

## CRIMINAL STATISTICS : INTERNATIONAL COMPARISONS

In 1989 the United Nations conducted its third worldwide survey of criminal statistics (the first two date back to 1977 and 1982). The objectives of this UN initiative were twofold : first, to collect data on the implementation of penal systems, and secondly, to encourage and promote the development of statistical tools susceptible of accounting for the criminal justice processes in different countries.

The data from the second and third surveys were exploited on a regional basis ; the HEUNI (Helsinki Institute for Crime Prevention and Control, affiliated with United Nations ) was in charge of Europe. The CESDIP participated in the expert group convened by the HEUNI and responsible for the exploitation of the third survey for the 29 European countries that responded affirmatively, plus the United States and Canada for North America.

In addition to the conclusions and recommendations of the expert group, the report on Europe and North America<sup>1</sup> contains three distinct parts :

- a "cross-national" analysis of criminal justice systems,
- an analysis of the changes in certain penal indicators over the 1975-85 period,
- short monographic profiles based on the questionnaires returned by each country.

This is an interesting exercise, since it affords an opportunity to determine some of the main features characterizing trends within these particular criminal justice systems, and at the same time to pinpoint a number of methodological difficulties, in the face of the constant demand for international references.

There is a general expectation that the units of reckoning on which researchers work will show a diminishing degree of ambiguity as the penal process proceeds. For this reason figures on imprisonment are provided more readily than data on the initial phases of criminal justice cases or on their management.

### IMPRISONMENT

The report publishes findings on the prison population. Taking all surveyed countries collectively<sup>2</sup>, the detention rate may be estimated at 200 prisoners for 100,000

1 - *Criminal Justice Systems in Europe and North America*. Helsinki Institute for Crime Prevention and Control. Helsinki, Finland, 1990, publication series n°17, p. 257.

2 - Figures are provided by 20 countries for a set day in 1986, at least for the prison population. They are : Austria, Belgium, Bulgaria, Canada, Cyprus, Denmark, Finland, France, United Kingdom, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Sweden, Switzerland, the USA and West Germany.

inhabitants in 1986. This figure is extremely variable, however : it ranges from 31 per 100,000 inhabitants in Cyprus and 38 in the Netherlands and Greece to 265 in Poland and 338 in the USA. Over and above variations in recourse to detention, these findings indicate the probable use of heterogeneous definitions. For example, some countries may class custody in police stations, confinement in psychiatric hospitals or other medical institutions, halfway houses or correctional facilities for juvenile delinquents in different categories.

Along the same line, since the question pertained to the total population, there is some doubt as to whether all institutions for juveniles and young adults are counted under the same heading. In England and Wales, for instance, it seems that some training centres for young prisoners are not counted because they are not run by the same government department as prisons.

The comparison of trends may be less open to bias than the comparison of data for a single year.

Although the relative use of prison sentences, measured by the ratio between the prison population and the volume of reported crime, presently tends to decrease, the size of the prison population is on the rise in most countries.

Between 1982 and 1986, 14 out of the 20 countries for which this calculation was feasible experienced an increase in their prison population. Comparison of these findings with the figures for prison entrance, when possible, led to the hypothesis that to a large extent this increment was due to longer average prison stays<sup>3</sup>.

In the other 6 countries, the average prison population decreased, and in Austria, Canada, West Germany and Italy the number of incarcerations dropped even more sharply. This seems to corroborate the trend toward longer average stays in prison, either for pretrial custody or when serving a sentence. These findings coincide with those published for the countries belonging to the Council of Europe. (Tournier, 1990).

Furthermore, those countries with the highest overall detention rates also have the highest rates of detention of sentenced prisoners (ratio of sentenced prisoners to total population). Unless considerable heterogeneity is postulated, here too, in the definition of a "sentenced prisoner", this seems to indicate that the contrasts observed between detention rates in different countries are not the outcome of more extensive use of pretrial custody in some of these countries.

Several countries provided an indicator of the average duration of prison sentences served by adults : in those cases where 1982 and 1986 figures could be compared, this indicator rose. In this respect, the report concludes that the only way to reduce the number of sentenced prisoners is to reduce the length of terms actually served in custody.

As for short sentences, the report points out current doubts as to the objectives achieved by the

3 - The report estimates average duration of detention using the ratio between the prison population for a given year and the incarceration flows for the year.

implementation of alternative forms of punishment, and the fact that there are no studies proving their effective value as an alternative to imprisonment.

