

A 150-YEAR HARVEST OF CRIMINAL STATISTICS: THE *DAVIDO* DATA BASE

Examination of the evolutionary trends in criminal justice usually rest on statistics covering periods of ten to twenty years. The amplitude of the enterprise in which the authors - continuing the work of André Davidovitch - are engaged, is of another magnitude, with the computerized reconstitution of sets of statistics describing 150 years of legal and judiciary transformations.

A NOW FRAGILE HISTORICAL SOURCE

The *Compte général de la justice criminelle* contains statistics collected between 1825 and 1978, describing the workings of criminal justice institutions throughout the country. With only two interruptions, during the two world wars, certain sets may be followed over a 150-year period (1831-1981). These deal with action on cases by the public prosecutor's office or following preliminary judicial investigation, the outcome of sentencing and pretrial custody. Others end in 1932, when the production of statistics was drastically reduced. These involve the number of police investigators, the origins of cases referred to the Public prosecutor's office, the grounds for non-prosecution (dismissal by public prosecutor office, charges dismissed by examining magistrate), the correlation between outcome of "correctionnel" proceedings¹ and type of prosecuting party the defendants situation at hearing (free or in custody), the enforcement of prison sentences. The contents of penal statistics, a great many of which are still the descendants of the "cadres du parquet" hand-written since 1825, have not yet returned to their pre-1932 level of elaboration despite some improvements in statistics on convictions since 1953 when the exploitation of criminal records went into effect. Modification in the collection and analysis of these individual records between 1978 and 1986 resulted in statistical gap. These must be surmounted if the *DAVIDO* base is to be completed for the sets derived from that source and interrupted in 1978.

1 - French law distinguishes between three categories of offenses, of increasing seriousness:

- *contraventions* (termed "minor offenses" in the text) which are judged by *tribunaux de police*;
- *délits* (termed moderately serious offenses in the text) which are judged by *tribunaux correctionnels*;
- *crimes* (termed major offenses) which are judged by *cours d'assises*, in which a jury sits.

OVERALL SERIES' AND BREAKDOWN BY OFFENSE

The number of figures contained in the *Compte Général* for so extensive a period is impressive. Computerization makes the utilization of a greater portion of these feasible. Above all, the reconstitution of sets of statistics may become a more systematic enterprise, which could not be undertaken by the researchers, be they historians, demographers, sociologists or jurists, who used the *Compte* as a source of some specific data needed for given study. The amount of data is so huge, however, that some choices must be made, and work must proceed gradually in this very-long-term project.

The statistics published deal with three levels. The first, overall level, covers all prosecutable offenses and all jurisdictions, while the second differentiates types of offenses, and the third ventilates statistics according to the geographic area of jurisdiction.

In the initial stage, it was reasonably feasible to publish the overall statistics only. To do so, all problems involving the definition, discontinuity and missing figures had to be solved. This phase, marked by the publication of a methodological report², contains the keys yielding access to the *the Compte général* statistics, the original presentation of which was particularly unclear, and lacking in definitions and technical commentary, at least until 1966. This report in itself provided a base : approximately 20,000 pieces of information, or over 200 sets of statistics, all of which were, naturally, not available for the entire 1831-1981 period. The totality of the overall figures were not retained, since the objective was to revert to the consistency and subtlety of analysis of the statistical apparatus as it stood at the end of the 19th century.

The second stage in the construction of the *DAVIDO* base will be the establishment of sets of statistics broken down by type of offense. Until 1932, these show action by the Public prosecutors's office and by the examining magistrate, as well as sentencing, but after that date only figures on sentencing are ventilated by offense. At this level, the statistics no longer raise any problems of definition. Conversely, the construction of a classification system capable of yielding relevant sets of statistics for offenses between 1831 and 1981 is much more delicate. It is nonetheless essential if legislative modifications are to be incorporated and an overview attained for figures pertaining to as many as 200 offenses for any given year.

2 - Aubusson de Cavarlay, B., Huré, M.S., Pottier, M.L., *les statistiques criminelles de 1831 à 1981 - la base DAVIDO, séries générales*, Déviance et Contrôle Social, n° 51, CESDIP, Paris, 1989.

