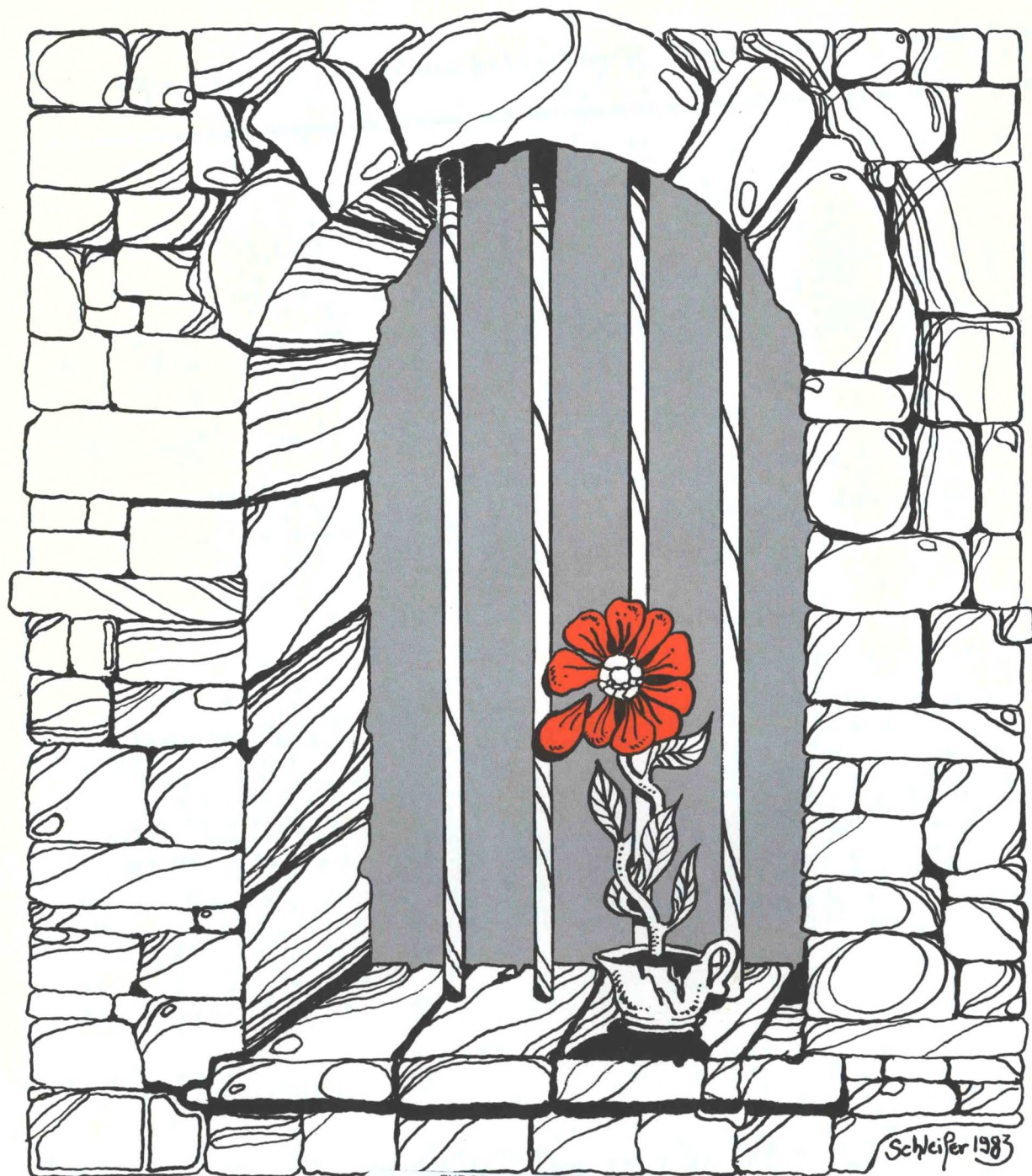


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Prison Information Bulletin



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FOREWORD

The exchange of information between European prison administrations corresponds to a growing need and increasingly specific demand: it covers not only legislation, but also practice and statistics, enabling comparisons to be made of sentences and measures, prison populations, modes of execution of sentence, budgets, etc.

The Committee on Co-operation in Prison Affairs accordingly, in 1986, decided to study the prison systems in Council of Europe member States, by means of a very detailed questionnaire including numerous statistics.

Mr Pierre TOURNIER and Mrs Marie-Danièle BARRE, both demographic experts and research engineers at the Centre de recherches sociologiques sur le droit et les institutions pénales, agreed to compile and comment on all the statistics collected and have submitted to the Council of Europe a voluminous report which we are publishing in full in this special issue, after its approval by the CDPC at its 39th plenary session.

I pay tribute to the authors of this report for their long and painstaking efforts and for their success in producing a readable report carefully presented in the form of tables and graphs accompanied by very precise commentary.

It is true that Mr Pierre TOURNIER, a Council of Europe expert, has been working on this subject since the Bulletin's inception and that it is he who devised and has managed from the beginning the statistics to which he has added year by year and which, thanks to him, have acquired great reliability.

The content of this special issue goes far beyond the statistics published in the Bulletin since it includes not only data on prison populations, but also indicators relating to prison conditions, rates of occupation, staff, facilities and budgets.

But it is also the fruit of active contributions from the European prison administrations.

It clearly reflects a growing concern for openness, communication and co-operation which I cannot but welcome and to which the Council of Europe will give its full support.

*Luigi Daga
Chairman
of the Committee for Co-operation
in Prison Affairs*

Survey of prison systems in the member States of the Council of Europe: comparative prison demography

A number of the questions in the survey of prison systems carried out by the Committee for Co-operation in Prison Affairs referred to quantitative data. But in many cases the heterogeneousness of the replies and the highly imprecise nature of the units of account employed made it difficult to give a summary treatment of the results.

Consequently, we shall present only those data comparison which at international level does not pose too many problems.

This comparative analysis deals first and foremost with demographic data on prison populations. Section IV of the questionnaire on prison systems ("Prison Statistics dated ...") mainly reproduced the items used in the six-monthly statistics introduced by the Committee for Co-operation in Prison Affairs in 1983.

It thus seemed preferable to use that data base (1). This makes it possible to present the most recent statistics on stocks (1 September 1988) and flows (1987), together with a number of chronological series (Chapter I).

Chapter II is devoted to conditions of detention and financial questions. For the first of these points, we have used the data compiled from section II of the questionnaire, dealing with prisons, prisoners and staff: Calculation of levels of prison occupancy and ratio of staff to prisoners.

Chapter I: Prison Populations

1. Current situation

On the basis of the latest data contained in the Council of Europe six-monthly statistics, one can give a precise picture of the situation of prison populations at 1 September 1988 with regard to rates of detention, demographic breakdown and breakdown by type of detention. To this description of the "stocks" will be added an analysis of flows of imprisonment in 1987, and of average durations of imprisonment.

1.1 *Size of populations and breakdown*

1.1.1 *Rates of detention*

On 1 September 1988, the Council of Europe States had a total prison population of 321,700, or 78.2 prisoners per 100,000 inhabitants. This global

The analysis of costs was done on the basis of the information in section II.4, "Financial Information". But, as we shall see, the lack of precision in some of the replies poses considerable methodological problems.

Lastly, it seemed worthwhile to supplement this overview by presenting two ad hoc studies we have carried out with assistance from the Council of Europe, the results of which have not previously been made generally available internationally.

The first deals with the frequency of recourse to custodial sentences (Chapter III). The study attempts to identify the place of recourse to this type of sentencing in member States' penal systems.

The purpose of the second study (Chapter IV) was to draw up an inventory of the most recent work done on recidivism. For each of the 23 studies listed (covering 12 countries), an attempt was made to define the parameters needed to characterize them: definition of the populations under study, length of period of observation, and the criteria selected for recidivism.

The studies provide a very concrete illustration of the value of these attempts at international comparisons and, where such comparisons are possible, reveal the gulf that separates what is desirable from what is currently available with regard to fundamental questions.

rate of detention is well below those of North America (around 110 in Canada, and more than 300 in the United States), but significantly higher than that of Japan (around 50). This unit of measurement in fact covers very varied situations, ranging from less than 40 to almost 100 per 100,000, with the arithmetical median of rates of detention standing at 67.0 (cf. Figure 1 and Table 1).

One notes at the outset that this indicator tends to increase with the number of inhabitants. The countries with populations of less than 7 million have rates below 75 per 100,000. Luxembourg is an exception to this rule, with more than 86 prisoners per 100,000. At the other end of the spectrum, countries with populations of more than 35 million have rates of detention above 75 (with the exception of Italy). The median group is very heterogeneous, ranging from 40 per 100,000 in the Netherlands to more than double that figure in Portugal.

It is possible to obtain more meaningful indices by taking into account, not the total number of inhabitants, but instead, only those age groups actually

(1) Since 1983 the data has been published regularly in the Council of Europe Prison Information Bulletin.

likely to feature in the prison population. We have selected the 15-64 age group. The effect is to remove from the denominator of the above rates a proportion of the population varying from 30% to 41% from country to country (the under-15s and those 65 and over). It will be seen that this correction has little effect on the ranking of countries, but that the spread is wider (cf. Table 1 and Figure 1).

While a knowledge of these rates is a prerequisite to any comparative analysis, it would be wrong to draw hasty conclusions from the disparities they reveal. In point of fact, the number of prisoners on a given date, on the basis of which the rate of detention is calculated, can fluctuate considerably over short periods, on account of seasonal variations,

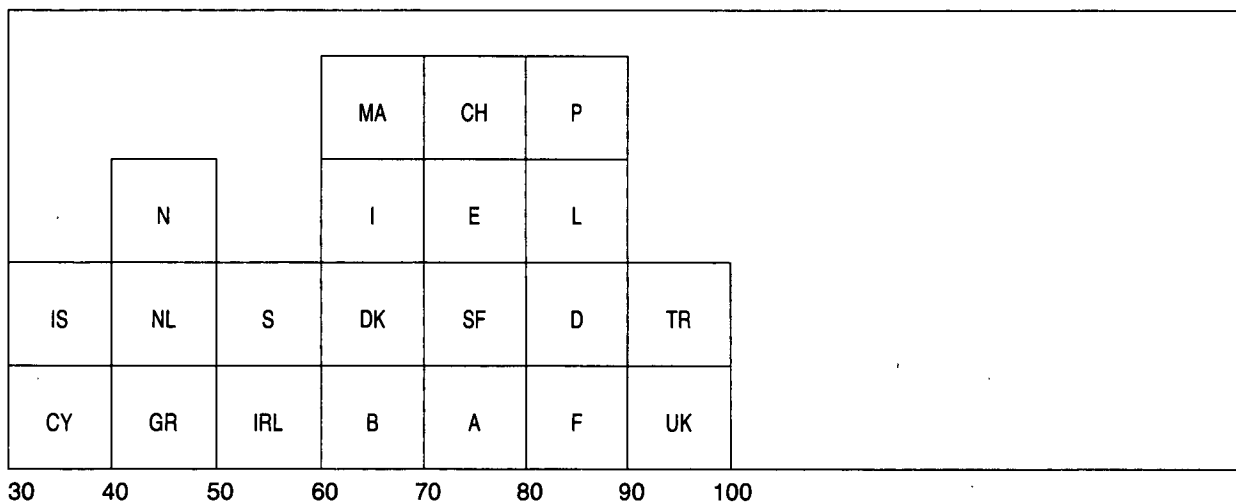
such as court vacations, or of short-term factors, such as amnesties or general pardons.

One also has to consider the composition of populations broken down by type of detention — and particularly the proportion of prisoners detained pending trial.

The third observation is linked to the very nature of the rate of detention. By referring solely to the state of the prison population at a given point in time — statistics on the “stock” — the rate provides a purely static picture of the situation. As will be seen below, two closely related indices may thus cover situations that are very different in terms of movements of populations (statistics on “flows”) and of durations of imprisonment.

Figure 1
**Distribution of Council of Europe member States
 by rate of detention per 100,000 population (1.9.1989)**

Rates calculated on the basis of the total number of inhabitants



Rates calculated on the basis of the number of inhabitants between the ages of 15 and 64

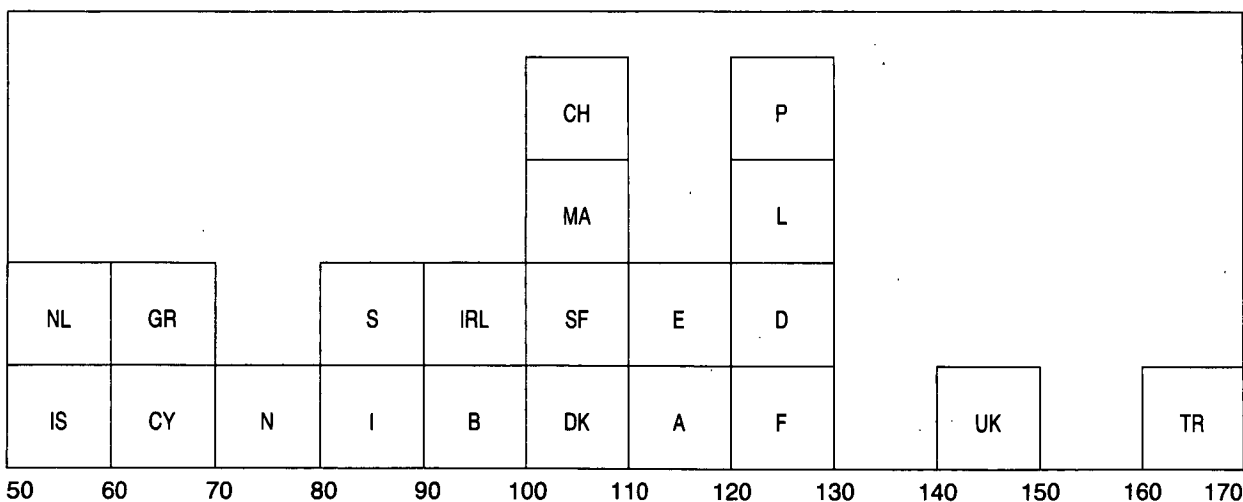


Table 1
Number of prisoners at 1 September 1988

	Number of prisoners	Population		Rate of detention per 100 000 inhabitants	
		Total (thousands) (*)	% aged 15-64 (*)	Total	15-64
Total	321 700	411 588		78.2	
Austria	5 862	7 613	68	77.0	113.3
Belgium	6 450	9 862	67	65.4	97.6
Cyprus	219	577	65	39.3	60.4
Denmark	3 469	5 101	67	68.0	101.5
Finland	3 598	4 929	68	73.0	107.4
France*	46 423	57 242	66	81.1	122.9
Fed. Rep. of Germany	52 076	61 338	70	84.9	121.3
Greece	4 288	9 745	66	44.0	66.7
Iceland	89	250	65	35.6	54.8
Ireland	1 953	3 551	60	55.0	91.7
Italy	34 675	57 409	68	60.4	88.8
Luxembourg	322	372	70	86.5	123.6
Malta	221	330	66	67.0	101.5
Netherlands	5 827	14 567	69	40.0	58.0
Norway	2 041	4 217	65	48.4	74.4
Portugal	8 181	9 857	65	83.0	127.7
Spain	29 244	38 712	66	75.8	114.8
Sweden	4 716	8 421	65	56.0	86.1
Switzerland*	4 679	6 401	68	73.1	107.5
Turkey	51 810	54 195	59	95.6	162.0
U.K.	55 457	56 919	66	97.4	147.6
England and Wales*	48 595	50 243		96.7	
Scotland	5 076	5 112		99.3	
N. Ireland	1 786	1 564		114.2	

(*) Total population has been recalculated on the basis of the number of prisoners and the rate of detention provided by administrations.

— Proportion in the 15-64 age group: INED, "Tous les Pays du Monde", *Population et Sociétés*, No. 237, 1989.

FRANCE: The data represent all persons imprisoned in metropolitan France and the Overseas Départements (metropolitan = 44 912, overseas = 1 511). For metropolitan France, the rate of detention is 80.3 per 1000 000.

SWITZERLAND: The number of prisoners and the rate of detention are estimates, since no figures were available for persons detained on remand at 1.9.1989. Latest figure for persons detained on remand: 1 521 (17.3.1988). Number of persons serving sentences at 1.9.1988 = 3 158.

ENGLAND AND WALES: In addition to the 48 595 prisoners, 1 511 persons are being held by the police (most of whom have not been sentenced).

1.1.2 Demographic breakdown

A study of the breakdown of prison populations by sex reveals that women are very markedly under-represented in the total European prison population, the proportion of women being almost everywhere between 3 and 7% (cf. Table 2). But it should be noted that the proportion of women tends to increase as we move southwards in the continent. The lowest rates are to be found in northern Europe: 2.6% in Ireland, 3.2% in Finland, and 3.4% in the United Kingdom. In

western Europe the rates vary between 3.6 and 5.3%. Except in the cases of Malta (insignificant in view of the small number of prisoners) and Turkey, the proportion of women in southern countries is above 4.4% (6.5% in Portugal, 6.8% in Spain).

The available data by age (Table 2) are very incomplete. The questionnaire used simply draws a distinction between the two categories "minors and young adults" and "adults", with the dividing line varying from country to country (21 in most countries, but sometimes 18, 22 or 23).

If we confine ourselves to those countries for which figures are available for the proportion of the total prison population under the age of 21, we can note significant variations for that age group: 6% for Finland, Greece and Norway, but around 10% for Spain, Portugal and France, more than twice that proportion in the United Kingdom (24%), and three times that proportion in Ireland (29%).

The proportion of foreigners in the prison population varies considerably from country to country: from 0.3% to more than 40% (cf. Table 2). Foreign prisoners occupy a marginal place (less than 2%) in Finland, Turkey, Ireland, Iceland, and in the United Kingdom (for the purposes of prison statistics in England and Wales, foreign prisoners are defined as those born outside the Commonwealth, Ireland and Pakistan, so that the proportion of foreigners appears insignificant in comparison with that of other countries). Foreigners represent from 10 to 15% of prisoners in Portugal, Italy, Austria, Norway, Federal Republic of Germany, and Spain. The proportion is around 20% in Malta, the Netherlands, Sweden and Greece. Finally, in five countries, foreigners represent more than a quarter of the prison population: 26% in France, 31% in Belgium, 36% in Switzerland, 38% in Cyprus, and 41% in Luxembourg.

These variations are of course partially due to the proportion of populations of foreign origin in the total population of those countries. This can be seen from a reading of the partial data presented below.

Proportion of foreigners (%)

	Prison population at 1.9.1988	Total population*		
	A	B		A/B
Finland	0.3	0.3	1981	1.0
Iceland	1.1	1.5	1982	0.7
U.K.	1.3	3.8	1981	0.3
Austria	10.9	4.0	1981	2.7
Norway	11.0	2.2	1982	5.0
F.R.G.	14.5	7.5	1981	1.9
Netherlands	21.2	3.8	1982	5.6
Sweden	22.3	4.9	1982	4.6
France	25.8	6.8	1982	3.8
Belgium	31.2	9.0	1982	3.5
Switzerland	36.0	14.8	1980	2.4
Luxembourg	41.2	26.3	1981	1.6

(*) Source: *La population de l'Europe*, la Documentation Française, supplement to Cahiers Français, No. 219, notice 7, 1985.

It can be seen that in practically all the countries appearing in this table, foreigners are over-represented in prisons. This is particularly true of the Netherlands, Norway, Sweden, France and Belgium. But, in this field, comparisons of prison statistics and data relating to the total population pose major problems. The latter do not take into account all the categories of foreigners liable to be detained, such as foreigners whose situation is irregular, persons in the country for a short period (tourists, seasonal workers, etc.). Furthermore, an accurate measurement of the over-representation of foreigners among prisoners would need to take account of the specific features of the socio-demographic breakdown of the foreign populations (2).

