

A large, stylized hourglass is the central visual element, rendered in a dark purple hue. It is positioned vertically, with the top and bottom bulbs being larger than the narrow central neck. The background is a solid dark purple, and the hourglass itself is a slightly lighter shade of purple, creating a subtle contrast. The overall composition is minimalist and evokes a sense of time and duration.

Long Sentences: An International Perspective

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Task Force on
Long Sentences

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Introduction

In Spring 2022, the Council on Criminal Justice launched the Task Force on Long Sentences. Its mission is to examine how prison sentences of 10 years or more affect public safety, crime victims and survivors, incarcerated individuals and their families, communities, and correctional staff, and to develop recommendations to strengthen public safety and advance justice.

This brief was commissioned by the Task Force to examine how the use of long sentences in the United States compares with the sentencing practices of other countries. To the author's knowledge, there is no existing source of comparative international data on long sentences that includes individual U.S. states and offense-specific sentences. This brief draws on the most comprehensive, publicly available data on long sentences.

Key Takeaways

- + **The use of long sentences has increased in nations across the globe over the last several decades, but the U.S. remains an outlier in the extent to which it imposes them.** Both the average imposed sentence length and the actual amount of time people spend behind bars (time served) are longer in the U.S. when compared with most other countries. These findings are consistent with broader correctional trends that distinguish the U.S. from other nations.
- + **The U.S. grapples with higher rates of homicide when compared with European countries but this does not fully explain its distinctive policies regarding long sentences.** Higher homicide rates may partly explain the more frequent recourse to long sentences in the U.S., but they do not explain the longer average prison sentences imposed for homicide and sexual offenses when compared with other nations.
- + **The U.S. imposes longer sentences compared to countries with substantially higher rates of violence.** Despite having lower homicide rates than many Latin American and Caribbean (LAC) countries, U.S. states often incarcerate more people and for longer periods of time when compared with Latin American nations.
- + **The average sentence length imposed in the U.S. is more aligned with the criminal justice policies of Latin American countries than with those of peer industrialized nations.** Differences in average sentence length are generally less pronounced when comparing the U.S. to Latin American nations. More prominent disparities exist in comparisons with European countries.

- + **The U.S. holds a substantial proportion of the world's population of people serving life sentences (40%) as well as the vast majority (83%) of individuals sentenced to Life Without the Possibility of Parole (LWOP).** Some U.S. state laws include provisions that allow for mandatory confinement periods that are exponentially higher than those used in European nations.
- + **The distinctive use of long sentences in the U.S. is partly due to the decentralized structure of the political and criminal justice systems.** The position of the U.S. as an outlier is exacerbated by states with distinctively large populations of people serving long prison terms.

Methodology

Several challenges arise when comparing the use of long sentences across different nations. For a detailed description of the data sources used and the steps taken to ensure a valid cross-national comparison, please see this brief's attached supplemental methodology report.

COMPARING U.S. STATES TO COUNTRIES

Nearly 90% of incarcerated individuals in the U.S. are under the jurisdiction of state correctional authorities. Due to the substantial discrepancies in sentencing policies and incarceration rates across states, most analyses in this brief compare the sentencing trends in individual U.S. states to those of other nations. This level and scale of intra-country variation is not generally as pronounced in other nations; most other countries have more nationalized sentencing systems, and in those with decentralized systems, the discrepancies across regional jurisdictions are not as significant as they are in the U.S. American federalism allows for an exceptional degree of diversity in criminal law and policy, even when compared to other countries with federal systems (i.e., countries in which power is shared between the federal government and regional governments). Because criminal justice policies vary starkly across states, U.S. states operate more like different countries with independent criminal justice systems. It is therefore appropriate to report both national and individual state average when possible.

THE USE OF LONG SENTENCES IN COMPARATIVE CONTEXT

Long sentences have increased in the U.S. and in many other countries

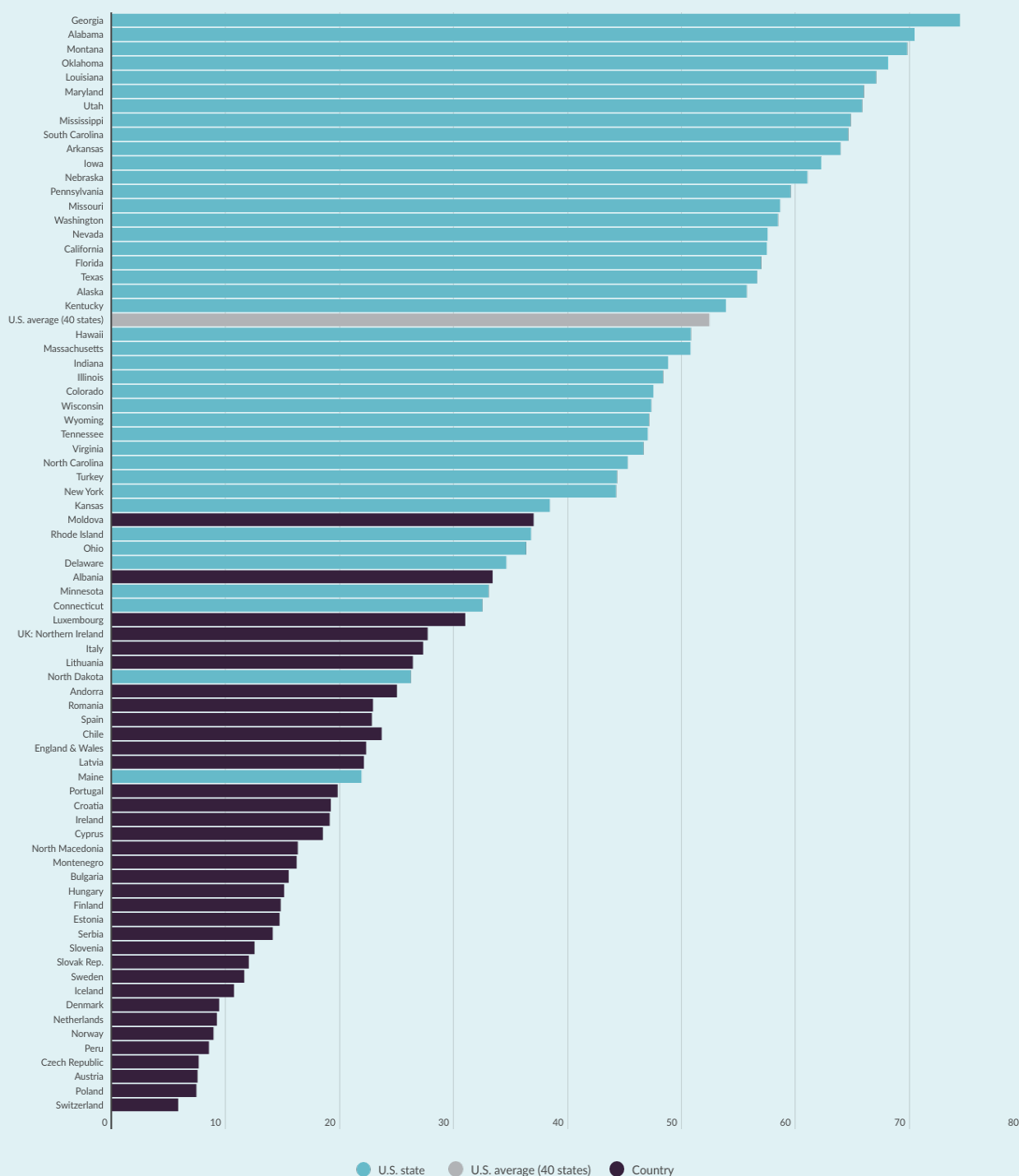
The U.S. has imposed prison sentences more frequently and for longer periods of time over the last several decades.¹ In 2019, 56% of people in prison were serving a long sentence, up from 46% in 2005, though the share of this population increased because of a reduction in shorter sentences rather than an increase in the number of people receiving long sentences. The length of time served by people sentenced to 10 years or more has also increased over time. Between 2005 and 2019, there was a 60% increase in the average amount of time served by people who were released after serving a long sentence, from 9.7 years in 2005 to 15.5 years in 2019.²

Similar trends have occurred in other countries. In Belgium, for instance, 73.5% of felony cases resulted in a sentence of 10 or more years in 1994; by 2003, this figure increased to 90.6%.³ In England and Wales, sentences of 10 or more years increased by 17.8% between 2002 and 2006.⁴ In Germany, the proportion of the long-term prisoner population sentenced to life imprisonment increased from 21.4% in 1995 to 30.2% in 2012.⁵ Similar increases in long sentences have been noted in other European nations, such as France and Lithuania.⁶

What percentage of incarcerated individuals are serving long sentences and what are the outlier countries?

Figure 1 shows the percentage of all people in prison sentenced to 10 or more years (including all individuals serving life sentences) in Chile, Peru, various parts of Europe, and 40 U.S. states. The U.S. is a clear outlier in this comparison. Among the states and countries for which data were available, the 31 jurisdictions with the highest proportions of imprisoned people serving long sentences were U.S. states. Georgia and Alabama led the pack, each with more than 70% of the total incarcerated population serving long sentences (40,820 and 17,228 individuals, respectively). The percentage of people sentenced to long prison terms in each of these two states is more than two and a half times higher than in countries such as Italy (27.3% of the incarcerated population, 10,936 individuals) and Lithuania (26.4% of the incarcerated population, 1,549 individuals), and nearly three times higher than in Chile (23.7% of the incarcerated population, 6,532 individuals). Notably, these countries are more similar to U.S. states at the lower end of the scale for long-term imprisonment, such as North Dakota (26.2% of the incarcerated population, 499 individuals) and Maine (21.9% of the incarcerated population, 483 individuals – the lowest percentage among U.S. states). No U.S. state included in the comparison finds itself in the bottom quartile of this distribution. Three European nations (Liechtenstein, Monaco, and San Marino) had no people in prison who were sentenced to 10 or more years.

