



# The capacity of the criminal justice system to prevent crime

Criminal justice system action to prevent crime is a tertiary-level prevention measure (that is, after offences have occurred). It is conventionally seen as operating *directly* through deterrence (for example, the criminal law code and certain forms of policing), incapacitation, and rehabilitation (that is, courts and prisons, including probation and parole services) and *indirectly* through effects on socialisation (for example, the promotion of social norms).

The capacity of specific forms of policing to prevent and reduce crime is dealt with in other issues of *Crime Prevention ASSIST*. Courts and corrections are the focus in this issue. Recent interventions

for reducing crime through the courts and prisons systems can be classified into six categories:

- » **Incapacitation** or depriving the offender of the capacity to commit crimes usually through detention in prison.
- » **Deterrence** or punishment that is so repugnant that neither the punished offender (*specific deterrence*) nor others (*general deterrence*) will commit the crime in the future.
- » **Rehabilitation** or treatment directed toward changing the offender and thereby preventing future criminal behaviour
- » **Community restraints** or the surveillance and supervision of offenders in the community in order to reduce their capacity and/or opportunity for criminal activities.
- » **Structure, discipline and challenge** programs that use physically and/or mentally stressful experiences to change offenders in a positive way or deter them from later crime (*specific deterrence*).
- » **Combining rehabilitation and restraint** to ensure that offenders make changes that are associated with a reduction in future criminal behaviour.

These measures are not mutually exclusive but, while they all expect to produce a reduction in crime, they differ enormously in the mechanism anticipated to produce that reduction.

The table on the following page illustrates these six criminal justice crime prevention strategies in terms of associated mechanisms.

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Providing crime prevention policy makers and practitioners with evidence-based resources and training to prevent and reduce crime.

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Australian Government

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### NEED TO KNOW MORE?

1 Layton Mackenzie, D. 2002, "Criminal justice and crime prevention", in L. Sherman, D. Farrington, B. Welsh & D. Layton Mackenzie (eds), *Evidence-Based Crime Prevention*, Routledge, London, pp. 330-404.

## Criminal justice strategies for preventing known offenders from committing crimes in the community

	Incapacitation	Deterrence	Community restraints	Structure, discipline and challenge	Rehabilitation	Combining restraints and rehabilitation
<b>Mechanisms for impact</b>	Imprisonment removes offenders' capacity to commit crimes ( <i>General</i> )	Punitive punishment will keep those in the community from committing crimes ( <i>General</i> )	Increased surveillance and control in the community will decrease offenders' capacity to commit crimes	Experience will change offenders in a positive way so they will not continue to commit crimes	Change aspects of offenders that are changeable and associated with criminal behaviour	Offenders can be coerced into rehabilitation (forced to take steps to positively change)
	Small rate of high-rate offenders can be identified and imprisoned during their active criminal career ( <i>Specific</i> )	Punitive punishment programs will keep punished individuals from committing more crimes ( <i>Specific</i> )	Increased surveillance and control will decrease offenders' opportunity to commit crimes	<i>General and specific deterrence</i>	Intensive, adequately implemented programs (with treatment integrity) of sufficient duration dosage	Offenders can be coerced to remain in treatment longer
	<i>General and specific deterrence</i>		<i>Specific deterrence</i>		Target higher risk cases	Coercion will not diminish the effectiveness of treatment
					Cognitive skill-oriented and behavioural treatment methods	

Source: Layton Mackenzie 2002

