with skepticism: it is not at all clear whether new prison construction has led to less crowding in prisons. Indeed, it seems that prisons overflow virtually the moment they are opened. With the data described below, it is possible, in some cases to compare what reform litigants tried to obtain versus the changes that actually occurred.

## **DATA**

We use cross-section time-series data from 49 states from 1972-1996 to examine the impact of prison overcrowding litigation. The unit of analysis is state-year. The time series ends in 1996 because the Prison Litigation Reform Act went into effect in that year, significantly limiting the ability of courts to intervene in crowding cases (Schlanger 2003; 2006).

### **Prison Capacity**

We examine changes in per capita state spending on capital outlay for corrections and changes in the incarceration rate. We focus on capital outlay spending because it is directly associated with expanding prison capacity, even though it only accounts for about 10 percent of prison expenditures. Data on spending come from the Census Bureau’s Survey of State Government Finances, and incarceration data come from the Bureau of Justice Statistics.

## **Overcrowding Litigation**

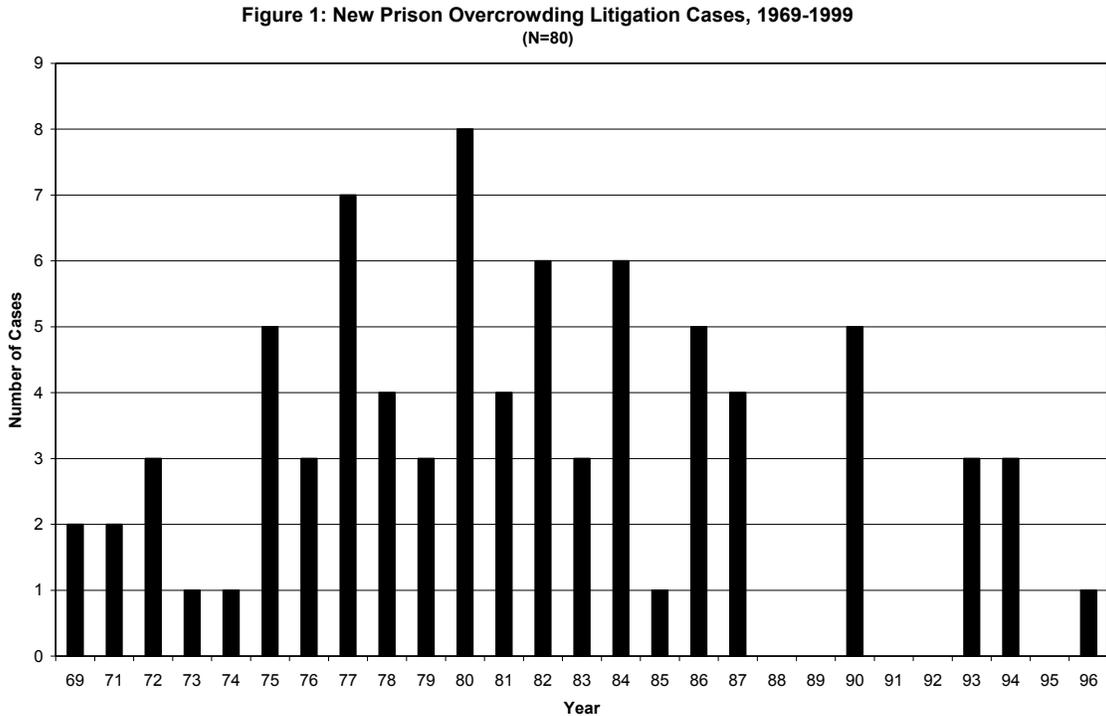
Data on overcrowding come from the Civil Rights Litigation Clearinghouse (<http://clearinghouse.wustl.edu>), which has a comprehensive description of prison civil rights litigation in Federal Courts. In addition to the 12 cases identified by Levitt (1996), where the entire state prison system was under court order or consent decree due to overcrowded conditions, we identified 68 other overcrowding cases from 1969 to 1996, for a total of 80 cases covering 41 states. In some cases these involved only one wing of a particular prison; in others they involved a substantial portion of a state's prisons. Although the effects of overcrowding litigation when narrowly focused might be negligible, there is evidence in the detailed case summaries to indicate that even narrowly focused litigation can have wider effects throughout a state's prison system, as it sets administrators and legislators on notice and acts as an implicit threat of further litigation.