FIGURE 1: PERCENTAGE OF INCARCERATED PEOPLE SENTENCED TO LONG SENTENCES (10+ YEARS) IN EUROPE, CHILE, PERU, AND 40 U.S. STATES



Notes: European data were drawn from the *SPACE I* report⁷ and are based on the incarcerated population on January 31, 2019. Data for Chile were obtained for the year 2019 from Gendarmeria de Chile.⁸ Data from Peru were published by the Instituto Nacional de Estadística e Informática and are based on the prison population in December of 2018.⁹ Figures for U.S. states are drawn from National Corrections Reporting Data (NCRP) on 40 states for 2019.¹⁰ The average percentage of people in prison who were sentenced to 10 or more years for the sample of 40 states is 52.4%.

One hypothesis for the disparity in the prevalence of long sentences across jurisdictions relates to the higher rates of violent crime—and specifically higher rates of homicide—in the U.S. when compared with other industrialized nations.ⁱ This is a plausible explanation given that homicide rates in nearly all U.S. states are much higher than those observed in European countries. For example, in 2018, Louisiana had a rate of 11.4 homicides per 100,000 population, Missouri had a rate of 9.8 homicides, Alabama had a rate of 7.8 homicides, and Georgia had a rate of 6.2 homicides. By contrast, Latvia had a rate of 4.4 homicides per 100,000 population—the highest in Europe for that year—while Lithuania had a rate of 3.3 homicides per 100,000, England & Wales had 1.2 homicides per 100,000, and both Italy and the Netherlands reported less than one (0.59) homicide per 100,000 population.

Inspired by a similar analysis of incarceration rates conducted by The Pew Charitable Trusts,¹¹ Table 1 presents the percentage of the prison population sentenced to 10 or more years in 40 U. S. states and 35 nations, along with a ratio of this indicator relative to the homicide rate. A higher ratio of long-term prisoners to homicide rate indicates that a jurisdiction imposes long sentences more frequently *relative to its homicide rate*. A lower ratio implies that the recourse to long sentences is relatively less prevalent when accounting for the homicide rate. Relative ranks for all jurisdictions are presented in the last two columns. The first column summarizes the data included above in Figure 1.

It is not surprising to see jurisdiction rankings shift when accounting for homicide rates. While Georgia and Alabama were ranked first and second for the percent of the prison population sentenced to 10 or more years, these states dropped down to the 36th and 55th ranks, respectively, with the adjustment for their higher homicide rates. Norway, which is ranked among the lowest nations for incarceration rate (73rd out of 75 jurisdictions included in the comparison) and percentage of people serving long prison terms (70th out of 75), moves up to the 16th rank when considering its low homicide rate, which is one of the lowest in Europe (0.47 homicides per 100,000 population).

TABLE 1: PERCENTAGE AND RANK OF LONG-TERM PRISON POPULATION IN 40 U.S. STATES AND 35 NATIONS, WITH HOMICIDE-ADJUSTED ESTIMATES

Jurisdiction	Percentage of prison population sentenced to 10+ years, 2019	Homicide rate per 100,000 population, 2018	Ratio of percentage of prison population sentenced to 10+ years to homicide rate (column 1/column 2)	Rank: Percentage of prison population sentenced to 10+ years, 2019	Rank: Ratio of percentage of prison population sentenced to 10+ years to homicide rate
Luxembourg	31.0	0.5	62.0	42	1
Italy	27.3	0.59	46.3	44	2
Spain	22.8	0.62	36.8	49	3
Croatia	19.2	0.58	33.1	54	4

ⁱ The analysis focuses on homicide because this is the crime type that is most likely to result in a long sentence across the world.

Jurisdiction	Percentage of prison population sentenced to 10+ years, 2019	Homicide rate per 100,000 population, 2018	Ratio of percentage of prison population sentenced to 10+ years to homicide rate (column 1/column 2)	Rank: Percentage of prison population sentenced to 10+ years, 2019	Rank: Ratio of percentage of prison population sentenced to 10+ years to homicide rate
Utah	65.8	2.0	33.0	7	5
Iowa	62.2	2.2	28.0	11	6
Nebraska	61.0	2.3	26.7	12	7
Slovenia	12.5	0.48	26.0	64	8
Massachusetts	50.8	2.0	25.3	23	9
Northern Ireland	27.7	1.1	25.2	43	10
Rhode Island	36.8	1.5	24.3	36	11
Ireland	19.1	0.81	23.6	55	12
Portugal	19.8	0.98	20.2	53	13
Montana	69.8	3.5	20.0	3	14
Wyoming	47.1	2.4	19.4	28	15
Norway	8.9	0.47	18.9	70	16
Washington	58.4	3.1	18.6	15	17
England & Wales	22.3	1.2	18.6	50	18
Hawaii	50.8	2.8	18.0	22	19
Romania	22.9	1.28	17.9	48	20
Minnesota	33.1	1.9	17.3	40	21
Hungary	15.1	0.89	17.0	60	22
Turkey	44.3	2.62	16.9	32	23
Wisconsin	47.3	3.0	15.7	27	24
Netherlands	9.2	0.59	15.6	69	25
New York	44.2	2.9	15.4	33	26
Cyprus	18.5	1.26	14.7	56	27
Albania	33.4	2.29	14.6	39	28
North Macedonia	16.3	1.2	13.6	57	29
Connecticut	32.5	2.4	13.5	41	30
California	57.5	4.4	13.0	17	31
Maine	21.9	1.7	12.7	52	32
Colorado	47.5	3.8	12.6	26	33
Oklahoma	68.1	5.5	12.5	4	34
Texas	56.6	4.6	12.2	19	35
Georgia	74.4	6.2	12.1	1	36
Iceland	10.7	0.89	12.0	67	37
Bulgaria	15.5	1.3	11.9	59	38
Czech Republic	7.6	0.65	11.7	72	39
Serbia	14.1	1.23	11.5	63	40
North Dakota	26.2	2.4	11.0	46	41
Florida	57.0	5.2	10.9	18	42
Sweden	11.6	1.08	10.7	66	43
Slovak Rep.	12.0	1.14	10.5	65	44
Poland	7.4	0.73	10.1	74	45
Switzerland	5.8	0.59	9.8	75	46

Jurisdiction	Percentage of prison population sentenced to 10+ years, 2019	Homicide rate per 100,000 population, 2018	Ratio of percentage of prison population sentenced to 10+ years to homicide rate (column 1/column 2)	Rank: Percentage of prison population sentenced to 10+ years, 2019	Rank: Ratio of percentage of prison population sentenced to 10+ years to homicide rate
Pennsylvania	59.6	6.1	9.7	13	47
Kentucky	53.9	5.6	9.6	21	48
Virginia	46.6	4.9	9.5	30	49
Finland	14.8	1.56	9.5	61	50
Denmark	9.4	1.01	9.3	68	51
Kansas	38.4	4.2	9.2	34	52
Mississippi	64.8	7.2	9.0	8	53
Moldova	37.0	4.1	9.0	35	54
Alabama	70.4	7.8	9.0	2	55
Alaska	55.7	6.4	8.7	20	56
Arkansas	63.9	7.4	8.7	10	57
Nevada	57.5	6.7	8.6	16	58
North Carolina	45.3	5.5	8.2	31	59
Maryland	66.0	8.1	8.1	6	60
Lithuania	26.4	3.28	8.0	45	61
South Carolina	64.6	8.1	8.0	9	62
Indiana	48.8	6.2	7.8	24	63
Austria	7.5	0.97	7.7	73	64
Montenegro	16.2	2.23	7.3	58	65
Delaware	34.6	4.8	7.3	38	66
Ohio	36.3	5.1	7.1	37	67
Estonia	14.7	2.12	6.9	62	68
Illinois	48.4	7.1	6.8	25	69
Tennessee	47.0	7.5	6.3	29	70
Missouri	58.6	9.8	6.0	14	71
Louisiana	67.1	11.4	5.9	5	72
Chile	23.7	4.4	5.4	47	73
Latvia	22.1	4.36	5.1	51	74
Peru	8.5	7.67	1.1	71	75

Notes: Consistent with prior research,¹² a lag effect of one year is presumed between homicide and incarceration. The ratio of long-term prisoners to homicide rate (column 3) refers to the percentage of the prisoner population sentenced to 10 or more years in 2019 (column 1) divided by the homicide rate in 2018 (column 2). Incarceration rates are based on 2019 NCRP data for 40 U.S. states, and the most recent data available for other countries.¹³ Original figures were rounded to one decimal point in Table 1, which may result in slight discrepancies in the calculation of the ratio of long-term prisoners to homicide.