Table 2

Demographic breakdowns of prison populations at 1 September 1988

	Proportion of women (%)	Minors and young adults detained (%)	Proportion of foreigners (%)
Austria	4.0	Age 18: 1.6	10.9
Belgium*	5.3	0.5	31.1
Cyprus	5.0	Age 21: 18.3	38.4
Denmark	—	—	—
Finland	3.2	Age 21: 5.9	0.3
France*	4.5	Age 21: 12.2	25.8
Fed. Rep. of Germany*	4.1	—	14.5
Greece	4.4	Age 21: 6.0	22.9
Iceland	3.4	Age 22: 12.4	1.1
Ireland*	2.6	Age 21: 29.3	0.9
Italy	5.0	Age 18: 1.4	8.9
Luxembourg	5.0	Age 21: 5.3	41.3
Malta	0.5	Age 18: 2.7	20.4
Netherlands	3.6	Age 23: 15.3	21.2
Norway	—	Age 21: 6.5	11.0
Portugal	6.5	Age 21: 9.6	8.8
Spain	6.8	Age 21: 7.7	15.1
Sweden*	4.6	Age 21: 3.5	22.3
Switzerland*	5.6	Age 18: 3.8	36.0
Turkey	2.8	Age 18: 1.4	0.5
U.K.	3.4	Age 21: 23.7	1.3
England and Wales*	3.5	Age 21: 23.8	1.4
Scotland	3.4	Age 21: 23.2	0.2
N. Ireland	1.5	Age 21: 23.0	1.6

(*) See remarks

Remarks on Table 2

BELGIUM: The indicator relating to minors and young adults detained refers only to minors detained on remand and minors placed at the disposal of the Government (maximum age 25).

(2) For an illustration, see the analysis of the French case in TOURNIER and ROBERT, 1989.

FRANCE: The data relate to all persons imprisoned in metropolitan France and the Overseas Départements. The indicators have been calculated with reference to the situation at 1.7.1988.

FEDERAL REPUBLIC OF GERMANY: The proportion of women refers to the entire prison population, excluding "civil" prisoners and those imprisoned pending expulsion (numbering 1,271).

The proportion of minors and young adults detained cannot be calculated for the population as a whole. Unconvicted prisoners: 11,639, 12.8% of whom are under the age of 21. Convicted prisoners: 39,166. Proportion of convicted prisoners detained in prisons for young persons: 11.5%, most of whom are between the ages of 14 and 25.

The proportion of foreigners is an estimate.

IRELAND: 18 foreigners, not including 41 Northern Irish detainees.

SWEDEN: The indicators have been calculated from the population of convicted prisoners.

SWITZERLAND: The indicators have been calculated from the population of convicted prisoners.

ENGLAND AND WALES: The proportion of women and the proportion under 21 years of age refer to the entire prison population with the exception of "civil" prisoners, numbering 189.

The proportion of foreigners is an estimate. Prisoners born outside the Commonwealth, Ireland and Pakistan are regarded as foreigners.

1.1.3 Breakdown by type of detention

An analysis of the breakdown of prison populations by legal status of the prisoners rests on the distinction between "convicted" and "unconvicted" prisoners. In the Council of Europe six-monthly statistics, prisoners who have received a final sentence are listed in the first category, while all prisoners not in that situation constitute the "unconvicted" category.

The rate of unconvicted prisoners, calculated on a percentage basis, varies considerably from country to country (cf. Table 3). Thus, some populations consist almost exclusively of convicted prisoners (Ireland, Iceland, Cyprus, Finland), while in others, more than one prisoner out of two has not yet been finally sentenced (Malta, Belgium).

Although it is an indicator frequently used in matters regarding detention pending trial, the rate of unconvicted prisoners has the disadvantage of depending on both the number of unconvicted and of convicted prisoners. Thus, the increase in the rate of unconvicted prisoners following an amnesty may have no particular significance in terms of detention pending trial. It therefore seemed helpful to introduce a second indicator, the rate of detention pending trial, obtained by comparing the number of unconvicted prisoners at a given date to the total population at that same date (Table 3 and Figure 2).

Ranging from 3 to 46 per 100,000, the rate of detention pending trial averages 21 per 100,000. There is a fairly clear distinction between northern Europe, the Netherlands, Federal Republic of Germany and Austria, where rates of detention pending trial are below 20 per 100,000, and the rest of Europe,

where they are generally above 30 per 100,000 (Cyprus and Greece being the two exceptions).

Table 3
Breakdown of prison populations
by type of detention
at 1 September 1988

	Rate of unconvicted prisoners (%)	Rate of detention pending trial per 100 000	Rate of detention following sentence per 100 000
Austria	23.5	18.1	58.9
Belgium	50.7	33.2	32.2
Cyprus	7.8	3.1	36.2
Denmark	25.2	17.1	50.9
Finland	12.2	8.9	64.1
France*	44.3	35.9	45.2
Fed. Rep. of Germany	22.4	19.0	65.9
Greece	27.5	12.1	31.9
Iceland	7.9	2.8	32.8
Ireland	5.3	2.9	52.1
Italy	49.3	29.8	30.6
Luxembourg	32.9	28.5	58.0
Malta	68.8	46.1	20.9
Netherlands	39.6	15.9	24.1
Norway	23.0	11.1	37.3
Portugal	33.5	27.8	55.2
Spain	43.7	33.2	42.6
Sweden	19.9	11.2	44.8
Switzerland	32.5	23.8	49.3
Turkey	38.1	36.4	59.2
U.K.	20.5	20.0	77.4
England and Wales	21.1	20.4	76.3
Scotland	16.7	16.6	82.7
N. Ireland	16.2	18.5	95.7

(*) FRANCE: Data refer to all persons imprisoned in metropolitan France and the Overseas Départements.

SWITZERLAND: These indices are estimates, as there are no figures for detention pending trial at 1.9.1988. At the last count, the number of unconvicted prisoners was 1,521 (on 17.3.1988), and the number of convicted prisoners 3,158 (on 1.9.1988).

To complete this description, the rate of detention following sentence — the number of persons sentenced compared to the total population — has also been calculated (Table 3 and Figure 3). This rate averages 46 persons sentenced per 100,000 population.

The table below shows the position of the various countries according to the two indicators we have now introduced.

Situation at 1.9.1988

	Rate of detention pending trial : below average	Rate of detention pending trial : above average
Rate of detention following sentence : below average	Cyprus Greece Iceland Norway Netherlands Sweden	Belgium Spain France Italy Malta
Rate of detention following sentence : above average	Austria Denmark Finland Ireland Germany, Fed. Rep. United Kingdom	Luxembourg Portugal Switzerland Turkey

Calculation of these different indicators is based on a definition of the "unconvicted prisoner" which is itself problematic. In this case, an "unconvicted" prisoner is defined by a negative: "a prisoner who has not received a final sentence". This definition, which is theoretically unambiguous, has the disadvantage of any definition by negation. The result is that this category includes prisoners who may belong to very disparate legal categories. Clearly, this makes international comparisons on questions of detention before trial a delicate matter.

Consequently, in the September 1988 six-monthly survey, we asked each Administration to specify the composition, at 1 September 1988, of this category of "unconvicted" prisoners. In view of the specific features of criminal procedures in each State, and also of the individual features of each statistical system, the question asked was an open one, with no nomenclature proposed.

Figure 2
Distribution of Council of Europe member States
by rate of detention pending trial per 100,000 population

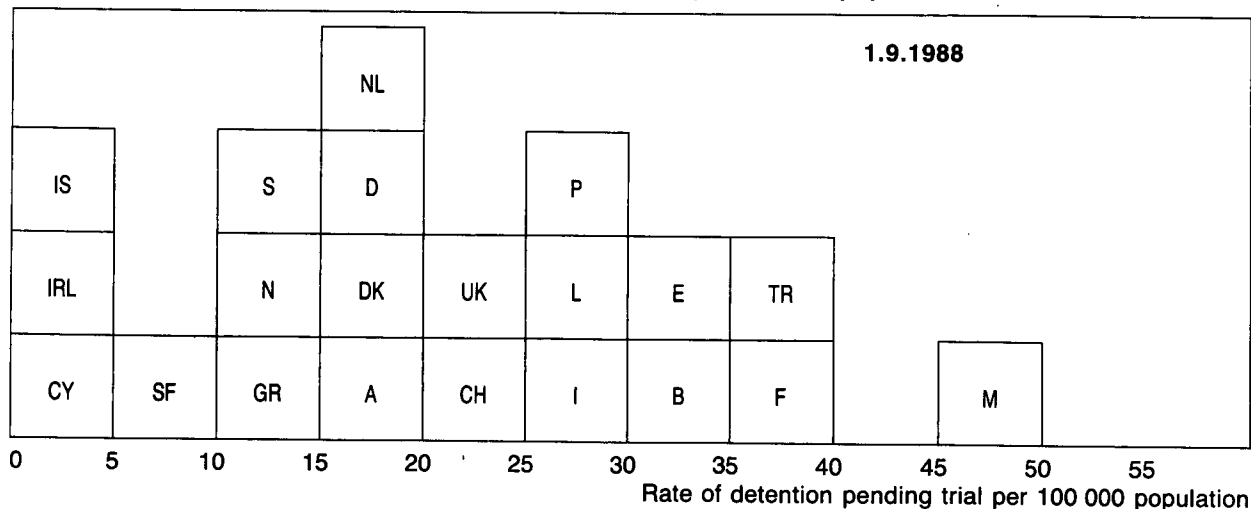
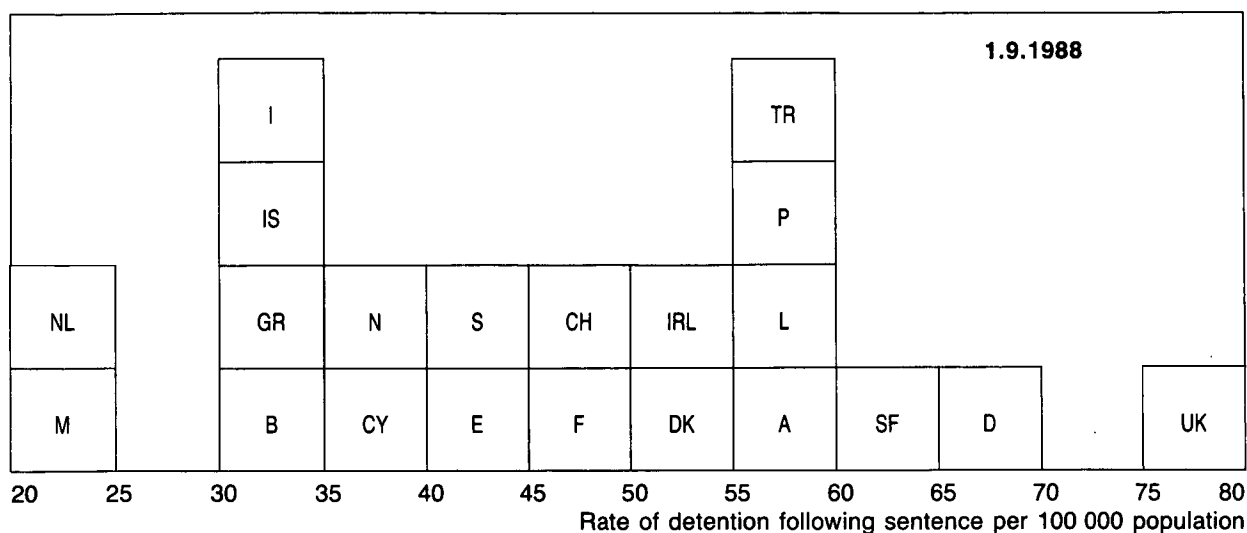


Figure 3

**Distribution of Council of Europe member States
by rate of detention following sentence per 100,000 population**



Twelve member States were unable to provide the information requested: Austria, Cyprus, Denmark, Federal Republic of Germany, Finland, Greece, Ireland, Italy, Malta, Norway, Spain and Turkey. Portugal and Sweden, while proposing no breakdown of the "unconvicted" category, provided qualitative details of its content. Portugal: "Prisoners awaiting a first judgement, those awaiting examination of their mental faculties, and those appealing against their sentence." Sweden: "Pre-trial detained".

As is to be expected, the presentation of the statistics compiled by the seven remaining States varies considerably from country to country. Consequently, it has not been possible to present the results in the form of a summary statistical table.

Belgium:	Numbers	%
Total prison population	6 450	100.0
"Unconvicted" prisoners	3 272	50.7
Detained on remand (warrant, remand prisoners, defendants, accused, internees and persons whose sentence is not yet final) ...	1 840	28.5
Minors in provisional custody	23	0.4
Minors placed at the disposal of the Government	12	0.2
Permanent internees (Social Defence Law)	743	11.5
Vagrants	491	7.6
Miscellaneous	163	2.5

France	Numbers	%
Total prison population	46 423	100.0
"Unconvicted" prisoners	20 570	44.3
Awaiting immediate court appearance	588	1.3
Investigation in progress	14 350	30.8
Awaiting court appearance	2 681	5.8
Convicted but have appealed	2 951	6.4

Note: Detailed figures for the breakdown by type of detention are available only at 1.7.1988. The breakdown at that date has been applied to the number of unconvicted prisoners at 1.9.1988.

Iceland:	Numbers	%
Total prison population	89	100.0
"Unconvicted" prisoners	7	7.9
Investigation in progress	4	4.5
Convicted but have appealed	3	3.4

Luxembourg:	Numbers	%
Total prison population	322	100.0
"Unconvicted" prisoners	106	32.9
Awaiting judgment at first judgment	82	25.5
Persons who have appealed or who are within the statutory limit to do so	22	6.8
Minors	2	0.6

Netherlands:	Numbers	%
Total prison population	5 827	100.0
"Unconvicted" prisoners	2 309	39.6
Accused persons	2 184	37.5
Foreigners placed at disposal of Government	124	2.1
Persons held in hostage to give evidence	1	0.0

Switzerland:	Numbers	%
Total prison population ¹	4 679	100.0
"Unconvicted" prisoners	1 521	32.5
Detention by order of the police ...	25	0.5
Detention on remand or preventive detention	1 342	28.7
Detention with view to extradition or expulsion	60	1.3
Imprisonment for purposes of social assistance	46	1.0
Other	48	1.0

United Kingdom	Numbers	%
<i>England and Wales:</i>		
Total prison population	48 595	100.0
"Unconvicted" prisoners	10 258	21.1
Awaiting trial	8 697	17.9
Convicted awaiting sentence	1 561	3.2

1. Estimate: the data relating to unconvicted prisoners refer to the situation at 17.3.1988.

Scotland:	Numbers	%
Total prison population	5 076	100.0
"Unconvicted" prisoners	847	16.7
Untried prisoners	714	14.1
Convicted prisoners awaiting sentence	133	2.6

Northern Ireland:	Numbers	%
Total prison population	1 786	100.0
"Unconvicted prisoners" (a)	290	16.2
Remand prisoners (b)	135	7.6
Prisoners awaiting trial (c)	153	8.5
Aliens (d)	2	0.1

(a) The "unconvicted" category does not include prisoners who have appealed against their sentence or who are within the statutory limit to do so. Such prisoners are included among those convicted, as the statistics do not allow for their separate treatment.

(b) Persons detained after being charged prior to trial before a court or prior to a magistrate's decision on whether the person should be tried.

(c) Persons detained whom a magistrate has ruled should be tried.

(d) Foreigners suspected of being in an irregular situation.

For the purposes of the survey, Administrations were asked to indicate, where possible, the following three categories:

Category A: Unconvicted prisoners awaiting judgment in the first instance;

Category B: Prisoners already sentenced who have appealed or are still within the statutory limits to do so (judgment not final);

Category C: Others.

Belgium, France, Luxembourg and Iceland gave figures for Category B, but the data from Belgium do not distinguish between Categories A and B. Northern Ireland reported that Category B is not included in the "unconvicted" category, and that such prisoners cannot be isolated from those whose sentence is final. The same would seem to be true for Switzerland, England and Scotland.

The category "Others" may include, *inter alia*, certain categories of minors (Belgium, Luxembourg), and foreigners imprisoned with a view to expulsion or extradition (Netherlands, Switzerland, Northern Ireland).

This first attempt to obtain more precise data on the breakdown of prison populations by type of detention has proved very disappointing. The information compiled is still far from enabling us to calculate genuinely comparable rates of detention before trial. The question should be taken up again in future surveys.

1.2 Flows of imprisonment

The information presented above related to the numbers and breakdown of populations at a given point in time: statistics on the "stock". The presentation should therefore be completed with an analysis of movements: statistics on "flows".

On the basis of the number of imprisonments in 1987, we have calculated rates of imprisonment (3) — the number of imprisonments in 1987 as a proportion of the average number of inhabitants over the period under review. In view of the data available, in practice we have used the total population at 1.9.1987 provided by Administrations (Table 4). The information deals with only 15 countries. Consequently, Austria, Denmark, the Netherlands, Spain, Sweden and Switzerland are excluded from this analysis. The dispersion is considerable, with the rate varying from 40 imprisonments per 100,000 population (Greece) to more than 500 per 100,000 population (Norway), while the average rate is 186 per 100,000.

But a problem of definition arises. What is recorded here is not the number of persons imprisoned, but the number of imprisonments. Consequently, one and the same person may be counted several times, as a result of imprisonments for several offences during the same year, or even for the same offence at different stages of the proceedings. The definition of what, in terms of units of account, constitutes an imprisonment will naturally depend on the functioning of the penal system in force in each State, but also on the methods used for compiling prison statistics.

The case of France may be taken as an illustration. The imprisonments recorded in the French system are "initial imprisonments": imprisonments of persons previously at liberty, with the exception of re-imprisonments following escape, suspension or splitting of the sentence (4).

To take one example:

— a person is imprisoned pending trial;

— freed during the investigation as a result of an order for his release issued by the investigating judge;

— subsequently tried as an accused person on bail (for the same offence);

— sentenced to imprisonment for a period exceeding the time already spent in detention;

— re-imprisoned to serve the balance of his sentence.

In the above situation two initial imprisonments will be recorded in the context of the same case.

This question obviously poses complex problems at international level, in view of the diversity of criminal procedures and the wide range of methods of compiling statistics.

(3) In demography, the word "rate" is used in various meanings. Originally the word denoted the relative frequency of an event within a population (as is the case with the rate of imprisonment). It is also used to denote a proportion; in which case a part is divided by the whole (as in the case of the rate of unconvicted prisoners, the rate of detention, and the rate of detention pending trial).

(4) Re-imprisonments as the result of a transfer between prisons are clearly not "initial imprisonments". It should also be noted that, in the French system, there is no release from imprisonment when a prisoner is granted temporary leave of absence on parole.

The rate of unconvicted prisoners at entry, i.e. the number of entries of "unconvicted" prisoners compared to the number of entries for the year, ranges from 25% to almost 95% (cf. Table 4). Here we again encounter the distinction noted with regard to rates of detention pending trial, between northern countries (with rates of unconvicted prisoners at entry of between 25 and 50%) and the rest of Europe, where rates are above 65% (with the two exceptions of Cyprus and Greece).

Evidently, the problem of definition raised above with regard to the "type of detention" category also arises here.

Table 4
Flows of imprisonment in 1987

	Number of imprisonments	Rate of imprisonments per 100 000	Proportion of unconvicted prisoners at entry (%)
Belgium	18 437	185.1	77.2
Cyprus	574	104.1	26.5
Finland	9 467	212.9	27.9
France*	90 697	163.0	71.9
Fed. Rep. of Germany	89 220	145.9	—
Greece	3 966	40.7	26.3
Iceland	326	133.8	32.5
Ireland	7 275	206.3	43.4
Italy	70 479	123.0	93.3
Luxembourg	629	170.2	79.2
Malta	278	84.0	70.1
Norway	21 394	510.2	51.4
Portugal	9 716	98.7	80.7
Turkey	129 613	255.9	65.7
U.K.	199 068	350.7	43.5
England and Wales*	153 708	307.1	43.8
Scotland	39 297	767.7	43.5
N. Ireland	6 063	388.6	35.3

(*) FRANCE: Data refer to metropolitan France.

ENGLAND and WALES: The number of entries has been obtained by summing entries of convicted and unconvicted persons. The English Administration assesses the number of persons imprisoned (without double counting) as 119,681. From that figure we obtain a rate of imprisonment of 239.1 per 100,00. But this index is not directly comparable to those of other countries calculation of which is based on the concept of imprisonment and not on that of persons imprisoned.

