

The deterrence theory essay sample



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Abstract

There is a general view that severe penalties will deter future crimes; however, the general view is largely wrong. The probability of punishment is more significant than the severity of penalty in preventing crime. The overcrowding of prisons would clearly indicate that the threat of severe penalties do not effectively deter criminals from committing crimes. The government must place importance on getting tough with criminal offenders and more on attacking the root causes of criminal behaviour as well as providing treatment to the criminal offenders.

Introduction

Majority of psychologists characterize penalty as a method of presenting a consequence, sanctioned after a behaviour, which designs to reduce the intensity or regularity with which the behaviour transpires. The consequence of penalty can be either providing an adverse motivation or removing advantageous motivation. Nevertheless, the idea in either case is that penalty decreases the likelihood of the behaviour from taking place again. Penalty can vary in force together with a scale from mild to severe.

The efficiency of penalty relates to how far it is thriving in restraining the undesired behaviour of people. Even though the outcomes are not automatically the same, the effectiveness of penalty is depended upon ways that work in general, and those that work with particular populations. Psychological research on the effectiveness on the intensity of punishment in deterring crime revealed that mild penalty can be effective in altering

behaviour, but the evidence is less apparent concerning the effectiveness of severe penalty (Wayne State University, 2003, n. p.).

Since the early days of the republic, Americans have argued over the effectiveness of severe punishments, particularly the death penalty, in deterring criminals. At present, high-profile cases present numerous opportunities for debates between opponents and proponents of capital punishment. Severe form of punishment has several negative consequences, namely: the criminal's greater possibility of escape or avoidance; isolation of those penalized, to the point of inaction; sternness by those penalized, both generalized and targeted; conditioning the punishers through rewarding them for the change of behaviour; and replicating punishment behaviour to those penalized (Wayne State University, 2003, n. p.).

In harmony with several proven facts and majority's opinion, it is respectfully argued by the writer of this paper that severe penalties are outdated practices that do not deter crime; and people who were later found innocent have been executed, in cases of death penalty.

Does Severe Penalties Deter Crime?

There is a general view that severe penalties will deter future crimes; however, the general view is largely wrong. Science needs facts and cannot be grounded on hope, assumption or a faith. The deterrent effect of penalty depends on much more than its severity, and the assumption that “ the greater the severity of penalty, the greater the deterrence” is clearly misguided. In fact, there is just as much evidence that severe penalties promote widespread brutality, encourage martyrs, etc. According to the <https://assignbuster.com/the-deterrence-theory-essay-sample/>

latest report by the criminologists of the University of Toronto, severe sentences do not deter people from perpetrating crimes. Anthony Doob, professor of the aforesaid university and author of the report, “ Sentence Severity and Crime: Accepting the Null Hypothesis,” concurred to the criminologists’ findings.

Like addicts, criminals are not much frightened by severe punishment or by the intimidation of such penalty. If depression prevented either crime or addiction, there would be no drunks today. Further, mental health professionals who worked with notorious criminals, especially those criminals whose personality embraced criminalization; do not consider that severe penalties will deter the aforesaid criminals from committing further crimes. Definitely, severe penalties have only a restricted value to control people’s behaviour.

Jim Davidsaver, a two-decade veteran with the Lincoln Police Department in Nebraska, witnessed several horrifying crime scenes. He said, “ I have experienced numerous violent crime scenes where criminals caused shocking suffering, injury and pain on their helpless victims; and I do not believe any of them was prevented in the slightest by Nebraska’s death penalty.”

The probability of punishment is more significant than the severity of penalty in preventing crime. It is not the severity of penalty that causes individuals to pause prior to their commission of crime; rather, it is the possibility of being caught. Threatening people with severe penalties has a little force if

few criminals are arrested and penalized. The evidence that crimes do not pay is what criminals need most.