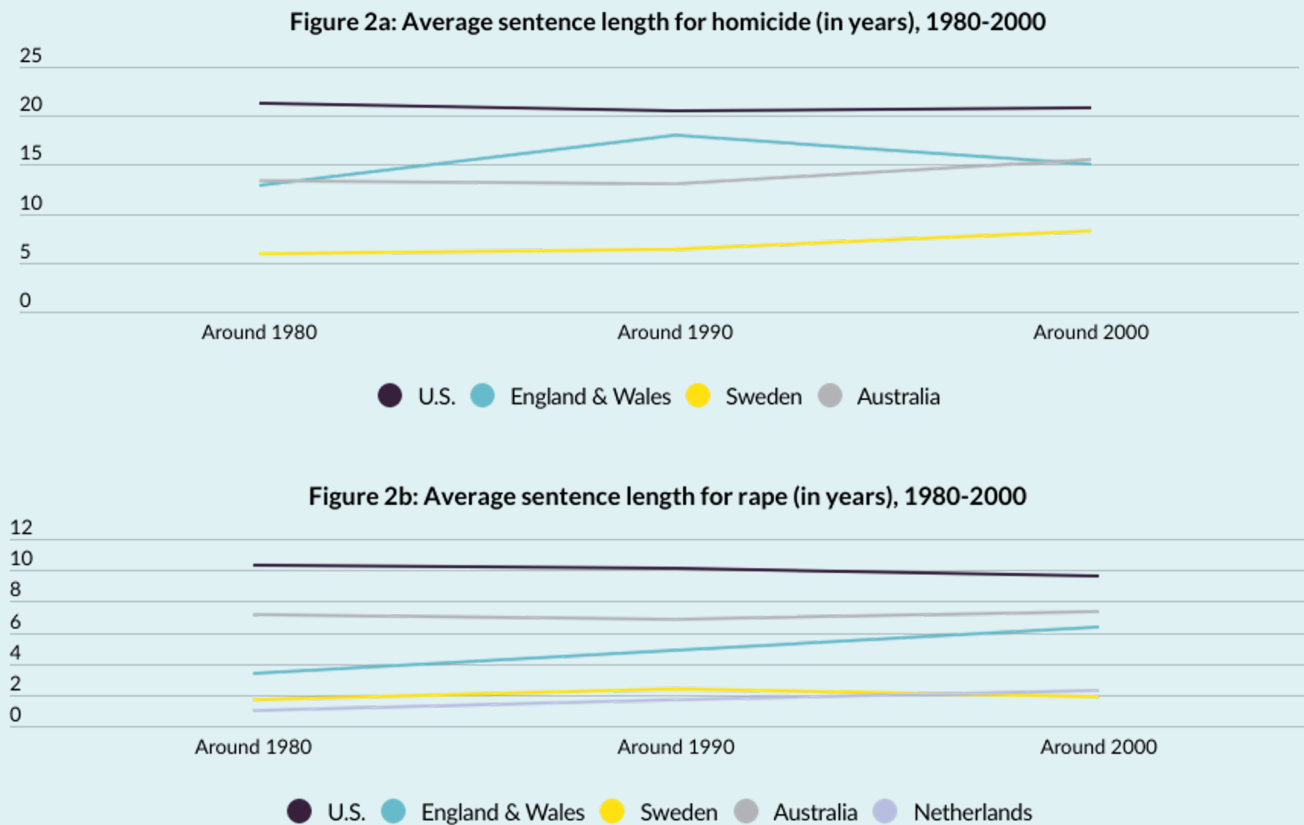
The comparisons in Table 1 contrast U.S. states with European nations (with the exceptional inclusion of Chile and Peru, two Latin American nations with accessible public data on sentence length). The ranks presented would look quite different if the comparison included more Latin American and Caribbean (LAC) countries given that homicide rates are typically higher in the LAC region than in the U.S. For reference, in 2018, the United Nations Office on Drugs and Crime reported five homicides per 100,000 population for the U.S., in contrast to a rate of 52.1 homicides per 100,000 for El Salvador, 38.9 for Honduras, 26.7 for Brazil, and 25.3 for Colombia.¹⁴ These rates are substantially higher than those reported in Louisiana (11.4 per 100,000 population) and Missouri (9.8 per 100,000), the U.S. states with the highest homicide rates in the same year. Despite these stark differences in homicide rates, incarceration rates in many U.S. states are higher than in most Latin American nations. For instance, when comparing the incarceration rates in 40 U.S. states and 33 LAC nations (figure not shown), eight of the top 10 jurisdictions with the highest incarceration rates are U.S. states. The average incarceration rates are considerably higher in the U.S. states included in this comparison (366 per 100,000 population) when compared with the LAC countries (278 per 100,000). Scholars have also noted that the average sentence length and time served are substantially higher in the U.S. compared to Latin American countries.¹⁵

A LOOK AT HOW AVERAGE SENTENCE LENGTH VARIES

How long are prison sentences?

To provide some historical background, Figures 2a and 2b draw on comprehensive comparative data published by the Bureau of Justice Statistics (BJS) to show the evolution of average sentence length for homicide and rape around 1980, 1990, and 2000.¹⁶ As early as the 1980s, the U.S. maintained an average sentence length that was considerably longer than in most other nations in the comparison (around 1980: 21.2 years for homicide; 10.3 years for rape); these figures remained stable through the early 1990s and 2000s. Around the year 2000, the average imposed sentence length in the U.S. was more than twice as long for homicide and about five times longer for rape compared with the Netherlands (8.4 years for homicide, not shown in Figure 2a; 2.3 years for rape) and Sweden (8.2 years for homicide; 1.9 years for rape).

FIGURE 2: AVERAGE SENTENCE LENGTH, 1980-2000



Notes: The Netherlands are excluded from Figure 2a because homicide data were not available in the early 1980s and 1990s. Data source: Farrington, Langan, & Tonry (2004).¹⁷

Figures 3a, 3b, and 3c present average sentence length with more recent data collected over the last decade in Europe,¹⁸ Latin America,¹⁹ and the U.S.²⁰ Data on average sentence length were available for only a limited number of European and Latin American nations but nonetheless provide valuable international perspective. The U.S. ranked 7th among the 20 countries for which sentence length information was available, with an overall average sentence length of 6.4 years for all crime categories (Figure 3a). This figure is higher when compared with all European countries and some Latin American nations included in the analysis (e.g., Finland: mean sentence length of 1 year; Belgium: mean sentence length of 1.3 years; Chile: mean sentence length of 5 years; Argentina: mean sentence length of 5.7 years), but lower than El Salvador (mean sentence length of 14.7 years) and Mexico (mean sentence length of 11.4 years).

FIGURE 3: COMPARISON OF AVERAGE SENTENCE LENGTH BETWEEN THE U.S., EUROPE, AND LATIN AMERICA

Figure 3a: Average sentence length (in years) for all convictions

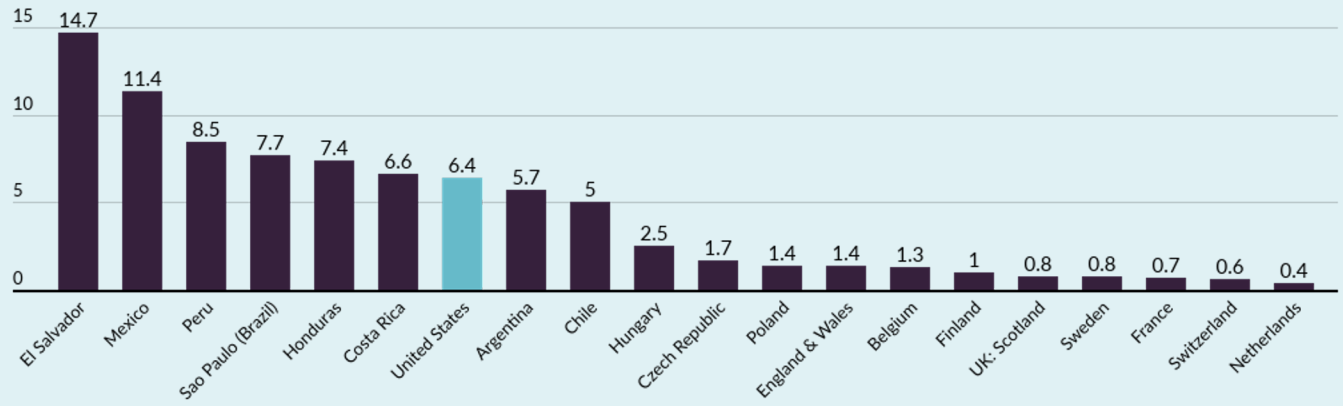


Figure 3b: Average sentence length (in years) for homicide convictions

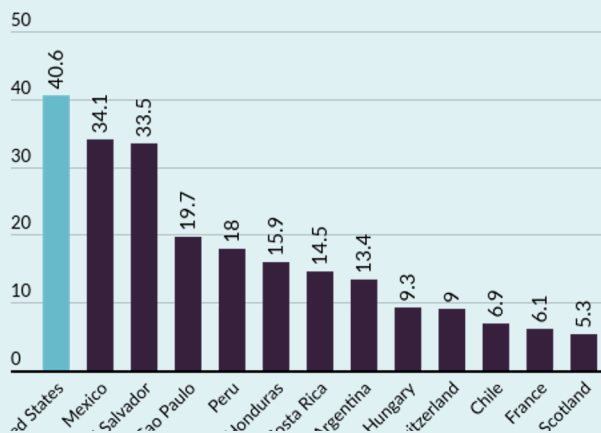
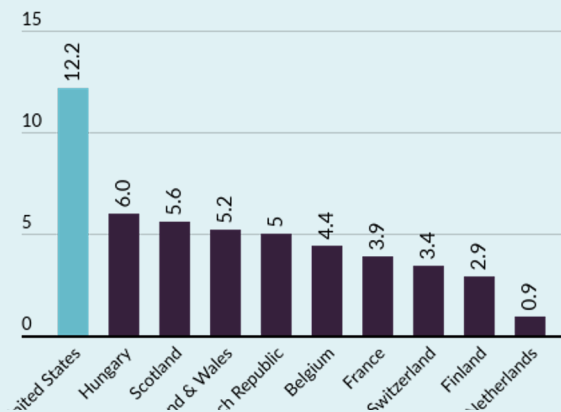