1.3 Duration of imprisonment

In order to obtain a more dynamic view of the populations under study, it is interesting to relate the number of entries and the number of prisoners at a given point in time. This makes it possible to estimate the average duration of imprisonment (D) by calculating the quotient of the average 1987 prison population (P) divided by the flow of entries for that period (E):

$$D = 12 \times P/E \text{ (period expressed in months).}$$

$$\text{Or again, } D = 12 \times \frac{\text{rate of detention}}{\text{rate of imprisonment}}$$

Having regard to the data available, P was taken to be the figures at 1.9.1987 (cf. Table 5).

The numbers obtained, ranging from one month in Norway to 12 months in Greece, must be considered as indicators, and not as the results of a measurement process.

Figure 4 makes it possible simultaneously to compare rates of detention (1.9.1987), rates of imprisonment (1987) and indicators of the average duration of imprisonment, and to classify the various countries into five groups on the basis of the three indicators.

Table 5
Average duration of imprisonment in 1987

	Rate of imprisonment per 100,000	Rate of detention per 100 000 at 1.9.87	Average duration of imprisonment expressed in months
Belgium	185.1	67.4	4.4
Cyprus	104.1	39.0	4.5
Finland	212.9	86.0	4.8
France*	163.0	88.2	6.5
Fed. Rep. of Germany	145.9	84.9	7.0
Greece	40.7	40.9	12.1
Iceland	133.8	27.9	2.5
Ireland	206.3	55.0	3.2
Italy	123.0	60.8	5.9
Luxembourg	170.2	95.5	6.7
Malta	84.0	14.8	2.1
Norway	510.2	46.0	1.1
Portugal	98.7	84.0	10.2
Turkey	255.9	99.4	4.7
U.K.	350.7	95.8	3.3
England and Wales*	307.1	94.1	3.7
Scotland	767.7	105.9	1.7
N. Ireland	388.6	119.1	3.7

(*) FRANCE: Data refer to metropolitan France.

ENGLAND and WALES: Using the figure for the number of persons imprisoned without double counting (see note to Table 4) as a basis for calculation, we obtain an indicator for the average duration of imprisonment of 4.7 months.

Figure 4
Rate of detention at 1.9.1987, rate of imprisonment in 1987, and indicator of the average duration of imprisonment

	Duration of imprisonment less than five months	more than five months
Rate of detention below 70 per 100,000	Belgium Cyprus Iceland Malta	Italy Greece
Rate of imprisonment less than 200 per 100,000	Ireland Norway	
Rate of detention above 70 per 100,000		France Luxembourg FRG Portugal
Rate of imprisonment less than 200 per 100,000		
Rate of imprisonment greater than 200 per 100,000	Finland U.K. Turkey	

2. Past development

As we have already observed, demographic data relating to prison populations can fluctuate considerably over short periods. It is thus essential to be able to place the indicators we have just presented in a broader timeframe. On the basis of the information compiled since the inauguration of the six-monthly statistics, it has been possible to construct chronological series for the period 1982-1988. They deal with rates of detention, flows of imprisonment, durations of imprisonment and breakdowns of prison populations. For some countries we also have a longer series relating to numbers of prisoners for the period 1970-1987 (5).

2.1 Changes in numbers since 1970

Table 6 sets out the changes in the number of prisoners since 1970 in 16 Member States (6). In the great majority of cases, the numbers refer to the situation at 1 January of each year. For Greece the reference date is 1 December, and for Sweden 1 October. England and Wales and Ireland have used an annual average.

Despite these differences of definition, we considered that it would be of value to calculate a grand total for the 16 States concerned (Table 6, Total A). Variations in this total are heavily influenced by variations in the total for Turkey; indeed, the relative

(5) This series was compiled as part of the February 1987 six-monthly survey (Prison Information Bulletin No. 9, June 1987).

(6) No data available for Austria, Finland, Iceland, the Netherlands and Switzerland. The prison populations of these countries represented 6.2% of the total at 1.9.1988.

importance of the Turkish prison population is very considerable in relation to the whole (23% on average over the period). It also experiences considerable fluctuations, with an increase by a factor of 3.3 between 1975 and 1982.

Consequently, the development curve in Figure 5 does not take account of Turkey (cf. Table 6, Total B). For the 15 remaining States taken as a whole, we note a relatively moderate increase in the number of prisoners between 1971 and 1979, of 7.4% in eight years. Thereafter, the growth speeds up considerably. Thus, in the 7 years between 1979 and 1986 the rate of growth was 25.8%.

This general trend obviously includes different developments from country to country. But only three States have seen a trend towards a fall in the number of prisoners over the last few years: Turkey and Malta since 1982, and Federal Republic of Germany since 1983.

It will also be seen that there are sizeable fluctuations in some countries. This is clearly the case in countries where the number of prisoners is small in absolute terms (Malta, Cyprus, Luxembourg), but it is also true of Italy, Spain, Portugal and Turkey, and, to a lesser extent, of France and Denmark. In the cases of Spain, France, Italy and Portugal, the fluctuations are generally due to amnesties or general pardons (7).

(7) SPAIN: General pardons: 23.9.1971; 25.11.1975; 14.3.1977. Amnesties: 30.7.1976; 15.10.1977.

FRANCE: Amnesty of 16.7.1974, general pardon of 14.7.1981, amnesty of 4.8.1981, general pardon of 14.7.1985.

ITALY: Amnesties: 22.5.1970; 4.8.1978; 18.12.1981; 16.12.1986. PORTUGAL: Amnesty and pardon: 15.6.1974; 22.10.1976; 13.3.1981; 2.7.1982; 11.6.1986.

Figure 5

Developments in the number of prisoners in Council of Europe member States since 1970 excluding Austria, Iceland, the Netherlands, Switzerland and Turkey

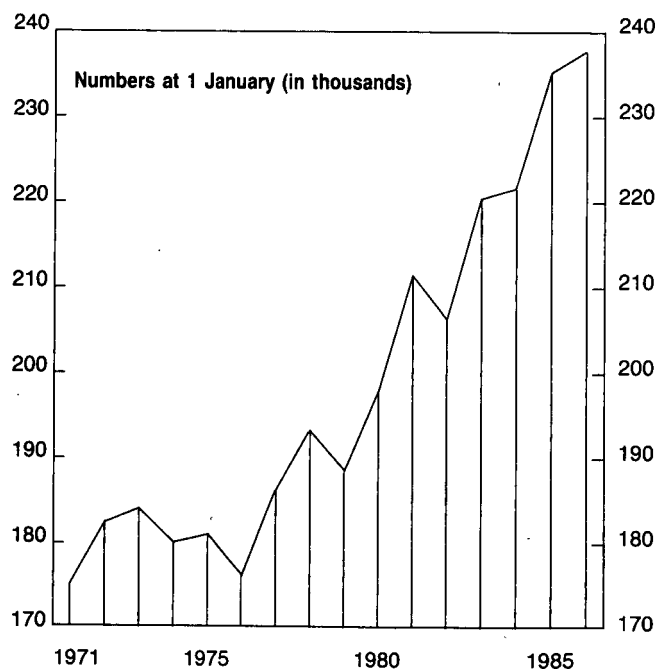


Table 6: Change in the number of prisoners since 1970 (Numbers at 1 January)

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
Belgium	6 235	6 055	6 088	6 347	6 059	6 150	6 650	6 103	6 285	6 137	6 127	5 793	5 854	6 055	6 637	6 380	6 131	6 639
Cyprus	257	192	198	161	240	52	85	124	127	127	116	115	147	131	186	170	153	194
Denmark*	3 458	3 680	3 355	3 350	2 868	2 665	2 794	2 441	2 501	2 291	2 302	2 915	3 205	2 856	3 103	2 776	3 230	3 233
France*	30 098	30 737	32 890	31 512	28 276	27 165	30 715	31 653	33 485	34 640	36 934	40 376	31 547	35 877	40 010	44 498	44 029	49 112
Fed. Rep. of Germany	46 521	43 040	46 606	49 925	50 519	50 140	49 677	49 772	50 929	50 395	51 051	51 892	53 597	57 311	55 806	53 156	50 220	45 666
Greece*	3 670	3 600	3 909	3 613	3 258	3 173	3 118	3 086	3 062	3 221	3 419	3 222	3 408	3 928	3 557	3 591	4 134	—
Ireland*	749	926	1 035	963	961	1 019	1 049	1 029	1 179	1 140	1 215	1 196	1 236	1 450	1 594	1 859	1 879	1 920
Italy	32 754	21 379	25 960	27 603	26 987	28 216	30 726	29 973	32 337	26 424	28 606	31 765	29 506	35 043	40 225	42 795	41 536	32 148
Luxembourg	203	218	205	172	143	129	152	148	241	223	242	242	223	228	239	245	330	345
Malta	34	45	63	65	77	66	94	98	103	105	104	110	105	102	103	89	80	72
Norway	1 495	1 424	1 430	1 533	1 558	1 511	1 519	1 308	1 434	1 312	1 351	1 411	1 446	1 624	1 747	1 619	1 725	1 679
Portugal	—	5 544	5 188	4 622	3 723	2 532	3 734	4 142	4 751	5 054	5 454	5 642	5 599	5 188	6 499	8 231	9 407	8 221
Spain	—	13 890	11 598	13 109	14 257	14 764	8 440	9 937	9 392	10 463	13 627	18 253	21 185	21 942	13 999	17 713	22 488	24 869
Sweden*	4 751	4 761	4 745	4 495	3 941	4 091	3 941	4 217	4 213	4 345	4 655	4 991	4 943	4 419	4 257	4 418	4 456	—
Turkey	53 829	58 970	63 296	64 369	60 342	24 397	37 237	43 759	49 842	54 671	52 937	73 785	81 346	78 086	73 488	72 511	68 596	50 544
United Kingdom	39 028	39 708	38 328	36 774	36 867	39 820	41 443	41 570	41 796	42 220	42 264	43 311	43 707	43 462	43 295	46 233	46 770	—
England*	—	234 169	244 894	248 613	240 076	205 890	221 374	229 360	241 677	242 768	250 404	285 019	287 054	297 702	294 745	306 284	305 164	—
TOTAL A*	—	175 199	181 598	184 244	179 734	181 493	184 137	185 601	191 835	188 097	197 467	211 234	205 708	219 616	221 257	233 773	236 568	—
TOTAL B*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

(*) DENMARK: The figures for the years 1970-1973 are an average. FRANCE: Data refer to metropolitan France and the Overseas Départements. GREECE: Reference date = 1 December. IRELAND: The figure is an average. A = grand total, B = total minus Turkey. SWEDEN: Reference date = 1 October. ENGLAND AND WALES: Annual average.

Table 7: Change in the rate of detention (RD per 100,000 at 1 September), in the rate of imprisonment (RI per 100,000), and in the average duration of imprisonment (D in months)

	1982			1983			1984			1985			1986			1987			1988			
	RD	RI	D	RD	RI	D	RD	RI	D	RD	RI	D	RD	RI	D	RD	RI	D	RD	RI	D	
Austria				110.0			109.0			109.0			102.5			97.5			77.0			
Belgium	211.8	3.0	65.0	225.8	3.5	66.0	214.9	3.7	62.5	199.8	3.8	62.2	201.9	3.7	67.4	185.1	4.4	65.4				
Cyprus	54.1	6.6	35.8	86.8	4.9	40.0	106.2	4.5	33.4	116.2	3.5	41.0	118.9	4.1	39.0	104.1	4.5	39.3				
Denmark	377.7	2.0	60.0	712.3	1.0	60.0	676.2	1.1	63.0	728.6	1.0	65.0			62.0			68.0				
Finland				209.9	5.5		208.4	5.6	81.1	191.8	5.1	75.0	186.7	4.8	86.0	212.9	4.8	73.0				
France (Metropolitan)	136.9	5.8	69.3	158.4	5.2	74.6	162.3	5.5	70.9	150.2	5.7	83.2	158.6	6.3	88.2	163.0	6.5	80.3				
Germany (Fed. Rep.)	200.0	6.2	100.3	187.2	6.4	97.1	174.8	6.7	92.0	162.3	6.8	87.9	153.5	6.9	84.9	145.9	7.0	84.9				
Greece	70.6	5.9	47.0	88.7	6.4	37.0	103.5	4.3	35.8			38.8			40.9	40.7	12.1	44.0				
Iceland	65.5	6.5	24.3	101.5	2.9	31.9	127.6	3.0	38.7	145.2	3.2	34.3	147.1	2.8	27.9	133.8	2.5	35.6				
Ireland	187.9	2.4	42.1	178.0	2.8	44.1	200.5	2.6	55.6			52.4	210.7	3.0	55.0	206.3	3.2	55.0				
Italy	227.9	3.4	73.0	181.9	4.8	76.1	182.9	5.0	76.5	161.1	5.7	76.3	166.5	5.5	60.8	123.0	5.9	60.4				
Luxembourg	268.2	3.2	67.0	332.4	2.4	65.5	210.8	3.7	73.4	169.0	5.2	88.5	146.9	7.2	95.5	170.2	6.7	86.5				
Malta	79.5	4.4	30.0	77.0	4.7	29.0	70.2	5.0	26.3	81.3	3.9	28.8	65.2	5.3	14.8	84.0	2.1	67.0				
Netherlands	171.6	2.0	28.0	171.5	2.0	33.0	175.9	2.3	34.0			34.0	173.1	2.4	37.0			40.0				
Norway	292.2	2.1	47.0	262.0	2.2	48.5	243.0	2.4	44.9	258.4	2.1	48.5	714.6	0.8	46.0	510.2	1.1	48.4				
Portugal	79.3	8.0	58.9	134.6	5.3	78.0	109.8	8.5	93.0	106.3	10.5	82.0	108.8	9.0	84.0	98.7	10.2	83.0				
Spain	149.3	4.8	38.6	133.7	3.5	44.3	168.0	3.2	57.5	189.6	3.6	64.6			70.2			75.8				
Sweden				43.0		48.0			49.0			49.0			51.0			56.0				
Switzerland	167.4	4.2	62.0	421.0	1.8	62.0	387.3	1.9	63.5			66.6						73.1				
Turkey	394.3	5.2		371.9	5.5	193.0	312.9	7.4	139.0	232.8	7.2	102.3	230.9	5.3	99.4	255.9	4.7	95.6				
United Kingdom				340.4	3.2	86.9	344.7	3.0	96.5	367.7	3.1	95.3	347.9	3.3	95.8	350.7	3.3	97.4				

2.2 Changes in stocks, flows of imprisonment and duration of imprisonment since 1983

Theoretically, Table 7 allows us to follow the variations in the rate of detention since 1983 and to determine the components of those changes in terms of entries (rate of imprisonment) and durations of imprisonment. Unfortunately, for some countries we have no data on flows, and for others the three series presented are very incomplete.

Analysis of the rates of detention enables us to distinguish four groups of countries:

1. *Upward trend*: this is the largest group, comprising Denmark, France, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Switzerland and the United Kingdom. As a general rule, the growth in rates of detention is linked to the lengthening of average durations of imprisonment.

2. *Downward trend*: Austria, Federal Republic of Germany and Turkey. The fall in the number of prisoners in Federal Republic of Germany and Turkey is due to the fall in imprisonments. No flow data are available for Austria.

3. *Stability*; Belgium and Norway. In Belgium there is a drop in imprisonments accompanied by an increase in the duration of imprisonment. The reverse is true of Norway.

4. *Fluctuations*; Cyprus, Finland, Greece, Iceland, Italy, Malta.

Despite this great diversity of situations, it will be noted that a lengthening of durations of imprisonment is a phenomenon which at various points in the recent past has affected most countries, whether they belong to the first group (Ireland, France, Luxembourg, etc.), the second group (Federal Republic of Germany), the third (Belgium) or the fourth (Greece, Italy).

2.3. Changes in breakdown since 1983

2.3.1 Detention pending trial

In order to describe the changes in the relative importance of detention pending trial since 1983, we have used the rate of detention pending trial as an indicator (Table 8). The diversity of changes, already noted in the case of rates of detention, is even more striking here. Thus, no prevailing trend emerges from a study of the figures, with countries falling into four equal categories:

Upward trend: Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

Downward trend: Austria, Belgium, Federal Republic of Germany, Italy, Turkey.

Stability: Denmark, Finland, France, Ireland, Norway.

Fluctuations: Cyprus, Greece, Iceland, Malta, Switzerland.

2.3.2 Demographic breakdown

We have used three indicators, the proportion of women, the proportion under the age of 21, and the proportion of foreigners.

If we set apart the countries for which the number of prisoners is too small for variations in the proportion of women to be meaningful (Cyprus, Malta and Iceland), we note an increase in the proportion of women in practically all prison populations (Table 9). No country has seen a fall in the proportion of women, though the indicator is stable in Austria and Italy.

A number of examples can be given to illustrate this change in detail:

Rate of growth over the period 1.9.1983-1.9.1988

	Men	Women
Belgium	- 2.4%	+ 27.9%
France	+ 17.4%	+ 58.6%
Germany, FR	- 18.1%	- 7.6%
Greece	+ 13.5%	+ 52.8%
Netherlands	+ 44.0%	+ 110.0%
Portugal	+ 28.9%	+ 231.7%
Spain	+ 92.1%	+ 372.8%

Referring to the 11 populations for which we have information, we can see that the proportion of prisoners under the age of 21 is tending to fall in a majority of countries (Table 10). Only Ireland is recording a moderate increase in the relative importance of this sub-population.

Lastly, prison populations including a not insignificant number of foreigners saw a sometimes considerable growth in the relative importance of this category of prisoner in the period 1983-1988 (Table 11). The Netherlands is the only exception, where the proportion of foreigners remained around 21%.

Rate of growth over the period 1.9.1983-1.9.1988

	Nationals	Foreigners
Austria	- 33.1%	+ 9.6%
Belgium	- 13.0%	+ 41.5%
France	+ 18.1%	+ 20.8%
Greece	+ 0.1%	+ 126.2%
Italy	- 17.1%	- 6.2%
Luxembourg	+ 5.6%	+ 101.5%
Norway	- 0.3%	+ 87.5%
Portugal	+ 29.5%	+ 118.3%
Spain	+ 83.9%	+ 297.3%

Table 8
Change in the rate of detention pending trial
 (Rate at 1 September per 100,000 population)

	1983	1984	1985	1986	1987	1988
Austria	27.2	26.5	25.8	23.6	22.7	18.1
Belgium	36.3	34.8	34.0	31.8	33.8	33.2
Cyprus	1.1	4.0	1.9	2.9	4.2	3.1
Denmark	16.2	14.3	16.2	17.5	16.5	17.1
Finland			10.7	11.6	11.2	8.9
France	35.3	37.3	35.7	38.6	38.7	35.9
Germany, FR	26.2	23.8	22.1	20.5	18.8	19.0
Greece	14.3	9.5	8.7	10.2	10.7	12.1
Iceland	2.6	5.5	7.1	2.1	2.1	2.8
Ireland	3.8	3.1	4.0	2.9	3.1	2.9
Italy	53.9	54.1	45.1	37.9	34.9	29.8
Luxembourg	21.3	22.2	25.2	32.9	28.9	28.5
Malta	11.1	10.9	9.4	14.6	11.2	46.1
Netherlands	11.2	12.3	11.4	13.8	13.3	15.9
Norway	13.2	12.4	10.2	10.8	13.0	11.1
Portugal	21.9	28.5	32.3	33.5	34.3	27.8
Spain	13.2	20.6	27.9	30.0	30.2	33.2
Sweden	8.1	8.6	8.3	9.2	10.1	11.2
Switzerland	20.4	24.0	15.5	17.0		23.8
Turkey		69.1	49.1	42.6	37.7	36.4
United Kingdom	16.9	18.6	20.4	20.9	21.2	20.0

Table 9
Change in the proportion of women in prison populations
 (Percentage rate at 1 September)

	1983	1984	1985	1986	1987	1988
Austria	4.0	4.0	4.0	3.8	3.9	4.0
Belgium	4.1	4.4	4.8	3.6	4.9	5.3
Cyprus*	0.0	0.6	1.7	2.8	6.0	5.0
Denmark	4.2	3.5	3.5	4.3		
Finland			3.1	0.4	3.0	3.2
France	3.3	3.5	3.5	3.9	4.2	4.5
Germany, FR*	3.6	3.3	3.8	3.8	3.8	4.1
Greece*	3.3	4.7	3.4	4.3	4.1	4.4
Iceland	5.3	2.6	2.2	4.8	4.4	3.4
Ireland	2.6	2.3	2.2	2.9	2.0	2.6
Italy	5.0	4.8	4.9	5.0	4.8	5.0
Luxembourg	2.4	3.8	4.9	5.0	5.1	5.0
Malta	5.2	5.7	4.6	8.4	6.1	0.5
Netherlands	2.5	2.6	2.6	2.8	3.9	3.6
Norway	3.5					
Portugal	2.6	3.2	3.5	4.3	5.4	6.5
Spain	2.9	3.8	4.5	5.3	5.6	6.8
Sweden*	3.7	3.5	3.7	4.6	4.3	4.6
Switzerland*	3.6	3.8	4.6	5.2	5.0	5.6
Turkey		2.5	2.6	3.9	2.7	2.8
United Kingdom		3.1	3.3	3.4	3.6	3.4

(*) Field = Convicted prisoners, Cyprus (1986), FRG (1984), Greece (1984), Sweden, Switzerland.
 Field = nationals, Cyprus (1984).

