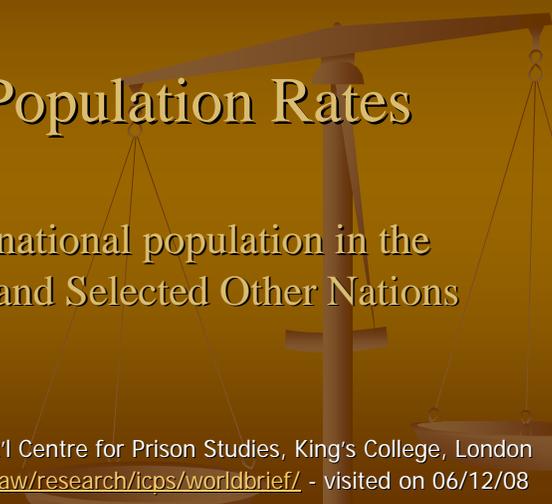


Comparative Perspectives on Sentencing Severity and Sentencing Alternatives

Richard S. Frase

University of Minnesota

Symposium on Alternatives to Incarceration
U.S. Sentencing Commission
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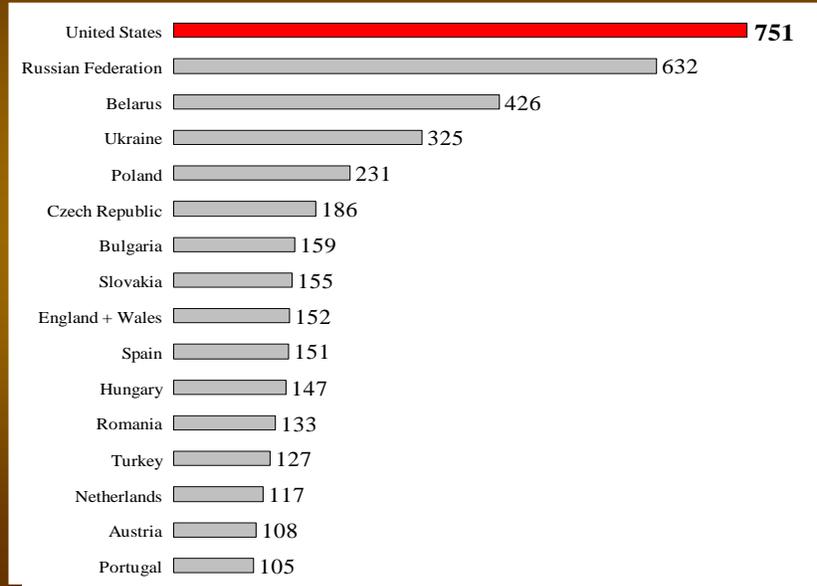


Prison Population Rates

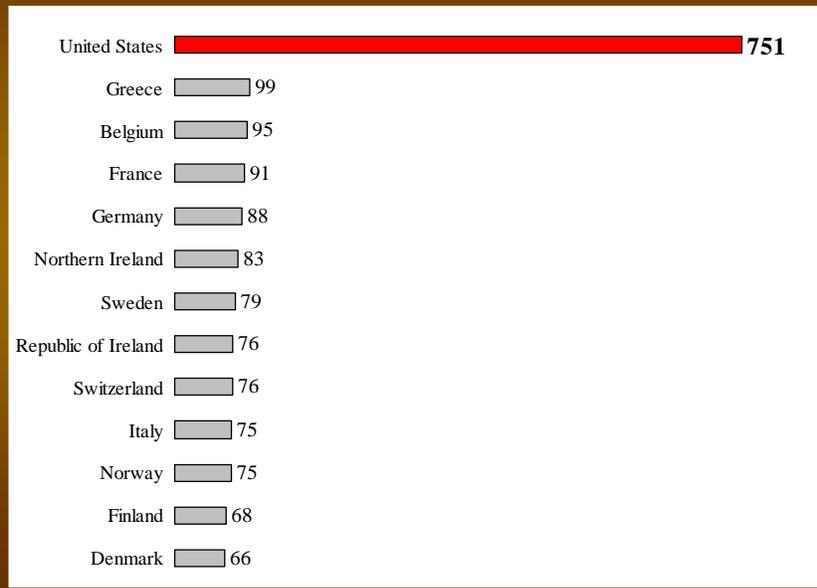
per 100,000 national population in the
U.S., Europe, and Selected Other Nations

