

Contribution of the Concept of Criminal Career to the Policy of Institutional Punishment*

Dragana Bogićević¹  and Branislava Popović-Čitić² 

Introduction: The criminal career paradigm, which became accepted in criminology in the mid-1980s, significantly improved knowledge about the patterns of criminal activities of individual delinquents and opened up a number of questions about crime control strategies, especially institutional punishment of offenders. *Objective:* The objective of this paper is to indicate, through a systematic review of literature, the importance of empirical findings on criminal careers for the policy of institutional punishment of offenders. *Methods:* Search of electronic databases within the service of the Serbian Library Consortium for Coordinated Acquisition (KOBSON) with key words and combinations thereof: criminal career paradigm, policy issues, crime control strategies, incapacitation, incarceration, law. *Results:* Data on the individual frequency and duration of a criminal career proved to be the most important parameters that need to be taken into account when deciding about the institutional punishment of offenders and the length of the prison sentence. *Conclusion:* Prison sentences for active offenders while taking into account the assessment of the frequency and duration of their criminal career can maximize the effects of institutional punishment of delinquents.

KEYWORDS: criminal career / institutional punishment / duration of criminal career / frequency / prison sentence

* This paper was presented by Dragana Bogićević and Branislava Popović-Čitić as part of their keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Bogićević, D., & Popović-Čitić, B. (2024). Contribution of the Concept of Criminal Career to the Policy of Institutional Punishment. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 101–107). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.28>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0009-0007-0388-2968>

² University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0002-1076-5838>

Correspondence: Dragana Bogićević, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: draganabogi@outlook.com

Introduction

A criminal career refers to a series of criminal acts committed by an offender. It is determined by several key parameters which describe various aspects of criminal behaviour. The following ones are particularly relevant for the institutional punishment policy: participation, frequency and duration. In addition to the above, criminal career is also comprised of parameters of specialization, escalation and intermittency (occasionality) (Blumstein et al., 1988).

The rate of participation is not necessarily and exclusively a parameter of a criminal career, but an important component that indicates the share of any segment of the population that participates in total criminality (Blumstein, 2016). There is a difference between cumulative and current participation. Cumulative participation refers to the part of the surveyed population that committed at least one criminal offence before a certain age, while current participation includes that part of the population criminally active during the observed period. Active offenders mean individuals who committed a criminal offence for the first time during the observed period (primary offenders), but also persistent offenders who started their criminal activities previously and actively committed criminal offences during the observed period (recidivists) (Piquero et al., 2003). The frequency of committing crimes is denoted by the Greek letter lambda - λ and refers to the average number of crimes committed by active offenders during their criminal career (Blumstein et al., 1988). When it comes to duration, a distinction is made between the duration of the criminal career and the duration of the remaining (residual) career. The duration, i.e., the length of a criminal career includes the period from the first to the last criminal offence, while the duration of the remaining (residual) career represents the expected time until the end of the criminal career after each committed criminal offence (Blumstein et al., 1986).

Knowledge about the long-term patterns of criminal activity of delinquents synthesized within the criminal career paradigm can influence the decision-making process in the criminal justice system, starting from arrest, through the abolition of detention and criminal prosecution, until the imposition of criminal sanctions and parole (Piquero et al., 2003).

Objective

The objective of the paper is to indicate the importance of following the findings obtained from the criminal career research in the context of the policy of institutional punishment of delinquents.

Methods

The paper provides a systematic review of relevant literature where the impact of the criminal career paradigm on crime control strategies through institutional punishment of offenders is discussed. The papers were searched and downloaded from the online service of the Serbian Library Consortium for Coordinated Acquisition (KOBSON). Several key words and combinations thereof were used for the search: criminal career paradigm, policy issues, crime control strategies, incapacitation, incarceration, law.

Results with Discussion

Based on the review of literature, it was concluded that research on criminal careers initiated two key problems related to the policy of punishing criminals - deciding on institutional punishment and determining the length of a prison sentence. These issues are briefly explained in the following section.

Adopting a Decision on Institutional Punishment

The philosophy of selective incapacitation is based on the assumption that delinquents with the highest frequency rate will continue to commit criminal offences at high rates for a long period of time if they are not incarcerated. However, from the perspective of incapacitation, incarceration of delinquents in order to prevent or deter crime is effective only when applied to active criminals. Therefore, the policy of institutional punishment should be based on the data about the duration of the criminal career. Institutionalizing offenders who are at the end of or whose criminal careers have already ended will not contribute to the purpose of punishment through incapacitation (Blumstein et al., 1982).