Table 10
Change in the proportion of prisoners under the age of 21
 (Percentage proportion at 1 September)

	1983	1984	1985	1986	1987	1988
Cyprus*	19.1	28.8	23.9	29.1	13.0	18.3
Finland			6.6	8.0	7.6	5.9
France	16.9	16.0	15.9	15.7	13.2	12.2
Greece	5.8	7.2	7.0	4.6	5.6	6.0
Ireland	26.9	23.1	28.6	26.8	27.9	29.3
Luxembourg	6.1	3.8	4.1	4.0	6.8	5.3
Norway	10.6	10.6	9.8	8.8	8.1	6.5
Portugal	16.3	16.0	13.4	13.3	10.3	9.6
Spain	13.0	15.5	16.0	16.0	10.2	7.7
Sweden*	4.9	4.5	4.3	4.9	4.2	3.5
United Kingdom		28.2	27.4	26.3	25.1	23.7

(*) Field = convicted prisoners, Cyprus (1986, Sweden, Field = nationals, Cyprus (1984).

Table 11
Change in the proportion of foreign prisoners
 (Percentage proportion at 1 September)

	1983	1984	1985	1986	1987	1988
Austria	7.0	7.0	8.1	7.5	8.8	10.9
Belgium	21.8	24.2	27.6	29.3	27.4	31.2
Cyprus	20.2	23.1	23.3	26.6	37.2	38.4
Denmark	3.8					
Finland			0.3	0.3	0.3	0.3
France	25.4	26.3	26.4	27.9	26.6	25.8
Germany, FR*	9.4		14.5	14.5	14.5	14.5
Greece	11.6	14.9	16.3	17.7	18.7	22.9
Iceland	0.0	0.0	1.1	1.2	1.5	1.1
Ireland	1.5	1.9	1.8	1.5	1.1	0.9
Italy	7.9	8.4	8.9	8.6	8.7	8.9
Luxembourg	26.9	35.6	43.3	40.6	38.5	41.3
Malta	9.3	5.7	11.5	28.4	30.6	20.4
Netherlands	22.5	21.5	15.3	22.1	18.8	21.2
Norway	6.2	6.7	8.1	9.0	10.7	11.0
Portugal	4.6		4.9	5.8		8.8
Spain	7.6	9.7	10.6	12.1	13.0	15.1
Sweden*	17.4	21.2	21.1	20.7	21.6	22.3
Switzerland*	31.7	32.8	34.6	36.3	35.4	36.0
Turkey		0.5	0.5	0.5	0.5	0.5
United Kingdom		1.4	1.3	1.3	1.3	1.3

* Field = convicted prisoners, FRG (1983), Sweden, Switzerland.

Chapter II: Indicators of conditions of detention and prison budgets

1. Conditions of detention

The questionnaire for the survey of prison systems carried out by the Committee for Co-operation in Prison Affairs contained a summary table including the following column headings:

1. Number of establishments
2. Number of places
3. Number of prisoners
4. Management staff
5. Prison officers
6. Doctors, dentists, psychiatrists, psychologists, etc.
7. Teachers, instructors, monitors, social workers, etc.
8. Administrative staff.

Respondents were also asked to break down these different numbers into lines, by category of establishment. The following nomenclature was used:

1. Establishments or wings reserved for detention on remand
2. Establishments or wings for classification or allocation
3. Open establishments or wings
4. Semi-open establishments
5. Closed establishments
6. High security establishments or wings
7. Specialised establishments, medical and health centres (for handicapped, chronic sick or mentally ill persons, etc.).

Lastly, for each type of establishment, the numbers requested were to be broken down by the demographic characteristics of the prisoners concerned:

- a. Adult males
- b. Adult females
- c. Male young offenders and minors
- d. Female young offenders and minors.

This table is available for 14 States (8).

Unfortunately, most Administrations did not have access to the full range of data needed to provide sufficiently detailed replies to the request. Consequently, the degree of detail of the information compiled varies considerably from country to country. We have had to take account of this in our presentation of the results, and to discard certain data that were too seldom indicated.

1.1 Rates of occupancy of prisons

In order to measure the level of overcrowding of prisons, one must first calculate "rates of occupancy". This index is defined as the ratio of the number of prisoners at a given date to the number of places available at that same date (the number of prisoners per 100 places).

Calculation of this rate is not without its difficulties, since it is based on the definition of what

constitutes a place in prison. The questionnaire for the survey on prison systems did not ask for details on this point. But it can safely be assumed that the criteria adopted will vary from country to country.

To illustrate this point, one need only think of the various definitions used by the French Prison Administration in the process of drawing up a new, detailed and systematic inventory in February 1988. Three concepts were used (9):

1. Theoretical capacity: "One prisoner is counted for each individual cell or for every five m² of dormitory space."

2. Practical capacity: "The possibilities are calculated for doubling or tripling the number of beds within tolerable levels, having regard to conditions of security, detention, etc."

3. Maximum capacity: "This means the saturation point for facilities (showers, kitchens, etc.)"

In view of their lack of precision and their highly subjective nature, these definitions have been abandoned. The new inventory presented below is based on an estimate of the total surface area of cells available, and on definition of the relationship between surface areas and places.

Count of the number of places in French prison establishments at 1 February 1988 (metropolitan and overseas départements)

	<i>Places</i>
<i>A. Single cells:</i>	
313 cells smaller than 5 m ²	
1 119 cells between 5 and 6 m ²	
1 496 cells between 6 and 7 m ²	
2 407 cells between 7 and 8 m ²	
3 677 cells between 8 and 9 m ²	
9 725 cells between 9 and 10 m ²	
3 960 cells between 10 and 11 m ²	22 697
<i>B. Double cells</i>	
(between 11 and 14 m ²): 2 131	4 262
<i>C. Cells for more than two prisoners: 1 534</i>	
608 cells between 14 and 19 m ² (3 places)	1 824
508 cells between 19 and 24 m ² (4 places)	2 032
128 cells between 24 and 29 m ² (5 places)	640
103 cells between 29 and 34 m ² (6 places)	618
40 cells between 34 and 39 m ² (7 places)	280
27 cells between 39 and 44 m ² (8 places)	216
21 cells between 44 and 49 m ² (9 places)	189
23 cells between 49 and 54 m ² (10 places)	230
20 cells between 54 and 64 m ² (12 places)	240
20 cells between 64 and 74 m ² (14 places)	280
9 cells between 74 and 84 m ² (16 places)	144
4 cells between 84 and 94 m ² (18 places)	72
23 cells larger than 94 m ² (20 places)	460
Total number of places	7 225
Grand total	34 184

Source: Direction de l'Administration Pénitentiaire, General Report on the 1987 Financial Year.

(8) For the United Kingdom, the reply deals only with Northern Ireland and Scotland. Austria, Cyprus, Finland, Iceland, Spain and Switzerland did not reply to the survey. Luxembourg did not submit a table.

(9) TOURNIER and BARRÉ, 1983. BONVALET, 1983.

The rates of occupancy we have calculated from the capacities provided by Administrations are presented in Table 12 (see also Figure 6).

Of 14 countries, only five (10) suffer from prison overpopulation: Portugal (104 prisoners per 100 places); Greece (107); the Netherlands (107); and, in a field of their own, Italy (117) and France (149).

(10) The rate of occupancy for Scotland and Northern Ireland taken together is 99 prisoners per 100 places (the data on England and Wales is not available).

Remarks on Table 12

BELGIUM: Excluding the social defence establishments at Tournai (215 men) and Mons (23 women) for which the data are incomplete.

FRANCE: Metropolitan.

ITALY: Excluding remand prisons of the first instance (825 prisoners).

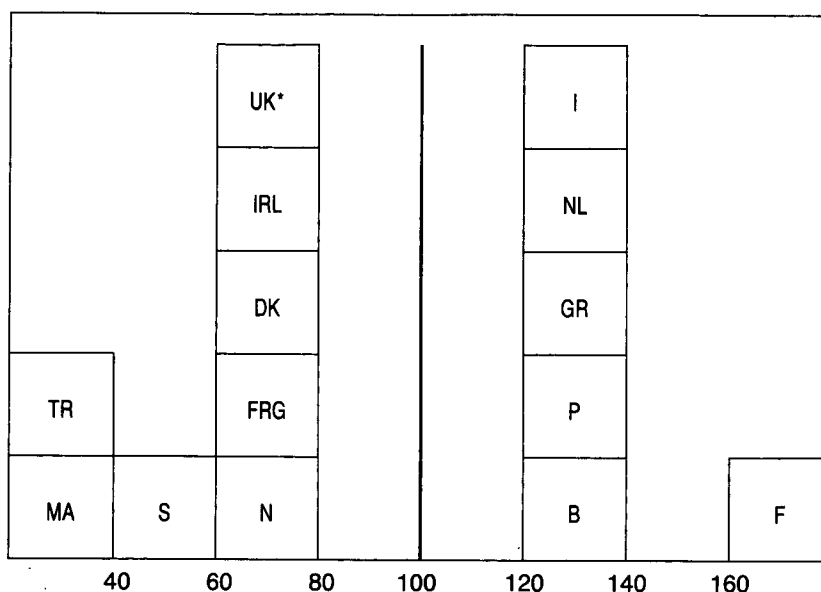
TURKEY: The data by type of establishment could not be used because of double counting.

Table 12
Rates of occupancy of prison establishments
(number of prisoners per 100 places): overall data by sex

	Reference date	Prisoners	Places	Rate of occupancy
Belgium*	31.10.86	T 6 625	6 597	100.4
		M 6 288	6 269	100.3
		W 337	328	102.7
Denmark	01.11.86	T 3 360	3 740	89.8
France*		T 48 370	32 500	148.8
		M 46 309	30 494	151.9
		W 2 061	2 006	102.7
Germany, FR	31.08.86	T 53 619	63 242	84.8
Greece	01.03.87	T 3 803	3 558	106.9
Ireland	01.09.87	T 1 936	2 015	96.1
Italy*	30.09.86	T 42 990	36 895	116.5
	01.09.86			
Malta		T 95	235	40.4
		M 87	220	39.5
		W 8	15	53.3
Netherlands	22.10.86	T 4 906	4 567	107.4
	Nov. 86	T 2 017	2 380	84.7
Portugal	31.07.85	T 8 809	8 440	104.4
		M 8 541	7 748	110.2
		W 268	692	38.7
Sweden			5 180	76.6
Turkey*		T 3 966	88 750	59.0
		T 52 401		
United Kingdom Scotland	18.11.86	T 5 780	5 391	107.2
		M 5 584	5 172	108.0
		W 196	219	89.5
Northern Ireland	31.03.86	T 1 898	2 386	79.5
		M 1 868	2 330	80.2
		W 30	56	53.6

(*) See remarks.

Figure 6
Rates of occupancy: number of prisoners per 100 places
(Reference date ; see Table 12)



* Scotland and Northern Ireland.

These rates are global indicators. Obviously, they may cover a variety of situations, depending on the sex of prisoners or the type of establishment under consideration. For instance, the overpopulation of prisons in France, Portugal or Scotland only applies to establishments — or wings — for men. But the data by sex are too incomplete for it to be possible to deduce a general rule from them (cf. Table 12).

Tables 13, 14 and 15 contain rates of occupancy by type of establishment. As a general rule, the highest rates of occupancy are to be found in the remand prisons, or establishments reserved for detention pending trial: 164 prisoners per 100 places

in France (168 for men), 154 in Scotland, 123 in Italy (establishments for adults), 112 in Portugal (116 for men), and 111 in Belgium.

Conversely, open or semi-open establishments house a number of prisoners systematically lower than their capacity.

One can see from these examples that the global rate of occupancy is not an adequate index with which to characterize the situation in a given country. Thus, for example, Belgium, whose global rate is close to 100, also faces problems of prison overpopulation (stemming from under-use of open and semi-open establishments and overcrowding of closed establishments).

Table 13
Rates of occupancy by type of establishment
(Number of prisoners per 100 places)*

	Number of establishments	Prisoners	Places	Rate of occupancy per 100
<i>Belgium</i>	34			
Open	3	263	316	83.2
Semi-open	4	1 597	1 943	82.2
Closed (for remand and non-remand prisoners)	22	3 918	3 530	111.0
Closed non-remand prisons	2	741	698	106.2
Social defence establishments*	3	106	110	96.4
<i>Denmark</i>	63			
Prisons for detention pending trial	46	1 460	1 630	89.6
Open	12	1 160	1 290	89.9
Closed	4	620	690	92.3
Specialised	1	120	130	92.3

(*) Reference date: see Table 12.

BELGIUM: Excluding the establishments at Tournay (215 men) and Mons (23 women) for which the data is incomplete.

FRANCE: Metropolitan.

ITALY: Excluding the 120 remand prisons of the first instance (825 prisoners).

Table 13 (continued)

	Number of establishments	Prisoners	Places	Rate of occupancy per 100
<i>France*</i>	169			
Remand prisons	139	40 570	24 716	164.1
Non-remand prisons	30	7 800	7 784	100.2
<i>Germany, F.R.</i>	171			
<i>Greece</i>	27			
Open	4	541	660	82.0
Closed	21	3 012	2 688	112.1
Specialized	2	250	210	119.0
<i>Ireland</i>	11			
Open	3	231	235	98.3
Semi-open	1	98	98	100.0
Closed	5	1 249	1 277	97.8
High security	2	358	405	88.4
<i>Italy*</i>	234			
Prisons for adults*	205	42 316	35 667	118.6
Remand centres*	161	31 927	26 028	122.7
Non-remand prisons	34	8 597	7 389	116.3
Work prisons	4	315	384	82.0
Psychiatric detention centres	6	1 477	1 866	79.2
Establishments for minors (18a)	29	674	1 228	54.9
Observation centres with remand section	24	606	1 055	57.4
Prison-schools	3	48	122	39.3
Reformatories	2	20	51	39.2
<i>Malta</i>	1			
Closed	1	95	235	40.4
<i>Netherlands</i>	52			
<i>Norway</i>	46			
Open	15	562	720	78.1
Closed	31	1 455	1 660	87.7
of which: high security	6	590	660	89.4
<i>Portugal</i>	39			
Prisons for detention pending trial	28	4 318	3 861	111.8
Closed	10	4 364	4 386	99.5
Specialized	1	127	193	65.8
<i>Sweden</i>	77			
Prisons for detention pending trial		817	1 235	66.2
Open		1 209	1 540	78.5
Closed		1 940	2 405	80.7
<i>Turkey</i>	647			
<i>United Kingdom</i>				
<i>Scotland</i>	19			
Prisons for detention pending trial	1	310	201	154.2
Open	1	73	75	97.3
Semi-open	4	1 091	1 313	83.1
Closed	13	4,306	3,802	113.3
<i>Northern Ireland</i>	6			

(*) Reference date: see Table 12.

BELGIUM: Excluding the establishments at Tournay (215 men) and Mons (23 women) for which the data is incomplete.

FRANCE: Metropolitan.

ITALY: Excluding the 120 remand prisons of the first instance (825 prisoners).

Table 14

Rates of occupancy by type of establishment (Number of prisoners per 100 places): Men*

	Prisoners	Places	Rate of occupancy
<i>Belgium</i>			
Open	263	316	83.2
Semi-open	1 490	1 833	81.3
Closed (for remand and non-remand prisoners)	3 688	3 312	111.4
Closed non-remand prisons	741	698	106.2
Social defence establishments*	106	110	96.4
<i>France*</i>			
Remand prisons	38 756	23 108	167.7
Non-remand prisons	7 553	7 386	102.3
<i>Greece</i>			
Open	541	660	82.0
Closed	2 896	2 418	119.8
Specialized*			
<i>Malta</i>			
Closed	87	220	39.5
<i>Portugal</i>			
Prisons for detention pending trial	4 180	3 619	115.5
Closed	4 234	3 936	107.6
Specialized	127	193	65.8
<i>United Kingdom: Scotland</i>			
Prisons for detention pending trial	310	201	154.2
Open	73	75	97.3
Semi-open	1 091	1 313	83.1
Closed	4 110	3 583	114.7

(*) Reference date: see Table 12. BELGIUM: Excluding the establishments at Tournay (215 men) for which the data is incomplete.
FRANCE: Metropolitan. GREECE: Breakdown by sex not specified.

Table 15

Rates of occupancy by type of establishment (Number of prisoners per 100 places): Women*

	Prisoners	Places	Rate of occupancy
<i>Belgium</i>			
Open	0		
Semi-open	107	110	97.3
Closed (for remand and non-remand prisoners)	230	218	105.5
Closed non-remand prisons	0		
Social defence establishments*	0		
<i>France*</i>			
Remand prisons	1 814	1 608	112.8
Non-remand prisons	247	398	62.1
<i>Greece</i>			
Open	0		
Closed	116	270	43.0
Specialized*			
<i>Malta</i>			
Closed	8	15	53.3
<i>Portugal</i>			
Prisons for detention pending trial	138	242	57.0
Closed	130	450	28.9
Specialized	0		
<i>United Kingdom: Scotland</i>			
Prisons for detention pending trial	0		
Open	0		
Semi-open	0		
Closed	196	219	89.5

(*) Reference date: see Table 12. BELGIUM: Excluding the establishments at Mons (23 women) for which the data is incomplete.
FRANCE: Metropolitan. GREECE: Breakdown by sex not specified.

1.2 Prison staffing and ratio of staff to prisoners

In measuring the ratio of staff to prisoners, we have taken account of only three categories of staff:

1. Management staff
2. Prison officers, and
3. Administrative staff.

The relative importance of prison officers as a proportion of staff as a whole is considerable: they represent 87% on average, and more than 90% in France, Italy and Turkey (cf. Table 16).

It proved difficult to integrate into a comparative approach the two other headings of the compilation table, "doctors, dentists, etc." and "teachers, instructors, etc.". The broad definition of the categories made it impossible to tell whether they always covered the same fields. Furthermore, the staff listed under these two categories generally have very varied status: full-time, part-time, employment for fees, partial (even ad hoc) or total secondment to the Prison Administration by other administrations, etc. Consequently, it makes little sense to summarize numbers for such disparate staff groups where it is not possible to define precise rules for calculation (weightings).

We have calculated two series of staff/prisoner ratios:

1. the ratio of the total number of staff under consideration to the number of prisoners (Table 17: T/P);
2. the ratio of prison officers to the number of prisoners (Table 17: O/P).

Thus, for example, in Belgium there are 56.8 staff per 100 prisoners and 51.1 prison officers per 100 prisoners.

In view of the considerable relative size of the numbers of prison officers, there is little divergence between the two series. In what follows, we shall refer only to the number of prison officers per 100 prisoners.

The rate ranges from 20 officers per 100 prisoners in Turkey to 95 per 100 in Sweden. Countries may be grouped into three categories (Figure 7):

1. Low rate (less than 40 per 100): Turkey, Portugal, France, Greece, United Kingdom (Scotland) and Federal Republic of Germany.
2. Medium rate (40 to below 60 per 100): Norway, Belgium, Malta, Italy.
3. High rate (60 and above): Netherlands, Denmark, Ireland, Sweden.

