

## THE DEMOGRAPHIC SITUATION IN FRENCH PRISONS (1)

### AN INCREMENT OF OVER 25 % IN SEVEN YEARS...

Following a constant rise from 1975 on, the prison population in metropolitan France dropped sharply in 1981, with the post presidential election decisions : a collective pardon on July 14th and an amnesty on August 4th.

However, the upward trend resumed thereafter at a faster pace than ever : 14.0 % in 1982, 11.7 % in 1983, 11.1 % in 1984. By April 1984, the metropolitan prison population had reached the peak figure of 1981.

The application, effective as of January 1st 1985, of the law of July 9th 1984 which tended to reinforce individual rights with respect to pretrial detention, along with the collective pardon on July 14th 1985, resulted in a slight decline in the number of prisoners in 1985 (42,616 on January 1st 1986 as against 42,943 one year earlier). In 1986, however, the growth rate -11.9 %- was similar to that of the 1982-84 period, with its annual increase of approximately 5,000 prisoners.

Growth definitely sloped downward in 1987, on the other hand (3.4 %, or approximately 1,600 additional prisoners a year). With the exception of 1981 and 1985, so law a rate had not been observed since 1978.

It should be noted that the increased number of prisoners recorded in 1986-87 only pertains to those sentenced (21.5 % in 1986, 11.5 % in 1987), whereas the number of pretrial prisoners decreased (+ 2.2 % in 1986, - 6.3 % in 1987). On the whole, the metropolitan prison population grew by 26.7 % between 1.1.1981 and 1.1.1988.

With a detention rate of 91 prisoners per 100,000 inhabitants as 2.1.1988, France ranked fourth highest among the 21 member countries of the Council of Europe, below Luxembourg (103), the United Kingdom (98) and Austria (96), but above Turkey (90), West Germany (87), Spain (69), Italy (62), etc. (2).

### COMPARISON OF SITUATION ON 1.1.1981 AND 1.1.1988...

A comparison of the figures for metropolitan France on 1.1.1981 and 1.1.1988 (table 1) shows

the rate of growth over this 7-year period to vary considerably with sex, nationality, age and penal category (3).

The number of women increased by 67 %, the number of foreigners by 69 % (16 % for French citizens), the number of "ages 25 to 60" by 36 % and the number of sentenced persons by 36 % (17 % for pretrial prisoners). Conversely, the number of "ages 18-21" remained stable, while juveniles and debtors declined by 13 % and 66 % respectively.

For sentenced prisoners (table 2), the distribution tends upward for the longer sentences (currently being served) : more specifically, there is a 70 % increase in prisoners serving a term of 3 to less than 5 years, and a 119 % rise in "correctionnelle" sentences of 5 years or more.

These trends should be compared with distributions showing the offense. The proportion of prisoners convicted of theft (aggravated or not) dropped from 50 % to 40 %, whereas the number of people sentence for drug-related offenses rose by over 125 % (see table 2 and note 4).

### AN UNINTERRUPTED INCREASE IN THE LENGTH OF CONFINEMENT

Examination of the figures for movement shows that the number of entries was lower in 1987 than in 1980. The difference varies with the penal situation upon committal, however (table 3).

The indicator of the mean duration of confinement has risen with practically no interruption since 1980, going from 4.6 months to 6.4 months.

The same is true of the indicator of the mean duration of pretrial detention : 3.8 months in 1987 versus, 2.8 months in 1980 (5).

It should be noted that the rates of detention throughout Europe are determined, as a rule, more by the duration of custody than by the frequency of incarcerations. With the exception of the United Kingdom, then, a detention rate exceeding 75 prisoners for 100.000 inhabitants in these countries -such as France- denotes longer prison terms served (averaging over 5 months) rather than numerous incarcerations ; these in fact are below the European average, in relative value (2).

### EFFECTS OF THE 1988 AMNESTY AND OF THE 1988 AND 1989 PARDONS

There was a record number of prisoners in metropolitan France in April 1988 -nearly 52,500-

NOTES

The measures of clemency enacted following the May 1988 presidential election -general pardon and amnesty (see boxes)- resulted in a near 7,000 drop in the number of prisoners within a two-month period (- 13.7 %). The previous amnesty laws, promulgated on June 30, 1969, July 16, 1974 and August 4, 1981, had reduced the prison population by 11.7 %, 13.9 % and 26.7 % respectively between the 1st of June and the 1st of September of the year involved.