Plaintiffs in 10 of those 80 cases were denied relief, while plaintiffs in 70 cases covering 40 states received some relief from overcrowding, whether in the form of court order, consent decree or settlement. In most cases, there were several points during the trial where action was taken to relieve overcrowding. For example, in a given case the judge could order overcrowding relief, and then some years later a consent decree or settlement could be reached to take further action to relieve overcrowding.

We coded each instance of action taken to relieve overcrowding and created what amounts to a dummy variable that equals 1 in the state-year when the action was taken and 0 otherwise. Thus, a state that experienced several overcrowding suits with multiple actions taken would have a value of 1 for this variable in each of the years the action was

taken. The maximum number of overcrowding litigation actions experienced by a state is 7. Ten states experienced no litigation actions.

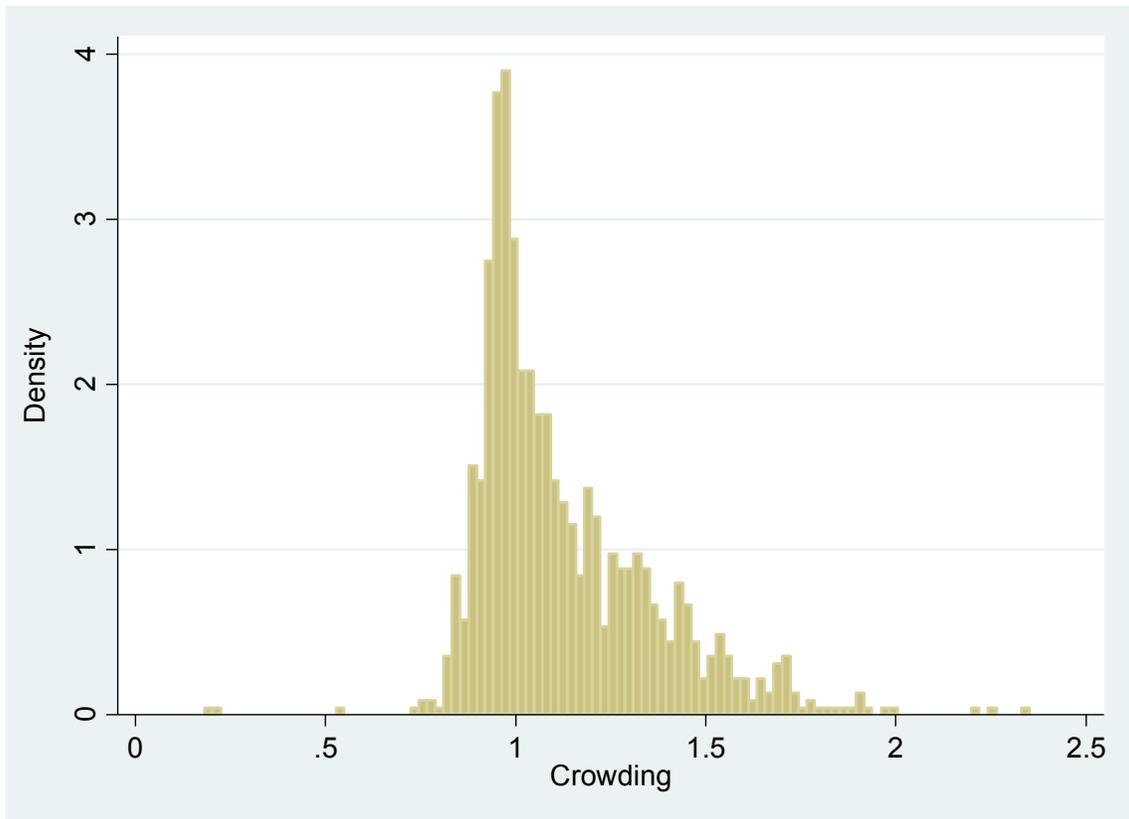
Figure 1 shows the number of new overcrowding cases filed between 1969 and 1996. The number of new cases filed began increasing substantially in 1975, reaching a peak in 1980, then trailing off towards the late 1980s.



### Prison Crowding

Crowding is measured as the ratio of the average daily population of a state's correctional system to the rated capacity of its correctional system. These data come from The

Corrections Yearbook, which was a report put out annually from 1982 to 2002 by a private firm that gathered annual data from surveys of state correctional systems. These data have a few shortcomings: First is that it only starts in 1982. Second, we would ideally want this information for each prison, not just the entire state system, because all it takes to get litigation is one overcrowded prison. Third, “rated capacity” is an imprecisely defined notion, so to some extent can be fudged to conform with the population of the prison. However, if it were completely fungible, we would expect rated capacity to match or exceed the prison population in most cases. Figure 2 displays a histogram of the prison overcrowding measure, which shows that prison systems often operate above rated capacity, even if ratio of prison population to rated capacity tends to cluster at or just under 1:1.