Table 16
Prison staff*

	Total (T)	Management staff	Officers (O)	Admin. staff	O/T in %
Belgium*	3 766	69	3 383	314	89.8
Denmark	2 802	77	2 355	370	84.0
France*	13 926	149	12 866	911	92.4
Germany, FR	23 896	1 348	20 261	2 287	84.8
Greece	1 550	50	1 300	200	83.9
Ireland	1 582	29	1 474	79	93.2
Italy*	25 179	262	22 898	2 019	90.9
Malta	65	10	50	5	76.9
Netherlands	3 644	128	3 016	500	82.8
Norway	1 157	85	986	86	85.2
Portugal	2 348	61	1 893	394	80.6
Sweden	4 197	142	3 750	305	89.3
Turkey	11 620	428	10 480	712	90.2
United Kingdom Scotland	2 399	77	2 141	181	89.2

(*) Reference date: see Table 12

BELGIUM: Excluding the social defence establishments at Tournay (215 men) and Mons (23 women) for which the data is incomplete. Officers = "prison officers and technicians".

FRANCE: Metropolitan.

ITALY: Excluding the remand prisons of the first instance (825 prisoners).

Table 17
Ratio of staff to prisoners*

	Prisoners (P)	Total staff	Officers (O)	T/P in %	O/P in %
Belgium*	6 625	3 766	3 383	56.8	51.1
Denmark	3 360	2 802	2 355	83.4	70.1
France*	48 370	13 926	12 866	28.8	26.6
Germany, FR	53 619	23 896	20 261	44.6	37.8
Greece	3 803	1 550	1 300	40.8	34.2
Ireland	1 936	1 582	1 474	81.7	76.1
Italy*	42 990	25 179	22 898	58.6	53.3
Malta	95	65	50	68.4	52.6
Netherlands	4 906	3 644	3 016	74.3	61.5
Norway	2 017	1 157	986	57.4	48.9
Portugal	8 809	2 348	1 893	26.7	21.5
Sweden	3 966	4 197	3 750	105.8	94.6
Turkey	52 401	11 620	10 480	22.2	20.0
United Kingdom Scotland	5 780	2 399	2 141	41.5	37.0

(*) Reference date : see Table 12

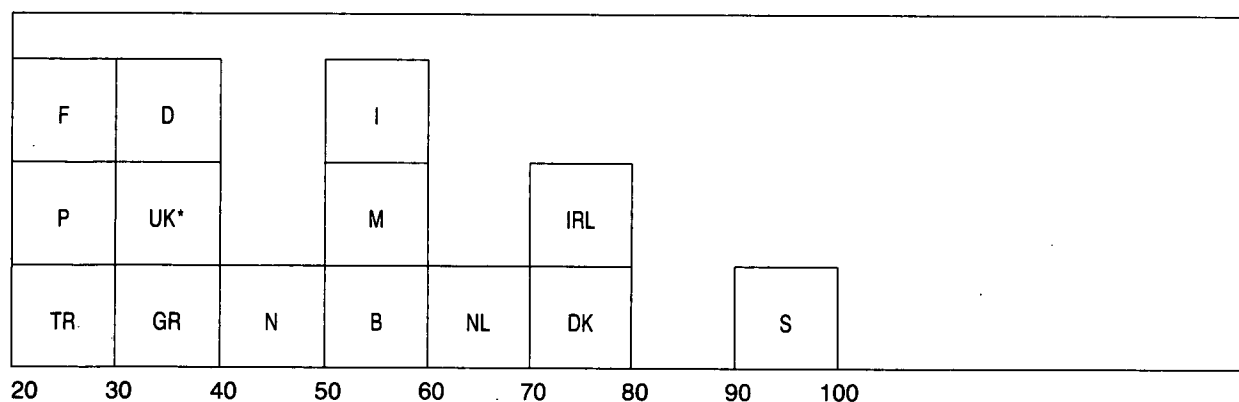
BELGIUM : Excluding the social defence establishments at Tournay (215 men) and Mons (23 women) for which the data is incomplete.

Officers = "prison officers and technicians".

FRANCE : Metropolitan.

ITALY : Excluding the remand prisons of the first instance (825 prisoners).

Figure 7
Ratio of staff to prisoners: number of officers per 100 prisoners
(Reference date, see Table 12)



* Scotland

These disparities may be in part linked to the average size of prisons, since large establishments permit more efficient use of staff (11). Thus, the average number of places per establishment is around 220 in countries with a low ratio of staff to prisoners, 150 in countries with an average ratio, and 100 in countries with a high ratio. Other factors may be cited to explain the phenomenon: the composition of prison populations, the status of staff (regulations concerning working hours, holidays, etc.), and the breakdown of the prison system as a whole by type of establishments.

This last factor may be analysed on the basis of the data contained in Table 18. Thus, as a general

rule, for obvious reasons open establishments have lower ratios of staff to prisoners: 39 per 100 in Denmark (overall ratio 70), 51 in Ireland (overall ratio 76), 28 per 100 in Norway (overall ratio 49), 41 in Sweden (overall ratio 95), and 22 in Scotland (overall ratio 37).

On the other hand, situations vary widely among the various kinds of closed establishments. In some countries the remand prisons — or establishments reserved for detention pending trial — have lower ratios of staff to prisoners than other closed establishments. This is the case in Denmark, France and Portugal (12). But the opposite is true in Italy, Sweden and Scotland.

(12) This despite the "size effect" noted above. On average, establishments reserved for detention pending trial have a smaller capacity than other closed establishments.

(11) VAN DER LINDEN, 1984.

Table 18
Ratio of staff to prisoners by type of establishment*

	P	T	O	T/P in %	O/P in %
<i>Belgium</i>					
Open	263	183	160	69.6	60.8
Semi-open	1 597	581	515	36.4	32.2
Closed (for remand and non-remand prisoners)	3 918	2 481	2 236	63.3	57.1
Closed non-remand prisons	741	448	404	60.6	54.5
Social defence establishments*	106	73	68	68.9	64.2
<i>Denmark</i>					
Prisons for detention pending trial	1 460	765	670	52.4	45.9
Open	1 160	635	455	54.7	39.2
Closed	620	1 215	1 070	196.0	172.6
Specialized	120	187	160	155.8	133.3
<i>France*</i>					
Remand prisons	40 570	9 658	9 046	23.8	22.3
Non-remand prisons	7 800	4 268	3 820	54.7	49.0
<i>Ireland</i>					
Open	231	134	117	58.0	50.6
Semi-open	98	54	47	55.1	48.0
Closed	1 249	906	846	72.5	67.7
High security	358	488	464	136.3	129.6
<i>Italy*</i>					
Prisons for adults*	42 316	24 459	22 282	57.8	52.7
Remand centres*	31 927	19 420	17 647	60.8	55.3
Non-remand prisons	8 597	4 133	3 895	48.1	45.3
Work prisons	315	200	180	63.5	57.1
Psychiatric detention centres	1 477	706	560	47.8	37.9
Establishments for minors (18a)	674	720	616	106.8	91.4
Observation centres with remand section	606	607	521	100.2	86.0
Prison-schools	48	69	58	143.8	120.8
Reformatories	20	44	37	220.0	185.0
<i>Malta</i>					
Closed	95	65	50	68.6	52.6
<i>Norway</i>					
Open	562	200	158	35.6	28.1
Closed	1 455	957	828	65.8	56.9
of which: high security	590	359	297	60.8	50.3
<i>Portugal</i>					
Prisons for detention pending trial	4 318	1 038	877	24.0	20.3
Closed	4 364	1 203	935	27.6	21.4
Specialized	127	107	81	84.3	63.8
<i>Sweden</i>					
Prisons for detention pending trial	817	1 216	1 140	148.8	139.5
Open	1 209	608	500	50.5	41.4
Closed	1 940	2 373	2 110	122.3	108.8
<i>United Kingdom: Scotland</i>					
Prisons for detention pending trial	310	129	117	41.6	37.7
Open	73	20	16	27.4	21.9
Semi-open	1 091	531	469	48.7	43.0
Closed	4 306	1 719	1 539	39.9	35.7

(*) Reference date: see Table 12.

Column headings: see Table 17.

BELGIUM: Excluding the establishments at Tournay (215 men) and Mons (23 women) for which the data is incomplete.

Officers = "prison officers and technicians".

FRANCE: Metropolitan.

ITALY: Excluding the 120 remand prisons of the first instance (825 prisoners).

2. Prison budgets

Under the heading "Financial Information", four types of information concerning the budgets of Prison Administrations were requested:

— the amount of appropriations allocated to the Prison Administration in the annual National Budget, and the percentage share of the National Budget as a whole represented by those appropriations;

— the overall amount of appropriations allocated to buildings and equipment;

— the amount of appropriations allocated to prisoners, if possible broken down by type of establishment and type of expenditure;

— the amount of appropriations allocated to prison staff, if possible by category of staff and type of expenditure.

Fifteen countries replied in greater or lesser detail and with varying degrees of comparability, with reference years ranging from 1984 to 1987. Below, each point is examined in turn.

2.1 Annual budget of prison administrations

A number of methodological problems raised by a comparative analysis of this type of data were tackled by the author of a survey on the cost of prisons, carried out at the request of the Netherlands Ministry of Justice, in association with the Council of Europe (13). These problems concern both the nature of the components making up the budget and also appropriate means of comparing the values of national budgets.

On the first point, some countries in fact refer to the existence of expenditures which do not come under the budget of the Ministry of Justice. For instance, in Belgium investment and maintenance work on prison buildings comes under the public works budget. Real estate investment in the Netherlands is also apparently excluded. Other expenditures, such as the costs of teaching and vocational training or hospitalization costs, may or may not be included. Insofar as is possible, we have excluded from prison budgets expenditure on real estate investment, which probably constitutes the largest distortion, and which is in any case the one easiest to correct, since it is the one most frequently referred to.

On the second point, namely, the most appropriate means of comparison, the questionnaire asked what share of the national budget is allocated to the prison administration. Unfortunately, this indicator is fairly restricted in meaning. Its value depends first and foremost on the composition of the national budget. More interesting is the relationship between the budget of the prison administration and the Gross Domestic Product of the country concerned. This indicator enables us to measure the relative importance of prisons as an institution for each country.

For six countries, Belgium, Denmark, France, Luxembourg, the Netherlands and Norway, the budget of the prison administration can be defined relatively homogeneously, that is, excluding real estate investment expenditures. The notes below specify the contents of the heading "buildings and equipment" for each country, and explain why we have been able to refer only to the above six countries.

Belgium: investment and maintenance expenditure comes under the public works budget, and is thus excluded from the prison budget.

Denmark: the line "buildings and equipment" represents 1.8% of the total prison budget. Investment expenditure would appear to be excluded from the Danish prison budget, to judge from the relative importance of investment expenditure in other countries, where it is known.

Federal Republic of Germany: investment expenditure in the line "buildings and equipment" cannot be isolated.

France: investment expenditure is excluded from the total of the prison budget.

Greece: the data collected seem to be incompatible; the costs represented by prison staff appear to be higher than the total prison budget.

Ireland: the line "buildings and equipment" represents 25% of the prison budget (budget for the prisons, probation and social service), but it is not possible to isolate investment expenditure.

Italy: the line "buildings" represents 8% of the prison budget, but it is not possible to isolate investment expenditure.

Luxembourg: the line "buildings and equipment" excludes investment expenditure.

Malta: no information is given regarding buildings and equipment.

Netherlands: real estate investment costs are borne by a different budget.

Norway: only equipment expenditure is included.

Portugal: no details are given of the nature of expenditure in the line "buildings and equipment".

Sweden: real estate investment expenditure is given for a year other than that of the total budget.

Turkey: the total budget of the prison administration is not indicated.

United Kingdom/Scotland: Real estate investment expenditure is given for a year other than that of the total budget.

United Kingdom/Northern Ireland: Real estate investment expenditure has been deducted from the budget total.

(13) VAN DER LINDEN, 1984, op. cit.

Table 19, shows details for the countries selected.

— Column A gives the budget of the prison administration, converted into United States dollars. The exchange rates used are the Gross Domestic Product (GDP) purchasing power parity rates published by OECD.

— Column B gives the GDP in United States dollars (source, OECD).

— Column C is the ratio per 10 mil of the two preceding columns. The ratio of the prison budget to each country's Gross Domestic Product is an indicator which has the advantage of taking account of differences in standards of living.

Table 19
Relative importance of the prison budgets as a proportion of GDP
(excluding real estate investment expenditure)

Member State	Prison budget in U.S. \$ A	GDP in millions \$ B	C = 10,000 x A/B
Belgium 1984	89 353 349	102 200	8.7
Denmark 1986	90 452 261	67 100	13.5
France 1986	378 526 613	676 400	5.6
Luxembourg 1987	6 615 000	5 500	12.0
Netherlands 1985	137 647 059	164 300	8.4
Norway 1985	61 645 423	58 000	10.6

The six countries rank as follows, in ascending order of the value of the indicator calculated: France, Netherlands, Belgium, Norway, Luxembourg, Denmark. The size of the discrepancy between France and Denmark — the relative importance of the prison budget in the Danish GDP is 141% greater than in France — leads one to speculate as to the structure of the prison budgets. Yet if the entire line "buildings and equipment" — amounting to US\$1.608 million — is deleted from the Danish budget, the size of the prison budget in Denmark as a proportion of GDP remains 13.2 per 10 mil, or 136% higher than in France.

2.2 Buildings and equipment

In the previous paragraph we stressed the importance of excluding investment expenditure from total budgets as far as is possible. Even where it can be distinguished from operational expenditure in the strict sense of the term, it is still not easy to analyse as such, since it is difficult to ascertain what accounting rules may have been used in the annual statement of investment expenditure.

2.3 Prisoners

The question regarding the cost of imprisoning a prisoner calculated for the year was not interpreted in the same way by all respondents. Did it refer to the

cost of maintenance, or was the depreciation of buildings or costs of monitoring and supervision also to be included? Was the figure requested the gross cost, or the net cost after deduction of the income accruing to prisons as the result of prisoners' work? In view of these discrepancies, the data supplied could not be used.

2.4 Staff

A comparison of the budgets allocated to staffing again raises the question of the definition of "prison staff". Medical, educational and social welfare staff may or may not be included under prison staff. Similarly, some functions, such as transfer of prisoners and central administration are performed by staff who may or may not come under the prison budget. The notes that follow specify the level of detail of this heading.

Most countries give a global figure for staffing costs, without further details. In the case of *Italy*, staffing costs are the sum of the costs of civilian and military staff. They include some costs relating to medical and paramedical staff, and some relating to the social service. *Sweden* specifies that, in addition to management staff and prison officers, "prison staff" includes administrative, technical and specialised staff, and teachers. In *Northern Ireland*, the total cost includes costs of medical, teaching and central administration staff. For the *United Kingdom*, because only Scotland and Northern Ireland replied, it is difficult to make use of the data, since the indicators are calculated at national level.

It would of course be naive to assume that costs of prison staffing constitute a homogeneous heading, whenever countries have not felt obliged to give details. Yet notwithstanding, we believe that an international comparison of these costs is revealing in terms of budgetary choices. It remains to be seen whether or not they are purely formal. The need for caution will lead us to speak of "staffing budgets" rather than "staffing costs", as some aspects of these costs may be borne by other budget items.

It should be pointed out at the outset that staffing budgets represent the largest part of prison budgets. For the six countries discussed above, their relative importance in the prison budget ranges from 62% in Denmark to 77% in the Netherlands.

Belgium	74%	Luxembourg	72%
Denmark	62%	Netherlands	77%
France	71%	Norway	68%

Consideration of staffing budgets rather than of total budgets will make it possible to expand the international scope of the comparison.

Table 20 sets out the following information:

— Column A gives the staffing budgets, expressed in dollars; the exchange rates used are the rates published by OECD already referred to.

— Column B gives the Gross Domestic Product (GDP), expressed in dollars (source, OECD).

— Column C is the ratio per 10 mil between the two previous columns. This indicator, which gives the

Table 20
Staffing budgets

Member State	A Staffing budget in \$	B GDP in millions \$	C A/B × 10 000	D Average prison population	E A/D in \$	F per capita GDP in \$	E1 E/F × 10 000 in \$
Belgium 1984	66 053 118	102 200	6.5	6 509	10 148	10 370	9 786
Denmark 1986	56 281 407	67 100	8.4	3 232	17 414	13 094	13 299
FRG 1980	319 185 000	544 100	5.9	51 472	6 201	8 838	7 016
France 1986*	268 355 000	676 400	4.0	45 155	5 943	12 210	4 867
Ireland 1987	51 351 000	26 700	19.2	1 920	26 745	7 541	35 466
Italy 1985	585 983 000	626 400	9.4	42 166	13 897	10 966	12 673
Luxembourg 1987	4 793 000	5 500	8.7	345	13 893	14 705	9 448
Netherlands 1985	106 667 000	164 300	6.5	5 033**	21 194	11 339	18 691
Norway 1985	41 715 000	58 000	7.2	1 672	24 949	13 963	17 868
Portugal 1984	25 742 000	50 400	5.1	7 365	3 495	5 260	6 645
Sweden 1985-86	119 639 640	107 650	11.1	4 437	26 964	12 873	20 946
Turkey 1986	63 401 118	199 700	3.2	59 570	1 064	3 922	2 713

* FRANCE: Metropolitan.

** NETHERLANDS: average of population at 1.2.85 and at 1.2.86.

relative size of staffing budgets within GDP, is fairly close to the one calculated previously for six countries; with reference to this new indicator, their order remains the same, with one exception. Among the new countries included in this table, the results for Ireland seem too surprising to be of use.

— Column D gives the average prison population for the year, obtained from Table 6 above.

— Column E gives the amount of the staffing budget per prisoner, expressed in dollars. This indicator does not take account of differences in countries' standards of living.

— Column F gives the value of per capita GDP (source, OECD).

— In Column E1 we have calculated the ratio of the staffing budget per prisoner to per capita GDP. This procedure makes the values calculated for Column E comparable, by giving, for each country, staffing expenditure per prisoner at a per capita GDP equivalent to 10,000 dollars.

As we have already noted, the data for Ireland is extremely surprising. The correction made in order to take account of differences in the standard of living merely increases the discrepancies already noted in Column E. They must be disregarded. As for the data on Federal Republic of Germany, it is difficult to compare it to data for other countries, because of its earlier reference date.

The divergences are very considerable. The values calculated in Column E1 range from \$2,713 for Turkey to \$20,946 for Sweden. With regard to Sweden the values can be recalculated, including in the staffing budget only costs of prison officers and management, amounting to \$87,687,688. In this case the value of the corrected expenditure becomes \$15,352. Even so, Sweden remains in the group of countries with the highest expenditure, along with Denmark (\$13,299), Norway (\$17,868) and the Netherlands (\$18,691).

Italy comes close to this group, with \$12,673, but the fact that its prison staff are often military personnel suggests that it may be difficult to isolate the prison costs proper corresponding to similar functions in other countries.

Belgium and Luxembourg occupy an intermediate place, while Portugal, France and Turkey constitute the group whose expenditure appears to be lowest.

We have already stressed that the composition of the staffing budget may differ widely from country to country. The data from the survey does not allow us to refine the analysis further in that regard. On the other hand, it bears noting that the value of the indicator calculated is of course linked to the ratio of staff to prisoners in the various countries, and to levels of qualifications among staff. Overall ratios of staff to prisoners have been calculated above (Table 17), and although they do not necessarily refer to the same year, it is possible and of interest to compare them to the values of the indicator calculated.

Of the four countries of northern Europe, three have very high ratios of staff to prisoners: 74% for the Netherlands, 83% for Denmark, and 106% for Sweden. Norway is the exception, with an average ratio of staff to prisoners (57%).

Belgium, for which we calculated an average level of expenditure, also has an average ratio of staff to prisoners, 57%. The ratio of staff to prisoners is not known for Luxembourg.

France, Portugal and Turkey, which constitute the group with the lowest expenditure, also have very low ratios of staff to prisoners, of between 22 and 29%.

