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THE DECREASING PRISON POPULATION OF ENGLAND¹

EDWIN H. SUTHERLAND²

Prisons are being demolished and sold in England because the supply of prisoners is not large enough to fill them. The number of prisoners in custody in England in 1930 was less than half the number in 1857, though the population of England was twice as large. This decrease was not a direct result of a reduction in the general crime rate, but rather of changes in penal policies. An analysis of the reasons for this decrease should be useful in the attempts to revise the penal policies of the United States, where the prison population has been increasing and where overcrowding of prisons is a chronic evil even though many huge prisons have been constructed.

The English prison system at present consists of four types of prisons under the control of the prison commission. The first are the local prisons, of which there were 29 in 1931. These were under the control of county and other local governments until 1877 when they were transferred to the central government. Offenders convicted of the less serious crimes either on indictment or summarily may receive sentences of imprisonment in local prisons of two years or less. In this respect the local prisons are somewhat similar to the houses of correction and the county penitentiaries in the United States. The second is the convict prison, to which offenders may be committed on sentences of penal servitude (as contrasted with sentences of imprisonment in local prisons) after conviction on indictment. In 1931 there were in England 5 convict prisons, 3 of which were merely departments in local prisons and 2 were independent of any other establishment. The convict prisons are somewhat similar to the state and federal prisons in the United States. The third type of prisons is the Borstal Institution for offenders sixteen to twenty years of age. The Borstal policy started unofficially in 1902, but sentences to Borstal Institutions were first officially authorized in 1908. In 1931 England had 7 Borstal Institutions, 1 of which was a department in a local prison, 1 a department in a convict prison and 5 were inde-

¹This study was made while the author was a member of the staff of the Bureau of Social Hygiene, New York City, and was made possible by a grant from that organization.

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pendently located. Borstal Institutions are somewhat similar to the state and federal reformatories in the United States. The fourth type of prisons is the preventive detention prison, authorized in 1908 for habitual criminals. Persons who, after three previous convictions of crime and proof of habitual criminality, are again sentenced to penal servitude may at the same time be sentenced to an additional period in a preventive detention prison, to begin at the end of the term of penal servitude. England has 2 preventive detention prisons, both of which are departments in local prisons.

In addition, the courts may send offenders to other institutions which are not in the prison system. Juvenile delinquents may be sent to reformatory schools, industrial schools and places of detention. Also certain types of offenders may be committed by order of the court to institutions for the insane, to institutions for mental defectives, to police cells, and, formerly, to inebriate reformatories.

I. THE DECREASE IN CONVICT PRISONS.

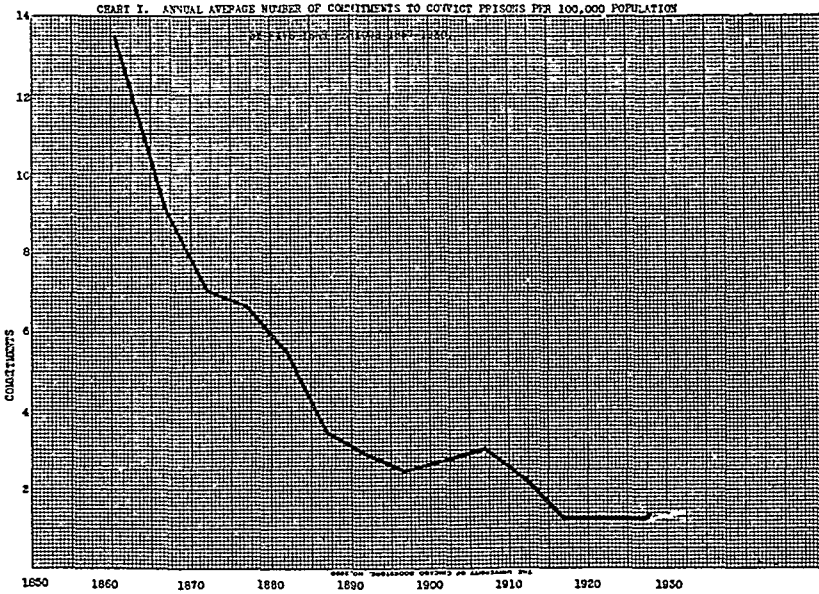
The number of persons committed to convict prisons decreased rather consistently from 2,841 in 1857 to 536 in 1930.³ The annual commitment rate per 100,000 population decreased from 13.5 in 1857-64 to 2.46 in 1895-99, increased slightly until 1905-09, and then in 1915-19 dropped to 1.25, where it has remained approximately constant to the present time.⁴ This trend is shown in Chart I. What is the explanation of the continuous decrease from 1857 to 1900 and of the abrupt decrease about 1915? The essence of the following explanation is that neither of these decreases resulted directly from a reduction in crime, but both were due to partial substitution of other policies for sentences to convict prisons.

The number of sentences to convict prisons decreased principally because the courts preferred to send criminals to local prisons. The substitution of local prisons for convict prisons can be shown by taking the crimes of robbery, burglary, and housebreaking as an illustration. In 1857 1,419 persons were convicted of these crimes and 40.0 per cent of them were committed to convict prisons, and 59.1 per cent to local prisons. In 1894 1,137 persons were convicted of these crimes, of whom 6.2 per cent were sentenced to convict prisons and 76.4 per cent to local prisons. The percentage sentenced to con-

³The statistics used throughout this paper are from the official annual reports of Great Britain: Criminal Statistics of England and Wales; Reports of the Commissioners of Prisons and the Directors of Convict Prisons.

