

PUBLICATION FACTS

JOURNAL

CANADIAN JOURNAL OF
ECONOMICS-REVUE
CANADIENNE D ECONOMIQUE

PUBLICATION DATE

2024

VOLUME/ISSUE

57 (1)

PAGES

55-77

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MANDATORY MINIMUM SENTENCING AND ITS EFFECT ON SENTENCING DISTRIBUTIONS: EVIDENCE FROM CANADA

ABSTRACT

Whether judges and prosecutors should be given full discretionary power in sentencing or mandatory minimum sentences be imposed remains a fiercely debated topic. In this paper, we examine the impact of Canada's 2005 introduction of minimum sentences on sexual offences against children and child pornography on the distribution of sentence lengths using administrative data containing the universe of these offences that occurred between 2003 and 2007. We find that the average sentence length for affected crimes at times increased by substantially more than the newly imposed minimum, and effects of the policy appear even in the middle and upper portions of the sentencing distribution. These increases occur immediately following the policy change, signalling that judges and prosecutors quickly change their sentencing behaviour after the implementation of mandatory minimum sentences. These lengthier sentences have significant implications for the estimation of the fiscal costs of minimum sentencing policies.