



Contents lists available at [ScienceDirect](#)

International Review of Law and Economics



Time to punishment: The effects of a shorter criminal procedure on crime rates

Libor Dušek^{a,b,*,1}

^a CERGE-EI, a joint workplace of Charles University in Prague and the Economics Institute of the Academy of Sciences of the Czech Republic, Prague, Czech Republic

^b University of Economics, Prague, Czech Republic

ARTICLE INFO

Article history:

Received 30 April 2013

Received in revised form 31 January 2014

Accepted 14 April 2014

Available online xxx

Keywords:

Criminal procedure

Deterrence

Law enforcement

ABSTRACT

A shorter and simpler criminal procedure may affect crime rates by increasing the perceived severity of punishment and by inducing a reallocation of police enforcement resources. I investigate the impacts of a criminal procedure reform in the Czech Republic that allowed certain less serious offenses to be prosecuted via a simplified (fast-track) procedure. The share of cases actually prosecuted via the fast-track procedure varied substantially across police districts and offenses, which provides the basis for the identification strategy. The shorter procedure had very different effects on ordinary crimes reported by the victims compared with crimes that are identified mostly by police enforcement efforts. Specifically, it led to a substantial increase in the number of recorded criminal offenses associated with driving. This finding is best rationalized by a reallocation of police enforcement effort towards crimes that have low enforcement costs. I also find some, albeit rather weak, evidence of a deterrent effect on burglary and embezzlement.

© 2014 Elsevier Inc. All rights reserved.

1. Introduction

The canonical model of criminal sanctions (Becker, 1968) tacitly assumes that if an offender is apprehended and convicted, the punishment immediately follows the crime. However, criminal procedure takes time. It involves time-consuming and complicated paperwork on behalf of the investigators, prosecutors, and judges. It typically takes weeks or months until the suspect is identified and arrested, evidence is collected, charges are raised, the case is resolved at trial, the sentence is imposed, the defendant possibly appeals and the appellate trial is held.

The length and complexity of the criminal procedure has implications for the behavior of offenders and law enforcement officials.

The offender at the time of committing the offense discounts the severity of punishment by the length of time between the offense and the actual imposition of the punishment. Punishment imposed shortly after the offense is effectively more severe and should have a greater deterrent effect on crime. This deterrent effect should be enhanced by the fact that offenders tend to discount the future much more heavily than law-abiding citizens (Herrnstein, 1983; Wilson and Herrnstein, 1985; Nagin and Pogarsky, 2004).² The economic model of crime therefore predicts a causal relationship between speedier criminal procedure and lower crime rates.³

* Correspondence to: CERGE-EI, Prague, Czech Republic. Tel.: +420 608328272.

E-mail address: libor.dusek@cerge-ei.cz

¹ I appreciate comments received from Randall Filer, Stepan Jurajda, Josef Montag, an anonymous referee and the participants at the EALE, SIDE, and CELS conferences, the Maastricht Workshop on the Economics of Enforcement, and the Transatlantic Workshop on the Economics of Crime. I am particularly grateful to Jiri Benes from the Ministry of Interior and Vladimir Stolin from the Police Directorate for providing the data; to Karel Backovsky and Eva Romancovova from the Ministry of Interior, Jan Vucka from the State Attorney Offices, and several district police officers for their insights into the institutional background; and to David Kocourek, Lubos Dostal and Branislav Zudel for excellent research assistance.

² The deterrent effect should exist under both exponential and hyperbolic discounting but its magnitude should depend on the form of discounting. A given reduction in the time from offense to punishment increases the perceived punishment more for an exponential discounter than a hyperbolic discounter if the punishment is still imposed in the relatively distant future. The same reduction increases the perceived punishment more for a hyperbolic discounter if the punishment is imposed very shortly after the offense following the reduction.

³ The role of discounting in the deterrent effect of punishment has been modeled by Davis (1988) and Lee and McCrary (2005). Listokin (2007) discusses its implications for the design of optimal punishment. A shorter and simpler procedure may also affect crime through conventional deterrence and incapacitation effects because it increases the probability of punishment: The quality of the evidence, once collected, deteriorates over time. A longer procedure makes it more likely that the defendant will turn fugitive. Complex procedure with many procedural steps

Shorter and simpler procedure may also affect the allocation of enforcement resources by the police or prosecutors. If – as is the case in the procedural reform evaluated in this paper – the shorter procedure applies only to less serious crimes, it generates both endowment and substitution effects. It reduces the time cost of handling less serious cases, and the enforcement officials thus have more time to pursue all cases. However, it also reduces the relative price of pursuing less serious cases. The enforcement officers have an incentive to substitute away from more serious cases and rather pursue less time-intensive but also less serious cases.

Two papers empirically tested for the deterrent effect of shorter criminal procedure. Pellegrina (2008) exploits cross-sectional variation in the length of criminal trials across provinces in Italy to detect a positive and statistically significant relationship between the length of trials and the rate of thefts, robberies, fraud, and racketeering. Soares and Sviatschi (2010) find a similar relationship between the rate at which courts process the criminal caseload (which is indirectly linked to the length of the procedure) and crime rates, in a panel of cantons in Costa Rica. The reallocation of enforcement effort in response to changes in the price of enforcement was investigated by Benson et al. (1992) and Baicker and Jacobson (2007). They find that when local police departments in the U.S. were provided with the authority to keep the revenue from assets forfeited in drug enforcement, they shifted their enforcement resources towards drug crimes and away from non-drug crimes.