Source: World Prison Brief, Int'l Centre for Prison Studies, King's College, London
<http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/> - visited on 06/12/08

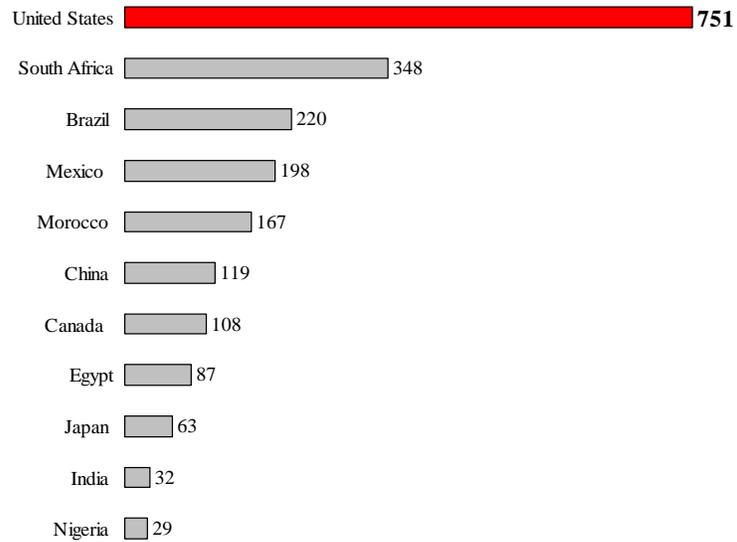
INTERNATIONAL COMPARISONS:
HIGHER EUROPEAN RATES
(Inmates per 100,000 residents)



INTERNATIONAL COMPARISONS:
LOWER EUROPEAN RATES
(Inmates per 100,000 residents)



INTERNATIONAL COMPARISONS
SELECTED OTHER NATIONS
(Inmates per 100,000 residents)



Results of Early Studies
Comparing German with U.S.
Sentencing

Source: Richard S. Frase, "Sentencing in Germany and the U.S.: Comparing Äpfel with Äpfles," Max Planck Instit. for Foreign & International Criminal Law (Freiburg in Breisgau, 2001), Table 1

Lynch 1988 and 1993: Estimated Custody-sentence frequency (as a percent of persons charged), custody duration (time served, in months), and a Combined Frequency-Duration Measure

		Germany (1984)	U.S. (1982)
Homicide	Frequency	.766	.706
	Duration	57.0	60.7
	Freq x Duration	43.7	42.9
Robbery	Frequency	.215	.364
	Duration	39.6	24.5
	Freq x Duration	8.5	8.9
Burglary + theft	Frequency	.042	.118
	Duration	15.2	11.5
	Freq x Duration	.64	1.36

Feeney 1998: Custody Sentences Longer Than 1 year (plus death sentences), As a Percent of Police Suspects/ Arrests, and as a Percent of Persons Convicted

base:	(West) Germany (1993)		U.S. (1992-93)	
	<u>suspects</u>	<u>convictions</u>	<u>arrests</u>	<u>convictions</u>
Willful homicide	42%	93%	32%	96%
Forcible Rape	15%	57%	15%	66%
Robbery	14%	47%	24%	70%
Aggravated Assault	1%	6%	4%	32%
Burglary	5%	13%	14%	44%
Serious theft	1%	9%	7%	39%
Drug offenses	4%	12%	9%	38%

German vs U.S. Sentences Imposed for Selected Crimes in 1996-97

Source: Frase 2001 (Sentencing in
Germany & the United States), table 2

Property Crimes

<u>offense</u>	Germany (excl. Eastern States) (1997) (most serious penalty)			U.S. (1996)
	<u>% fine only</u>	<u>% probation</u>	<u>% incarceration</u>	<u>% incarceration</u>
burglary	23%	43%	34%	71%
all theft*	85%*	10%*	6%*	unknown
serious theft	37%	38%	26%	63%
Fraud-embezzlement*	85%*	12%*	3%*	47%
forgery*	76%*	17%*	7%*	55%

* For these crimes German figures probably include many offenses which would be misdemeanors, or not criminal violations, in the United States.