Figure 3c: Average sentence length (in years) for sexual assault convictions



Notes: U.S. data on average sentence length were collected by BJS for the year 2016. These data were based on individuals' first releases from state prisons in 44 states after serving time for any given offense; these states accounted for 97% of all individuals released from state prisons nationally in that year.²¹ In this BJS report, all sentences exceeding 100 years, as well as life and death sentences, were set to a fixed maximum of 100 years. The BJS report does not provide average sentence length data for each state. European data were available through the most recent publication of the European Sourcebook of Crime and Criminal Justice Statistics and draw on the prisoner population in 2015.²² All average sentence lengths were converted from months to years. The exclusion of life and indeterminate sentences from the average sentence length figures provided in the European data may have resulted in some under-estimation of this indicator, but this difference in operationalization is unlikely to have affected the position of European countries relative to other nations (see Methodology notes). Latin American data were published in Bergman and Fondevila²³ and draw on surveys conducted with representative samples of people admitted to prison over a 2-year period in each country. Data collection was conducted in 2012 in Argentina, Sao Paulo, El Salvador, Peru, Chile, and Mexico, and in 2016 in Costa Rica and Honduras. Brazilian data only include Sao Paulo, the largest state in Brazil and the state with the highest prison population.

When considering the specific offenses that are most likely to result in long sentences, the U.S. is a clear outlier. For homicide (Figure 3b), the U.S. imposed the longest sentence length on average (40.6 years), followed not too distantly by Mexico (34.1 years) and El Salvador (33.5 years). Data on sexual offenses were not available for Latin American countries. For these crimes, Figure 3c shows that the U.S. is again an outlier when compared with Europe, with an average sentence length for sexual assaults (12.2 years) that is more than twice as high as in Hungary (6 years), Scotland (5.6 years), and England and Wales (5.2 years); about 10 times higher than in Finland (2.9 years); and nearly 14 times higher than in the Netherlands (0.9 years). The BJS 2016 data (included in Figures 3a, 3b, and 3c) did not distinguish between rape and other sexual assaults, but a subsequent report based on 2018 data disaggregated these categories.²⁴ When focusing specifically on rape convictions (figure not shown), the U.S. maintains its outlier position, with an average sentence length (18.2 years) that is nearly three times higher than in Scotland (7.1 years) and Hungary (6.8 years), and about 10 times higher than in the Netherlands (1.9 years).

The higher average sentence length in the U.S. may partly be a result of the fact that American policies allow for sentences exceeding 100 years, and that life and death sentences are attributed the value of 100 years in BJS estimates. Death sentences are not prevalent enough to substantially impact the overall average sentence length, but life sentences are imposed far more frequently in the U.S. when compared with European and Latin American nations (see Methodology section). The U.S. figures would be lower if the BJS had attributed a smaller value to life and death sentences (e.g., 60 or 80 years instead of 100 years). The BJS reported that the average sentence length for murder would be much lower if it excluded life and death sentences (an average sentence length of 20.2 years versus 40.6 years with the inclusion of these sentences).²⁵ Even with the exclusion of life and death sentences, however, the U.S. figure would remain much higher than in all the European countries included in the comparison, as well as most Latin American nations, with the exception of Mexico and El Salvador. Given the relatively high prevalence of life sentences in the U.S., it would be illogical to exclude these sentences from estimates of average sentence length (see the Methodology section for a discussion on this issue as well as related challenges in the measurement of average sentence length).

Overall, these figures suggest that the average sentence length imposed in the U.S. is more aligned with the sentencing practices of Latin American countries than those of industrialized peer nations in Europe. The higher homicide rates in the U.S. when compared with European nations may partly explain why long sentences are imposed more frequently but they do not shed light on why the average prison sentence is substantially longer in the U.S. for homicide and sexual assaults. Moreover, the U.S. has a lower homicide rate than most Latin American nations, but it imposes longer sentences for this crime. Most people convicted of homicide in Latin America will serve less than 20 years.²⁶

How do U.S. sentencing practices compare to those used in other countries?

It is well established that U.S. sentencing practices are highly distinctive from those of other industrialized nations.²⁷ Two of the key features that differentiate the U.S. criminal justice system from other nations are the independent and disparate sentencing systems across states and the pervasive use of plea bargaining, which can complicate cross-national comparisons of sentencing policies. Some scholars have hypothesized that the unparalleled dependence on plea bargaining in the U.S. has contributed to mass incarceration as well as the imposition of longer sentences, partly because the sentences imposed after a conviction at trial are “inflated to induce guilty pleas, not because the sentences imposed following guilty pleas are more lenient than they otherwise would have been.”²⁸

The Ten-Country Prisons Project²⁹ is a valuable source of comparative data on incarceration from a sample of diverse nations. It involves a collaborative effort between the World Prison Brief and the Institute for Crime & Justice Policy Research at the University of London. One of the project’s reports examined the different sentencing frameworks that may explain cross-national disparities in the use of long sentences. The report draws on interviews with 70 criminal defense lawyers across 10 countries, who provided the probable sentencing outcomes for three hypothetical offense scenarios involving domestic burglary, drug importation, and intentional homicide. (See **Appendix** for a description of the vignettes and the predicted sentencing outcomes for each country.)

For domestic burglary, the predicted sentence in the U.S. (data were drawn from New York State) was estimated to be about five years, which is longer than the predicted sentence in nearly all other countries included in the comparison (England and Wales: 3 years; the Netherlands: 3-5 months; Hungary: 1-2 years; Australia: up to 4 years; Thailand: 1-3 years; India: 3 years; South Africa: 3 years; Brazil: 3-4 years). Only Kenyan legal practitioners estimated a higher likely sentence for burglary (7 years).

The predicted sentence for drug importation is longer in the U.S. when compared with European countries (barring deportation, 10 years in the U.S. versus 3.5-5 years in England and Wales, 3-8 years in Hungary, and 3-5 months in the Netherlands). Some countries have harsher provisions for drug trafficking: up to 25 years in South Africa and even the death penalty in Thailand.

Overall, the predicted sentences reported in the U.S. differed from the sentencing outcomes reported in European nations and were more on par with those of less developed countries in the sample. The variation was especially striking when comparing the U.S. to the Netherlands, where legal practitioners estimated the probable sentences for both burglary and drug importation as 3-5 months, compared to five or more years under American sentencing policies. The predicted differences for homicide sentences between the U.S. and other industrialized nations are not as pronounced in this comparison because

this crime is likely to get a longer sentence in all countries.ⁱⁱ In the absence of a plea deal, the individual depicted in the Ten-Country Prisons Project homicide scenario would likely get 25 years to life in New York, life imprisonment in England and Wales (with a minimum of 25 years in custody), up to 20 years to life in Hungary, and 20 to 28 years in Australia. The Netherlands is an outlier, with a probable sentence of 3 to 12 years (depending on the evidence of a treatable mental health disorder). It is important to note that these are sentences *predicted* by practitioners; actual sentences imposed for homicide convictions in the U.S. are substantially higher when compared with other countries (see Figure 3b above).

LIFE SENTENCES

Eighty-five percent of countries and territories in the world—or 183 out of 216 nations—have a statute that allows for sentencing an individual to life in prison. At least 64 countries have statutes for de facto life sentences (i.e., a requirement to serve 35 years before the possibility of release), including 15 countries that do not formally include provisions for life sentences. Internationally, there has been a steady increase in the number of people sentenced to life imprisonment in the last several decades, from about 261,000 individuals in 2000 to 479,000 individuals in 2014.³⁰ The major contributors to this growth include the U.S., India, South Africa, the United Kingdom, and Turkey.

ⁱⁱ Although New York has a relatively high prevalence of life sentences, Northeastern states generally have lower incarceration rates and impose shorter sentences when compared with other states. As such, the contrast between the U.S. and other industrialized nations would likely be much starker if the analyses drew on a state with a higher proportion of people sentenced to long terms in prison. This may explain the less pronounced discrepancies in predicted homicide sentences between the U.S. and other nations in this analysis.