## **Other Variables**

We also control for the following potentially confounding factors: political party control of state government; inter-party competition; the unemployment rate; the poverty rate; percent of a state's population that is African American; total per capita expenditures; the state's fiscal capacity, measured as the ratio of revenues to debt; the violent crime rate; the property crime rate; and the drug arrest rate.

## **METHODS**

We used time-series cross-section (TSCS) data to analyze the impact of overcrowding litigation. TSCS data present some challenging modeling issues. First is the clustered nature of the errors. We use clustered standard errors to correct for this. In order to correct for serial correlation and the problem of non-stationarity (secular trends in the data), we transform all non-dummy variables to first-differences. Therefore, we are examining the impact of year-over-year changes in the independent variables on year-over-year changes in the dependent variables. Examining first-differences renders the use of state fixed effects unnecessary, and the results are virtually identical when they are included. We do, however, include year fixed effects and weights for state population.

## **FINDINGS**

The analysis consists of three parts. First, we examine the impact of overcrowding litigation on prison crowding, to see whether it had its intended effect. Then we look at the impact of prison overcrowding litigation on changes in capital outlays to examine

whether it has had an effect on prison capacity. Finally we look at the impact of capital outlays on incarceration rates.

Table 1 shows that, on average, prison overcrowding litigation had no discernible impact on prison crowding itself, which remained unchanged after an overcrowding litigation action occurred. Additional analyses indicated no lagged effect for overcrowding litigation.

Model A in Table 1 indicates that court action to relieve overcrowding (a court order, a consent decree or a settlement) is associated with a \$1.74 increase in per capita capital outlay spending. Considering that average state per capita spending on corrections capital outlay is between \$3 and \$15 over this period, this is quite a large effect. This is significant at the 0.1 significance level in a two-way test. In Model B of Table 2, we restrict our analyses only to the years for which we have data on the population-to-capacity ratio, because cross-section time-series models are sensitive to the time span analyzed. We use Model B as a baseline to compare with Model C, which does include the control variable for actual prison crowding. Prison overcrowding litigation had an even larger impact during this latter period, with a coefficient of 2.62, which remains virtually unchanged after the introduction of the overcrowding variable in Model C.

Table 3 analyzes the impact of capital outlays for corrections, overcrowding litigation and overcrowded conditions on the incarceration rate. As the allocation of funds for prison construction typically takes 3-5 years before it results in new capacity, we tried different lags and found effects at a 4-year lag. These models indicate that prison overcrowding litigation, as well as prison crowding itself, does not result directly in an increase in the incarceration rate. Indirectly it has a small effect by boosting prison

capacity, which has a direct effect on the incarceration rate. Specifically, a \$1 change in per capita spending is associated with an increase of 0.175 (Model A) in the incarceration rate. Since prison litigation on average results in an increase of between \$1.70 and \$2.60, its indirect impact on the incarceration rate is very small.

