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U.S. Department of Justice
Bureau of Justice Statistics

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Bureau of Justice Statistics
Special Report

Imprisonment in Four Countries

Comparisons have consistently shown that the United States has a higher proportion of its population incarcerated for criminal offenses than the other Western democracies. This has led many to conclude that the United States is considerably more punitive in its treatment of criminals. However, comparing only population-based incarceration rates ignores the impact that higher crime rates in the United States may have in accounting for higher incarceration rates.

This study addresses the issue by estimating the likelihood that a person arrested for robbery, burglary, or theft in the United States, Canada, England, or the Federal Republic of Germany (West Germany) will eventually be sentenced to imprisonment. When these arrest-based imprisonment rates are compared, the difference between the United States and the other countries in the use of imprisonment largely disappears.

February 1987

With the publication of Imprisonment in Four Countries, the Bureau of Justice Statistics is pleased to introduce its international statistics program. This program has two objectives: to support the development of a body of international statistics in the area of crime and criminal justice and to undertake cross-national comparisons.

In the late summer of 1985, I was an American delegate to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Milan, Italy. At that meeting the United States was the principal sponsor of a resolution stressing the importance of national criminal justice information and statistical systems and calling for UN support to member nations establishing and developing such systems.

Currently, BJS is conducting a systematic evaluation of the utility and comparability of all existing international statistical series on crime and criminal justice. The source for one of these series, the UN survey of crime trends and criminal justice systems, will be conducted for the third time in the fall of 1987. To prepare for this survey and to increase its value to researchers and practitioners, the United States and the United Nations are cosponsoring a meeting of experts in criminal justice from around the world in Washington, D.C., this spring.

As this special report shows, a program of carefully executed cross-national studies can improve our understanding of the criminal justice process in our own country. We are especially grateful to the nine experts from Canada, England, and the Federal Republic of Germany who assisted in this undertaking.

Steven R. Schlesinger
Director

Findings

The United States, Canada, and England have similar rates of imprisonment for adults arrested for robbery. In these three countries an estimated 48%-52% of those arrested for robbery eventually serve a sentence of incarceration in a jail or prison (table 1).

For the crime of theft, imprisonment rates range from 14% in Canada and England to 18% in the United States. For burglary, Canada has the lowest measured rate (23%), followed by England (30%) and the United States (35%).[1]

Because of the limitations of available quantitative data, these figures are based on the assumption that there is no charge reduction in Canada and England, that is, that no one in these two countries is arrested for one crime but convicted and incarcerated for a lesser offense. Imprisonment rates for the United States, on the other hand, include a correction for charge reduction. (See the discussion of the charge reduction correction on page 4.)

This assumption of no charge reduction in Canada and England tends to understate imprisonment rates for these countries, although it is impossible to determine by how much. Con-

[1] All data on England reported here include Wales but not Scotland, since England and Wales have a common criminal justice system.

sequently, the imprisonment rates for these countries should also be compared to the rates for the United States before correction for the effects of charge reduction. The arrest-based imprisonment rates for the United States with no charge reduction correction are as follows:

Robbery	38%
Burglary	27%
Theft	17%

Thus, if all three countries are compared with no charge reduction correction, then the United States has the lowest imprisonment rate for robbery, a rate for burglary near the midpoint of the rates for Canada and England, and an imprisonment rate for theft within three percentage points of those of the two other countries.

These findings are the result of comparing arrest data (or its equivalent) and incarceration data for four major Western democracies. Because the fourth country, The Federal Republic of Germany (West Germany), does not have a practice exactly equivalent to arrests, it is not possible to make a direct comparison with the three other countries. Instead, one can estimate a range for Germany based upon (1) adults "suspected" of crimes—a category broader than those actually "arrested" in the other countries—and (2) adults formally "charged" with offenses—a narrower or stricter category than "arrests."

For robbery the resulting range for the proportion incarcerated in Germany is 23%-58%; for theft it is 4%-9%. (German criminal justice statistics include burglary with theft.) Because the range for robbery overlaps the rates calculated for the United States, Canada, and England, it is not possible to determine whether German sentencing practices for this crime differ markedly from the other countries. The data do indicate, however, that the German criminal justice system relies less on incarceration for the crime of theft than do the systems in the three other countries.

Because of variations in the kinds of data available from each country, the years analyzed, and the assumptions and adjustments that affect the findings (see discussion below), the imprisonment rates presented here should be viewed as estimates of incarceration probabilities and not exact measures.