Global differences in the use of life imprisonment

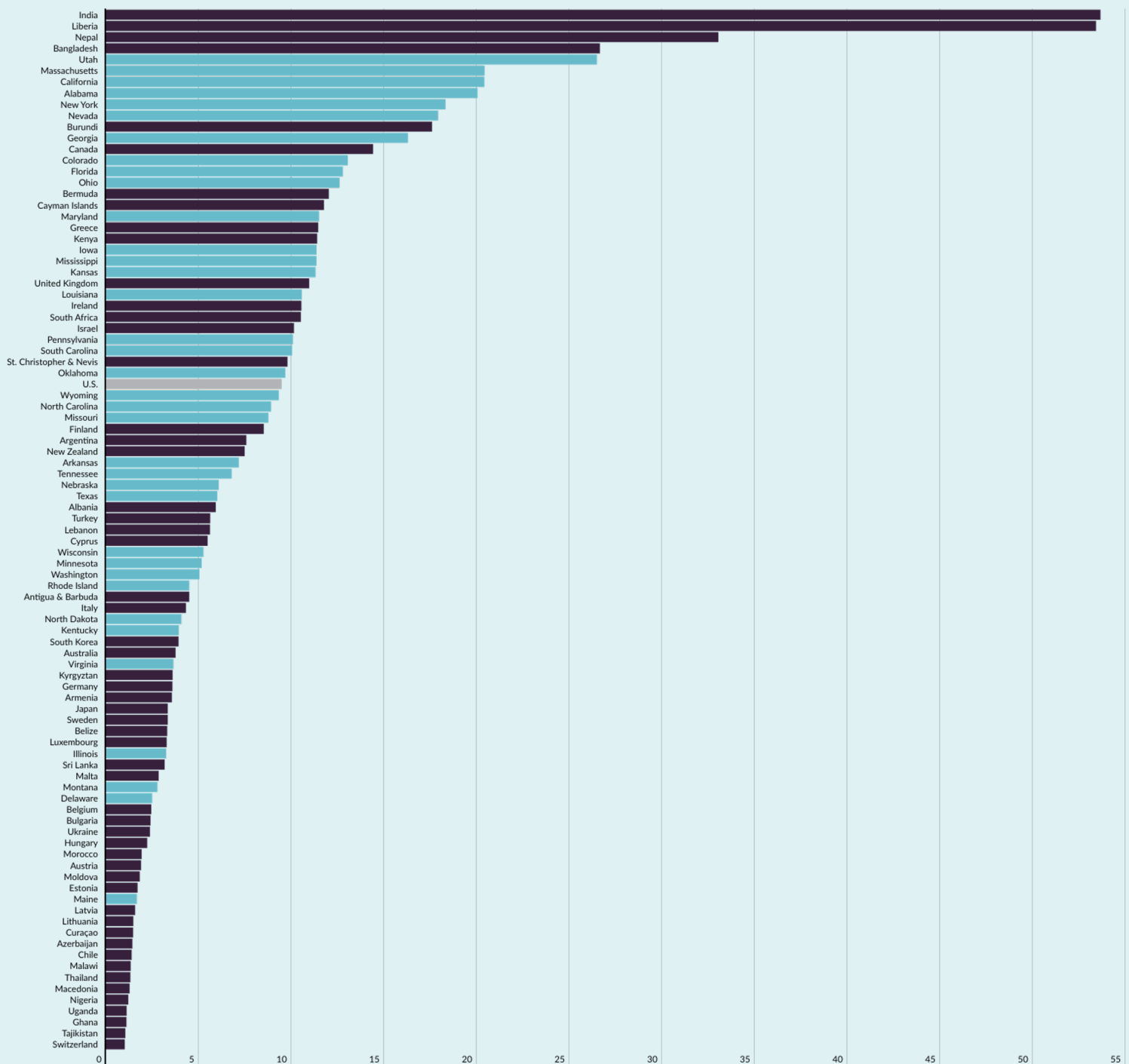
The increase in the population sentenced to life imprisonment in the U.S. has been largely driven by the rise in Life Without the Possibility of Parole (LWOP) sentences, which increased by 320% between 1992 and 2016 (from 12,453 individuals in 1992 to 53,290 individuals in 2016). This figure contrasts to a more modest increase (89%) in Life With the Possibility of Parole (LWP) sentences in the U.S. during the same period (from 57,392 to 108,667 individuals). Scholars have noted that LWOP sentences were widely adopted across the U.S. as an alternative—and, in some cases, a mandatory alternative—to the death penalty after the 1970s. By contrast, in Europe, Hungary is the only nation that has a constitutional provision that allows for the imposition of LWOP sentences.³¹

It is estimated that U.S. prisons hold 40% of individuals sentenced to life worldwide and 83% of those sentenced to LWOP.³² In 2016, nearly 162,000 people were serving a life sentence in the U.S.—a number six times higher than the total (27,000) for the entire continent of Europe (including Turkey and Russia). Figure 4 presents the percentage of incarcerated individuals sentenced to life across various nations and U.S. states. Six of the 10 leaders in this list are U.S. states; Utah, Massachusetts, California, Alabama, New York, and Nevada are only surpassed by India, Liberia, Nepal, and Bangladesh.

Over three-quarters of countries with life imprisonment laws have a provision for release,³³ with wide variation in the required minimum amount of time served before the possibility of release (e.g., Belgium: 10 years; Denmark and Finland: 12 years; Austria, Germany, and Switzerland: 15 years; France: 18 years; Italy: 26 years; Estonia: 30 years). For the 98 countries with statutory rules establishing minimum time served, people serve an average of 18 years before being released. Put simply, in Europe, a life sentence seldom means perpetuity. Anders Behring Breivik, who was convicted of committing 77 murders in Norway in 2011, was sentenced to 21 years in prison, the maximum sentence allowed by Norwegian criminal law. Norway does, however, have provisions to extend the sentence if an incarcerated individual is deemed to pose a threat to public safety.

These figures contrast sharply with U.S. sentencing laws.³⁴ In Georgia, people sentenced to life must serve a minimum of 30 years before being considered for parole. In Texas, individuals must serve a minimum of 40 years. In Tennessee, the minimum required time served for life sentences is 60 years (which may be reduced to 51 years with sentence credits). These release provisions are significantly more severe than those implemented in European nations.

FIGURE 4: PERCENTAGE OF SENTENCED PRISONER POPULATION SERVING A LIFE SENTENCE IN VARIOUS JURISDICTIONS ACROSS THE WORLD, 2014



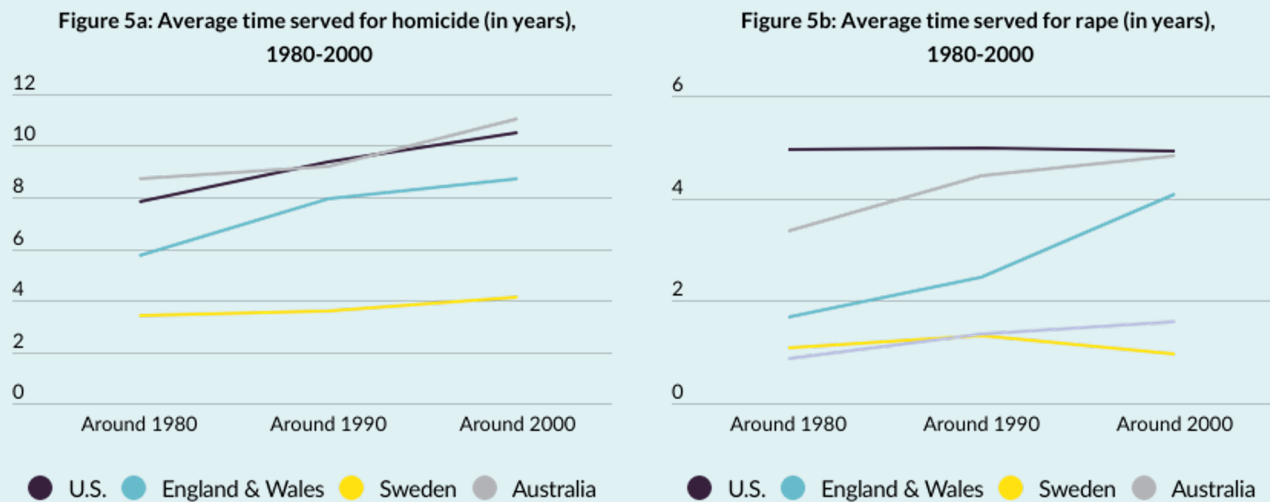
Notes: Figures for U.S. states are drawn from 2014 NCRP data on 39 states.³⁵ Data for the U.S. is drawn from van Zyl Smit & Appleton 2019.³⁶ Data for all other countries included in this figure were from 2014 (or the nearest possible date).³⁷ A number of countries and U.S. states had no cases of life imprisonment: Afghanistan, Alaska, Andorra, Angola, Bolivia, Bosnia and Herzegovina, Brazil, Colombia, Connecticut, Costa Rica, Croatia, Dominican Republic, Ecuador, El Salvador, Faroe Islands, Greenland, Guatemala, Guinea-Bissau, Iceland, Kosovo, Liechtenstein, Macao (China), Monaco, Montenegro, Mozambique, Nicaragua, Norway, Panama, Portugal, Puerto Rico, San Marino, Sao Tome e Principe, Serbia, Slovenia, Spain, Paraguay, Timor-Leste, Turkmenistan, Uruguay, Venezuela.

HOW DOES TIME SERVED VARY INTERNATIONALLY?

In most countries, the maximum sentence length allowed by law is often quite different from the actual imposed sentence and time served. The required minimum time served before the consideration of release varies widely across countries.³⁸ In Belgium, for instance, first-time offenders must serve at least one-third of the imposed sentence before any form of conditional release is considered, while people who have been previously incarcerated must serve at least two-thirds of the imposed sentence. In France, Poland, and the Czech Republic, first-time offenders are required to serve at least half of their imposed sentence, and those convicted of repeat offenses must serve two-thirds.

Figures 5a and 5b provide a historical perspective on the changes in average time served across several countries.³⁹ Mirroring the trends in average sentence length (Figures 2a and 2b), average time served for homicide and rape was higher in the U.S. and Australia compared to other nations with available data. Interestingly, between 1980 and 2000, the average time served for homicide increased in all countries included in the comparison (Figure 5a).