Imprisonment as a Deterrent

In the United States, imprisonment is the major punishment for crime. The customary line of attack is that imprisonment is designed to deter future crimes. In all the States, the incarceration is termed “ corrections.” However, no part of prison is aimed at correcting. Nevertheless, there are some real effects of imprisonment, they are: prison has a brief and small deterrent effect; prisons trains criminals how to be better at transgression; prison make criminals more dangerous, antisocial and vicious for the reason that prisons hardens them; prisons makes the criminal want revenge on the society which took retribution on him; and prison damages society by breeding violence and evil (Frazer, n. d.).

While imprisonment has only a trivial effect as a deterrent of future crimes, it does have some effect. However, the preventive outcome of prison is dependent upon two aspects, namely the age at which the criminal is first incarcerated, and the time spent by the said criminal in prison (Frazer, n. d.). In broad-spectrum, imprisonment is a more effective deterrent in the later life of an individual and it becomes gradually less effective as deterrent the longer the criminal remains imprisoned.

Studies show that the deterrent advantage of imprisonment amplifies for about two years (Frazer, n. d.). Subsequent to that it reduces extremely rapidly. Before a criminal has exhausted five years in prison, any deterrent advantage turns in the reverse direction. An imprisonment of five years

indicates the prisoner is twice as expected to perpetrate future crimes than if he had not been at all imprisoned (Frazer, n. d.). For every year after five years of imprisonment, criminal personality of the incarcerated becomes more apparent in the future (Frazer, n. d.). Additionally, the types of criminal activity have a tendency to become more destructive, serious and worse. None of this gives out to put precisely a figure on the deterrent effect of imprisonment.

In all these cases, the fact remains that even though there is some deterrent effect, it is not a confirmation of the common analysis that prison is crime prevention. The sum of the deterrence is not immense. It is without a doubt not worth the negative effects which incarceration produces to a person.

Death Penalty as a Deterrent

Loss of innocent life is often the results of death penalty. Even the likelihood that someone guiltless might die is reason enough to prohibit the death penalty. Capital punishment is the definitive censure of civil liberties, is an expensive, barbaric and irreversible practice, the embodiment of unusual and cruel punishment. It does not deter crime, and the manner it is employed is monstrously unfair.

Severe penalties, like death penalty does not provide safer communities. Wisconsin, which has not had the death penalty for more than a century, has a murder rate that is half that of States like Florida and Texas that employs death penalty habitually (WCADP, 2006, p. 1). The rate of murder in Canada has dropped by 27 percent from the time the death penalty was eliminated in 1976 (WCADP, 2006, p. 1). In addition, a New York Times investigation

revealed that the rate of homicide in States with death penalty have been 48 to 101 percent higher as compared to those without the capital punishment (WCADP, 2006, p. 1). Clearly, severe penalties are not deterrent to crime; people do not think about the death penalty before they execute a heinous crime.

Social science investigation has discredited the assertion that death penalty and other severe penalties deter heinous crimes. The preponderance of heinous crimes is committed in the heat of passion, or under the influence of drugs or alcohol, when there is diminutive though specified to the potential consequences of the act. Murderers and “hit men” who plan their crimes ahead of time expect and intend to avoid punishment in most cases by not getting caught.

Peter D. Hart Research Associates found out that officials of the law enforcement recognize that the death penalty is not a deterrent. States in America that have death penalty laws do not have lower murder rates or other crime rates as compared to States without such laws. Further, States that have reinstated capital punishment, or abolished it, show no considerable changes in either murder or crime rates (Samford University, 1999, p. 5). Consistently, studies show that when given a choice between life sentence without parole and a death sentence, most people choose the former.

Today, persons convicted of heinous crimes may go on living longer than their victim's life lasted. This may be the major explanation why death penalty does not deter crime; death penalty executions are not swift.

Criminals sat on death row for 20 to 30 years before they had a final scheduled date of execution. If a criminal in reality live at least another 20 years in prison, then where is the worry or possibility of seeing an early death or being executed without delay.