Estimating the length, and especially the length of the remaining (residual) criminal career may help in the process of institutional punishment of offenders by imposing prison sentences on individuals who are expected to have the longest remaining (residual) career (Blumstein, 2016; Kazemian et al., 2007). However, the problem with estimating the length of the remaining (residual) career is reflected in the fact that delinquents with the longest remaining (residual) criminal careers can usually be identified only after several years of their criminal activity have passed (Blumstein et al., 1982).

Consequently, institutional criminal sanctions are often applied to a significant number of delinquents who, in a short period of time, regardless of incapacitation by imprisonment, would end their criminal career (Kazemian, 2021). Therefore, the effectiveness of institutional punishment depends on the rate of frequency and

duration of the remaining (residual) career. Extending the prison sentence after the end of the criminal career of a delinquent limits the justification and purposefulness of the imposed sentence (Piquero et al., 2003).

Determining the Length of a Prison Sentence

Data on the individual frequency and length of criminal career of delinquents, apart from the decision to institutionalize the offender, are also significant in the context of determining the length of the prison sentence. In scientific circles, there is a belief about the general ineffectiveness of long prison sentences in reducing the crime rate (Gottfredson & Hirschi, 2016; Kazemian, 2021; National Research Council, 2014).

The greatest number of scientific discussions about adequate length of prison sentences is related to the *Three-strikes* law³. In research done in the ten largest Californian cities, the impact of the *Three-strikes* law was tested on the overall rate of serious crime and the results obtained indicated that the applied law did not contribute to the reduction of the crime rate below the level expected based on existing trends (Hawken & Greenwood, 2002; Stolzenberg & D'Alessio, 1997; Zimring et al., 2003). Similar data were obtained in a study comparing the data from official records on criminal offences before and after the *Three-strikes* law came into force in three Californian cities (Los Angeles, San Francisco and San Diego).

Two key findings were obtained. First, the average age of individuals who were previously convicted of two or more criminal offences was 34.6 years, which indicated that they were mostly older individuals who have had time to accumulate criminal offences during their careers. Those criminals had an almost 40% longer criminal career behind them (estimate is 16.6 years) than primary delinquents to whom this law did not apply. Hence, the binding long-term prison sentence imposed on returnees according to the *Three-strikes* law had less effect in the population of triple recidivists, compared to its application in the population of primary delinquents who, in proportion to their age, had a longer (residual) career. Secondly, by monitoring the trends in crime rates before and after the introduction of the *Three-strikes* law, no reduction was observed in the number of criminal offences committed by returnees this law targeted. Namely, the drop in criminality during 1994 and 1995, immediately after the adoption of the law, was recorded

³ *Three-strikes* law prescribes that each person convicted for the third time for certain (defined by law) criminal offences, usually of a violent character, must be sent to serve a long prison term, the minimum duration of which ranges from 25 years to life imprisonment. It was first applied in New York in 1993, and a year later, the law was also adopted in California. Today, 28 USA states has some form of the *Three-strikes* law.

both in the population of recidivists and primary delinquents, and therefore could not have been attributed to the introduction of the law (Zimring et al., 1999).

In addition, there was an opinion that the effectiveness of the *Three-strikes* law would be greater if the length of the prison sentence for delinquents convicted for the second or third time was reduced to six to 12 years (instead of the prescribed 10 to 20), with an increase in the length of the sentence for primary offenders expected to have a long residual career (Caulkins, 2001). Furthermore, the implementation of this law, in terms of imposing long-term prison sentences for recidivists, contributes to the aging of the prison population, thereby reducing its long-term effectiveness (Nagin, 2013). It is particularly emphasized that the imposition of long prison sentences leads to an overload of prison capacities, in addition to the fact that such sanctions under the *Three-strikes* law are imposed on older offenders, who are less likely to commit criminal acts in the future (Schmertmann et al., 1998).

In the Criminal Code of the Republic of Serbia (hereinafter referred to as: Criminal Code), the amendments that came into force on December 1, 2019, introduced a provision on multiple convictions (Article 55a), which could be equated with the *Three-strikes* law. Namely, the court could not impose a sentence shorter than half of the prescribed sentence if the offender: committed a new premeditated criminal offence for which a prison sentence was prescribed, had previously been sentenced at least twice to a prison sentence for premeditated criminal offence of at least one year and had committed a new criminal offence within a gap of less than five years from the day of release from prison (CC, 2019). This regulation narrows the penalty ranges within which the court determines punishment and the court's authority to assess mitigating and aggravating circumstances, and raises the question of the justification of automatically imposing long-term prison sentences on multiple returnees (Ćorović, 2020).

Imposing long prison sentences is justified when an individual is at the beginning of a criminal career and commits criminal offences with high frequency, but not when offenders are at an end of their criminal careers.