FIGURE 5: AVERAGE TIME SERVED, 1980-2000



Notes: The Netherlands are excluded from Figure 5a because homicide data were not available in the early 1980s and 1990s. Data source: Farrington, Langan, & Tonry (2004).⁴⁰

Figures 6a and 6b contrast the average sentence length and time served for homicide and rape in seven countries, using the most recent available data. Overall, both indicators were highest in the U.S., Australia, and the United Kingdom. While the U.S. imposed the longest sentences for homicide and rape, individuals served roughly half their sentences prior to being released. Australia was an outlier in that it imposed long sentences for homicide and rape and also had a high average time served; for homicide, Australia's time-served-to-imposed sentence ratio was higher than in any other country, with individuals serving 71% of the pronounced sentence. The percentage of the initial sentence that was actually served was also relatively high in the Netherlands and Switzerland (with individuals serving between 66% and 70% of the original sentence), but the imposed sentences in these countries were substantially lower when compared with the U.S. and Australia.

FIGURE 6: AVERAGE SENTENCE LENGTH AND TIME SERVED, AROUND 2000

Figure 6a: Average sentence length and time served for homicide (in years), 2000

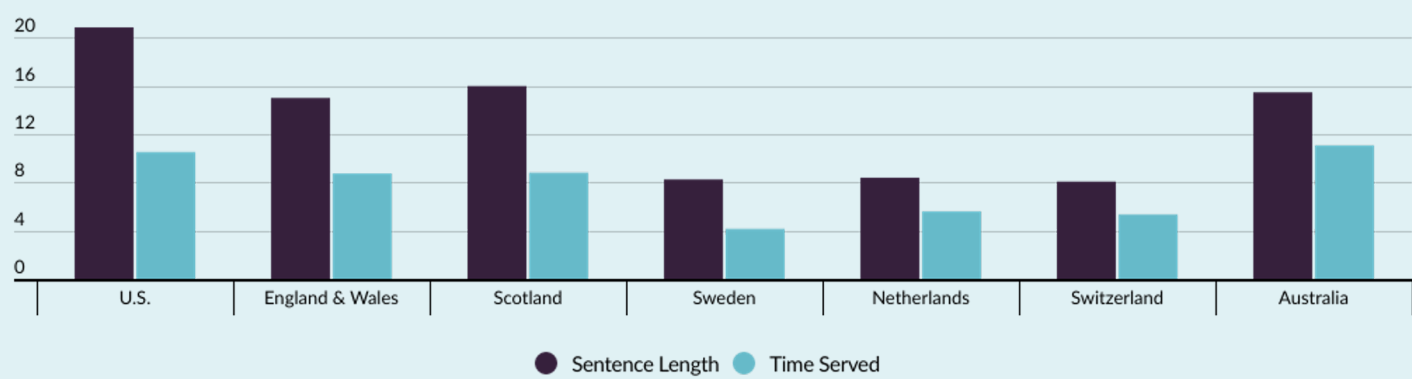
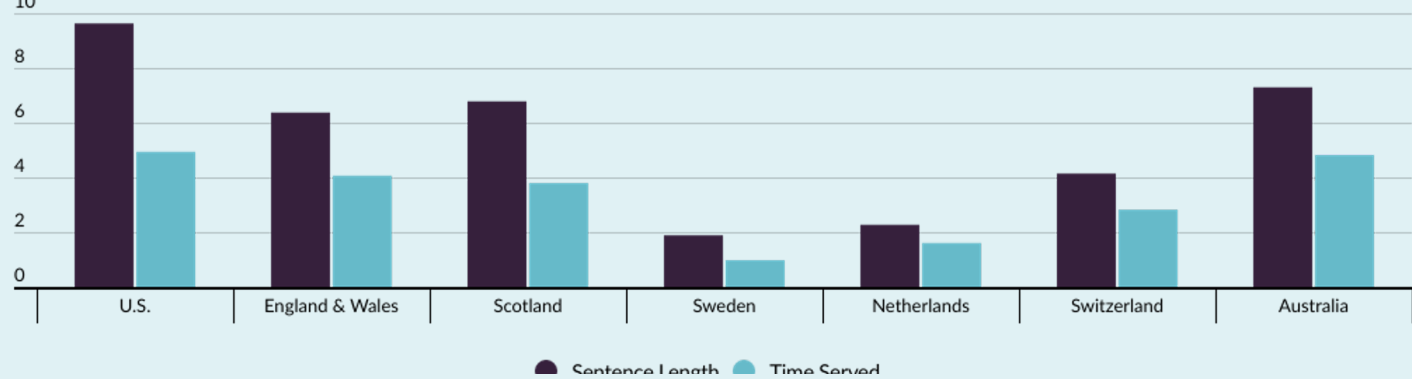


Figure 6b: Average sentence length and time served for rape (in years), 2000



Data source: Farrington, Langan, & Tonry (2004).⁴¹

WHO ARE THE PEOPLE SERVING LONG SENTENCES?

Detailed data on the profiles of people serving long sentences are limited in the U.S. and seldom publicly available in other countries. Comparisons of the racial and ethnic composition of the prison population are especially difficult because European countries do not typically publish data on the race, ethnicity, or religious background of justice-involved populations. The reasoning for this data gap in Europe is based on the concern that public access to such information could lead to discriminatory practices.⁴² In the U.S., racial and ethnic minorities overwhelmingly make up the life-sentenced population; 46% of individuals serving a life sentence are Black and 16% are Latinx, and more than half (55%) of those serving a LWOP sentence are Black.⁴³

Researchers have highlighted the high prevalence of past trauma among people serving long sentences. Traumatic events are defined as exposure to actual or threatened death, serious injury, or sexual violence.⁴⁴ Across a wide range of populations, experiences of trauma have been linked to multiple symptoms, including aggression, impulsivity, hypervigilance, misappraisal of threat, sensation seeking, fear, anxiety, depression, and suicidal thoughts and behaviors.⁴⁵ A study examining various features of long-term imprisonment in 11 European nations⁴⁶ found that 88% of people serving long sentences reported having experienced at least one traumatic event—and an average of three traumatic events—prior to incarceration. Nearly a quarter reported sexual contact when they were minors by someone who was five or more years older. Between 58% to 86% of individuals serving long sentences had clinical levels of psychological distress (defined as feelings of fear, helplessness, and horror) or other mental health disorders that required treatment. The lowest reported value (58%) was noted in England and Wales and the highest (86%) in Finland.

Similar results were reported in a study of 58 individuals serving long sentences in France.⁴⁷ All participants in the study had experienced at least one traumatic event during their lifetime. On average, they experienced more than eight different types of traumatic events (Mean=8.4, Median=8, SD=3.9), and most individuals experienced a traumatic event on more than one occasion. Almost one-third of study participants reported having been victims of sexual assault or attempted sexual assault (32.1%, $n=18$). Most participants reported psychological distress as a result of these incidents. Participants often reported that past traumatic events were not adequately addressed by mental health professionals in prison over the course of their many years behind bars.

Although some empirical studies have provided a description of individuals serving long sentences in different countries (usually with a qualitative design), national databases with detailed information about various characteristics of this population are lacking. Given that people serving long sentences may have distinctive needs from other incarcerated individuals, this is an important consideration for future data gathering efforts.⁴⁸

CONCLUSION

The U.S. possesses features of both industrialized and developing countries. Its commonalities with member nations of the European Union include many similar social, political, and economic characteristics, from comparable unemployment rates to similar levels of educational attainment and spending.⁴⁹ However, the U.S. is also clearly distinctive from Europe in many regards. Its decentralized government means that U.S. states largely operate autonomously, with their own independent criminal justice systems. The U.S. also grants substantial discretionary power to prosecutors—a key distinction from other industrialized nations—and elects (rather than appoints) most district attorneys. European prisons grant incarcerated individuals a wider range of social and political rights. In France, for example, correctional law guarantees certain rights to incarcerated people, such as the right to obtain identity papers, to vote, to have access to social aid and employment opportunities, to participate in programs, to maintain family ties, to have reasonable access to telephone services and, for some categories of individuals (elderly persons, for example), to receive sentence reductions.

Incarceration rates are higher and long sentences more prevalent in the U.S. than in European nations. However, the U.S. also grapples with higher homicide rates. Prior work has highlighted the elevated rates of serious violent crime in the U.S. when compared with other industrialized nations.⁵⁰ Given these facts, a natural hypothesis for the disparity in the use of long sentences between the U.S. and other nations is that the American criminal justice system contends substantially higher rates of violent crime, specifically homicide. While higher homicide rates in the U.S. may partly explain why long sentences are imposed more frequently when compared with European nations, they do not explain the higher average sentence length and longer time served by individuals convicted of the same crimes on the two continents.

It is noteworthy that many U.S. states punish more severely than countries that contend with higher levels of violence. The U.S. has a lower overall homicide rate than most Latin American nations but incarcerates more people and for longer periods of time. The comparison with Latin America highlights the importance of including countries of varying levels of development in international comparative analyses. It is well established that the U.S. is distinctive from Europe, with regards to crime rates as well as sentencing policies, and there are valuable insights to gain from extending the comparison to other countries. Future cross-national analyses should endeavor to include a larger sample of LAC nations, as well as countries from the African and Asian continents.