The experts do not establish a link between the problem of preterm custody and the size of prison populations, but do emphasize the excessive use of pretrial detention in a number of countries. To respect the rights of both victims and accused, procedures must naturally be neither "too short" nor "too long" (Laffargue, Godefroy, 1989). But they do view the definition of limits to the lapse of time between arrest and the opening of a trial as compatible with the rights of all parties, and even suggest the possibility of reducing the previous legally prescribed period, when one exists.

### CRIMINAL JUSTICE PROCESSES

These findings relative to imprisonment reveal major differences, which do not seem to be explained by any trend in recorded crime or sentencing.

First, at the correctional level, there is no immediate link between detention and the fact of serving an unsuspended prison sentence. Available data on incarceration flows are not accurate enough for analysis. When the number of incarcerations of sentenced individuals is known, and even when the variable lapse of time required for enforcement of sentences is taken into account, the former cannot be compared with the number of final prison sentences for the following reasons : several such sentences may affect a single individual, who only enters prison once, or sentencing may occur while the person is in pretrial detention and not result in another incarceration, or again, it may cover the period already spent in pretrial imprisonment, and last, a single sentence may result in several incarcerations if its enforcement is split up.

In this respect, the report stresses the desirability of obtaining data on the "enforcement of sanctions", irrespective of their use of restraint ; it is a fact that no present-day statistical system affords means of follow-up of cases. The extent of the problem is evident, however, in the fragmentary findings of surveys such as those conducted in France. (Bernat de Celis, 1988 ; Le Toqueux, 1990).

The comparison of the structures of actual sentencing raises other problems. Those decisions which are liable to put an end to the penal process may be made considerably upstream of the trial itself. These "early" ends are the result of dismissals, administrative rather than penal sanctions, negotiation or mediation, either by the police department or by other agencies in charge of prosecution, when the two are distinct. The cases that receive this treatment are usually traffic-related or "minor" offences. Last, major distortions result from the varying definition of the age of "legal adulthood", since most countries possess a much broader range of solutions for dealing with criminal cases involving juveniles.

The overall comparison of total volumes of recorded crime is practically meaningless, owing to the differences in types of cases considered. However, even when a limited number of offences are examined, the obstacle remains. The example of murder shows the difficulty in achieving a homogeneous definition. Major biases are incurred by the total or partial inclusion of attempts, some of which may be classed as serious assaults. Some countries have a very broad definition - the Netherlands, for instance, where attempts represent 90% of recorded cases - whereas others, like Spain, do not count attempts. The outcome is a murder rate ranging from 1 to 12 in Europe, with no possibility of drawing any conclusion as to the actual incidence of this offence.

The volume of recorded crime has increased in all countries, with the highest rate of growth seen for drug-related offences. Although inter-country variations in the definition of this latter type of offence are most likely the greatest of all, this trend is probably revealing of a real problem.

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The report comes to two types of conclusions.

The first type deals with desirable improvements in criminal statistics, while the second type points to similarities in trends affecting criminal justice systems.

Statistics could be improved in several ways.

In their description of how the different entities function, there is little or no statistical accounting for "non-traditional" exits from the penal system (dismissal, simplified procedures, negotiation, mediation), whereas these actually seem to be increasingly numerous and variegated.

As for the description of "penal clientele", the units of reckoning used are generally not amenable to analysis in terms of individuals, but only in terms of events, of which there may be several for a same individual in the course of a given year. Last, the specific features of "penal clientele" often cannot be described, for lack of sufficient information on some characteristics such as ethnic group.

These recommendations only apply to traditional criminal justice. They should not conceal one basic, international trend : the extension of the field of criminal justice and the removal of its modalities of control to external agencies.

Increasingly, then, the traditional criminal justice system is seen as possessing a limited sphere, and as overdetermined in its functioning by the fact that the ultimate decisions tend to be made earlier in the process. In the experts' opinion, these trends are not harmful as long as they do not jeopardize the rights of either victims or defendants. To the contrary : in the case of juveniles, for instance, they avoid the stigma of a criminal record. Furthermore, they are indicative of the extension of "technical" types of penal law such as business law,

environmental law, (Lascoumes, 1986) etc., which remain invisible in criminal statistics.

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