Other crimes

offense	Germany (excl. East. States) (1997) (most serious penalty)			U.S. (1996)
	% fine only	% probation	% incarceration	% incarceration
drugs – total	51%	31%	18%	73%
possession	79%	14%	8%	70%
dealing	45%	35%	21%	74%
drunk driving**	90%**	8%**	2%**	10% -100%
all non-traffic	77%	15%	8%	unknown

** German figures exclude many offenses which were charged as non-criminal (fine-only) violations.

Defendants Charged, Dismissed, or Convicted in Germany, 1997 (excluding Eastern States)

Source: Frase 2001 (Sentencing in
Germany & the United States), table 3

Initial Prosecution Decisions

	<u>Estimated # of Defendants</u>
dismissal with conditions (excl. traffic)	141,121*
dismissal without conditions	533,641*
dismissal for lack of evidence, death, etc.	1,027,472
prosecuted (incl. penal orders; excl. traffic)	755,946

* Included in subtotal (next slide)

Decisions by Local and District Courts

	<u>Estimated # of Defendants</u>
dismissal with conditions (excl. traffic)	53,973*
dismissal without conditions	37,542*
juvenile law dismissals (with or without conditions)	46,618*
dismissal for lack of evidence, death, etc.	18,941
acquittals (excl. traffic)	21,440
convictions (excl. traffic)	530,311
Sub-total: non-evidence-based dismissals (* figures, including prosecution decisions, previous slide)	812,895

Police Data on Drug Crimes and Types in Germany and the U.S.

Source: Frase 2001 (Sentencing in Germany & the United States), table 4

Trafficking and Possession Charges, by Drug Type

	Germany (1996) % of matters <u>investigated</u>	U.S. (1995) % of persons <u>arrested</u>
Trafficking :	35.1%	24.9%
heroin or cocaine	15.3%	14.7%
marijuana	13.7%	5.8%
other illegal drugs	6.1%	4.4%
Possession:	63.0%	75.1%
heroin or cocaine	23.7%	27.8%
marijuana	29.7%	34.1%
other illegal drugs	9.6%	13.3%
other not specified	1.9%	0

All Charges, By Drug Type

	Germany (1996) % of matters <u>investigated</u>	U.S. (1995) % of persons <u>arrested</u>
heroin or cocaine	39.0%	42.5%
marijuana	43.4%	39.9%
other illegal drugs	15.6%	17.7%
not specified	1.9%	0

Prior Records of Sentenced Offenders in Germany (excl. Eastern States) and the U.S. in 1996-97

Source: Frase 2001 (Sentencing in
Germany & the United States), table 6

Offenders Sentenced for Burglary

	% of defendants with at least one <u>prior conviction</u>	% with indicated number of prior convictions			
		<u>one</u>	<u>2</u>	<u>3-4</u>	<u>5+</u>
Germany	74	11	9	14	40
U.S.	72	12	12	17	32

Most serious prior sentence/ conviction:

Germany: % with prior custody sentence(s) of 6 months or more: 36%

U.S.: % with one or more prior violent felonies convictions: 16%

Offenders Sentenced for Theft

	% of defendants with at least one <u>prior conviction</u>	% with indicated number of prior convictions			
		<u>one</u>	<u>2</u>	<u>3-4</u>	<u>5+</u>
Germany					
all thefts	57	15	9	10	23
serious thefts	67	13	8	12	35
U.S. (felonies)	66	14	7	14	31

Most serious prior sentence/ conviction:

Germany: % with prior custody sentence(s) of 6 months or more:

all thefts	17%
serious thefts	29%

U.S.: % with one or more prior violent felonies convictions: 13%

Offenders Sentenced for Drugs

	% of defendants with at least one <u>prior conviction</u>	% with indicated number of prior convictions			
		<u>one</u>	<u>2</u>	<u>3-4</u>	<u>5+</u>
Germany	63	14	10	13	26
U.S.	67	16	12	14	25

Most serious prior sentence/ conviction:

Germany: % with prior custody sentence(s) of 6 months or more:	24%
U.S.: % with one or more prior violent felonies convictions:	12%

German and U.S. Incarceration Rates, by Offense

Source: Frase 2001 (Sentencing in Germany & the United States), table 8

Sentenced adult inmates as a percent of adults charged by police with that crime in the previous calendar year

	Germany (1996-1997) (Percent of Adult Suspects)	U.S. (1995-1996) (Percent of Adult Arrests)
Burglary	<u>%</u> 8.3	<u>%</u> 51.6
theft	1.5	8.8
drugs	6.0	22.8
drunk driving	0.8	3.5