Ultimately, the association between crime and imprisonment policies is complex. When violent crime rises, it may take lawmakers several years, or even longer, to adopt policies in response. Racial dynamics may also influence sentencing policies.⁵¹ While international data

do not allow for robust comparative analyses of race and ethnicity among incarcerated populations, analysis of U.S. states suggests that sentencing laws may be a response to the size of the Black population and racial differences in support for more punitive policies, and that White public support influences policy adoption.⁵² To better understand the link between violent crime and sentencing policies, we need more rigorous analyses that would ideally include indicators that may be confounded with punitiveness in various countries, including welfare spending, income inequality, and trust in government.⁵³

Leading sentencing and parole experts, in agreement with the recommendations of the Model Penal Code,⁵⁴ have argued that people serving long sentences should be eligible for release after no more than 15 years of confinement.⁵⁵ This recommendation is consistent with the release policies of most European nations, but it stands in sharp contrast to the laws that are in effect in many U.S. states. As American leaders examine the nation's criminal justice law and policy, it is important to consider the value in drawing on the examples of peer industrialized nations to assess and reform policies that guide the distinctive use of long sentences.

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Appendix to Long Sentences: An International Perspective

SENTENCING OUTCOMES (IN YEARS) FOR THREE OFFENSE TYPES IN TEN COUNTRIES.

	Burglary: <i>P-, a 32-year-old man, broke into a house when the residents were at work, accessing the rear of the house via a back alley and breaking a window to gain entry. He stole jewellery and cash belonging to one of the residents, worth a total of approximately [US\$ 500]. He has several prior convictions for the same type of offence and other similar offences.</i>		Drug Importation: <i>K-, a 26-year-old woman, was recruited in her home country of [Nigeria] to transport heroin in return for a cash payment. She had flown to [England] from her home country, carrying the heroin in a hidden compartment in a money belt. The quantity of heroin was 400 grams, or a little under 1 lb.</i>		Murder: <i>Two 23-year-old friends, L- and J-, got into an argument while drinking together in a bar. Both left the scene, and L- texted a mutual friend to say that he was going to kill J-. The next morning, on leaving his home for work, J- was confronted by L- who had been waiting for him outside his property. L- was armed with a knife, which he used to stab J- fatally in the chest.</i>	
	Max sentence	Likely sentence	Max sentence	Likely sentence	Max sentence	Likely sentence
NY/USA	7 years	5 years (could be as low as 2 depending on plea deal/prosecutor)	Life	From non-custodial with immediate deportation, to 10 years custody **	Life	15-18 years if plea deal; otherwise, 25 years-life
Brazil	8 years	3-4 years	15 years	6-7 years + fine (\$3,500)	Life ***	14 years (first 5.5 years at least in a closed regime)
England & Wales	14 years	3 years if mandatory min. applies; otherwise shorter, possibly community/suspended sentence	Life	3.5-5 years	Life	Life, with minimum term in custody ('tariff') of 25 years
Netherlands	6 years	3-5 <u>months</u> with recent prior convictions; otherwise possible non-custodial sentence	12 years	3-5 <u>months</u>	Life	Evidence of treatable mental health (MH) problem: 3-12 years + indefinite MH treatment order; otherwise, 10-12 years

Hungary	3 years	1-2 years	15 years	3-8 years		8-10 years with confession or other mitigation; otherwise up to 20 years-life
Kenya	14 years	7 years (can be as low as 2 years)	Life	5-20 years + fine (c. \$85,000) + additional 5-7 years if fine not paid	Death penalty** **	Life, potentially whole life term
South Africa	None	3 years (can be up to 8 years if sentenced in higher court)	25 years	5-25 years + possible fine (max \$65,000)	Life	Life, potentially whole life term
India	10 years	3 years	20 years *	20 years + fine (at least \$1,400)	Death penalty or life	Life
Thailand	7 years	1-3 years	Death penalty, commutable to life	Death penalty or (following confession) life + fine (\$32,000-\$160,000)	Death penalty or life	Death penalty in absence of confession; otherwise life or lesser term
Australia	14 years	Up to 4 years; non-custodial community order possible	25 years	3-8 years + possible fine (up to \$700,000)	Life	20-28 years (possible discount of up to 25% for guilty plea)

Source: Heard & Jacobson (2021, pp. 12-14).

* 'Rigorous imprisonment,' including hard labor

** Depends if sentenced under federal or state laws and on prosecutor deal offered.

*** The death penalty in Brazil is only for war crimes, genocides, terrorism, and crime against humanity.

**** No executions in Kenya since 1987

Methodology and Data Notes

DATA SOURCES

The [Long Sentences: An International Perspective](#) brief draws on the most complete data publicly available to contextualize the recourse to long sentences through a comparative lens with other nations. While criminologists have conducted comprehensive cross-national analyses of life sentences,¹ this type of analysis is lacking for long sentences more broadly defined. Long sentences are defined as sentences of 10 or more years, including life sentences. For the purpose of the present analysis, U.S. data on the prevalence of long sentences were drawn from the National Corrections Reporting Program (NCRP) and gathered by Ernesto Lopez, Research Specialist at the Council on Criminal Justice. Data on average sentence length imposed in the U.S. are available in a report published by the Bureau of Justice Statistics (BJS) in 2018.² These data were based on individuals' first release from a given sentence of more than one year in 44 states in 2016; these states accounted for 97% of all individuals released from state prisons nationally in that year.^a

Publicly available data on long sentences are scarce in other parts of the world, especially in developing countries. Drawing on the most comprehensive data available, the current analysis made every effort to integrate both industrialized and less developed nations in the comparison, and to use data for comparable years when possible. This brief draws on eight sources of non-U.S. data to examine (1) the prevalence of long sentences; (2) the average sentence length and time served; and (3) the use of life sentences in other parts of the world.

The prevalence of long sentences

One of the most comprehensive sources of publicly available criminal justice data outside of the U.S. are collected in Europe, through the Council of Europe Annual Penal Statistics, otherwise known as the SPACE projects (Statistiques Pénales Annuelles du Conseil de l'Europe). This initiative includes two related projects that collect annual data on the use of prison (SPACE I) and probation (SPACE II) for the 46 member states of the Council of Europe. The present analysis draws on relevant SPACE I data.³ The statistics included in the SPACE I reports are provided by designated national correspondents who work in prison services. These data are checked and

^a The BJS published a more recent version of this report in 2021, which includes data on average sentence length in 2018. However, the present analysis draws on the earlier version of the report because it is closer to the data years included in the Latin American and European sources. This BJS series also includes data on average time served but these figures were not included in the present analysis due to the lack of recent international data on this indicator.

analyzed by researchers at the University of Lausanne in Switzerland. The SPACE I report includes data on the number and proportion of the sentenced prisoner population by length of sentence; these figures are based on the total number of individuals incarcerated on January 31, 2019.^b The European data were supplemented with data from two Latin American countries with accessible information on sentence length, published by the governments in Chile⁴ and Peru⁵. These reports include figures on the distribution of incarcerated people according to their imposed sentence length in 2019 (Chile) and December 2018 (Peru). Going forward, more comprehensive research is needed to identify additional governmental data sources on sentence length in Latin America.

Average sentence length and time served

In an ideal scenario, all sources of international data would draw on similar methodologies and operationalization strategies, but this is not a realistic standard in cross-national comparisons (see discussion on some of the challenges in conducting comparative analyses below). The U.S. data on average sentence length are based on individuals released from prison in 2016, the European data rely on the convicted prisoner population in 2015, and Latin American estimates draw on surveys conducted with incarcerated people in 2012 and 2016. Data on average imposed sentence length in Europe were gathered from the original data documents of the most recent version of the European Sourcebook of Crime and Criminal Justice Statistics.⁶ Latin American data on sentence length were published in an impressive volume produced by Bergman and Fondevila in 2021 on prisons and crime in Latin America.⁷ The authors employed an alternative strategy to the traditional use of official data. Rather than rely on national data that are often unavailable or incomplete, this analysis relied on surveys with random samples of about 1,000 individuals admitted to prison over a 2-year period in each Latin American nation included in the analysis, starting in 2012 (in Argentina, Chile, El Salvador, Mexico, Peru, and Sao Paulo, Brazil) or 2016 (in Costa Rica and Honduras). Incarcerated individuals reported the sentence pronounced by the judge in their case.

There are some operationalization differences in estimates of average sentence length between the U.S., Europe, and Latin America. European figures on average sentence length exclude life and indeterminate sentences, whereas U.S. and Latin American data include these sentences in

^b A SPACE I report was published in 2022, with more recent data on the sentenced prisoner population in Europe in 2021. The present analysis does not draw on these more recent data for two primary reasons. First, because the most recent available NCRP data is from 2019, the SPACE I report with 2019 data is more comparable to U.S. data. Second, because the COVID-19 pandemic may have introduced anomalies in incarceration trends, it seems unwise to use 2020 or 2021 data for some countries but not others. European countries with missing data or reporting anomalies were excluded from this specific analysis.

their estimates. In Latin America, life sentences usually translate to a maximum of 40 years in prison but these sentences are seldom imposed; life sentences are imposed in some Caribbean nations but these countries are not included in Bergman and Fondevila's analysis.⁸ It is also important to highlight that Latin American nations do not impose capital punishment or Life Without the Possibility of Parole (LWOP) sentences. In the data published by BJS, all sentences of more than 100 years (including life and death sentences) are set to a maximum value of 100 years.⁹ While the average sentence length for murder would be much lower in the U.S. if estimates excluded life and death sentences (20.2 years versus 40.6 years with the inclusion of these sentences),¹⁰ this exclusion is not logical given that life sentences are far more ubiquitous in the U.S. when compared with other nations.^c It is estimated that 15% of the U.S. state and federal prison population is serving either Life With the Possibility of Parole (LWP), LWOP, or a virtual life sentence.¹¹ In contrast, life and indeterminate sentences are uncommon in Europe – they represent less than half of one percent of total sentences (and often much less) for nearly all European nations included in the analysis. While the exclusion of life and indeterminate sentences has likely resulted in some under-estimation of the average sentence length in European countries, the discrepancy is unlikely to have altered the relative rank of European nations, specifically because of the comparatively limited prevalence of life sentences in this region. It is also noteworthy that individuals sentenced to life imprisonment in Europe are generally eligible for release after a shorter period of time when compared with those in the U.S., ranging from a period of 10 years in Belgium to 30 years in Estonia.¹² Even if life sentences were included in the European estimates, the average estimated sentence length for life imprisonment would be far below the 100-year sentence estimated by BJS.

