

Review

The effects of punishment in relation to offenders, the population and victims

Background and objectives:

- The aim of the report is to describe empirical, research-based knowledge of the effects of legal punishment of offenders in relation to the offenders themselves, the population and any victims. The review is based on a variety of potential purposes of punishment.

Research design:

- The report is based on a literature review of relevant research.
- An initial formulation of the eligibility criteria for studies was based on literature from the philosophy of law which was supplemented by systematic literature reviews similar to the current one. Research on individual prevention measures was only deemed eligible if it was published after 2015 as the Research Division of the Danish Ministry of Justice reviewed these types of studies in a separate report in 2015.
- Relevant and eligible literature was found using Criminal Justice Abstracts, Academic Search Complete and Google Scholar and using a set of predefined key words in English.
- Literature from the Nordic countries was found using the web pages of relevant research institutions etc.
- Inclusion and prioritisation of studies in the report was based on their relevance and quality.
 - The relevance of studies was assessed based on their applicability in a Danish context.
 - We assessed the quality of studies, prioritising meta-analyses and systematic literature reviews. Individual studies were assessed using the Maryland Scientific Methods Scale.
- The report is organised into one part concerning the effects of a punitive system as a whole, one part concerning processes that may result in punishment (i.e. crime reports, arrests, criminal charges etc.) in relation to offenders and populations and three parts concerning legal punishment (i.e. convictions, sentencing and corrections) in relation to offenders, populations and victims, respectively.

Findings:

The effects of a punitive system as a whole

- The effects of a punitive system as a whole are hard to measure. A number of central theoretical contributions are mentioned while the empirical effects of a punitive system are indicated by historical studies of the development of punitive systems in relation to murder rates as well as by the impact of criminalisation and legalisation.

The effects of processes that may result in punishment

- A few studies show crime prevention effects of the certainty of punishment regarding offenders. The results are mixed as regards the speed (celerity) of punishment in relation to offenders.
- A larger number of studies show crime prevention effects of the certainty of punishment in relation to the population in general. The effect sizes vary with the method used to increase the certainty of punishment. Studies of the speed (celerity) of punishment in relation to the population are of low quality and tend to either show no effect or an uncertain crime prevention effect.

The effects of legal punishment

- Quite a lot of studies assess the effects of punishment in relation to the individual offender.
 - A large body of robust research shows relatively small incapacitation effects of imprisonment.
 - A large number of robust studies assess the individual crime prevention effects of the severity of punishment in relation to offenders. Studies based on the length of prison sentences typically find no effect of these.
 - A large number of robust studies assess the effects of the severity of punishment by comparing the effects of prison sentences with the effects of other types of punishment. Most studies find no effect, though some studies find that serving a prison sentence increases the risk of recidivism compared with other types of punishment. An exception concerns traffic violations where the highest quality studies show that more severe punishments decrease the risk of criminal recidivism.
- The effects of punishment in relation to the population concern general prevention effects and the opinions and emotions of the population regarding punishment.
 - General prevention studies of the deterrent effects of punishment are very hard to research which makes it difficult to draw any general conclusions. A large number of robust studies assess these effects. Most find no unequivocal evidence of general crime prevention effects, though a few studies find modest crime prevention effects.
 - A number of robust studies show that the population tends to support more severe punishments when they are asked about punishment in general. The studies also show that the population has a relatively low level of knowledge about the severity of actual legal sanctioning and that the population tends to want less severe sanctions when they are presented with more information about a specific offence.
 - A number of studies have shown how punishment of criminals affect the emotions and opinions of the population, but only a few of these studies can be considered robust. Two studies also indicate increasing support for vigilantism if offenders are not punished or the police do not take action.
 - A large number of studies have examined the motives of the population regarding punishment. A number of these studies are of low quality and the results need to be interpreted with care. Some studies find that the population typically wants serious crime to be punished in proportion to the seriousness of the crime, while they want punishment for less serious crime to be based on restorative justice. Other studies compare support for the principle of proportionality with utilitarian principles and find greater public support for the former.
- Only a few studies examine the effects of punishment in relation to crime victims and many are of low quality. The following conclusions should be viewed as uncertain.
 - A number of studies show a connection between legal punishment of the offenders (including the severity of punishment) and victim satisfaction with the legal system.
 - A few studies examine the connection between legal punishment and feelings of revenge, finding indications of a short-term but not a long-term connection between the two.
 - A number of studies examine the connection between legal punishment and psychological well-being. The results are mixed and hard to compare as the studies use different measures of psychological well-being. Some studies indicate that financial compensation from the offender may have a positive effect. Studies using validated, standardised measures for psychological well-being tend to find no effect while studies using subjective satisfaction with legal punishment instead of objective measures tend to find an effect.

- A few studies examine the importance of personal safety and safety for other potential victims, finding that this is an important motive among victims for legal punishment of the offender.