
GOALS OF PUNISHMENT AND DETERRENCE THEORY



FOUR GOALS OF PUNISHMENT

- Deterrence
- Incapacitation
- Rehabilitation
- Retribution

DETERRENCE

- Punishment deters future crime through
 - Specific deterrence
 - General deterrence
- What makes for an effective deterrent?
 - Swift
 - Certain
 - Severe
- Why might the threat of a prison sentence deter serious crime?
- Why might the threat of a prison sentence **not** deter serious crime?

INCAPACITATION

- The principle of 'taking dangerous criminals off the streets'
- Less emphasis on this goal for a few main reasons
 - Very few crimes receive a life sentence
 - Does not have a general deterrent effect, only a specific deterrent effect
 - Incarceration is expensive, should investigate other solutions to crime
 - Prison can have a **criminogenic** effect on inmates

REHABILITATION

- Rehabilitation involves providing social services to those who have committed crime
- Prisons generally ineffective
- More applicable to probation sentences

RETRIBUTION

- 'Just desserts'
- Societal demand to see 'justice'
- Concern that citizens will seek out vigilante justice

PUNISHED: POLICING THE LIVES OF BLACK AND LATINO YOUTH

- Which goals of punishment do you think the police in this book are most concerned with?
- Do you think the police are effectively deterring crime? Why or why not?

POTENTIAL FIFTH GOAL: RESTORATIVE JUSTICE

- Involves having offender confront the consequences of their actions
- Might involve individual and group therapy
- Addressing root causes of crime

DETERRENCE THEORY

- Deterrence – the prevention of criminal acts by the use or threat of punishment
 - Specific deterrence – the effect of punishment on the future behavior of the person who experiences the punishment
 - General deterrence – assumed preventive effect of the threat of punishment on the general population (i.e. potential offenders)
- Recidivism – refers to "falling back" into criminal behavior after having been punished
- Contrast effect – effect of punishment on future behavior depends on how much the punishment and the usual life experience of the person being punished differ or contrast

PERCEPTUAL DETERRENCE THEORY

- A theory of deterrence that refers to offenders' perception of the likelihood of arrest and how severe they believe the punishment will be for a crime if caught
- Three components of effective punishment
 - **Certainty – how likely it is that the offender will be punished**
 - Severity – how severe the penalty is
 - Celerity – how swift the punishment is applied
- **Potential punishment** is not an effective deterrent

EARLY SCHOOLS OF THOUGHT IN CRIMINOLOGY

- Classical school – nonempirical mode of inquiry similar to philosophy practiced by classical Greek philosophers
 - Beccaria advocated for freedom from cruel and unusual punishment, right to a speedy trial, and right to confront one's accusers
 - Jeremy Bentham outlined principle of hedonistic calculus, stating that human nature is hedonistic, rational, and possessed of free will
- Positivist school – embraces scientific principles
 - Seeking measurable causes of behavior
 - Cesare Lombroso considered father of criminology

WHICH SCHOOLS OF THOUGHT IS DETERRENCE MOST COMPATIBLE WITH?

- Requires acknowledgment of free will and rationality
- Not compatible with idea of "born criminal"
- Principles from both sociology and psychology
 - Individual
 - Groups
- Not all punishment has the same effect
- **Classical school** of criminology supports principles of deterrence theory

WHICH CRIMINAL
JUSTICE
SANCTIONS DO
YOU THINK
EFFECTIVELY
DETER CRIME?

WHICH CRIMINAL
JUSTICE
SANCTIONS DO
YOU THINK ARE
INEFFECTIVE
DETERRENTS?

DO YOU THINK
THE DEATH
PENALTY DETERS
CRIME?

THE DEATH PENALTY

- Mixed evidence
- Nagin and Pepper (2012) prepared a report for the Committee on Law and Justice at the National Research Council
 - State that existing research does not account for potential deterrent effect of non-capital punishment
- Manski and Pepper (2013) examine data from 1975-1977 and find inconclusive results
 - Depends on assumptions
- Decker and Kohfeld (1984) examine data from 1933-1980 from Illinois and find no deterrent effect of the death penalty
- Many studies find inconclusive results
 - Selection bias
 - Counterfactuals

PATERNOSTER AND BRAME (2008)

- Credited for building a case to abolish the death penalty in Maryland
- Inconclusive evidence on deterrence
- Prior findings suggest individuals who kill white victims have a greater risk of the death penalty than people who kill Black victims
- Paternoster et al. (2003) found that Black offenders who kill white victims were more likely to face death penalty
- Berk, Li, and Hickman (2005) questioned these findings
- This article featured new analyses that provide strong evidence that Black defendants who kill white victims face greater risk of severe penalties

THE DEATH PENALTY

<https://www.youtube.com/watch?v=ceVYO03zcZU>