## REFERENCES

- Zimring, Frank and Gordon Hawkins. 1991. *The Scale of Imprisonment*. Chicago: University of Chicago Press.
- Carroll, Leo. 1998. *Lawful Order: A Case Study of Correctional Crisis and Reform*. New York: Garland Publishing.
- Crouch, Ben and James Marquart. 1989. *An Appeal to Justice: Litigated Reform of Texas Prisons*. Austin, TX: University of Texas Press.
- DiIulio, John. 1990. *Courts, Corrections, and the Constitution: The Impact of Judicial Intervention on Prisons and Jails*. New York: Oxford University Press.
- Edelman, Lauren. 2005. "The Endogeneity of Law: Civil Rights at Work." In Robert Nelson and Laura Beth Nielsen, eds., *Handbook on Employment Discrimination Research: Rights and Realities*. New York: Kluwer Academic Press.
- Edelman, Lauren, Christopher Uggen and Howard S. Erlanger. 1999. "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth." *American Journal of Sociology*, 105:406-454.
- Feeley, Malcolm and Edward Rubin. 1999. *Judicial Policy Making and the Modern State: How the Courts Reformed America's Prisons*. Cambridge University Press.
- Fliter, John. 1996. "Another Look at the Judicial Power of the Purse: Courts, Corrections, and State Budgets in the 1980s." *Law and Society Review*, 30(2):399-416.
- Gilmore, Ruth. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley, University of California Press.
- Guetzkow, Joshua and Eric Schoon 2009. "The Unintended Consequences of Prison Reform Litigation." Paper presented at the annual meeting of the American Society of Criminology, Philadelphia.
- Harriman, Linda and Jeffrey Straussman. 1983. "Do Judges Determine Budget Decisions? Federal Court Decisions in Prison Reform and State Spending for Corrections." *Public Administration Review*, 43:343.
- Jacobs, James. 1983-1984. "The Politics of Prison Expansion." *New York University Review of Law and Social Change*, 12:209-241.
- Levitt, Steven. 1996. "The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Legislation." *The Quarterly Journal of Economics* 111:319-351.
- Martin, Steve and Sheldon Ekland-Olson. 1987. *Texas Prisons: The Walls Came Tumbling Down*. Austin, TX: Texas Monthly Press.
- Rush, George. 2001. *Inside American Prisons and Jails*. New York: Wadsworth.
- Schlanger, Margo 1999. "Beyond the Hero Judge: Institutional Reform Litigation as Litigation." *Michigan Law Review*, 97:1994-2036.
- . 2003. "Inmate Litigation." *Harvard Law Review*, 116(6): 1557-1701.
- . 2006. "Civil Rights Injunctions over Time: A Case of Study of Jail and Prison Court Orders." *NYU Law Review*, 81:550-630.
- Schoenfeld, Heather. 2010. "Mass Incarceration and the Paradox of Prison Conditions Litigation." *Law and Society Review* 44(3/4): 731-767.
- Taggart, William. 1989. "Redefining the Power of the Federal Judiciary: The Impact of Court-Ordered Prison Reform on State Expenditures for Corrections." *Law and Society Review*, 23(2):241-271.
- Winship, Christopher and Stephen Morgan. 1999. "The Estimation of Causal Effects

- from Observational Data.” *Annual Review of Sociology*, 25:659-707.
- Yackle, Larry. 1989. *Reform and Regret: The Story of Federal Judicial Intervention in the Alabama Prison System*. New York: Oxford University Press.
- Zimring, Frank and Gordon Hawkins. 1991. *The Scale of Imprisonment*. Chicago: University of Chicago Press.

**Table 1. Determinants of Changes in  
Prison Overcrowding, 1982-1996**

<b>Overcrowding Litigation Action</b>	<b>0.002</b> <b>(0.013)</b>
<b>Democratic Governor</b>	<b>-0.015<sup>^</sup></b> <b>(0.008)</b>
<b>Δ % Democratic Legislators</b>	<b>-0.179</b> <b>(0.224)</b>
<b>Δ Inter-party competition</b>	<b>-0.003<sup>^</sup></b> <b>(0.002)</b>
<b>Δ Unemployment rate</b>	<b>0.408</b> <b>(0.845)</b>
<b>Δ Poverty rate</b>	<b>-0.007<sup>^</sup></b> <b>(0.004)</b>
<b>Δ Percent black</b>	<b>-0.001</b> <b>(0.004)</b>
<b>Δ Income per capita</b>	<b>-0.001</b> <b>(0.016)</b>
<b>Δ Revenue-to-debt ratio</b>	<b>0.057</b> <b>(0.095)</b>
<b>Δ Violent crime rate</b> <b>(per 10,000)</b>	<b>-0.001</b> <b>(0.002)</b>
<b>Δ Property crime rate</b> <b>(per 10,000)</b>	<b>-0.000</b> <b>(0.000)</b>
<b>Δ Drug arrest rate</b> <b>(per 10,000)</b>	<b>0.000</b> <b>(0.000)</b>
<b>Intercept</b>	<b>0.014</b> <b>(0.021)</b>
<b>N</b>	<b>719</b>
<b>R squared</b>	<b>0.04</b>