In conclusion, it must be stressed that, without overlooking the possible existence of distortions regarding questions of definition, the ratio of staff to prisoners is, as one would expect, one of the factors that account for the differences between staffing budgets from country to country. A study of the different categories of staff and their levels of qualification remains to be undertaken.

CHAPTER III: Frequency of recourse to custodial sentences in Council of Europe member States

The very varied situations of Council of Europe member States with regard to the relative size of their prison populations inevitably raise questions as to the reasons for such differences. As we know, these reflect both the different use made of imprisonment, whether or not of a person who has been finally sentenced, and also differences in the duration of imprisonment (14). There have been many attempts to explain this wide dissimilarity in situations (15). The model most readily put forward to explain it adduces the volume and structure of recorded crime. However, it seems difficult to reason on the basis of the volume and structure of recorded crime in the various countries, on account of the manifold problems of definition that arise, both as a result of the different methods of compilation used in the statistical systems, and also of differences in legislation. In this field, each country will have its own specific features, inherited from traditions of judicial and administrative organisation.

Lastly, the specific approach of each country to management of the process extending from the recorded crime to an ultimate detention is too poorly perceived for it to be possible to contemplate international comparisons in the present state of affairs.

Consequently, the survey approached the question from a different angle, that of sentences. International differences in terms of detention are in fact partially a reflection of the frequency of recourse to custodial sentences. Nevertheless, we are not unaware that, particularly in the case of France and the countries of southern Europe, the prison population is far from being made up exclusively of convicted persons.

It should also be made clear that we do not intend to compare levels of penal sanction in relation to a supposed level of crime in the various countries, an exercise which would raise the whole problem of the interpretation of crime statistics. We propose here to study the penal sanctions of the various countries as revealed by the statistics on sentences, and to compare those data to what we know of the situation of the prison population in Council of Europe countries.

1. Method

It was in that spirit that a survey was carried out on the initiative of CESDIP, among Council of Europe member States, dealing with the volume of sentences and their structure (16). In that context, we thought it preferable to speak of "frequency of recourse to custodial sentences", since the title originally adopted for the survey, "frequency of recourse to imprisonment", might seem ambiguous on account of the sometimes sizeable proportion of imprisonments due to detention pending trial.

Launched in July 1987, the survey was to deal as far as possible with 1986 data. As of now, and after transmission of a reminder, 15 countries have replied, nine of them providing data for 1986. Of the six other countries, Spain provides data for 1980, Italy for 1983, while Denmark, France (which supplies provisional data for 1986), Greece, the Netherlands and Federal Republic of Germany provide data for 1985. The replies of these 15 countries are the subject of the analysis that follows.

1.1 Problems of definition

The essential interest of surveys of this type is perhaps first and foremost to reveal more clearly the whole range of difficulties that emerge from such an attempt at international comparisons. The volume and structure of sentences will in fact inevitably depend on the following factors:

1.1.1 The definition of the sentence: it is defined by its nature (a sanction?), by the body responsible for the decision (a court?), or by its administrative consequences (an entry in the *casier judiciaire* [police record]?). It has to be admitted that there is no clear definition covering the concepts of its nature and of the scope of the decision.

As an example, the range of sanctions that courts may pronounce is very wide, and, paradoxically, since the French Law of 11 July 1975 has included discharge. This continuum of possible decisions open to the court makes it difficult to define a sentence, or indeed to construct a nomenclature of sanctions suited to the various judicial systems.

Furthermore, if one accepts that a sentence is a decision taken by a court, it must then be acknowledged that what, in one country, constitutes part of the range of sanctions pronounced by courts, may be excluded from that range in other countries: examples are discharge, or measures such as the obligation to undergo treatment, which can take several forms. For instance, the "therapeutic order", in France, takes place at an earlier phase than the court proceedings proper, being a decision of the Public Prosecutor. The obligation to undergo treatment may also form part of educational measures, as in Sweden or Switzerland, or be one of the special obligations on which probation is conditional.

Moreover, some sentences, such as fines, may or may not be recorded, depending on the type of court and the type of proceedings in which they have been passed. Thus, for example, the volume of sentences in England and Wales, and the very high relative importance of fines in comparison to the situation in France, inevitably raises questions regarding the field of proceedings taken into account. To cite another example, in Denmark, fines are excluded from the total of sentences.

Lastly, insofar as the statistics on sentences in France are derived from the *casier judiciaire*, the criterion for defining a sentence is linked to the criteria for management of the *casier*. Thus, a finding of guilt

(14) TOURNIER, 1983-1988.

(15) YOUNG, 1986.

(16) Council of Europe, Ref. No. JC 23 MSE/bf of 2 July 1987. BARRÉ, 1988.

accompanied by a discharge is a measure recorded in the *casier judiciaire*. On the other hand, decisions concerning offences in the first four categories do not appear in the *casier*. Here, then, we encounter problems regarding the statistical systems in use. Even if one could arrive at a uniform definition of a sentence at European level, one would still run up against the constraints of the existing statistical systems.

1.1.2 The definition of a unit of account. In France, in the event of a multiplicity of sentences, only the main sentence is recorded. In Spain, a fine is sometimes associated with the custodial sentence, and is recorded with those sentences where a fine is the main sanction.

1.1.3 The wide variety of definitions of a "minor" (the age limits range from the under-16s to the under-20s, and the definition sometimes includes "young adults" between the ages of 21 and 25, as is the case in Switzerland), and the fact that there may or may not be specific jurisdictions, may induce distortions in the comparisons of the volume and structure of sentences.

1.1.4 Modalities for recording statistics: in France, in principle sentences are recorded only once they have become "final" — that is, once the period during which an appeal can be lodged has elapsed.

The questionnaire made no mention of this point, which was self-evident in the case of France, but not necessarily for other countries. On the other hand, it did specify that the sentences referred to were those passed in ordinary proceedings, a necessary distinction for France in view of the large number of sentences in default and the possibility of double counting with judgments in ordinary proceedings on an application to set aside a judgment in default. None of the questionnaires received, other than that of France, makes any allusion to this question of definition.

1.2 Questionnaire

The questionnaire (see Annex 1) asked for a breakdown of the number of sentences passed by the criminal courts in ordinary proceedings, for adults and minors, by type of sentence passed, that is:

- Discharges
- Death sentences
- Life sentences
- Fixed-term prison sentences,
 - not suspended
 - partially suspended
 - totally suspended
- Fines
- Alternative measures ordered as the main sentence
- Educational measures ordered as the main sentence.

The question calls for the following remarks:

The nomenclature for sentences, adapted from those existing in France, in view of the need for a starting point, raised a number of difficulties commented on in the notes relating to each country. Particular mention should be made of the problem of

probation, which appears among the alternative measures for adults in Portugal and Sweden, and for minors in Austria.

The heading "discharges", which poses a specific problem of definition, is discussed in Annex 2.

2. Results of the survey

We have set out the data (Tables 21 and 22) as it appears in the questionnaires. The wealth of notes following each of these tables is an indication of the difficulty of making comparisons. We trust, however, that the findings of the survey will generate comments and explanations.

2.1 Breakdown of sentences: courts for adults (Table 21)

In some countries (see notes below) the statistics do not allow for a distinction between adults and minors. In such cases the data is set out in Table 1: Courts for Adults.

Notes:

Austria: The total of the columns does not correspond to the total for sentences indicated in the questionnaire, which was 79,992.

The alternative measures relate to psychiatric placements and placements in detoxication institutions.

Denmark: There are no juvenile courts; the same courts try adults and minors.

The total for sentences relates to sentences to immediate imprisonment or suspended imprisonment; in more than 50% of cases, fines (73,187) are imposed outside the framework of the courts, and are excluded from the total.

England and Wales: Sentences relate to natural persons to the exclusion of other offenders.

The educational measures are obligations to undergo treatment.

France: The figures are for all sentences by courts for adults, not just sentences in ordinary proceedings. Sentences in ordinary proceedings have not been broken down for adults and minors.

The statistics for sentences relate to indictable offences and offences of the fifth category.

Federal Republic of Germany: Young adults aged between 18 and 20 at the time of the offence are tried either by courts for adults or by juvenile courts. In 1985 6% of the sentences passed by courts for adults were passed on young adults aged between 18 and 20 at the time of the offence.

Discharges are explicitly excluded from the total of sentences. Cautions, psychiatric placements and placements in detoxication units, and withdrawals of proceedings are also excluded.

Enforcements against the person for military personnel (429 suspended sentences and 79 immediate sentences) have been included with sentences.

Greece: Figures for totally suspended sentences of imprisonment are known only for adults and minors taken as a single group. Consequently, the proportion of sentences to immediate imprisonment passed on adults must fall between 73% and 81%, depending whether one imputes all suspended sentences (13,146) to adults, or only the residue, having taken into account the fact that all prison sentences passed on minors were suspended sentences (13,146 - 7,759 = 5,387).

Table 21

Breakdown of sentences in Council of Europe member States — courts for adults

Column headings:

a = Discharges (1)

b = Death sentences

c = Life sentences

Fixed-term prison sentences:

d = Not suspended

e = Partially suspended

f = Totally suspended

g = Fines

h = Alternative measures

i = Educational measures

j = TOTAL

Member State	a	b	c	d	e	f	g	h	i	j
Austria* 1986	n.a.	—	12	8 520	—	12 372	53 173	86	—	74 163
%	n.a.	—	0.0	11.5	—	16.7	71.7	0.1	—	100
Cyprus 1986	1 217	—	2	310	← 228 →	← 228 →	87 303	1 978	—	91 038
%	1.3	—	0.0	0.3	← 0.3 →	← 0.3 →	95.9	2.2	—	100
Denmark* 1985	—	—	2	13 197	915	8 651	ex	—	—	22 765
%	—	—	0.0	58.0	4.0	38.0	ex	—	—	100
England Wales* 1986	72 740	—	225	65 036	3 116	27 756	1 545 698	85 348	8	1 799 897
%	4.0	—	0.0	3.6	0.2	1.5	86.0	4.7	0.0	100
France* 1985	14 661	—	73	← 122 155 →	← 122 155 →	152 339	331 996	46 265	—	667 489
%	2.2	—	0.0	← 18.3 →	← 18.3 →	22.8	49.8	6.9	—	100
FRG* 1985	ex	—	86	37 722	—	74 576	488 414	—	—	600 798
%	ex	—	0.0	6.3	—	12.4	81.3	—	—	100
Greece* 1985	n.a.	1	6	← 81 020 →	← 81 020 →	← 81 020 →	11 866	10	—	92 903
%	n.a.	0.0	0.0	← 87.2 →	← 87.2 →	← 87.2 →	12.8	0.0	—	100
Italy* 1983	105 150	—	—	—	59 616	—	61 150	ex	ex	255 916
%	46.5	—	—	—	26.4	—	27.1	ex	ex	100
Netherlands* 1985	3 463	—	2	10 580	5 771	21 590	47 276	1 074	5 049	95 775
%	3.6	—	0.0	11.0	6.0	22.5	49.5	1.1	5.3	100
Norway* 1986	n.a.	—	—	9 899	1 134	6 532	1 802	11	—	19 378
%	n.a.	—	—	51.0	5.9	33.7	9.3	0.1	—	100
Portugal* 1986	18	—	—	8 884	—	3 126	—	187	—	12 215
%	0.1	—	—	72.8	—	25.6	—	1.5	—	100
Spain* 1980	—	—	—	9 485	—	97 424	200 165	—	—	230 679
%	—	—	—	4.1	—	42.2	—	—	—	—
Sweden* 1986	14 122	—	4	13 955	—	—	31 772	7 217	—	67 070
%	21.1	—	0.0	20.8	—	—	47.3	10.8	—	100
Switzerland* 1986	—	—	3	12 663	← 27 291 →	← 27 291 →	19 125	← 627 →	← 627 →	59 709
%	—	—	0.0	21.2	← 45.7 →	← 45.7 →	32.0	← 1.1 →	← 1.1 →	100
Turkey* 1986	ex	11	246	39 337	—	35 846	—	531 161	102 790	709 391
%	ex	0.0	0.0	5.5	—	5.1	—	74.9	14.5	100

n.a. = not available
ex = excluded
— = line not filled in.

* = see notes
(1) = see Annex 2

Italy: Alternative measures and educational measures ordered as the main sentence are excluded from the total of sentences, and are known only for adults and minors taken as a single group.

Netherlands: The statistics on sentencing do not give a breakdown by type of court (adult and juvenile). Educational measures include both psychiatric placement and measures reserved for minors (reprimands, disciplinary schools).

The questionnaire includes a category "Other Measures" (970), but does not specify their nature. They are not set out in the table, but are included in the total.

Norway: The alternative measures referred to are social protection orders.

The statistics on sentencing for adults refer to indictable offences.

Portugal: The total of the columns does not correspond to the total indicated in the questionnaire, which was 17,957. Fixed-term prison sentences were replaced by a fine in 33% of cases. But we are not told what proportion of the sentences that underwent this transformation were suspended sentences, and what proportion non-suspended sentences. Consequently, in reality the proportion of immediate prison sentences falls between 40 and 66%, depending whether one assumes that fines replaced suspended or non-suspended prison sentences.

Spain: The juvenile courts (for those under the age of 16) do not pass sentence and their decisions are not published.

Sentences of imprisonment are generally accompanied by a fine: we suppose that this is the reason why the total of the columns (307,074) is so much higher than the total figure for sentences given (230,679). This explains why we have not calculated the relative importance of fines.

Suspension of sentence is automatic when the sentence of imprisonment is for a period less than one year.

Sweden: There are no juvenile courts in Sweden.

"Discharges" include conditional sentences (10,432) and joinders of cases (3,690).

The alternative measures include probation (6,134) and the obligation to undergo treatment (1,083).

Switzerland: The alternative measures and educational measures are social protection orders, psychiatric internments, orders to undergo treatment, and placements of young adults aged 18 — 25 in reformatories.

Turkey: The figures relating to sentences for traffic offences are excluded: 86,730 sentences and 2,215 discharges.

"Discharges" here includes acquittals, joinders of cases, removals of cases from a court, and absence of jurisdiction. Consequently this line (301,673) has been excluded from the total of sentences.

The proportion of sentences to immediate imprisonment (that is, excluding totally suspended sentences) to total sentences ranges from 3.8% in England and Wales to 62.0% in Denmark.

If one takes the 11 member States for which we have data (17), the ranking by ascending order of this variable is as follows:

1. England and Wales	3.8%
2. Spain	4.1%
3. Turkey	5.5%
4. Federal Republic of Germany	6.3%
5. Austria	11.5%
6. Netherlands	17.0%
7. France	18.3%
8. Sweden	20.8%
9. Italy	26.4%
10. Norway	56.9%
11. Denmark	62.0%

It is certain that more precise information on sentences and the scope of the proceedings taken into account in the various countries would make this table more meaningful. In particular, it should be recalled that in Denmark fines are excluded from the total of sentences.

2.2 Breakdown of sentences: juvenile courts (Table 22)

Here, other problems of definition will arise:

— The concept of a sentence is even less clear with regard to minors than for adults. When does one find oneself dealing with a sentence? When is one dealing with a guardianship measure? Each country has its own definitions.

— What is the significance of the age limit? Is it the age at the time of the offence or of the trial?

— Do any courts exist intended specifically for minors?

Whenever possible, we comment on these points in the notes to Table 22.

Notes:

Austria: Juvenile courts deal with persons under the age of 18. The total of the columns does not correspond to the total for sentences indicated in the questionnaire, which was 5,498. The alternative measures include reprimands and probation, in addition to psychiatric placements and placements in detoxication centres. Where probation is ordered, passing of sentence may be suspended for a period of up to three years.

Cyprus: The juvenile courts deal with minors between the ages of 7 to 15 inclusive.

Denmark: There are no juvenile courts.

England and Wales: Persons over the age of 10 and under 17 years of age are counted.

The 24 life sentences are sentences for an indeterminate period, "at Her Majesty's pleasure".

Sentences to imprisonment include the various forms of detention for young people.

The educational measures are orders to undergo treatment.

France: The figures refer to the total number of sentences by juvenile courts, not simply to those in ordinary proceedings.

Juvenile courts deal with persons under the age of 18.

Federal Republic of Germany: Young adults aged between 18 and 20 at the time of the offence are tried either by courts for adults or by juvenile courts. In 1985 47% of the sentences passed by juvenile courts were passed on young adults aged between 18 and 20 at the time of the offence. All those aged between 14 and 17 at the time of the offence are tried by juvenile courts.

Life imprisonment does not exist for minors.

Fines do not exist for minors.

The juvenile courts may also remit a sentence of imprisonment, terminate the proceedings, etc. These cases are not recorded in the total.

Greece: We have no details on the existence of specific courts and the ages concerned.

(17) We have had to exclude Cyprus, Greece, Portugal and Switzerland, for which we could not isolate the totally suspended sentences.

Table 22

Breakdown of sentences in Council of Europe member States — minors

Column headings:

a = Discharges

b = Death sentences

c = Life sentences

Sentences to imprisonment:

d = Not suspended

e = Partially suspended

f = Totally suspended

g = Fines

h = Alternative measures

i = Educational measures

j = TOTAL

Member State		a	b	c	d	e	f	g	h	i	j
Austria*	1986	n.a.	—	—	203	—	1 117	1 108	3 014	—	5 442
%		n.a.	—	—	3.7	—	20.5	20.4	55.4	—	100
Cyprus	1986	—	—	—	—	← 3 →	—	34	13	—	50
%		—	—	—	—	—	—	—	—	—	—
Denmark*		—	—	—	—	—	—	—	—	—	—
England Wales*	1986	16 738	—	24	4 506	—	—	20 521	19 824	983	62 596
%		26.7	—	0.0	7.2	—	—	32.8	31.7	1.6	100
France*	1985	559	—	—	← 6 365 →	—	12 840	5 784	439	35 541	61 528
%		0.9	—	—	← 10.3 →	—	20.9	9.4	0.7	57.8	100
FRG*	1985	—	—	—	6 736	—	10 936	—	← 101 454 →	—	119 126
%		—	—	—	5.7	—	9.2	—	← 85.1 →	—	100
Greece*	1985	n.a.	—	—	← 7 759 →	—	—	237	—	7 026	15 022
%		—	—	—	← 87.2 →	—	—	1.6	—	46.8	100
Italy*	1983	11 779	—	—	—	3 697	—	—	—	—	15 476
%		76.1	—	—	—	23.9	—	—	—	—	100
Netherlands*		—	—	—	—	—	—	—	—	—	—
Norway*	1986	n.a.	—	—	119	167	1 097	18	—	—	1 401
%		—	—	—	8.5	11.9	78.3	1.3	—	—	100
Portugal*		—	—	—	—	—	—	—	—	—	—
Spain*		—	—	—	—	—	—	—	—	—	—
Sweden*		—	—	—	—	—	—	—	—	—	—
Switzerland*	1986	—	—	—	—	—	—	—	—	—	—
Turkey*	1986	—	—	—	—	—	—	—	—	—	—

* See notes in the text.

Italy: The juvenile courts deal with those under the age of 18. Alternative measures and educational measures are excluded from the total for sentences; they are known only for adults and minors taken as a single group.

Netherlands: The statistics on sentences do not give the breakdown by type of court (minors and adults).

Norway: The juvenile courts deal with persons between the ages of 14 and 17.

Portugal: The juvenile courts (for persons under 16) do not pass sentence. In certain cases, persons between the ages of 16 and 21 come under the legislation for minors.

Spain: The courts for persons under the age of 16 do not pass sentence.

Sweden: Juvenile courts do not exist in Sweden.

Switzerland: Minors are those under the age of 18.

Turkey: No data relating to minors are available.

To discuss these data in terms of the breakdown of sentences is even more meaningless for minors than in the case of adults, given the difficulty of defining the total number of sentences in this case. We thought it more valuable to use these figures in combination with those concerning adults in order to calculate frequencies of recourse to custodial sentences in relation to the populations of the various countries.

2.3 Frequency of custodial sentences without suspension

We have calculated the frequency of custodial sentences without suspension in relation to the population, or the probability per 100,000 inhabitants of receiving such a sentence. We have determined a "rate of sentencing without suspension" as follows: in the numerator the total of custodial sentences excluding those passed with total suspension and including life sentences, and in the denominator the total population of the country. These rates are set out below.