Those who argue that severe penalties deter crime fail to consider the connection between the facts that crimes are falling for the reason that prison cells are continuously filling in the criminals. Further, Americans fall short in seeing the connection between latest get-tough policies and new improvements in the crime rates. Crime rate may be diminutively falling, but prisons are increasingly filling.

Effects of Severe Penalties to Illegal Drug Use

Several provisions that provide severe penalties are not part of criminal laws. Drug laws, for instance are embraced in the Social Security and Education codes. Such penalties are hardly ever a formal part of sentencing. United States courts have even alleged that legal representatives for those accused of drug related crimes need not inform their clients regarding the provisions (Lafollette, 2005, p. 9). For this reason, several possible drug users may be uninformed of these penalties. People cannot be deterred by the severe punishment of which they are uninformed.

Further, if severe penalties on drug violation deter, it would be expected that drug use and the number of individuals in prison for such felonies would have declined since the laws' passage. It is uncertain that drug use has decrease; however, it is clearly definite that drug arrests have not. The United States Department of Health and Human Services' yearly report on <https://assignbuster.com/the-deterrence-theory-essay-sample/>

drug use reveals that the rate of drug use has increased since the passage of more severe illegal drug laws (Lafollette, 2005, p. 9). The large proportion of people in the criminal justice system are acknowledging the fact of the increase of drug felonies, with the prevalent increase being those found guilty of simple possession.

Effects on Juvenile Delinquent

More than 40 State have approved legislation making it easier for juveniles to be tried in adult court. The said legislation is part of a bigger development to “ get tough” with stern juvenile delinquents. This severe penalty was passed in reaction to the present problem that juveniles age 10-17 make up only 13 percent of the population but responsible for 31 percent of all arrest for grave crimes and 19 percent of all arrest for violent crimes (Agnew, 1998, n. p.).

On the face of the said legislation, it seems the approach should reduce juvenile crime; however, a number of studies implies that the impact of these severe penalties has been overstated. These strategies often fall short in deterring the juveniles who are punished. Certain facts suggest that juveniles tried in adult court are more expected to recommit an offence than similar youth tried in juvenile court. Similarly, studies signify that several other severe penalties, like the employment of military-style boot camps often unsuccessful in deterring offenders.

Additionally, the majority of juvenile misdemeanours under no circumstances become known to the police, and only around 20 percent of those

misdemeanours identified by the police result in arrest (Agnew, 1998, n. p.). Intimidations of severe penalties then have slight impact in deterring crimes.

Overcrowding of Jail

The overcrowding of prisons would clearly indicate that the threat of severe penalties do not effectively deter criminals from committing crimes. In 2004, the United States surpassed Russia in the rate of imprisonment to turn into the world's number one. Approximately 2.2 million criminals are imprisoned in the United States and more than 7 million either awaiting trial, on probation or parole. With these enormous numbers, 1 in every 33 people in the country is now under State management and the number is alarmingly increasing (SHaRC, 2008, p. 1). The present overcrowding of prison institutions demonstrate a good example on the ineffectiveness of severe penalties' crime deterrence. It illustrates a negative use of policy and law. Policy and laws should be an instrument for the people, encouraging economic, social and political justice rather than State cruelty and infringement of human and civil rights.

Conclusion

Fundamental seems to be the relationship between the penalty's severity and success in deterring crimes. In criminal justice, this interprets the certainty of incarceration as more efficient as compared to the severity of punishment. Evidently if there are severe penalties but no one gets caught, the possible effect on deterrence for the reason of severe punishment would be low. On the other hand having a high certainty of getting arrested with no consequences is not likely to establish success. An optimization of a minor to

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reasonable punishment coupled with a moderate to high certainty of arrest appears to be the most successful combination.

Further, punishment for punishment's sake is considered outmoded and cruel approach to crime deterrence. The government must place importance on getting tough with criminal offenders and more on attacking the root causes of criminal behaviour as well as providing treatment to the criminal offenders.

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