While a variety of factors contribute to the degree of punitiveness of a criminal justice system, two of the most important for comparing Western democracies are the likelihood of incarceration and the length of imprisonment. While both of these factors must be considered, this study is limited to the likelihood of incarceration.

Table 1. Arrest-based imprisonment rates for the United States, Canada, England, and the Federal Republic of Germany

Arrest offense	Estimates of the percentage of arrested adults who are incarcerated after a criminal conviction in: United States	Canada	England[a]	Federal Republic of Germany[b]
Robbery	49%	52%	48%	23%-58%
Burglary	35	23	30	...
Theft[c]	18	14	14	4-9

Note: All data are for the most recent year for which complete data were available when the study began: U.S.—1982; Canada—1980; England—1983; Germany—1984. Also, only data for the United States incorporate a correction for the effects of charge reduction. The rates for the other countries, particularly Canada, would likely be higher if the effects of charge reduction could be calculated. See text for details.

... Not available.
[a] Includes Wales.
[b] The range presented is based on those suspected of crimes and those formally charged with crimes. See text for explanation.
[c] Because Germany includes burglary and auto theft with theft, these crimes have been included for comparability reasons in the theft category for the other three countries.

Table 2. Number of persons incarcerated per 100,000 persons in the resident population for the United States, England, and the Federal Republic of Germany

Incarceration offense	United States	England[a]	Federal Republic of Germany
Robbery	46.1	5.1	9.9
Burglary	37.0	21.0	...
Theft[b]	56.5	24.8	26.7

Note: See table 1 for the years covered. National data on persons in prison by offense are not compiled for Canada. Data for the United States include estimates of the sentenced jail population.
... Not available.

[a] Includes Wales.
[b] Because Germany includes burglary and auto theft with theft, these crimes have been included for comparability reasons in the theft category for the other two countries.

Table 3. Number of persons admitted to prison in a year per 100,000 persons in the resident population for the United States, Canada, England, and the Federal Republic of Germany

Incarceration offense	United States	Canada	England[a]	Federal Republic of Germany
Robbery	26.8	15.5	4.3	3.0
Burglary	53.7	43.2	36.9	...
Theft[b]	117.0	81.5	70.6	21.0

Note: See table 1 for the years covered. Data for the United States include estimates of the sentenced jail population.
... Not available.
[a] Includes Wales.

[b] Because Germany includes burglary and auto theft with theft, these crimes have been included for comparability reasons in the theft category for the other three countries.

Background

As indicated above, Canada, England, and Germany have lower proportions of their populations incarcerated for crime than does the United States. This is true for crime in the aggregate as well as for specific serious crimes. For example, the proportion of the population in prison for robbery in the United States is almost five times higher than in the Federal Republic of Germany and almost nine times higher than in England (table 2). For theft the proportion is about twice as high in the United States as in Germany or England.

Substantial differences also exist in the proportion of the population admitted to prison in a year for specific crimes. For robbery the proportion in the United States is about six times higher than in England and about nine times higher than in Germany (table 3). For theft, the U.S rate is 66% higher than that of England and more than five times higher than that of Germany. Of the countries studied, Canadian rates for prison admissions are the closest to those of the United States.

It is possible that the higher popula-

tion-based incarceration rates in the United States are the result of its substantially higher crime rates. For example, if two countries with similar sentencing practices—that is, they treat similar kinds of offenders in similar ways—have substantially different rates of crime, the one with the higher crime rate will likely have a higher percentage of its population in prison than the one with the lower crime rate (assuming that arrest rates and conviction rates are about the same).

Using arrest data

An ideal test of the relative punitiveness of different countries would compare the number of persons admitted to prison (and jail) with the number of individuals convicted of various serious crimes. At this time, however, such comparisons are impossible since there are no national data for the United States on the number of convictions for serious crimes. Given the unavailability of conviction data, this study utilizes the best alternative: arrest data, or its equivalent. Using arrest data as the base, one can calculate the ratio of prison (and jail) admissions each year to the number of persons arrested for various serious crimes. This ratio is an estimate of the probability that a person arrested for a serious crime will eventually be sentenced to incarceration.