Table 23
Rate of sentencing without suspension
per 100 000 population

Member State		Custodial sentences without suspension	Population (millions)	Rate of sentencing per 100 000
		(a)	(b)	(c)
Austria	1986	8 735	7.6	114.9
Denmark	1985	14 114	5.1	276.7
England/Wales	1986	72 907	49.9	146.1
France*	1986	84 707	56.9	148.9
Germany, FR	1985	44 544	61.0	73.0
Italy	1983	63 313	56.5	112.1
Netherlands	1985	16 353	14.5	112.8
Norway	1986	11 319	4.2	269.5
Spain	1980	9 485	37.0	25.6
Sweden	1986	13 959	8.4	166.2
Turkey	1986	39 583	51.5	76.2

(a) Sentences without suspension or partially suspended sentences passed on adults and minors.

(c) Ratio of column (a) to column (b) \times 10 000.

* FRANCE: The figures refer to sentences passed in ordinary proceedings in courts for adults and juvenile courts taken together, for France as a whole. These are provisional data for 1986.

Here too the differences between countries are great. We would of course need to be able to ascertain that no exceptional measure, such as an amnesty, has distorted these rates. The rates range from 26 per 100,000 in Spain to 277 per 100,000 in Denmark. In other words, it would appear that one was ten times more likely to be given a prison sentence without suspension in Denmark in 1985 than in Spain in 1980.

France ranks fourth, close to England and Wales, but with a rate of sentencing without suspension twice that of the Federal Republic of Germany.

To return to the initial question of the widely differing rates of detention, we have compared the rates of sentencing without suspension obtained with the rates of detention for the corresponding years. However, many elements would be needed to complete this picture. The rates of sentencing are indeed interesting, but so too are the probability of implementation of the sentences and the timetable for doing so, the relative weight of detention pending trial, the length of the unsuspended portion of the sentences passed, and the erosion of sentences. In the absence of all this information, we have constructed Table 24 with the following components:

a. "rate of sentencing without suspension": see the definition given above.

b. rate of detention: ratio of the total prison population to the total population at 1 September of a given year.

c. rate of imprisonment: ratio of the year's imprisonments to the population at 1 September of that year.

d. indicator (d) of duration of imprisonment expressed in months: ratio of the rate of detention to the rate of imprisonment multiplied by 12.

e. rate of detention pending trial: ratio of the population of unconvicted prisoners to the total population at 1 September.

The rates are given per 100,000 population. The data (b), (c), (d) and (e) are taken from the statistics on prison populations in Council of Europe member States (18).

It should at once be stressed that the unit of account "sentence", which relates to a case, is not directly comparable to the unit of account "imprisonment", which relates to an event, concerning a person who, furthermore, is not necessarily sentenced.

Looking at the eight countries for which we have all the indicators, it can be seen that the lowest rates of detention are to be found in the Netherlands, Norway and Denmark. Conversely, Denmark and Norway have the two highest rates of sentencing, as well as the highest rates of imprisonment. The rate of imprisonment and the rate of detention are of course linked by indicator (d), the average duration of imprisonment (19). It follows that Denmark and Norway have the shortest average durations of imprisonment, one month for Denmark and less than one month for Norway.

Conversely, the Federal Republic of Germany, which has the lowest rate of sentencing without suspension, has the longest average duration of imprisonment, which accounts for its relatively high rate of detention.

France is an exception, with one of the highest rates of sentencing and one of the longest average durations of imprisonment.

(18) TOURNIER, 1983-1988.

(19) $d = (\text{rate of detention} / \text{rate of imprisonment}) \times 12$.

Table 24
Rate of sentencing without suspension
and prison indicators

Member State		Rate (a)	Rate (b)	Rate (c)	d (d)	Rate (e)
Austria	1986	114.9	102.5	—	—	23.6
Denmark	1985	276.7	63.0	728.6	1.0	16.2
England/Wales*	1986	146.1	93.3	299.9	4.8	21.0
France*	1986	148.9	84.0	158.6	6.3	38.6
Germany, FR	1985	73.0	92.0	162.3	6.8	22.1
Italy*	1983	112.1	73.0	181.8	4.8	53.9
Netherlands*	1985	112.8	34.0	173.1	2.4	11.4
Norway	1986	269.5	48.5	714.6	0.8	10.8
Spain	1980	25.6	—	—	—	—
Sweden	1986	166.2	49.0	—	—	9.2
Turkey	1986	76.9	102.3	230.9	5.3	42.6

* ENGLAND/WALES: (d) may be 3.7 or 4.8 months, depending on the method of calculation. The value of 4.8 months given in a note by P. Tournier would seem to be the one to adopt, since it eliminates from the entries those that are fictitious, i.e. entries in the *categories* or sentenced persons that are not in fact entries into detention (*Prison Statistics England and Wales, 1986*).

FRANCE: The rate of sentencing for 1986 is a provisional figure. In a table containing data on detention, it was preferable to use 1986 as the reference year, since there was a presidential pardon on 14 July 1985. The data refer to France as a whole, except for indicators (c) and (d), which refer to metropolitan France.

ITALY: the rate of detention pending trial is an estimate.

NETHERLANDS: Indicators (c) and (d) are those for 1986.

These observations call for several comments:

— First, it would be of value to have the breakdown of sentences by length of the unsuspended portion of custodial sentences.

— The second comment concerns the definition of the concept of imprisonment. In what cases does one record an imprisonment? With particular reference to implementation of the sentence, does its splitting into several periods lead to a multiplication of the number of entries (20)?

— The third comment concerns the varying importance from country to country of detention pending trial as a proportion of detention as a whole, and the question of the possible but unquantifiable effect of a detention pending trial on the subsequent passing of sentence.

At all events, the table clearly illustrates the extent to which one's view of penal sanctions in the countries concerned may be affected by the indicator selected.

(20) The problem of the definition of imprisonment has been tackled in more general terms by Pierre Tournier in the statistical chronicle in Issue No. 10 of the Council of Europe Prison Information Bulletin.

ANNEX 1: Survey on the frequency of recourse to imprisonment in Council of Europe member States

Number of sentences passed by the criminal courts in ordinary proceedings in 1986 (if figures for 1986 are not available, specify the reference year: 198)

	Courts for adults	Juvenile courts (specify age limit)
Total		
Discharges		
Death sentences		
Life sentences		
Fixed-term prison sentences		
- not suspended		
- partially suspended		
- totally suspended		
Fines		
Alternative measures ordered as the main sentence		
Educational measures ordered as the main sentence		

NB: If, for technical reasons, the statistics do not cover all proceedings which terminated in sentences, the exact scope of the data should be stated below.

ANNEX 2: Information on the line "dispense de peine"

The term "*dispense de peine*" has been rendered in English by "discharge". In France, a *dispense de peine* is a decision of the court, which, after finding the accused guilty, may either pronounce a *dispense de peine*, or defer pronouncement of sentence (Article 469-1 of the Code of Criminal Procedure).

It seems to us that the rendering of the term in English by "discharge" is ambiguous, since that term may also render the French terms *relaxe* and *acquittement*.

Where the line has been completed, additional information has in some cases been provided. This annex sets out the information available on the matter. In the case of Turkey, where it is clearly specified that "discharge" has been taken to mean *relaxe* [acquittals], joinders of cases and removals of cases from a court, we have excluded those decisions from the total of sentences.

Austria: Not available.

Cyprus: "Conditional and unconditional". It represents 1% of sentences.

Denmark: Line not completed.

England and Wales: Line completed with no further details given. It represents 4% of total sentences for adults, and 27% in the case of minors.

France: It represents 2% of all sentences passed on adults, and 1% in the case of minors.

Federal Republic of Germany: The court, after finding the person guilty, passes no sentence. These cases (amounting to 389) are excluded from the total for sentences.

Greece: Not available.

Italy: Line completed with no further details given. It represents 47% of all sentences.

Netherlands: Line completed with no further details given. It represents 4% of all sentences.

Norway: Not available.

Portugal: Line completed with no further details given. It represents less than 1% of sentences passed on adults.

Spain: Line not completed.

Sweden: Conditional sentences (16% of sentences passed on adults), and joinders of cases (6%).

Switzerland: Line not completed.

Turkey: It means "not guilty", joinders of cases, absence of jurisdiction and removals of cases from a court. These cases (301,673) represent 30% of all sentences passed on adults. They are excluded from the total.

Chapter IV: Recidivism and its measurement (P. TOURNIER)

The survey discussed in this chapter was carried out by CESDIP with the assistance of the Council of Europe Directorate of Legal Affairs (Crime Problems Division). Its purpose was to make an inventory of the studies done on recidivism in member states since 1980 (21).

The questionnaire was intended to collect three main types of data.

A. Definition of three parameters necessary for the characterisation of any survey of recidivism:

— definition of the population under study (criminal characteristics and location in time, distinction between exhaustive population and sample, dimension);

— length of the observation period;

— criterion/criteria adopted for recidivism.

B. Other methodological considerations (nature of the data files used and their contents, etc.)

C. Main results:

— Rate of recidivism after 1 year, 2 years, 5 years, 10 years, at the end of the observation period;

— Rates of recidivism by sub-populations (use of the two or three most discriminant variables).

Twelve countries sent us information relating to one or more of the surveys (number of surveys in parentheses):

BELGIUM (1)	MALTA (1)
DENMARK (1)	NETHERLANDS (4)
FRANCE (2)	NORWAY (1)
IRELAND (1)	SWEDEN (4)
ITALY (2)	SWITZERLAND (1)
LUXEMBOURG (1)	UNITED KINGDOM (4)

1. Populations studied and observation periods

The populations studied are so diverse that it is extremely difficult to put forward a meaningful typology for them. A reading of the notes annexed to this chapter will also show that the definitions provided by administrations are not always as precise as one could wish. But it should be noted at the outset that of the 23 surveys, 17 deal with prison populations.

1.1 Studies not dealing with prison populations

There are six of these, referring to populations who have received an alternative sentence or have not had to serve a sentence.

ITALY/study No. 2: persons admitted to alternative measures in 1977 (period = 4 years).

NETHERLANDS/studies Nos. 1 and 2: a. persons sentenced in 1977, b. persons whose case was discontinued by the Public Prosecutor's department, c. persons discharged (period = 6 years).

UNITED KINGDOM/study No. 1: persons sentenced to community work in January or February 1979 (period = 3 years after the sentence).

UNITED KINGDOM/study No. 3: persons sentenced to probation in January and February 1979 (period = 5 years after the sentence).

UNITED KINGDOM/study No. 4: persons discharged - sentences of 3 months' prison or more — in 1982 (period = 2 years after the date of the discharge).

1.2 Studies dealing with prison populations

These populations of prisoners are themselves very dissimilar. They are distinguished, first of all, by the way in which they are identified in time. In the majority of cases (12 studies out of the 17) the group selected is a cohort of released prisoners (22) — or a group of cohorts of released prisoners.

1.2.1 Cohorts of released prisoners

These include exhaustive cohorts (FRANCE 1 and 2), national samples (BELGIUM), or samples of prisoners released from particular prison establishments (NORWAY: vocational training prison-school).

In some cases these cohorts relate to a particular mode of release: conditional release (UNITED KINGDOM 2), placement in an institution (SWEDEN 1 and 2). They may concern only a certain type of sentence: 2.5 years and over (NETHERLANDS 3), 3 years and over (FRANCE 1), death sentence followed by a reprieve and life sentence (FRANCE 2), life sentence (UNITED KINGDOM 2). They may deal only with certain demographic categories of prisoner: men (NORWAY, SWITZERLAND), women (SWEDEN 4), or nationals (SWITZERLAND). Lastly, one should note the great diversity of observation periods, ranging from six months to 21 years.

BELGIUM: Sentenced to prison, released in 1970 (period = 10 years after the year of release).

DENMARK: Sentenced to prison, released in 1981 (period = 2 years).

FRANCE/study No. 1: Sentenced to a term of imprisonment, released in 1973; length = 3 years and more or group of sentences the sum of whose lengths amounts to or exceeds 3 years (period = 7 years).

FRANCE/study No. 2: Sentenced to a term of imprisonment, released between 1 January 1961 and 31 December 1980; length = death sentence followed by a reprieve or life sentence (period = 6 to 20 years limited to the 1961 to 1974 cohorts).

LUXEMBOURG: Sentenced to a term of imprisonment and having served part or all of the sentence at the Luxembourg Prison Centre, and released in 1980 (period = 7 years).

MALTA: Sentenced to a term of imprisonment, released over the period 1975-1984 (period = 6 months to 9 years 6 months).

NORWAY: Sentenced to a term of imprisonment, released from the "vocational training prison-school" in the 1950s. Sex = male (period = 21 years).

(21) TOURNIER, 1988. This survey report may be obtained from the Centre for Sociological Research on Prisons and the Law, 4, rue de Mondovi, 75001 Paris.

(22) Persons released in a given year.

NETHERLANDS/study No. 3: Prisoners released in the period 1974-1979 belonging to one of the following categories:

- persons detained on a decision of the government (TBR: Ter beschikking stelling van de regering);
- persons sentenced to long terms in excess of 2.5 years (period = 3 to 8 years).

UNITED KINGDOM/study No. 2: Sentenced to a term of imprisonment, released during the period 1974-1984; length = life sentence; mode of release = conditional (period = from the first conditional release to end-1984).

SWEDEN/study No. 1: Persons on probation and prisoners released in implementation of Section 34 of the System of Detention in Institutions Act who have undergone family placement in the framework of the Smalands Trust, from the setting up of the association to 31 December 1983 (period = 1 year before the family placement and 1 year after).

SWEDEN/study No. 2: Prisoners who, during the financial year 1978-1979, underwent placement in implementation of Section 34 of the System of Detention in Institutions Act — therapeutic community, family placement, etc. (period = 3 years before the placement and 3 years after).

SWITZERLAND: Sentenced to a term of imprisonment, released between 1.1.1982 and 30.6.1982; sex = male; nationality = Swiss (period = 4 years).

1.2.2 Other cases

Five studies do not fit into the above framework. The Italian study deals with cohorts of prison entrants, but the information supplied does not enable one to gain a precise idea of the method used. Three studies deal with populations of imprisoned drug addicts who received specific treatment over a given period (*NETHERLANDS* 4, *SWEDEN* 3 and 4). The Irish study deals with a population whose location in time refers both to imprisonment and to release:

IRELAND: Sentenced to a term of imprisonment served in the years 1979-1981 (period = 2 years after release).

ITALY/study No. 1: Prisoners entering prison between 1.1.1974 and 31.12.1982 (period not specified).

NETHERLANDS/study No. 4: Drug addicts detained in the Haarlem Centre in 1975-1976 and in the Amsterdam Centre in 1980 (period = up to 20 years).

SWEDEN/study No. 3: Prisoners detained at Osteraker Prison to follow the "drug addiction treatment programme", who began and finished the programme between 1 January 1979 and 31 December 1981 (period = 2 years).

SWEDEN/study No. 4: Prisoners detained at Hinseberg Prison to follow the "drug addiction treatment programme", who began and finished the programme between 1 January 1979 and 31 December 1981; sex = female (period = 2 years).

These studies, which differ in their definition of the populations under study and in the length of the observation period, also differ in the criteria they adopt for recidivism.

2. Criteria for recidivism

As has already been noted (23), there are almost as many definitions of recidivism as there are studies on the subject. Some countries have a statutory definition of recidivism contained in their Penal Codes. But, with one exception — the study by *SWITZERLAND* — these definitions are not used in the works enumerated. The great majority of the studies refer to one dichotomic criterion (or several such criteria): the existence or otherwise of an "event" during the observation period (a new offence, a new sentence, a return to prison, etc.), the definition of which may involve different types of restrictive element to which we shall return subsequently.

But in three of the 23 studies analysed, the method of proceeding is quite different. We should thus pause for a moment to look at these atypical cases.

IRELAND: The population studied is made up of convicted persons who received one or several prison sentences in the years 1979-1981. The population was divided into two groups: sentenced persons who were granted early release under an "intensive supervision" programme, and a control group made up of sentenced persons who could have been released under those terms, but who were not in fact released. A comparison is then made between the number and nature of the sentences passed during the two years after release and during the two years preceding imprisonment (in particular, a comparison of the number of weeks spent in prison during the two years "before" and "after").

SWEDEN/studies Nos. 1 and 2: We encounter the same idea of a comparison between the periods before and after in the two studies done in Sweden on populations of prisoners who underwent placement in implementation of the System of Detention in Institutions Act. Thus, for example, in the first study, a comparison is made of the number of offences committed during the two observation periods (one year before the placement and one year after), the number of days spent in prison before and after, and the number of persons imprisoned before and after.

With regard to the larger group of studies, we can draw a distinction between those that refer to a single criterion for recidivism (14 studies), such as the French studies, where the criterion is a new sentence to imprisonment without suspension), and those (six studies) which take several criteria into account. This is the case, for instance, in the third study by the *NETHERLANDS* (four criteria, ranging from a new offence to a new sentence to a term of imprisonment of more than six months).

In total, the criteria used amount to 15! They can be classified as follows:

- sentence to a term of imprisonment (with or without restriction on the means of implementation and the quantum of the sentence) or "return to prison";
- sentence more serious than a fine;

(23) LANDREVILLE, 1982.

- sentence (with or without restriction as to the type of offence);
- "events" before trial.

This means of classification gives us the following list:

Sentence to a term of imprisonment — return to prison
— Return to prison (ITALY/studies Nos. 1 and 2, SWITZERLAND)

— New sentence to a term of imprisonment or probation (SWEDEN/studies Nos. 3 and 4)

— New sentence to a term of imprisonment (MALTA, NETHERLANDS/study No. 3, SWITZERLAND)

— New sentence to a term of imprisonment without suspension (FRANCE/studies Nos. 1 and 2, LUXEMBOURG)

— New sentence to a term of imprisonment of two months or more (BELGIUM)

— New sentence to more than six months' imprisonment (NETHERLANDS/study No. 3).

Sentence more serious than a fine

— New sentence more serious than a fine (DENMARK).

Sentence

— New sentence (NORWAY, NETHERLANDS/studies Nos. 1, 2 and 3)

— New sentence for an offence in a reference list (NETHERLANDS/studies Nos. 1 and 2, UNITED KINGDOM/studies Nos. 1, 2, 3 and 4)

— New sentence for a serious offence — homicide, intentional injuries, grievous bodily harm, abduction, theft, aggravated theft, arson, sexual offences involving children, rape: (UNITED KINGDOM/study No. 2)

— New sentence for drunkenness (NORWAY)

— New sentence for an offence in the same category (NETHERLANDS/studies Nos. 1 and 2)

— Statutory recidivism under article 67 of the Penal Code (SWITZERLAND).

Event before trial

— New offence (NETHERLANDS/study No. 3)

— Renewal of contact with the judicial system (NETHERLANDS/study No. 4).

These criteria should be further elucidated, since it is not known from what stage of the criminal process the "new offence" is viewed, or what is meant by "new contact with the judicial system".

Lastly, one should note the existence of a study taking account not only of a criterion for recidivism (new sentence), but also of the criterion of "success of the penal treatment" (NORWAY). This study deals with a sample of male offenders released from a "vocational training prison-school" in the 1950s. "Success" is defined as follows: "Survival outside the institution, satisfactory behaviour during the last five years, satisfactory work activity, moderate consumption of alcohol".

In addition to ascertaining the parameters necessary for characterisation of the studies of recidivism (definition of populations, length of the observation period, criteria), we have tried to bring together information on the nature and content of the data files used and the methods of exploiting them. As can be seen from the notes annexed to this chapter, the information is unfortunately unduly concise.

3. Main results

In the questionnaire we asked for rates of recidivism by sub-populations, using the two or three most discriminant variables. The variables most often cited are the following:

Demographic variables

— Sex: BELGIUM, FRANCE/study No. 1, UNITED KINGDOM/studies Nos. 1, 3 and 4.

— Age at the time of sentence: UNITED KINGDOM/studies Nos. 1, 3 and 4.

