

## 4.C TECHNICAL INFORMATION ON CHAPTER 4

### 4.C.1 Comments on table 4.B.1

#### 4.C.1.1 The "SPACE" system

The Council of Europe has been periodically collecting data on prison populations since the 6th Conference of Directors of Prison Administration, which was held in Strasbourg in 1983. The, initially, very simple questionnaire sent to member states has been considerably enriched over time, in particular by introducing flow data. The statistics gathered have been published at regular intervals in the *Prison Information Bulletin of the Council of Europe* (as from December 1992: *Penological Information Bulletin*). In 1989 the collection system was given the name *Council of Europe Annual Penal Statistics (SPACE)*. Since that date it has consisted of two parts. SPACE I relates to prison populations (stock statistics, committal flows, length of imprisonment), incidents (deaths, in particular suicides, and escapes) and, since 1996, prison staff. SPACE II relates to community sanctions and measures. This part of the system has recently been completely overhauled by the Council for Penological Co-operation, so that it better reflects the diversity of such sanctions and measures throughout Europe.

Thanks to SPACE we now have at our disposal a significant number of chronological series, which are useful at both an international and a national level. First, there are the various trends which occur in most of the countries covered. It is important to be aware, for example, that growing prison populations are to be observed in most countries, but that the rate of growth can vary markedly from state to state. More interestingly, in many Council of Europe member States, growth has been found to be due to an increase in the duration of imprisonment rather than in numbers imprisoned. It is helpful to know that a shared problem has the same ingredients elsewhere; this should prompt the states concerned to work together more closely in the difficult search for solutions. Moreover, when common trends are highlighted it is natural to take an interest in the exceptions to them and identify countries which merit special attention.<sup>1</sup>

#### 4.C.1.2 Concepts and definitions<sup>2</sup>

Table 4.B.1 ("Detention rate per 100000 population") is based on the total number of prisoners per country, i.e. all inmates of penal institutions, which may be "closed", "semi-open" or "open" (semi-detention centres and work farms, for instance). These may be people being detained as a preventive measure (pending trial for example) or people serving a prison sentence. Inmates of young offender institutions are also taken into account.

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<sup>1</sup> Tournier P., *The collection of crime and criminal justice statistics in the context of the Council of Europe*, report to the 12th Conference of Directors of Prison Administration, CDAP (97) 4, 1997.

<sup>2</sup> Tournier P., *Prison population inflation and overcrowding: terminology and methods*, Council of Europe, Council for Penological Co-operation, Strasbourg, PC-CP (96) 9, 1996.

The detention rate refers to the number of prisoners at a specified date in relation to the number of inhabitants at the same date. This is a stock index, which is usually expressed per 100000 population. In theory, this rate reflects the proportion of prisoners in the country's total population, but in actual fact the population shown in the numerator is not fully included in the population shown in the denominator. The latter is usually based on general censuses or population statistics kept by the countries concerned. As a result, certain categories of foreigners present in the prisons such as illegal immigrants, tourists and seasonal workers may not be counted in the denominator of the detention rate.

For an analysis of these data, readers are referred to the report on prison overcrowding and prison population inflation prepared by the Council for Penological Co-operation with the assistance of MM André Kuhn (Switzerland), Pierre Tournier (France) and Roy Walmsley (United Kingdom) under the auspices of the European Committee on Crime Problems.

#### **4.C.2 Comments on information provided in table 4.B.3.1 and 4.B.3.2**

**Albania:** The figures cover the number of persons sentenced to probation, community service or an educational measure (work; school; admission to a young offenders institution). They include persons under a suspended custodial sentence, but not those under a medical measure.

**Austria:**

- 1) All data exclude the province of Styrie, where the probation service is not under the authority of the “*Verein für Bewährungshilfe und Soziale Arbeit*”.
- 2) No data on community service orders available (community service is only in use in the court district Linz).