There are several advantages to using arrest data in such a comparison. First, the number of arrests should vary with the rate of criminal activity. Second, reasonably reliable arrest data are available for many Western democracies. Third, both arrest and incarceration data are person-based statistics, in contrast, for example, to data on reported crime incidents, which show how many crimes were reported to authorities but not how many offenders committed those crimes. Fourth, because arrested persons require a decision by the criminal justice system, differences between the number of persons arrested and the number incarcerated in a given time period will be, at least to some degree, a function of decisions made by the criminal justice system—including, of course, decisions to dismiss cases, for whatever reasons, and findings of not guilty.

Using arrest data in a cross-national comparison presumes that arrest practices are basically comparable in the countries studied. Of the four countries included in this study, police practice, legal standards, and reported data on arrests are most comparable in the United States and Canada. In England, on the other hand, police arrest suspects, but there are no routinely produced statistics on arrests. Thus, the number of persons arrested was estimated by combining the number of persons "cautioned" for each offense with the number of persons proceeded against in Magistrates Court. "Cautions" are formal warnings issued by police, in lieu of any further action, to persons suspected of committing a crime. Officially they are to be issued only when there is sufficient evidence to proceed with a prosecution. Since all persons who are ultimately prosecuted are proceeded against in Magistrates Court, the sum of those proceeded against and those cautioned should be a reasonable approximation of arrests in the United States or Canada.

As indicated above, German practice is quite different from that in the three other countries. There simply is no German practice equivalent to arrests in the American sense. Consequently, this report presents two separate sets of figures for Germany: one based on the number of "suspects" and one based on the number of persons formally charged with a crime. In comparison to a straightforward arrest-based imprisonment rate, these give a low and a high estimate of the likelihood of incarceration. In other words, if Germany did employ the kinds of arrest practices prevalent in the three other countries, its arrest-based imprisonment rate would lie somewhere between the suspect-based rate and the charge-based rate.

Selection of crimes

The three crimes analyzed were the only ones of the seven major FBI Index crimes for which there were reasonably consistent definitions across the four countries and for which sufficient national data were available.[2] In 1985 these three crimes accounted for 84% of reported Index crimes in the United States. In 1983, the most recent year with available prison admission data, they were responsible for more than half of all prison admissions in the United States.

Assumptions and adjustments to the data

The data presented in table 1 represent the ratios of (1) the number of adults incarcerated in jail or prison in a year who have been convicted following an arrest for robbery, burglary, or theft to (2) the number of adults arrested (or its equivalent) in a year for these crimes. In each case the year selected was the most recent for which complete data were available when the study began.

The ratios calculated are estimates of the likelihood of being sentenced to incarceration given arrest for a particular crime. They are estimates because this method does not actually track arrested persons through the adjudication process. Instead the ratios include some individuals admitted to jail or prison in the target year who were arrested in the previous (or even earlier) calendar year and others who were arrested in the target year but not incarcerated until the next (or later) year. A recent BJS report found that in 12 medium to large court jurisdictions in the United States the average elapsed time from arrest to disposition was 3.5 months for robbery and 3.2 months each for burglary and larceny/theft.[3] Even allowing for additional time between disposition and sentencing, these data suggest that, at least in the United States, most of those arrested for robbery, burglary, and theft and later found guilty will be sentenced in the same calendar year as the arrest. Because it is unlikely that sentencing patterns change dramatically from one year to the next, those sentenced in the target year but arrested in the previous year will be treated similarly to those arrested in the target year but sentenced in the following year. Thus, the ratio of those incarcerated in a particular year to those arrested in the same year will closely approximate the likelihood of incarceration given arrest for that year.

Excluding juveniles

Arrest data for each country have been adjusted to remove the proportion of arrests accounted for by juveniles. Based on prevailing practices in the countries studied, juveniles were defined as those under 18 years of age in the United States and Canada and those under 17 in England. Since in the Federal Republic of Germany nearly all those through the age of 20 are tried as juveniles, all those under 21 were excluded from the calculation of the German imprisonment rates.[4]

[2]The Federal Bureau of Investigation includes as Index crimes for national crime reporting purposes homicide, forcible rape, aggravated assault, robbery, burglary, larceny, and motor vehicle theft. Arson was recently added as an Index crime, but it is not included in the FBI's reported totals.

[3]Felony case-processing time, BJS Special Report, NCJ-101985, August 1986.

[4]The source of this information is correspondence from Dr. Hans-Jörg Albrecht of the Max-Planck-Institute, the Federal Republic of Germany, January 8, 1987.

