

Summary

There is empirical evidence that the criminal justice system deters. However, the more dominant element of deterrence is the probability of punishment and not its severity. Therefore, a cost-effective criminal enforcement system ought to reduce the resources spent on unnecessary severe punishments and invests them in improving the probability of detecting and punishing criminals.

One method to reduce the costs of sanctions is to increase the usage of alternatives sentences to prison. There are different intermediate sanctions that may be used for this purpose. The current thesis focuses on three such punishments, which have the best potential to divert offenders from short-term imprisonment: day-fines, community service and confinement under electronic monitoring. The first punishment is advocated to be superior to the more widespread sanction of fixed-fines. Day-fines enable to adjust the amount of the fine not only to the severity of the offence, but also to the financial state of the offender. Therefore, it has the potential to deter not only poor offenders, but also the rich. Furthermore, it provides the opportunity for poor offenders always to be able to repay the fine, thus not ending up behind bars for fine default. The idea behind day fines is to impose the same relative burden of punishment on all offenders committing similar crimes, regardless their level of wealth. This thesis also addresses the problem of collecting the financial information and proposes a way to solve this problem.

The second method of sanctioning, community service and confinement under electronic monitoring, enables replacing short-term imprisonment sentences for more serious offenders. Those sanctions have some level of incapacitation, yet they are less costly than prisons. This thesis addresses the problem of net-widening, i.e. using the alternative sanctions for the nonprison bound offenders. Following the analysis of the problem, the thesis offers a substantive and a procedural solution. The former refers to the structure of the sentence, its target group, and its “punitive bite”. The procedural solution uses insights from behavioural economics to discuss procedural rules that may encourage judges to impose community service and electronic monitoring only on prison-bound offenders.

Nevertheless, not all prison sanctions may be replaced with alternative punishments. Some offenders are judgment proof, and some offences require harsher treatment than the alternative. Therefore, this thesis also discusses the ways to reduce the costs of prisons. The first method is to use private providers that will build and operate prisons. Such method is applied in the US and the UK. Yet, it is absent in the continental Europe. Therefore, this thesis explains the advantages of private prisons, attempts to address the risks, and provides possible explanation why it is not practiced in continental Europe. The second method to reduce prison costs is by improving the structure and goals of prison labour. The thesis reviews the current use of prison labour in Europe and offers ways to improve its efficiency and in turn, its revenues. Also in this section some possible explanations for the inefficient application of prison labour in Europe are provided.

The last part of the thesis is more theoretical. It attempts to investigate the ways insights from behavioural economics may assist in improving the effectiveness of the probability of apprehension. To be precise, this part analyses the ways to enhance the deterrence through random methods of detection. Furthermore, new evidence is presented, based on a survey on a sample of the Italian population, to demonstrate that violators are not aware of policy changes. Therefore, ways to increase this awareness are also discussed.