

# Germany's incarceration system compared the united states

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Germany's incarceration system compared the United States Germany's incarceration system compared the United States Comparing Germany's incarceration system with that of the United States proves to be an interesting case because it highlights several deficiencies of the American incarceration system and its criminal justice system in general. The comparison revealed that United States has a penchant of locking up its citizens at a rate five to eight times compared to its counterparts in the industrialized world yet it still has a criminality rate comparable with the rest of the industrialized countries. Comparing United States Germany, United States locks up 756 per 100, 000 of its population compared to Germany's 89 prisoners per 100, 000 of its population. This figure alone showed that United States makes a heavy use of the custodial sanction per capita as a penalty to its erring citizens while Germany sparingly use it (Walmsley, 2009). To stress United States extent of locking up offenders, United States is home to only 5% of the world's population but has 25% of the world's prisoners. It can be argued that the reason for such a high incarceration in the United States is because of its high criminality rate. A close look at the crime rate in the United States however revealed that its criminality rate is only in the median compared with its counterparts in the industrialized world (Mackenzie and Weiss, 2009). Unlike United States, Germany's criminal justice system avoids meting out prison term to light offenses but instead implement suspended terms and heavy fining (Lynch, 1988). Its legislature believe in reforming offenders and avoid meting out custodial sanction as a penalty to petty crime because it only introduces the individual to a criminal subculture thus making them more hardened criminals. It is also economical

because German justice system does not have to maintain large facilities to house large population of inmates. They even derive income from it through the policy of fining instead of locking offenders. United States stark difference in its incarceration system compared to Germany can be gleaned from its subscription to deterrence theory whereby its criminal system believes that punishment deters an individual from committing a crime. This was evident with President Clintons signing into law Violent Crime Control and Law Enforcement Act (Library of Congress nd) whereby crimes in the United States dramatically dropped while ballooning the population of its prison. Mayor Guilliani's broken window approach also earned popularity in New York whereby the slightest of offenses were meted with harsh punishment believing that the city's intolerance towards small crimes will send a message that heavy crimes will not go unpunished and thus, deterring criminality. This policy however also ballooned the population of United States' prison which explains why 25 percent of the world's prisoners are in America. Inferring from the abovementioned facts, it showed the differences in the orientation and value system of the two countries. Given that both countries want to curb if not eliminate criminality to make its community safer, both however employs different methods to fight criminality. United states adopt the tough stance employing harsher penalties for crimes committed. It also believed in deterring crime through the presence of police officers and the three strikes law whereby anyone who is convicted of the same violent crime three times will be meted 25 years to Life. Germany on the other hand adopts a different approach. German criminal system embraced the idea that imprisoning an individual for minor

offenses does more harm than good. It disrupts the offender's ties with family, job, and friends, introduces the offender into the prison subculture, and stigmatizes the offender for the rest of his or her life (Weigand, 1997). Consistent with this belief, Germany instead use suspended sentences, fines and earlier eligibility for parole release. Its prison system was also designed to reform its inmates compared to United States whose prison system were believed to breed hardened criminals. In sum, Germany's incarceration system is more oriented towards reforming the offender while United States incarceration system is more oriented towards punishing its criminals. Of the incarceration system between these two countries, Germany has the sound criminal system because offenders are more likely to be reformed. United States incarceration system on the other hand is prone to excess and does not seek to reform offenders but rather punish them. This is evident with a Supreme Court decision whereby a man convicted of stealing a \$153 worth of videotapes from a department stores was meted a 50 years of prison term to Life (Mauer, 2003) and the excessive number of its prisoners compared to Germany. References Lynch, James P. (1988). A COMPARISON OF PRISON USE IN ENGLAND, CANADA, WEST GERMANY, AND THE UNITED STATES: A LIMITED TEST OF THE PUNITIVE HYPOTHESIS. *Journal of Criminal Law & Criminology*, 79(1): 180-217. MacKenzie, Doris Layton; Weiss, Douglas B (2009). Other Countries Have Successfully Reduced Incarceration Rates Without Increasing Crime: We Can Do It!. *Victims & Offenders*, 4(4): 420-426 Marc Mauer, Mark (2003). Comparative International Rates of Incarceration: An Examination of Causes and Trends. Presented to the U. S. Commission on Civil Rights. [http://www. sentencingproject](http://www.sentencingproject).

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