The jail correction

England and Germany have centralized reporting systems for prison admissions data; Canada and the United States do not. Due to limitations of available data, prison admissions by crime in Canada cannot be estimated for Alberta, the Northwest Territory, and the Yukon. Nonetheless, the other nine Provinces include about 85% of the Canadian population and thus can serve as a reasonable basis for making statements about the nation as a whole. To be consistent, arrest data for the three Provinces without the necessary incarceration data were excluded from the calculation of the imprisonment rates for Canada.

In the United States the task of calculating the imprisonment rates is further complicated by the existence of local jails as well as State and Federal prisons. In the 44 States that do not have unified jail-prison systems offenders who receive shorter sentences (usually up to 1 year) usually serve them in a local jail facility. The difficulty is that, unlike prison data, national data on jail admissions by offense for convicted offenders are not available. Therefore, two distinct methods for estimating jail admissions by offense were devised. The mean of these two estimates was then taken and added to the prison admissions data in order to calculate the imprisonment rates.

The charge reduction correction

As indicated above, any estimate of the likelihood of incarceration given arrest ought to include those cases where an offender was incarcerated for a different crime than the arrest offense. For example, someone arrested for burglary might eventually be convicted of and incarcerated for the lesser crime of theft. If the effects of charge reduction are ignored, then the numerator of the ratio that is the basis of the imprisonment rates will generally understate the number of persons who are incarcerated after arrest for a specific crime, resulting in an imprisonment rate that is lower than it should be.

For the United States a charge reduction correction can be calculated using Offender-Based Transaction Statistics (OBTS). The imprisonment rates in table 1 include this correction. Because of the limitations of available data for the other countries, however, the effects of charge reduction cannot be readily determined, resulting in calculated imprisonment rates that may understate the likelihood of incarceration given arrest in these countries. Since previous studies indicate that there may be much less charge reduction in England and the Federal Republic of Germany than in the United States, the absence of a charge reduction correction for England and Germany should not substantially affect the results presented in table 1.

The limited data available for Canada suggests more charge reduction than in England and Germany, although possibly less than in the United States. Thus, the Canadian imprisonment rates presented in table 1 may significantly understate the likelihood of incarceration in that country. For this reason it is particularly important to compare the calculated Canadian rates with the corresponding rates for the United States uncorrected for charge reduction.

Limitations in comparing imprisonment rates

The purpose of constructing and comparing arrest-based imprisonment rates is to gauge whether different countries treat similar kinds of offenders in similar ways—whether, for example, a burglar in one country is about as likely as a burglar in another to receive a prison sentence for his crime. This study, however, has not been able to control for two important aspects of offenders that play a major role in sentencing decisions: (1) the relative seriousness of the criminal act within the broad offense definitions and (2) the prior criminal behavior of offenders.

The comparisons presented here presume that, on the whole, robberies, burglaries, and thefts in one country are comparable in seriousness to the same offenses in the other countries. This assumption is dictated by the nature of the available data. There is, however, empirical evidence that at least robberies in the United States are more serious as a group than robberies in the other countries. Specifically, about 40% of the robberies reported to police in the United States involve firearms, compared to 29% in Canada and only 9% in England. This is additional evidence that the United States is not more severe in its sentencing of robbers than Canada and England.

Similarly, sentencing decisions are often influenced by the past criminal behavior of offenders. A first-time burglar, never before in trouble with the law, will likely receive more lenient treatment from a sentencing judge than someone who commits the same offense but who has a long record of prior arrests and convictions for criminal offenses. The use of criminal records in sentencing offenders is not only an accepted practice among judges, but it is also recognized in State and Federal statutes in the United States. If a record of prior convictions also plays a role in other countries, as is likely, then a more definitive comparison of the relative likelihood that an offender will be sentenced to incarceration would control for variations across countries in both crime seriousness and the criminal records of offenders.

Further details on methodology

A methodological appendix with further details on the calculation of the findings presented in this report, including the published sources for the data from each country, is available on request from BJS by calling Carol Kalish at (202) 724-6100.

This Bureau of Justice Statistics Special Report was written by James P. Lynch of the School of Justice, American University, Washington, D.C. The project was supervised by Joseph M. Bessette and Carol B. Kalish of BJS. Editorial assistance was provided by Frank D. Balog of BJS. Marilyn Marbrook, publications unit chief, administered production, assisted by Jeanne Harris and Arlene F. James.

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