Estimating the effects of case duration on crime rates is faced with a simultaneity problem: higher crime rates increase the caseload for the police and courts, who then take more time to process the cases. An exogenous variation in case durations is needed to identify the causal effect on crime rates. The Czech criminal procedure reform, adopted in 2002, provides a quasi-natural experiment. It prescribed that certain less serious crimes may be prosecuted via a “fast-track” procedure, with fewer procedural steps, substantially less paperwork, and stricter deadlines. Its stated objectives were to reduce case durations, save resources in the enforcement of less serious crimes, and free up resources for the enforcement of serious crimes.⁴ After the reform, the average duration of the procedure (from offense to final adjudication) declined by about a third for offenses that were relatively extensively covered by the fast-track procedure.

The share of cases actually prosecuted via the fast-track procedure differed substantially across districts and offenses. The differential adoption was largely caused by bureaucratic inertia rather than by the desire to cut case durations in districts particularly burdened with crime. Most importantly, it was unrelated to pre-adoption trends in crime rates or case durations. However, the share of fast-track cases in a given district is strongly related to the reduction in case duration following the reform.

The identification strategy is then based on a standard instrumental variable design, where the case duration is instrumented by the share of fast-track cases. The dataset is an annual panel of 79 Czech districts and 24 types of offense covering 1999–2008. It contains information on the number of offenses reported to the police, clearance rates, the share of cases prosecuted via the fast-track procedure, and average case durations. The first-stage regressions estimate (offense-by-offense) the log of average case duration as a function of the share of fast-track cases, socio-economic controls, and district and year fixed effects. The second stage regressions estimate the logarithm of the crime rate as a function of the (instrumented) duration, clearance rate, socio-economic controls, and the district and year fixed effects.

increases the probability that the defendant will exploit a procedural loophole or that witnesses will modify their initial testimonies.

⁴ Ministry of Justice of the Czech Republic (2001).

The outcome variable of interest – the officially recorded crime rate – is a joint product of the underlying true crime rate and police discretion in discovering and recording the crime. The deterrent effect of a shorter procedure should reduce the number of recorded crimes. The enforcement reallocation effect should increase the number of recorded crimes, but only to the extent that the police can influence it. Offenses such as thefts or robberies are typically reported to the police by the victims⁵ so the reallocation effect should be relatively weak. I expect the estimated effect of shorter duration on victim-reported offenses to be negative (but still underestimate the true deterrent effect). On the other hand, crimes such as drug offenses or driving offenses are discovered almost exclusively through police enforcement efforts. The police have substantial discretion in influencing the recorded number of such crimes. The reallocation effect may even dominate the deterrent effect. If it does, the estimated effect of shorter duration on police-reported offenses would be positive (and still underestimate the true reallocation effect).

The strongest and most robust result is that the reduction in case duration substantially increased the number of two types of police-reported offenses associated with driving: driving under the influence, and obstruction of an official order (a criminal offense that is committed by failing to comply with a court order, and is most frequently committed by drivers who continue to drive with a suspended driving license⁶). The estimates are statistically and economically significant. They imply that in the absence of the reform, the number of recorded driving-under-the-influence cases would have been 20–34% below its actual level several years after the reform, and the number of recorded obstruction cases would have been 24–44% below. I also find that shorter case duration has a negative effect on two victim-reported crimes (burglaries and embezzlements), but this finding is not robust to regression specification.

The results thus provide only limited evidence of a deterrent effect on victim-reported offenses, but they provide very strong evidence of the reallocation effect: as the police officers were provided with a new means of producing measurable results (prosecutions) at low cost, they responded predictably by exploiting those means and pursuing more extensively precisely those offenses that had reduced enforcement costs.

2. Institutional background

Prior to the 2002 reform the Czech Criminal Procedure Code prescribed a unified procedure applicable to all crimes. Practitioners generally agreed that the procedure was unnecessarily burdensome, lengthy and expensive for less serious crimes and for crimes where the evidence clearly indicated guilt (Baxa, 2001). The reform introduced a so-called fast-track criminal procedure.⁷ Only offenses meeting the following three conditions may be

⁵ The police have only limited discretion in influencing the recorded number of such crimes. They may attempt to persuade the victim to withdraw the initial report if the amount stolen is small or if it is very unlikely that the offender would ever be found. The police may also record the incident reported by the victim but has discretion in determining whether the incident constitutes a criminal offense. Outright cheating with the records does not seem to be an issue: The police has to initiate a criminal procedure for every offense that a victim reports, and each step of the procedure is entered into a computerized system. The aggregate number of crimes is simply the number of procedures in the computer system that were classified as criminal offenses.

⁶ Obstruction of an official order is a fairly frequent offense; it had a crime rate of 51 offenses per 100,000 people in 2008. Other violations under this offense include failing to obey a restraining order or to show up for a prison sentence. (Sec 171 of the Czech Criminal Code).

⁷ The reform was legislated by Act No. 265/2001. The official Czech title of the fast-track procedure is “zkrácené přípravné řízení”.

Download English Version:

<https://daneshyari.com/en/article/5085559>

Download Persian Version:

<https://daneshyari.com/article/5085559>

[Daneshyari.com](https://daneshyari.com)