**Cyprus:** Probation is only an option in connection with a suspended sentence (with supervision).

**Denmark:** The data refer to the end of each year. Probation is not a sanction in Denmark.

**France:**

- 1) Suspended sentence with supervision (*Sursis avec surveillance*): The offenders are dealt with by the probation service (*Comités de probation et d'assistance aux libérés – CPAL*).
- 2) Community service (*Travail d'intérêt général – TIG*) exists both as a principal sentence and as a condition attached to a suspended sentence. The latter is not counted as a suspended sentence with supervision.
- 3) Other non-custodial sanctions/measures: prohibition to reside in a certain area; conditional pardon; adjournement; *prise en charge des militaires du contingent*.

**Greece:**

- 1) Due to austerity measures in the public sector no “probation officers working with adult offenders” have been recruited.
- 2) Other non-custodial sentences involving the supervision or care of the correctional services: Figures refer to persons under the supervision of a “supervisor of minors” (probation officer).
- 3) The decrease between 1992 and 1994 is due to the decrease in the number of “supervisors” due to austerity measures.

**Ireland:** *Other non-custodial sentences* include those on supervision on deferment of sentence. Together with any reports the courts have ordered.

**Portugal:**

- 1) For 1991 to 1994, data given under “Community service order” refer to community service order and probation.
- 2) Data in the table are up to 31 December of each year.

**Sweden:** "Reference period": yearly average.

**Switzerland:**

- 1) Suspended sentence with supervision and probation do not exist.
- 2) Community service was introduced in 1990. The first data available relate to 1991. The figures indicate the number of community service orders implemented per year without cases where the order was not completed.

**England & Wales:**

- 1) Each person is counted only once in the total even if they were subject to several types of supervision at the year end.
- 2) The Criminal Justice Act 1991, introduced in October 1992, brought in a new order — a combination order — which had grown to 16500 by 1 January 1996. Included under "other", it is partly a Community Service Order and partly a probation order.

**Northern Ireland:**

- 1) Suspended sentences: Shows number of these disposals made in the year concerned.
- 2) Figures are for 31 March each year for other categories.

### 4.C.3 Comments on information provided in table 4.B.3.3

**Austria:**

- 1) See comments on table 4.B.3.1.
- 2) “Other persons under supervision” include:
  - provisional probation (§§ 197, 507 StPO etc.)
  - voluntary probation

**Croatia:** Conditional release with supervision was introduced in criminal law in 1977, but the service entrusted with the supervision of conditionally released offenders was never set up. For this reason conditional release with supervision is not being used in practice.

**Denmark:**

- 1) Figures relate to different dates in December of each year.
- 2) Persons under treatment for alcohol abuse as an alternative to a sentence for drunken driving: 1991=770; 1992=874; 1993=983; 1994=1041; 1995=1084; 1996=1036.

**France:**

- 1) Persons serving other non-custodial sentences involving the supervision or care of an agent of the correctional services: not applicable
- 2) Persons on parole: conditional release is decided on by the minister of justice (sentences of more than 5 years) or by the judge responsible for the execution of sentences (*juge d'application des peines*) for sentences of 5 years or less.

**Greece:** Parole or conditional release exists since 1991 in the Penal Code. Due to austerity measures in the public sector no probation/parole officers for dealing with adult offenders have been recruited. This does not apply to probation/parole officers dealing with young offenders.

**Ireland:** The majority of the persons on parole or conditional release are persons convicted of very serious offences, e.g. murder, and may be on long term supervision by the probation service.

**Italy:** Data in table refers to supervisions arranged during the year of reference.

**Latvia:** The remarkable increase after the year 1993 is linked to the total volume of crime –more persons were released on parole due to an increasing number of offenders who had to be admitted to penal institutions.

**Norway:** Figures include those subject to “severity sentence” supervision. Nearly all of those have served a period in prison and may be recalled in case of breach of conditions.

**Portugal:** At 31 December of each year.

**Sweden:** “Reference period”: yearly average.

**Switzerland:** The data correspond to the number of conditionally released persons per year. No data on persons serving other non-custodial sentences involving the supervision or care of an agent of the correctional services is available.

**Turkey:** There is no supervision or care by agents of correctional services for conditionally released persons.