Another operationalization difference in the analysis on average sentence length pertains to the measurement of homicide. European and U.S. data exclude homicide attempts, whereas Latin American data include these incidents in the homicide figures. Data from the European Sourcebook of Crime and Criminal Justice Statistics suggest that average sentence length figures can be about 7-13% lower with the inclusion of homicide attempts in contrast to the figures that exclude these incidents. If the average sentence length figures for homicide are slightly underestimated as a result of the inclusion of homicide attempts, this does not change the relative position of the U.S. in contrast to the Latin American countries included in this analysis.

The present analysis also draws on a report published by the BJS in collaboration with researchers from across the world which compares crime and sentencing data for six offense

^c More recent BJS data showed that the exclusion of life sentences, death sentences, and deaths while in custody would only reduce the average time served for all offenses in the U.S. from 2.7 years to 2.6 years, and from 17.8 years to 15.6 years for murder convictions.

types in eight countries.¹³ The analysis includes data on serious crimes across several years, although only the offenses that are most susceptible of resulting in a long sentence are included in the present analysis (i.e., homicide and rape).^d The report offers estimates of average sentence length and time served. The authors used special estimation procedures to assess sentence length for indeterminate life sentences. Although the data included in this publication are more dated than the other sources included in this brief, this analysis is particularly valuable because (1) it is the only known source of international data that compares estimates of average time served; (2) it is the only known cross-national comparison that provides historical trends for imposed sentence and time served; and (3) given that there have not been any substantial changes in U.S. sentencing practices since the 1990s,¹⁴ the analysis captures the substance of contemporary long sentencing policies.

The present analysis also includes qualitative data on sentence length. In 2017, the Institute for Crime & Justice Policy Research in London, in collaboration with partners across ten nations, launched a large-scale comparative project called the Ten-Country Prisons Project. This initiative aimed to contrast the use of imprisonment in different countries. Drawing on various offense scenarios, one of the reports published in the context of the Ten-Country Prisons Project provides qualitative estimates of predicted sentence length from ten countries located in North America, Africa, Asia, and Oceania.¹⁵ The sample includes the U.S. (New York State specifically), Brazil, England and Wales, the Netherlands, Hungary, Kenya, South Africa, India, Thailand, and Australia. These countries were selected based on their diverse geographic location, economic standing, legal systems, prison population trends, and regional/global influence, as well as the availability of criminal justice data.

Data on life sentences were drawn from van Zyl Smit & Appleton's (2019) comprehensive analysis of life sentences across the world in the year 2014 (or the nearest possible date).¹⁶

In addition to data on long sentences, this brief draws on homicide rates in U.S. states (per 100,000 population) for 2018, gathered from the FBI database (provided by Ernesto Lopez). For other countries, the analysis relies on homicide data collected by the United Nations Office on Drugs and Crime (UNODC), which have been found to be more robust than World Health

^d Data were not always available for all countries in a given year, but include figures *around* 1980, 1990, and 2000. This analysis relied on the following years: Sweden: 1980, 1990, 1998; England & Wales: 1981, 1990, 1999; US: 1981, 1990, 1996; Netherlands: 1982, 1990, 1999; Australia: 1983, 1990, 2000; Scotland: 1999; Switzerland: 1999. Homicide data were not available for average sentence length and average time served in the Netherlands in the early 1980s and 1990s. Between 1981 and 1999, various countries modified their rape laws. The authors involved in Farrington et al.'s (2004) comparative study adjusted the rape estimates to make the figures comparable across time and countries. Data for robbery, assault, burglary, and vehicle theft are available upon request.

Organization data, particularly in cross-sectional analyses.¹⁷ Because homicide data in the United Kingdom do not disaggregate rates for England and Wales, Northern Ireland, and Scotland, homicide rates in England and Wales and Northern Ireland were obtained from local governmental sources.¹⁸ Population data were provided by Ernesto Lopez for U.S. states and obtained from the World Bank for other nations.¹⁹

THE CHALLENGES IN CONDUCTING A CROSS-NATIONAL COMPARISON OF LONG SENTENCES

A comparative analysis of the prevalence of long sentences across different nations is challenging for several reasons. First, definitions of long sentences vary across countries, with European countries having a lower threshold for what constitutes a long sentence when compared with the U.S.²⁰ Sentencing standards are constantly in flux, which further complicates comparative analyses. In many countries, sentencing and release data are held separately and it can be challenging to match up the two sources. In addition, differences in the definition and classification of crimes, as well as the ways in which nations use concurrent versus consecutive sentences, raise important challenges for comparative analyses of sentencing practices. These challenges arise even in comparisons focusing on homicide, which is often regarded as the crime type best suited for cross-national analyses.²¹

Countries have distinct release policies, which in turn significantly impact the length of time served. Some systems allow for discretionary release and others do not. In France, for instance, incarcerated people may be granted a sentence reduction for every year served, for a maximum reduction of six months per year; these decisions are based on the conviction offense, imposed sentence length, and behavior in prison. The sentence reduction can be withdrawn in a subsequent year if the individual commits prison infractions.²² In the United Kingdom, there is a provision for 'extended sentences,' which lengthen the imposed sentence for individuals who are deemed to pose a significant threat to public safety; these sentences are a hybrid between determinate and indeterminate sentences.²³

Determinate sentences are defined differently in the U.S. and in Europe.²⁴ In the U.S., determinate sentences refer to the 'determinability' of an incarcerated individual's release date, whereas in Europe these sentences allude to the maximum length of time that an individual can spend in prison. By their definition, most European countries adopt determinate sentencing systems, but these function quite differently than the determinate systems in the United States. Because nearly all pronounced sentences in the U.S. impose a specific maximum term, most sentences regarded as 'indeterminate' in the U.S. would be considered 'determinate' in Europe.²⁵

In the U.S. context, indeterminate sentences do not have a fixed release date but rather offer a range of years for the imposed sentence. In this sentencing framework, we cannot accurately predict the release date based on the pronounced sentence in court.²⁶ All European countries include some provisions for early release, but these vary based on several factors, including “who the decision-makers are and the minimum period to be served”.²⁷ Early release decisions fall under the purview of different parties across countries, such as Sentence Implementation Courts consisting of a judge, a reentry expert and a prison expert (Belgium), the Prison Administration or Ministry of Justice (Denmark, England and Wales, Finland, Sweden and Switzerland), specialized judges or tribunals (France, Germany, Hungary, Italy, Poland, Slovenia and Spain), or the Public Prosecutor in the exceptional case of the Netherlands.²⁸ These systemic and policy differences underline some of the challenges involved in conducting a cross-national analysis of long sentences.

ENDNOTES

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⁴ Gendarmería de Chile. (2020). *2019 Compendio estadístico penitenciario*. Santiago, Chile: Dirección Nacional, Subdirección de Reinserción Social, Departamento de Estadística y Estudios Penitenciarios.

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⁵ Instituto Nacional de Estadística e Informática (2019). *Anuario Estadístico de la Criminalidad y Seguridad Ciudadana 2012-2018*. [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones digitales/Est/Lib1691/](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1691/)

⁶ See Section 3.2.5 in: Aebi, M.F., Caneppele, S., Harrendorf, S., Hashimoto, Y. Z., Jehle, J.-M., Khan, T.S., Kühn, O., Lewis, C., Molnar, L., Smit, P., Þórisdóttir, R., and national correspondents (2021). *Original data of the European Sourcebook of Crime and Criminal Justice Statistics 2021* (6th ed.). Series UNILCRIM, (2)2021.

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⁷ See Table 2.2, p. 34 in: Bergman, M., & Fondevila, G. (2021). *Prisons and crime in Latin America*. New York: Cambridge University Press.

⁸ Bergman, M., & Fondevila, G. (2021). *Prisons and crime in Latin America*. New York: Cambridge University Press.

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- ¹⁷ See: Andersson, C. & Kazemian, L. (2018). Reliability and validity of cross-national homicide data: A comparison of UN and WHO data. *International Journal of Comparative and Applied Criminal Justice*, 42(4), 287-302; For UNODC homicide data, see: <https://dataunodc.un.org/victims-intentional-homicide-table>
- ¹⁸ Northern Ireland: <https://www.psni.police.uk/about-us/our-publications-and-reports/official-statistics/police-recorded-crime-statistics>;
- England & Wales:
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2018>
- ¹⁹ <https://data.worldbank.org/indicator/SP.POP.TOTL?end=2019&start=2019>; Northern Ireland and England & Wales population data were obtained from the Office for National Statistics: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ewpop/pop>
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