

**Author:** Sabine Hohmann-Fricke

**Title:** Effects of Punishment and Reconviction – Is it Possible to Evaluate the Prevention of Recidivism on the Basis of Criminal Record Data?

**Source:** Georg-August-University Göttingen, eDiss 2014

## Table of Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>7</b>
<b>2.</b>	<b>THEORETICAL AND EMPIRICAL FRAMEWORK.....</b>	<b>9</b>
2.1.	Crime Theories and Prevention.....	9
2.2.	Objectives of Punishment and Sentencing.....	12
2.3.	Sanctioning and Prevention of Recidivism .....	13
2.4.	Contradictory Assumptions of the Labeling Approach.....	31
2.5.	Empirical Evaluation of the Prevention of Recidivism.....	33
2.6.	Summary – Research question .....	49
<b>3.</b>	<b>Course of the Study and Methodological Approach.....</b>	<b>50</b>
3.1.	The Data Basis: The Federal Central Register of Criminal Records .....	50
3.2.	Data Mining .....	54
3.3.	Categorization of Variables.....	76
3.4.	Summary .....	84
<b>4.</b>	<b>Critical Analysis of the Empirical Results with Respect to the Prevention of Recidivism .....</b>	<b>87</b>
4.1.	Comparing Data on Reconviction (2004 and 1994) .....	87
4.2.	Sentences for Adults.....	91
4.3.	Juvenile Sentences .....	97
4.5.	Sentences for Traffic Offences.....	115
4.6.	Additional Factors of Influence .....	120
4.7.	Summary .....	129

<b>5.</b>	<b>Multi-factorial Analysis</b>	132
5.1.	The Sample	133
5.2.	The Method	146
5.3.	Simple Theft	148
5.4.	Aggravated Theft	158
5.5.	Traffic Offences and Sanctions Related to This Offence Group	165
5.6.	Summary and Discussion	176
<b>6.</b>	<b>Analysing the Time until Reconviction</b>	179
6.1.	Sample and Method	180
6.2.	Development of Reconviction Rates	185
6.3.	Time until Reconviction and Different Kinds of Sanctions	192
6.4.	Prison Sentences According to Adult and Juvenile Criminal Law	196
6.5.	Time until Reconviction and Other Related Factors	217
6.6.	Event Analysis	236
<b>7.</b>	<b>Summary, Conclusions, Future Prospects</b>	259
7.1.	Summary and Conclusions	259
7.2.	Future Prospects	263

## **Abstract**

Individual prevention – meant as the reduction of recidivism via rehabilitation, deterrence and incapacitation – is seen as one of the most important tasks of criminal justice. In contrast to this the labeling approach assumes negative effects of punishment in form of strengthening the deviant behavior. There is no clear evidence whether the criminal justice in Germany has such negative or positive effects. Criminological studies on the effects of treatment do not present unequivocal results. In addition, most of them have temporal and regional limits.

The project presented here has studied the question if the object of criminal justice to influence the individual prevention can be empirically proved on the basis of data from the federal national register of criminal records. The study is based upon data and analyses presented in the framework of the so called “Legalbewährungsuntersuchungen” (reconviction studies) 1994-1998 and 2004-2007. The descriptive results of these studies are critically reviewed. Through applying quasi-experimental and multi-factorial methods the data analysis is refined where it seems necessary and reasonable. Thus the effects of person and offence related predictors are controlled in order to isolate the effects of sanctioning. Additionally the time-period of (non)reconviction after different forms of sanctions are described and differentiated through event analyses.

The results demonstrate a weak, but independent effect of sanctioning even when controlling other predictors. The majority of cases show smaller (monthly) reconviction rates after less punitive ambulant sanctions than after more severe sanctions. But the conclusion of negative effects of punishment is premature. In this respect further and differentiate analyses of more homogeneous groups of offenders and regional comparisons are needed.