TABLE 1 : DISTRIBUTION OF TYPES OF SENTENCES PRONOUNCED BY *CORRECTIONNEL* COURTS

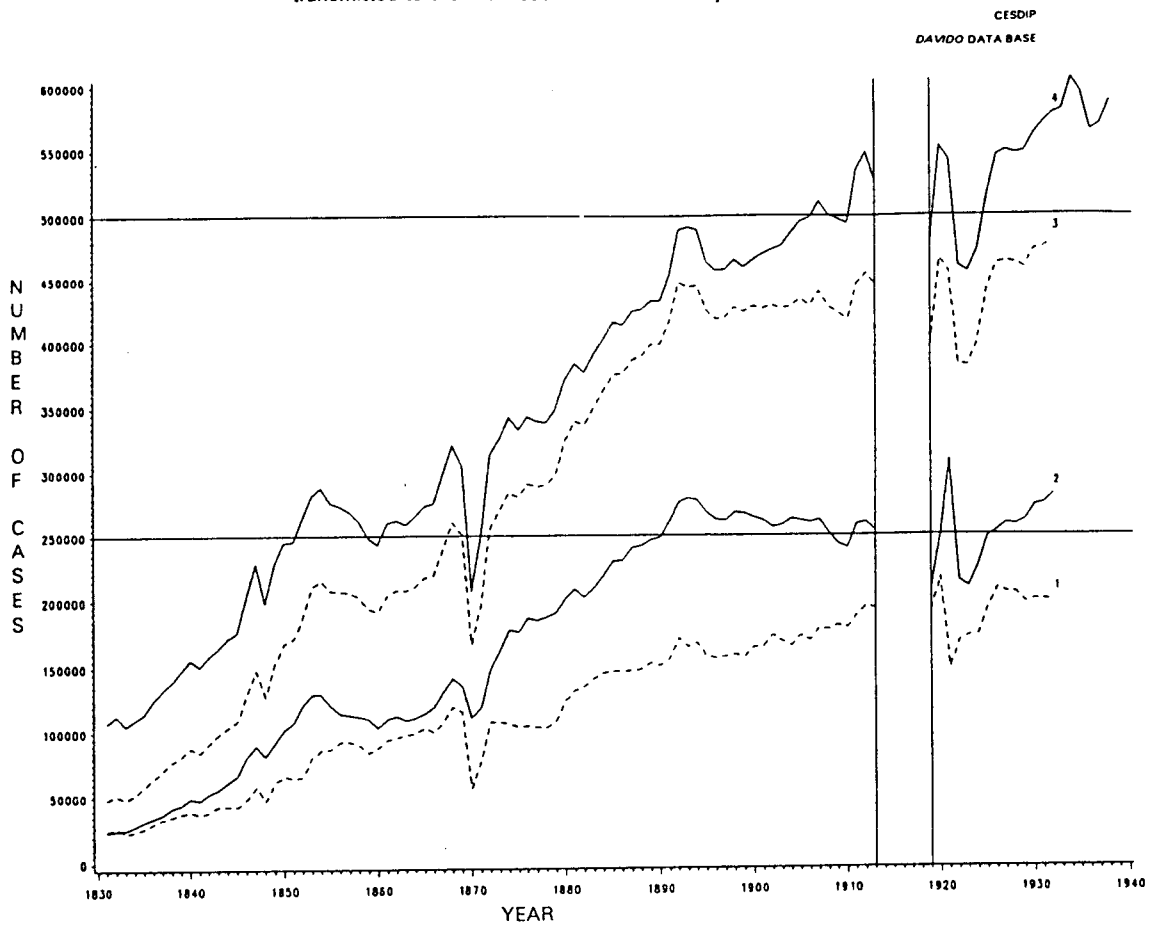
Five-years average

Source : DAVIDO data base

SENTENCE	PRISON		SUSPENDED CONFINEMENT		FINE		TOTAL SENTENCES(1)	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
PERIOD								
1831-1835	30,406	66.2			15,532	33.8	45,938	100
1836-1840	41,804	67.0			20,619	33.0	62,423	100
1841-1845	49,590	66.2			25,269	33.8	74,859	100
1846-1850	67,728	65.1			36,334	34.9	104,062	100
1851-1856	87,633	65.1			47,037	34.9	134,670	100
1856-1860	84,676	63.6			48,486	36.4	133,162	100
1861-1865	86,235	67.0			42,510	33.0	128,745	100
1866-1870	91,207	70.3			38,576	29.7	129,783	100
1871-1875	102,336	69.4			45,214	30.6	147,550	100
1876-1880	108,287	67.7			51,725	32.3	160,012	100
1881-1885	121,687	69.3			53,912	30.7	175,599	100
1886-1890	127,434	68.6			58,346	31.4	185,780	100
1891-1895	120,669	61.9	10,924	5.6	63,235	32.5	194,828	100
1896-1900	101,412	56.6	15,810	8.8	62,134	34.6	179,356	100
1901-1905	84,905	49.7	20,759	12.1	65,430	38.2	171,094	100
1906-1910	89,374	49.0	21,306	11.7	71,572	39.3	182,252	100
1911-1913	99,919	49.3	20,580	10.1	82,380	40.6	202,879	100
1919-1920	68,881	36.8	24,454	13.1	93,836	50.1	187,171	100
