

Eine panelökonometrische Evaluation des deutschen Strafverfolgungssystems

A Panel-econometric Evaluation of the German Criminal Prosecution System

Von Hannes Spengler, Berlin

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Summary

According to the economic theory of crime, a rise in expected punishment – i.e. the product of probability and severity of punishment – results in a reduction of crime due to deterrence. What appears to be a simple and straightforward hypothesis turns out to be a demanding task for empirical examination because “crime” is composed of many different offence categories and expected punishment is influenced by the actions and decisions of different institutions such as police, public prosecutor’s office and the courts, and, thus, varies with respect to clearance and conviction rate as well as decisions regarding form (fine, probation, imprisonment) and size (length of prison sentence and size of fine) of punishment. Moreover, it makes a difference whether offenders are subject to general or juvenile criminal law. Usually, empirical analyses of crime/deterrence take simultaneous account of only a fraction of the items detailed above. In order to overcome this shortcoming the author has established a unique database combining information from different sources of official judicial statistics covering the German states for the period 1977-2001. Building on this database a comprehensive system of criminal prosecution indicators is derived and subsequently related to the incidence of six major offence categories using panel-econometrics. Revealing many negative significant effects for clearance and conviction rates but mostly insignificant coefficients for indicators of form and size of punishment the estimation results suggest that deterrence is mainly exerted at the initial levels of the criminal prosecution process. Finally, the econometric estimates are used in order to assess cost reductions for crime victims from increases in the severity of criminal prosecution. Thus, intensifying criminal prosecution permanently by 10 percent would reduce victims’ costs by at least € 250 million p.a.