As in 1981 (6), this reduction was essentially the result of a decreased number of incarcerations, mostly affecting the enforcement of sentences, rather than pretrial custody : between April 1st and October 1st, 1988, for instance, 4,000 fewer entries were recorded than during the same period of the previous year, in contrast with only 2,000 more exists,

The increase in prison population resumed as of the month of October (44,846 prisoners on October 1st, 48,101 on June 1st, 1989). This rise was once again interrupted by the general pardon granted in June 1989 for the Bicentennial commemoration of the French Revolution (see box).

According to the latest statistics provided by the Corrections Administration, the prisons of metropolitan France housed a population of 43,912 prisoners as of January 1st 1990. On that date, 45.5 % of these were pretrial prisoners ; that is, prisoners who had not been definitely sentenced.

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(1) Up-dated version of an article published in Questions pénales, I.1, in october 1988.

(2) P. TOURNIER, Chronique statistique du Bulletin d'information pénitentiaire, Conseil de l'Europe (biannual publication).

(3) The data presented here are taken from : B. LECONTE and P. TOURNIER, Corrections Administration, Travaux et documents n° 37, 1988.

(4) n.a. : not available. These offenses were not individualized in 1981 ; at the time they were placed under the heading "miscellaneous" (n = 1,818 on 1.1.1981). This means that the increase in the number of persons convicted for violation of the drug laws was at least 1.25 %.

(5) These indicators are calculated by comparing figures for stock and figures for movement :  $D = 12.P/E$ , P being the mean prison population, E. the number of entries for the year, and D the indicator of the mean duration of confinement (in months).

(6) M.D. BARRE and P. TOURNIER, Corrections Administration, Situation report n° 9, 1981.

## GENERAL PARDONS GRANTED IN JUNE 1988

By a decree taken on June 17, 1988, the President of the Republic granted an exceptional reduction of the sentences of people punished by temporary personal restraint, taking effect on June 21. This pardon affected sentenced individuals -regardless of whether or not they were in detention- whose sentences has been passed no later than June 20, 1988 and were enforceable before July 1st.

The benefit of this pardon was denied to offenders guilty of certain particularly serious crimes, including acts of violence directed at members of the police force or prison personnel, drug trafficking, offenses related to terrorist activities, etc.

For sentenced individuals in custody on June 20, 1988, the sentence was reduced by 7 days per month or fraction of month remaining to be served, with a maximum reduction of 4 months.

For those offenders whose sentence had not been enforced at that same date, a one month reduction was granted.

## AMNESTY LAW OF JULY 20, 1988

Like the earlier laws, this text differentiates statutory amnesties (defined by the nature of the offense or the nature- or the quantum -of the sentence), individual amnesty measures, amnesties of disciplinary or occupational penalties, and of certain administrative sanctions.

The legislation has limited the penalties amnestied to four months of prison and twelve months of suspended prison sentence. Further, 22 cases of exclusion have been defined : these include crimes related to terrorism, certain offenses related to road safety -drunken driving, unintentional manslaughter or injury, etc., and certain violations of the labour laws.

It should be recalled that the July 16, 1974 law limited amnesty to penalties of 3 months of prison or one year suspended sentences, while the August 4, 1981 law set the limit at 6 months or 15 months suspended sentence.

The law went into effect on July 21, 1988 in metropolitan France and in the overseas departements. On that date, 2,308 beneficiaries of the amnesty (in metropolitan France) were freed.

## GENERAL PARDONS IN JUNE 1989

By the June 13, 1989 decree, the President of the Republic granted an exceptional reduction of sentence to individuals punished by temporary personal restraint, with effect as of June 26th. This pardon affected offenders -regardless of whether or not they were actually in detention- whose sentences had been passed no later than June 25, 1989, and were enforceable before July 7th.

Offenders involved in terrorist activities (offenses covered by the article 706-16 of the Criminal Law Code) were excluded from the benefits of this measure.

For convicted individuals in custody on June 25, 1989, the sentence was reduced by 10 days per month or fraction of month remaining to be served, with a maximum reduction of 9 months.

For those offenders whose sentence had not been enforced at that same date, a four month reduction was granted.