1921-1925	79,232	40.6	22,670	11.6	93,490	47.8	195,392	100
1926-1930	90,844	41.4	26,311	12.0	102,012	46.6	219,167	100
1931-1935	118,507	52.9	(2)		105,471	47.1	223,978	100
1936-1940	108,042	53.6	(2)		93,493	46.4	201,535	100
1941-1945	176,201	55.1	(2)		143,487	44.9	319,688	100
1946-1950	171,036	58.8	(2)		119,623	41.2	290,659	100
1951-1955	101,398	50.3	(2)		99,991	49.7	201,389	100
1956-1960	55,126	28.2	31,266	16.0	108,787	55.8	195,179	100
1961-1965	63,509	27.3	49,720	21.3	119,805	51.4	233,034	100
1966-1970	75,686	26.9	74,051	26.3	131,758	46.8	281,495	100
1971-1975	79,738	23.5	101,475	29.9	158,448	46.6	339,661	100
1976-1978	71,930	18.3	129,218	33.0	190,855	48.7	392,003	100

(1) - Between 1831 and 1954, the table excludes special minor offenses judged by *correctionnel* courts.
 (2) - Between 1931 and 1955, sentences to suspended confinement are counted with prison sentences.

CHART 1: ORIGIN OF COMPLAINTS, DENUNCIATIONS
AND POLICE REPORTS
transmitted to the Prosecutor's Office in the year

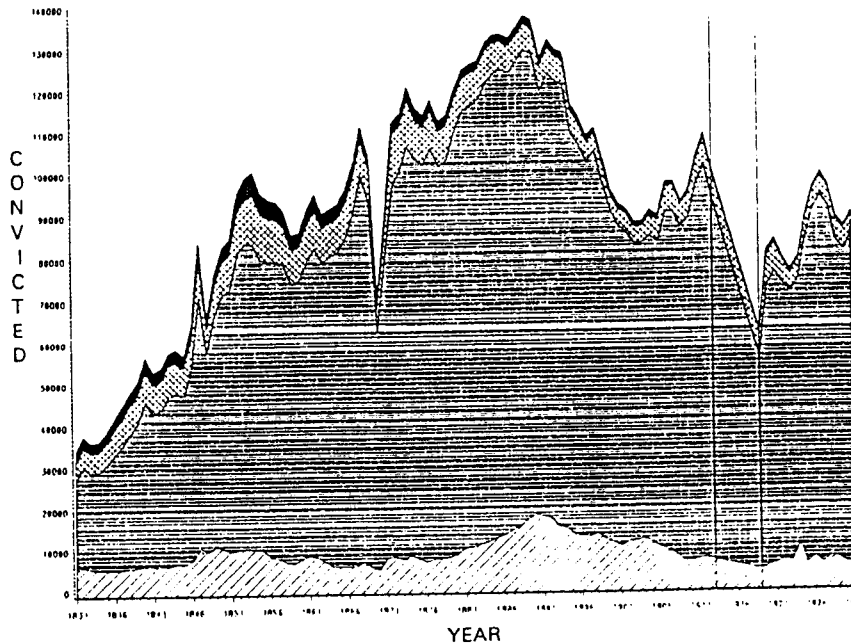


Curve 1 : cases transmitted by the police
Curve 2 : cases transmitted by the *gendarmerie*
Curve 3 : cases transmitted by police and *gendarmerie*
Curve 4 : yearly total, cases addressed to Public Prosecutor's Office
(Read from bottom to top)