**\*\* p<0.01; \* p<0.05; ^ p<0.10 two tailed**

**Independent variables are lagged 1 year.**

**Table 2. Determinants of Changes in Per Capita Expenditures on Corrections Capital Outlays**

	Model A '70-'96	Model B '82-'96	Model C '82-'96
<b>Overcrowding Litigation</b>	<b>1.740**</b> (0.590)	<b>2.624*</b> (1.030)	<b>2.658*</b> (1.036)
<b>Crowding</b>	--	--	<b>1.943</b> (1.990)
<b>Democratic Governor</b>	<b>0.382</b> (0.416)	<b>0.555</b> (0.693)	<b>0.589</b> (0.697)
<b>Δ % Democratic Legislators</b>	<b>-5.759</b> (4.967)	<b>-10.142</b> (9.379)	<b>-9.578</b> (9.526)
<b>Δ Inter-party competition</b>	<b>-0.067^</b> (0.038)	<b>-0.078</b> (0.078)	<b>-0.074</b> (0.078)
<b>Δ Unemployment rate</b>	<b>4.904</b> (31.248)	<b>1.276</b> (57.895)	<b>0.590</b> (56.980)
<b>Δ Poverty rate</b>	<b>0.163</b> (0.139)	<b>0.234</b> (0.156)	<b>0.222</b> (0.161)
<b>Δ Percent black</b>	<b>-0.211</b> (0.208)	<b>-0.329</b> (0.249)	<b>-0.328</b> (0.248)
<b>Δ Income per capita</b>	<b>1.230*</b> (0.596)	<b>1.454</b> (0.946)	<b>1.413</b> (0.962)
<b>Δ Revenue-to-debt ratio</b>	<b>2.469^</b> (1.411)	<b>7.719*</b> (2.951)	<b>7.854*</b> (2.943)
<b>Δ Violent crime rate (per 10,000)</b>	<b>-0.008</b> (0.083)	<b>0.006</b> (0.121)	<b>0.000</b> (0.121)
<b>Δ Property crime rate (per 10,000)</b>	<b>0.004</b> (0.016)	<b>0.007</b> (0.022)	<b>0.007</b> (0.022)
<b>Δ Drug arrest rate (per 10,000)</b>	<b>0.007</b> (0.028)	<b>0.026</b> (0.046)	<b>0.027</b> (0.046)
<b>Intercept</b>	<b>-0.979</b> (0.795)	<b>-2.528</b> (2.031)	<b>-2.612</b> (2.051)
<b>N</b>	<b>1,213</b>	<b>670</b>	<b>670</b>
<b>R squared</b>	<b>0.07</b>	<b>0.08</b>	<b>0.08</b>

**\*\* p<0.01; \* p<0.05; ^ p<0.10 two tailed**

Independent variables are lagged by one year.

**Table 3. Determinants of Changes in Incarceration Rates**

	<b>Model A</b>	<b>Model B</b>
<b>Δ Per Cap Correctional Outlays</b> (4-yr lag)	<b>0.175*</b> (0.072)	<b>0.198*</b> (0.085)
<b>Crowding Litigation</b> (4-yr lag)	<b>0.071</b> (2.383)	<b>0.575</b> (3.934)
<b>Crowded Conditions</b> (4-yr lag)	--	<b>-9.844^</b> (5.055)
<b>Democratic Governor</b>	<b>2.470</b> (2.289)	<b>3.874</b> (3.295)
<b>Δ % Democratic Legislators</b>	<b>-28.435^</b> (15.819)	<b>-32.432</b> (31.288)
<b>Δ Inter-party competition</b>	<b>0.347</b> (0.324)	<b>0.876</b> (0.581)
<b>Δ Unemployment rate</b>	<b>193.422</b> (118.630)	<b>317.981^</b> (168.685)
<b>Δ Poverty rate</b>	<b>0.214</b> (0.267)	<b>0.070</b> (0.354)
<b>Δ Percent black</b>	<b>-0.216</b> (0.412)	<b>-0.221</b> (0.463)
<b>Δ Income per capita</b>	<b>0.433</b> (1.449)	<b>-2.462</b> (2.315)
<b>Δ Revenue-to-debt ratio</b>	<b>3.511</b> (2.708)	<b>14.472</b> (10.892)
<b>Δ Violent crime rate</b> (per 10,000)	<b>0.378^</b> (0.201)	<b>0.690^</b> (0.373)
<b>Δ Property crime rate</b> (per 10,000)	<b>-0.166</b> (0.135)	<b>-0.265</b> (0.193)
<b>Δ Drug arrest rate</b> (per 10,000)	<b>0.041</b> (0.043)	<b>0.040</b> (0.074)
<b>Intercept</b>	<b>14.410**</b> (2.445)	<b>6.015</b> (5.287)
<b>N</b>	<b>1,025</b>	<b>526</b>
<b>R squared</b>	<b>0.20</b>	<b>0.18</b>

\*\* p<0.01; \* p<0.05; ^ p<0.10 two tailed  
Independent variables lagged by one year.