**TABLE 1 - SITUATION ON 1.1.1981 AND 1.1.1988**  
**(Metropolitan France)**

	1.1.81	1.1.88	81-88 (%)
Prison population	38,957	49,328	26.6
Men	37,711	47,253	25.3
Women	1,246	2,075	66.5
Proportion of women (%)	3.2	4.2	
Under age 16	79	47	- 40,5
16 to under 18	855	769	- 10,1
18 to under 21	5,514	5,647	2.4
21 to under 25	8,913	10,962	23.0
25 to under 30	8,864	11,657	31.5
30 to under 40	8,711	12,374	42.1
40 to under 50	4,097	5,373	31.1
50 to under 60	1,478	1,984	34.2
60 and over	446	515	15.5
French citizens	31,102	36,087	16.0
Foreigners	7,855	13,241	68.6
Proportions of foreigners (%)	20.2	26.8	
Pretrial prisoners	17,313	20,251	17.0
Sentenced prisoners	21,221	28,932	36.3
Debtors	423	145	- 65,7
Proportion of pretrial prisoners (%)	44.4	41.1	
Proportion of pretrial prisoners following exclusion of "appeals" (%)	39.1	35.9	

TABLE 2 - CONVICTS : SITUATION ON 1.1.1981 AND 1.1.1988

(Metropolitan France)

	1.1.81	1.1.88	81-88 %
Sentence currently served			
TRIAL WITHOUT JURY			
Less than 3 months	1,995	1,720	- 13.8
3 months to less than 6 months	2,490	3,275	31.5
6 months to less than one year	3,159	4,499	42.4
One year to less than 3 years	5,593	8,120	45.2
3 years to less than 5 years	2,094	3,560	70.0
Sentences of 5 years and over	687	1,502	118.6
TRIAL BY JURY			
5 years to less 10 years	2,822	3,058	8.4
10 to 20 years	1,850	2,783	50.4
Life	349	415	18.9
OFFENSE			
Theft	8,233	9,287	12.8
Violation of law on narcotics	n.d	4,08	n.a(4)
Murder, assassination, parricide	1,902	2,853	50.0
Aggravated theft	2,339	2,350	0.5
Rape, indecent assault	1,256	2,071	64.9
Intentional assault and battery	1,462	1,423	- 2.7
Fraud, breach of trust	789	918	16.3
Receiving and concealing goods	566	773	36.6
Violation of the law governing foreigners	207	678	227.5
Procuring	529	636	20.2
Military offence	439	618	40.8
Violation of the law governing issuance of cheques	399	551	38.1

TABLE 3 - COMPARISON OF MOVEMENTS IN 1980 AND 1987

(Metropolitan France)

	1980	1987	80-87 %
Incarcerations	96,955	90,697	- 6.5
Pretrial prisoners	70,947	65,181	- 8.1
Sentenced prisoners	22,847	24,764	8.4
Debtors	3,161	752	- 76.2
Proportion of pretrial prisoners (%)	73.2	71.9	
Exits	93,653	89,063	- 4.9
Remainder (yearly increment)	3,302	1,634	
Annual rate of increase (%)	9.3	3.4	

PERCENTAGES OF RATINGS OF "SERIOUSNESS" OF DIFFERENT TYPES  
OF OFFENSES, VENTILATED FOR THE OVERALL POPULATION

BRIEF DESIGNATION OF THE OFFENSE	RATINGS (%) (*)			
	OPR	1 to 5	Over 5	From 8 to 10
Robbery, threat with gun : victim killed	1	1	99	92
Rape	2	2	98	91
Getting rich through sale of heroin	3	5	95	88
Dumping toxic products in river	4	6	94	81
Non-application safety rules on work site : death	5	9	91	69
Armed robbery : 200,000 FF	6	11	89	72
Failure to assist person injured in traffic accident	7	13	86	71
Drunken driving	8	13	86	70
Sale of haschish	9	15	85	74
Refusal to pay alimony	10	20	79	58
Burglary 1,000,000 FF.	11	21	79	55
Punishment by father resulting in injured child	12	23	75	56
Burglary 100,000 FF.	13	23	77	51
Police search without warrant	14	24	75	55
Speeding (120 km/h instead of 60)	15	27	72	51
Burglary 10,000 FF.	16	27	73	46
Tax evasion (1 million FF profits concealed)	17	29	70	47
Terrorist attack on public building (no one wounded)	18	32	67	45
Illegal police custody	19	32	65	44
Private use of heroin (injection)	20	38	60	47
Unfair dismissal of union representative	21	35	62	41
Exhibitionism	22	41	57	42
Smoking of haschish	23	42	56	44
Stealing parked car on street	24	41	59	34
Fraudulent naming of wine	25	42	57	34
Shopkeeper not notifying all earnings for tax purposes	26	35	53	31
Sexist discrimination in hiring	27	46	50	30
Illegal presence of foreigner	28	60	36	21
Sexual intercourse major/minor age 14	29	66	31	17
Sale/dispay pornographic books	30	70	27	15
Plumber working on black economy	31	72	26	13
Demonstrators refusing to disperse (despite police order)	32	71	25	11
Theft of scarf in shop	33	78	21	10

(\*) The sums do not necessarily total 100 : the column "no response" is not shown there.