CHART 2: CORRECTIONNELLES COURTS AND ASSISES COURTS

absolute cumulative figures

CESDIP
DAVIDO DATA BASE



Zone 1 : unsuspended confinement, less than 6 days
Zone 2 : unsuspended confinement, 6 days to one year
Zone 3 : unsuspended confinement, one year up to 5 years
Zone 4 : unsuspended confinement, 5 years or more
(Read from bottom to top)

Analysis of the overall sets of statistics is practically completed. These are then reexamined, and new indicators and five-year averages calculated, while indexed or percentage tables and graphs providing legible renditions of trends are established. The outcome of this work cannot be summarized : some examples will be given here.

SOME FINDINGS

A. Davidovitch's first investigations showed the rise in the number of prosecutions consecutive to an increase in the number of cases examined by the Public prosecutor's office to be more gradual than the rise in dismissals, in the long run. The proportion of dismissals rose from approximately 30 % of cases examined in 1831 to 85 % at present. Suits against X for thefts are predominant (see above "Dismissal by the Public Prosecutor"). Prosecution is increasingly infrequent in relative terms, and within that category only a small minority of cases are submitted to an examining magistrate : the ratio of cases for which a judicial inquiry is opened to those sent directly to court dropped from more than two to one in 1831 to one to ten in the 1980's. This trend is partly explained by the increasing weight of the police and national *gendarmerie* in supplying the Public prosecutor's office, and by the development of preliminary judicial investigations. Up to 1932, the Public prosecutor's statistics ventilate recorded complaints and police reports according to their origin. These data are showed in absolute figures in chart 1. The two bottom curves show the sometimes convergent, but also occasionally divergent trends in transfers by the police and *gendarmerie* ; taken together (curve 3) these soon represent the vast majority of cases taken to the Public prosecutor's office (curve 4). Other types of referrals (private individuals, mayors, rural constables and miscellaneous other agents, police court magistrates...), which prevailed at the outset, decreased until then disappeared toward the early 1890's. The lack of subsequent information on such referrals is quite regrettable, of course. According to other sources, the *gendarmerie* is far behind the police for the present period, and complaints lodged directly are probably on the decline, relatively speaking, following the revival observed between 1900 and 1932.

Table 1 shows the distribution of types of sentences by *tribunaux correctionnels* over five

years periods between 1831 and 1978. Minor offenses (*contraventions*) judged as moderately serious offenses (*délits*) are excluded, barring which fines would be found to be far more frequent in 1830, given the many breaches of forestry regulations, to decline seriously, in relative proportion, when this type of *correctionnel* litigation disappeared. For offenses, then, confinement is proportionately very frequent and tends to remain stable or to increase until the introduction of suspended confinement in 1891. From then on, prison sentences may be seen to decrease steadily, over the long term, to be replaced by suspended confinement, but also by fines. According to preliminary estimations, the extension of these statistics, once reassembled with those resulting from the 1979 and 1984 modifications in data production, should show unsuspended prison sentences to level off or resume an upward trend, despite the development of alternate sentences. This increase was already apparent in absolute figures for the early 1960's, with the rapid growth of sentencing as a whole.

The second chart can only be drawn for the 1831-1932 period. It shows the numerical evolution of all unsuspended prison criminal or *correctionnelle* courts. The 1891 reversal is definitely the starting point for a relatively serious decline, in absolute figures. However, it is short sentences (the lower zones of the chart) that are affected by this sudden change, while longer sentences (upper zones) continue a downward trend already evidenced at the beginning of the Second Empire. It is a known fact that the prison population began to decrease as early as 1852, and that its volume was at least as dependent on the length of imprisonment as on the number of incarcerations. The use of suspended confinement, a most innovative criminal justice measure in its time, was clearly quite different from what is seen at present, with a steep rise in long sentences, despite the limited number of short sentences, possibly partially due to alternate sanctions. This increment, begun in the mid- 70's, is a reversal of a century-long trend. It is true, though, that the author of the *Compte général de 1899* report expressed regret at the fact that suspended confinement was not applied more frequently in criminal sentences, so great was the doubt, at the time, of the efficacy of prison sentences...

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