— Age at the time of release: BELGIUM, FRANCE/study No. 1, SWITZERLAND.

Penal variables

— Criminal record: BELGIUM, FRANCE/study No. 1, UNITED KINGDOM/studies Nos. 1 and 3.

— Nature of the first offence: NETHERLANDS/study No. 3, SWITZERLAND.

— Legal nature of the penalty (for lesser indictable offence, for serious indictable offence): BELGIUM, FRANCE/study No. 1, ITALY/study No. 2.

— Length of the sentence passed: BELGIUM, FRANCE/study No. 1, UNITED KINGDOM/study No. 4.

— Erosion of sentences: FRANCE/study No. 1.

— Method of treatment: SWEDEN/study No. 2.

— Mode of release: BELGIUM, DENMARK, FRANCE/study No. 1.

It can be left to the reader to examine the actual rates of recidivism, which are annexed to this chapter. Evidently, it is difficult to present a synoptic table of the rates, in view of the specific features of each individual study.

CONCLUSION

The assessment of the work done on recidivism that we wished to draw up on the basis of this European survey undoubtedly suffers from some regrettable omissions: partial coverage of the spatial scope (12 countries), occasionally imprecise definitions of the parameters for the studies presented, very brief descriptions of the methods of compilation, and scarcity of data on the variability of rates of recidivism according to the demographic and criminal characteristics of the populations.

Despite these limitations, the assessment we here propose is of value in that it demonstrates in a concrete way the gap between what is desirable and what is available for international comparisons in this field.

The diversity of the populations studied — indeed, the very special characteristics of some; the wide range of criteria for recidivism selected — ranging from a sentence of imprisonment exceeding six months to mere “renewal of contact with the judicial system”; and the differences in the period of observation, ranging from six months to 21 years, make a comparison of the results an extremely difficult exercise.

It should be added that it would not be sufficient merely to ensure that these various parameters were homogeneous. We would still need to have access to fairly refined information on the composition of populations by characteristics of significance with regard to recidivism (sex, age, criminal record, nature of the first offence, etc.), so as to take account of “structural” effects in our analysis of rates of recidivism.

In order to make progress in this field, a draft questionnaire should be prepared, for use by all Council of Europe member States. The experience gained in matters of international comparisons — the six-monthly statistics on prison populations inaugurated by the Committee for Co-operation in Prison Affairs, or the European survey on frequency of recourse to custodial sentences (Chapter III) — leads us to the view that such a project is certainly very ambitious, but that it is one well worth attempting.

ANNEX

BELGIUM

Population methodology: sample of convicted prisoners released in 1970, excluding deceased or rehabilitated prisoners (size of the sample = 1,402 units for a total of 11,606 releases of prisoners; eight deceased and 169 rehabilitated prisoners were excluded).

Period: ten years (after the year of release) or a period of 10 to 11 years.

Criterion for recidivism: one or more sentences to a main sentence of at least two months during the observation period.

Compilation: the study was done on the basis of entries in the police record.

Results: rate of recidivism after 1 year = 12.2%, 2 years = 21.5%, 5 years = 35.1%, 10 years = 43.4% (period between release and the first fresh conviction). These rates have been estimated: the study report gives the breakdown by period of recidivism with reference to calendar years, not years completed since the date of release.

Rates of recidivism by sub-populations (at the end of the observation period):

Total = 43.9% Men = 45.1% Women = 28.6%.

Age at the time of release:

Age 18-21	61.8%
21-30	47.2%
30-40	49.3%
40-50	29.6%
50-60	21.2%
60 and above	24.3%

Type of sentence served:

for lesser indictable offence	44.3%
for serious indictable offence	21.0%

Length of sentence:

less than 6 months	43.1%
6 months-1 year	42.6%
1-3 years	46.5%
3-5 years	47.8%
5 years and above	35.6%

Previous offences:

0	36.8%
1	46.4%
2	64.5%
3	48.0%
4 and above	61.4%

(sentence to an actual term of 2 months or more).

Mode of release:

end of sentence	46.2%
conditional release	37.4%
provisional release	50.0%
other	31.2%

DENMARK

Population methodology: sample of persons whose sentence had been suspended or who had been released from a prison establishment after serving their sentence in 1981 (size of the sample = 1,349).

Period: 2 years.

Criterion for recidivism: offence involving a sanction more serious than a fine.

Compilation: the study was done on the basis of entries in the police record.

Results: rate of recidivism according to status at the time of release (to the end of the observation period):

Suspension of sentence	34%
Release on parole without monitoring after serving two-thirds of the sentence	44%
Release on completion of sentence	88%

FRANCE — STUDY NO. 1

Population methodology: all persons sentenced to a term of imprisonment without suspension of 3 years or more, or to several terms, the total length of which is 3 years or more, and freed in 1973 (n = 1,861).

Period: 7 years.

Criterion for recidivism: further sentence to a term of imprisonment without suspension recorded before January 1981.

Compilation:

— File 1: entries in the prison register for persons sentenced to 3 years and more and released in 1973, requested from the prison establishments; they contain prisoners' civil status, socio-demographic information, information on imprisonment and release, and penal information regarding the uniform period of detention completed in 1973.

— File 2: On the basis of the registers of civil status it was possible to obtain from the competent jurisdictions the report contained in the police record; it contains information on the prisoner's police record (date of sentences, nature of offences, date of offences, type and length of sentences).

Results: rate of recidivism after 1 year = 20.5%, 2 years = 30.8%, 5 years = 41.0%, 7 years = 42.9% (period between the date of release and the date of the new offence).

Rates of recidivism by sub-populations (at the end of the observation period):

Total = 42.9% Men = 44.1% Women = 11.3%

Age at the time of release:

Under 25	50.2%
25-30	53.7%
30-40	46.4%
40-50	31.4%
50 and above	17.2%

Type of sentence passed:

for lesser indictable offence	58.2%
for serious indictable offence	30.2%

Length of sentence:

3-5 years	52.0%
5-10 years	37.5%
10 years and more	26.7%

Number of previous convictions: (sentences to a term of imprisonment without suspension)

0	29.0%
1	52.2%
2 and above	65.7%

Mode of release:

end of sentence	54.6%
conditional release	37.1%

Proportion of time spent in detention in relation to the length of the sentence passed (n = 1,778):

less than 70%	28.5%
70-80%	42.6%
80-90%	47.7%
90-100%	59.9%

FRANCE — STUDY NO. 2

Population methodology: all persons sentenced to death and reprieved, and all persons sentenced to life imprisonment, released between 1 January 1961 and 31 December 1980 (121 death sentences and 605 life sentences).

Period: from 6 to 20 years (limited to the 1961 to 1974 cohorts).

Criterion for recidivism: further sentence to a term of imprisonment without suspension recorded before November 1981.

Compilation: as for study No. 1.

Results: rates of recidivism:

death sentence + reprieve	= 3.7%
life sentence	= 8.4%

IRELAND

Population methodology: all convicted persons who served one or several prison sentences during the period 1979-1981. With a view to comparison, the population was divided into two groups:

1. the group under study, made up of persons granted early release under the Intensive Supervision Programme (n = 192).

2. a control group consisting of convicted persons who could have been released under the programme, but who were not in fact released (n = 894).

Period: 2 years following release; the study also takes account of all criminal offences previous to the date of release.

Criteria for recidivism:

— comparison of the number and type of sentences passed during the two years after release and during the two years preceding imprisonment.

— type and length of the prison sentences/sentences served during the ten previous years.

— number of weeks spent in prison during the two years following release and during the two years preceding imprisonment.

Compilation: Probation Service file containing individual and family data on the 192 convicted persons in the group studied.

— police records indicating the sentences of the 894 convicted persons, passed before and after their release from prison.

— prison files on all the convicted persons involved in the study.

ITALY — STUDY NO. 1

Population methodology: all entries into prison from 1.1.1974 to 31.12.1982 (n = 533,224).

Period: not specified.

Criterion for recidivism: return to prison.

Compilation: the analysis of return to prison was done on the basis of data from the computerised information centre for the remand and non-remand establishments. The main variables taken into account are: sex, age, civil status, education, work situation, geographical areas of birth, offence, sentence.

Results: the tables supplied with the questionnaire deal only with entries into prison during the review period.

ITALY — STUDY NO. 2

Population methodology: all persons sentenced to alternative measures in 1977 (1,510 persons sentenced to probation and 4,262 to semi-custodial measures).

Period: 4 years (up to 31 December 1981).

Criterion for recidivism: return to prison.

Compilation: use of files from the computerised information centre for the remand and non-remand establishments.

Variables selected: sex, age, place of residence, criminal record, type of offence, outcome of the alternative measures, interventions by the social service.

Results: rate of recidivism:

persons on probation	= 33.0%
semi-custodial measures	= 33.9%

LUXEMBOURG

Population methodology: all persons sentenced to a term of imprisonment without suspension who served part or all of the sentence at the Luxembourg Prison Centre and were released in 1980 (n = 282).

Period: 7 years.

Criterion for recidivism: further sentence to a term of imprisonment without suspension served partly or wholly at the Luxembourg Prison Centre.

Compilation: the study was done on the basis of a file containing prison register entries kept at the registry of the Luxembourg Prison Centre at Schressig. It was not possible to consult entries in the police record.

Results: rate of recidivism after 1 year = 3.9%, 2 years = 15.2%, 5 years = 35.1%, 7 years = 46.1%.

MALTA

Population methodology: all convicted persons released from prison over the period 1975-1984 (n = 1,062).

Period: 10 years (in fact, depending on the cohort of released prisoners under consideration, the period varies from 6 months to 9 years 6 months).

Criterion for recidivism: fresh sentence to imprisonment during the observation period.

Results: rate of recidivism after 1 year = 25.6%, 2 years = 37.0%, 5 years = 45.3%, 10 years = 53.5%.

NORWAY

Population methodology: sample of 100 male offenders released from the "vocational training prison-school" in the 1950s. Those selected were the first 100 offenders imprisoned in this prison for young persons between 1952 and 1957; the last to be released was released in 1959.

Period: 21 years.

Criteria for recidivism

— criterion 1: sentences recorded in the Central Police Record.

— criterion 2: sentences for drunkenness recorded in the Central Police Record.

— criterion 3: criterion of success of the penal treatment (at 15.1.1968): survival outside the institution, satisfactory behaviour during the last five years, satisfactory work activity, moderate consumption of alcohol.

Compilation: data sources used: Central Police Record, local registers of fines, police files, reports of associations to assist former convicted persons, observations by the courts, interviews with 93 convicted persons in 1968, 22 of whom were again interviewed between 1975 and 1983.

The purpose of this study was to obtain detailed information on the behaviour of former convicted persons over the long term. The majority had been previous offenders before being admitted to the institution.

The analysis was done in two phases:

1. At 15.1.1968: test of the success of the treatment with the aid of criterion 3.

2. In July 1982: inventory, on the basis of the Central Police Record, of sentences for serious indictable offences passed between 1970 and 1982.

Results: Test of the success of the treatment performed on 15.1.1968:

of the 100 persons sentenced, 4 had died before that date.	
test positive	28.1%
prognosis uncertain	15.6%
test negative	56.3%
Total (n = 96)	100.0%

Recidivism between 1970 and 1982:

Four of the persons sentenced died between 15.1.1968 and July 1982. Rate of recidivism: 48.9% (n = 92).

Rate of recidivism based on the result of the test of success:

test positive	7.4%
prognosis uncertain	60.0%
test negative	68.0%

NETHERLANDS — STUDY NO. 1

Population methodology: study of a sample (n = 6,000).

a. persons sentenced for a serious indictable offence in 1977.

b. persons whose case was discontinued by the Public Prosecutor's department.

c. persons discharged.

Period: 6 years + recording of police record.

Criteria for recidivism: multi-criteria analysis (type of offences, sanctions imposed, date of the decisions).

NETHERLANDS — STUDY NO. 2

Population methodology: study of a sample (n = 6,000).

a. persons sentenced for a serious indictable offence in 1977.

b. persons whose case was discontinued by the Public Prosecutor's department.

c. persons discharged.

Period: 6 years.

Criteria for recidivism:

1. new sentence.
2. new sentence for certain categories of offence.
3. new sentence for an offence in the same category.

Compilation: the figures on the type of offences, sentences and the characteristics of the offenders were compiled from the files of the Central Bureau of Statistics. The figures on new sentences were compiled from the general documentation files of the Criminal Records Service.

Results:

a. persons sentenced:

Criterion 1: recidivism after 1 year = 21%, 2 years = 31%, 5 years = 48%, 6 years = 51%.

Criterion 2: recidivism after 6 years = 34%.

Criterion 3: recidivism after 6 years = 21%.

b. persons whose case was discontinued:

Criterion 1: recidivism after 6 years = 38%.

NETHERLANDS — STUDY NO. 3

Population methodology: all prisoners released in the period 1974-1979 belonging to one of the following categories:

— persons detained on a decision of the government (TBR: Ter beschikking stelling van de regering) (n = 589).

— persons sentenced to long terms in excess of 2.5 years (LTP: long term prisoners) (n = 373).

Period: 3-8 years.

Criteria for recidivism:

1. New offence.
2. New sentence.
3. New sentence to a term of imprisonment (or TBR).
4. New sentence to a term of imprisonment exceeding 6 months (or TBR).

Compilation: The figures on the type of offences, sentences and fresh convictions were compiled on the basis of entries in the judicial documentation of the courts. The data on the characteristics of the offenders was compiled from the files of the Ministry of Justice.

Results: rates of recidivism at the end of the observation period:

	TBR	LTP
Criterion 1	63%	68%
Criterion 2	51%	60%
Criterion 3	33%	44%
Criterion 4	16%	28%

Rates of recidivism by nature of the first offence:

	TBR	LTP
Criterion 2.		
Non-violent offences	57%	56%
Offences involving violence/		
against property	66%	67%
Serious crimes involving		
violence	40%	45%
Criterion 3.		
Non-violent offences	43%	48%
Offences involving violence/		
against property	47%	51%
Serious crimes involving		
violence	19%	32%

SWEDEN — STUDY NO. 1

Population methodology: Persons on probation and prisoners (released in implementation of Section 34 (see note below) who underwent family placement in the framework of the Smalands Trust (a regional association in south-east Sweden) from the setting up of the association to 31 December 1983 (n = 67).

Note: Under Section 34 of the System of Detention in Institutions Act, prisoners may be authorized to live away from the prison for an indeterminate period if there are special reasons for believing that such a measure will enable them to prepare effectively for life after their release. Placement in implementation of Section 34 plays an important role in the assistance provided to prisoners addicted to drugs. They may be placed in therapeutic communities, hospitals, or in selected families. These placements may continue after their release.

Period: 1 year before and 1 year after the family placement.

Criteria for recidivism:

- number of offences committed during the 2 observation periods (before and after).
- number of days spent in prison.
- number of persons detained before and after.

Compilation: data sources: individual data, Family Trust files, computerised files of the Prisons and Probation Administration and the National Police, individual social security files.

In addition to the number of offences committed, etc., many other data have been compiled on these individuals: social situation, job stability, alcoholism, etc. Of the 67 sentenced persons studied, 18 (27%) were withdrawn from the placement family for misconduct, 18 terminated the contract because they did not wish to continue to live with the family, and eight (12%) committed further offences, generally against property, during the period of placement.

Results: Time spent in prison before and after the placement (n = 40).

Number of days spent in prison:	Period of placement completed		Placement interrupted before completion	
	Before	After	Before	After
0	8	15	9	10
1-90	1	0	6	2
91-180	2	2	5	3
181-360	7	1	2	7

Number of persons detained before and after:

		In prison		After	
		Yes	No	Yes	No
In prison Before	Yes	11	13		
	No	4	12		

SWEDEN — STUDY NO. 2

Population methodology: all prisoners who, during the financial year 1978-1979, underwent placement in implementation of Section 34 of the System of Detention in Institutions Act — therapeutic community, family placement, etc. (n = 316).

Period: 3 years before the placement in implementation of Section 34 and 3 years after (1975-1977 and 1980-1983).

Criterion for recidivism: number of days spent in prison during the 3 years preceding the placement compared to the number of days after the placement.

Compilation: the only source of data is the registers: National Police, Prisons and Probation Administration, social security services and tax authorities. Taxable income during the two observation periods — before and after the placement — was used as a measure of the improvement of the person's situation.

Results: the results relate to the sub-population of sentenced persons who are drug addicts or alcoholics (n = 97).

Mode of treatment	Number	% of uninterrupted placements
Therapeutic community (TC)	129	54%
Family	43	65%
Hostel	25	68%
TOTAL	197	58%

Criterion for success of the placement: placement is successful when the person sentenced has spent fewer days in prison after the placement than before it, or if, never having been to prison before the placement, he is not sent to prison after it.

	% success
Uninterrupted TC placement	66.7
Interrupted TC placement	52.5
Uninterrupted family placement	75.0
Interrupted family placement	66.7
Uninterrupted hostel placement	76.5
Interrupted hostel placement	62.5
Uninterrupted placement	70.2
Interrupted placement	56.1
TOTAL	64.3

SWEDEN — STUDY NO. 3

Population methodology: all prisoners detained at Osteraker Prison to follow the "drug addiction treatment programme", who began and completed the programme between 1 January 1979 and 31 December 1981 (n = 133).

Period: 2 years.

Criterion for recidivism: sentence to imprisonment or probation during the observation period.

Compilation: the main sources of data are the individual files and the information obtained from the computerized registers of the Prisons and Probation Administration and the National Police.

The purpose of the study was to provide answers to the following questions:

- How many persons complete the programme of treatment?
- Do they abstain from drugs during the programme?
- How many go on to commit further serious offences?
- What are their activities after their release?
- Do they abstain from drugs after their release?

Results:

Rate of recidivism after 1 year = 57%, 2 years = 68%.

Rates of recidivism by sub-populations (after 2 years):

Programme completed	54%
Programme not completed (prisoner excluded from the programme)	84%

SWEDEN — STUDY NO. 4

Population methodology: all women detained at Hinseberg Prison to follow the "drug addiction treatment programme", who began and completed the programme between 1 January 1979 and 31 December 1981 (n = 80).

Period: 2 years.

Criterion for recidivism: sentence to imprisonment or probation during the observation period.

Compilation: see study No. 3.

Results: rate of recidivism after 1 year = 26%, 2 years = 50%.

Rates of recidivism by sub-populations (after 2 years):

Programme completed	48%
Programme not completed	53%

SWITZERLAND

Population methodology: sample of male prisoners of Swiss nationality released from a prison establishment after serving a prison sentence or other custodial measure: persons released between 1.1.1982 and 30.6.1982 (n = 2,800).

Period: 4 years.

Criteria for recidivism:

Criterion 1. return to prison.

Criterion 2. sentence to imprisonment or other custodial measure.

Criterion 3. article 67 of the Swiss Penal Code:

"1. If the offender has served, even partially, a sentence of long-term or other imprisonment during the five years preceding the offence for which he is sentenced to long-term or other imprisonment, the judge shall increase the length of said sentence, while not exceeding the statutory maximum for the type of sentence."

Compilation: the statistical analysis of recidivism is performed with the aid of a data bank containing:

1. a file on the movements of prisoners (Swiss prison statistics) which includes socio-demographic data, criminal records, conditions of entry and exit, and summary data on the judgment(s) that led to the imprisonment.

2. a file on criminal sentences (statistics on judgments) which includes detailed data on all judgments recorded in the Central Criminal Record.

The two files are linked by an anonymous identification code. This approach makes it possible to study recidivism on different samples, to analyse trends in recidivism, and to apply criteria for recidivism other than those defined above.

Results:

Rate of recidivism after:	1 year	2 years	3 years	4 years
Criterion 1.				
Return to prison	12%	26%	34%	40%
Criterion 2.				
New sentence to imprisonment or other custodial measure	21%	35%	43%	48%
Criterion 3.				
Article 67 SPC	10%	23%	32%	37%

Rates of recidivism by sub-populations (return to prison after 4 years):

Age at the time of release:

Age 15-17	33%
Age 18-24	50%
Age 25-34	42%
Age 35-64	33%

Type of offence:

life and integrity of the person	45%
property	60%
traffic	38%
narcotic drugs	60%

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