Conclusion

In the end, two important conclusions can be drawn. First, incarceration has no disabling effect after the offender's criminal career is over. It is more appropriate to use prison and its resources by imposing an institutional punishment on active offenders. Secondly, the length of the sentence should be adjusted to the duration of the remaining (residual) career. Imposing long prison sentences is expedient when an individual is at the beginning of his criminal career and commits criminal offences with high frequency, but not when offenders are at an end of their criminal careers. In addition to wasting prison capacities, a prison sentence that

exceeds the time remaining until the end of the career can also be labelled as "wasted time" since the stay of the offender in prison after the end of the career is completely unnecessary. In such situations, it is more appropriate to impose criminal sanctions of an extra-institutional nature. In addition, sending inactive offenders to penal institutions and imposing long prison sentences inevitably contributes to increase in number of prisoners and decrease in the quality of prison life.

Unfortunately, research on different parameters (dimensions) of a criminal career is insufficiently represented. Prospective identification of offenders with the highest frequency, the longest duration of the remaining (residual) criminal career and who commit the most serious criminal offences during their careers can positively influence the policy of institutional punishment by their timely referral to penitentiary institutions with sentences of adequate duration.

References

- Blumstein, A. (2016). From incapacitation to criminal careers. *Journal of Research in Crime and Delinquency*, 53(3), 291–205. <https://doi.org/10.1177/0022427815622020>
- Blumstein, A., Cohen, J., & Hsieh, P. (1982). *The duration of adult criminal careers*. National Institute of Justice.
- Blumstein, A., Cohen, J., Roth, J. A., & Visher, C. A. (1986). *Criminal Careers and "Career Criminals"*. National Academy Press. <https://doi.org/10.17226/922>
- Blumstein, A., Cohen, J., & Farrington, D. P. (1988). Criminal career research: Its value for criminology. *Criminology*, 26(1), 1–35. <https://doi.org/10.1111/j.1745-9125.1988.tb00829.x>
- Caulkins, J. P. (2001). How large should the strike zone be in Three strikes and you're out sentencing laws? *Journal of Quantitative Criminology*, 17(3), 227–246. <https://doi.org/10.1023/A:1011098100458>
- Criminal Code, Official Gazette of the Republic of Serbia no. 35/19. (2019).
- Ćorović, E. (2020). Povrat u Krivičnom zakoniku Srbije: kritički osvrt na njegovo normativno uređenje [Recidivism within the Criminal Code of Serbia: Critical Review of its Normative Regulation]. *Revija za kriminologiju i krivično pravo*, 20(1–2), 9–27. <https://doi.org/10.47152/rkkp.58.1.2.1>
- Gottfredson, M. R., & Hirschi, T. (2016). The criminal career perspective as explanation of crime and a guide to crime control policy. *Journal of Research in Crime and Delinquency*, 53(3), 406–419. <https://doi.org/10.1177/0022427815624041>
- Hawken, A., & Greenwood, P. (2002). *An Assessment of the Effects of California's Three Strikes Law*. Greenwood Consulting.
- Kazemian, L. 2021. *Pathways to desistance from crime among juveniles and adults: Applications to criminal justice policy and practice*. National Institute of Justice.
- Kazemian, L., LeBlanc, M., Farrington, D. P., & Pease, K. (2007). Patterns of residual criminal careers among a sample of adjudicate French-Canadian males. *Canadian Journal of Criminology and Criminal Justice*, 49(3), 307–340. <https://doi.org/10.3138/cjccj.49.3.307>

- Nagin, D. S. (2013). Deterrence in the twenty-first century. *Crime and Justice*, (42)1, 199–263. <https://doi.org/10.1086/670398>
- National Research Council. (2014). *The growth of incarceration in United States: Exploring causes and consequences*. The National Academies Press.
- Piquero, A. R., Farrington, D. P., & Blumstein, A. (2003). The criminal career paradigm. *Crime and Justice*, 30(1), 359–506. <https://doi.org/10.1086/652234>
- Schmertmann, C. P., Ambankwaa, A. A., & Long, R. D. (1998). Three strikes and you're out: demographic analysis of mandatory prison sentencing. *Demography*, 35(4), 445–463.
- Stolzenberg, L., & D'Alessio, S. J. (1997). Three-strikes and you're out: The impact of California's new mandatory sentencing law on serious crime rate. *Crime and delinquency*, 43(4), 457–469. <https://doi.org/10.1177/0011128797043004004>
- Zimring, F. E., Kamin, S., & Hawkins, G. (1999). *Crime and punishment in California: The impact of Three-strikes and you're out*. University of California – Institute of Governmental Studies Press.
- Zimring, F. E., Hawkins, G., & Kamin, S. (2003). *Punishment and democracy: Three strikes and you're out in California*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195171174.001.0001>