⁴For the rates of commitment to convict prisons see Table A at the end of this article.

vict prisons decreased 24.2 points while the percentage sentenced to local prisons increased 17.3 points.



This partial substitution of local prisons for convict prisons was part of a general movement away from the more severe penalties. In 1827 the general policy in England was to impose a death penalty upon all persons convicted of the more serious crimes and then commute it to transportation to a penal colony for terms varying from seven years to life. As opposition to this policy increased convict prisons were substituted and about 1850 became the principal punishment for serious crimes. Then the terms in convict prisons were shortened, from an average of 7.6 years in 1857 to 6.5 in 1880, 5.3 in 1893, and 3.8 in 1930. The minimum sentence in convict prisons was 5 years during most of the period prior to 1891, when it was reduced to 3 years. A sentence which was less than that minimum automatically became a sentence to a local prison. Especially before the reduction of the minimum to three years in 1891, the courts sentenced many criminals to local prisons in order to avoid the long terms required in the convict prisons. The rate of commitments to convict prisons increased slightly after this minimum was lowered. This substitution of local prison sentences for convict prison sentences was the principal factor in the reduction of the convict prison population.

It is possible, in addition, that criminals were occasionally kept out of convict prisons by the substitution of reformatory and industrial schools, which started in 1854, and of probation and recognizances, which were authorized by laws of 1879 and 1887.

The decrease in commitments to convict prisons prior to 1900 was not to a very great extent the direct effect of a reduction in the number of crimes committed. Two measures of crime are available—the number of indictable crimes known to the police and the number of persons prosecuted for indictable crimes.⁵ The commitments to convict prisons, the indictable crimes known to the police, and the prosecutions for indictable crimes all decreased consistently from 1857 to 1900. The rate of commitments decreased, however, much more than the indexes of crimes did. The number of crimes known to

TABLE I

ANNUAL AVERAGE NUMBER OF PERSONS COMMITTED TO CONVICT PRISONS PER 1,000
INDICTABLE CRIMES KNOWN TO THE POLICE AND PER 1,000 PROSECUTIONS
FOR INDICTABLE CRIMES, BY FIVE-YEAR PERIODS 1857-1930

Years	Commitments to Convict Prisons Per 1,000	
	Indictable Crimes Known to Police	Prosecutions for Indictable Crimes
1857-64	30.1	48.8
1865-69	20.6	32.9
1870-74	19.2	30.3
1875-79	18.5	30.6
1880-84	14.8	23.4
1885-89	10.9	16.6
1890-94	10.0	14.9
1895-99	9.7	15.0
1900-04	10.8	15.9
1905-09	10.7	16.7
1910-14	8.4	12.9
1915-19	4.9	7.3
1920-24	4.6	8.3
1925-29	3.7	7.5
1930	3.6	8.3

⁵For a discussion of the comparative reliability of these two indexes, see National Commission on Law Observance and Enforcement, No. 3, Report on Criminal Statistics, 1931; Sellin, Thorsten, The basis of a crime index, *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*, 22:335-56, Sept., 1931; Davis, Audrey M. Criminal statistics and the National Commission's Report, *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*, 22:357-74, Sept., 1931.

Since persons can be sentenced to penal servitude only if tried on indictments and since many persons prosecuted for indictable crimes are not tried on indictments, the number of prosecutions on indictments in some respects would be preferable to the number of prosecutions for indictable crimes as a crime index for the purposes of the present analysis. During the period under consideration, however, the summary procedures for trying indictable crimes developed a great deal. Because of these procedural changes the more inclusive prosecutions for indictable crimes have been used.

the police per 100,000 population decreased 43 per cent from 1857 to 1900, the prosecutions 41 per cent, and the commitments 81 per cent. Table I shows that in 1857-64 30.1 per thousand of the crimes known to the police resulted in commitments to convict prisons, in 1895-99 only 9.7 per thousand; in 1857-64 48.8 per thousand of the prosecutions for indictable crimes resulted in sentences to convict prisons and in 1895-99 only 15.0 per thousand.⁶ Thus, the commitments decreased about three times as much as the indexes of crimes did.

The decrease in the crime rate is seen to be even less important if the commitments to convict prisons are considered in relation to the classes of crimes. The crime rate is composed of three principal types of crimes—against the person, against property with violence and against property without violence. These three components differ in the extent to which they result in penal servitude and they have changed since 1857 at different rates. Crimes against property without violence, which constitute about 80 per cent of all indictable crimes, least frequently result in penal servitude. Of crimes known to the police those against property without violence decreased 48.6 per cent from 1857 to 1900, those against the person decreased 11.1 per cent and those against property with violence only 2.7 per cent. Thus, the decrease in the general crime rate was due almost entirely to the decrease in crimes against property without violence, for which criminals are seldom committed to convict prisons, while crimes against the person and against property with violence, for which sentences to penal servitude are relatively more frequent, hardly decreased at all. The conclusion is that the decrease in the crime rate did not directly affect the commitments to convict prisons very decidedly.

The psychological effect of this decreasing crime rate, however, was probably important. The feeling of security engendered by a constantly decreasing crime rate may make the courts inclined to avoid the more severe penalties and therefore to impose sentences of imprisonment or even probation rather than sentences of penal servitude.

The second problem is the explanation of the apparently abrupt decrease about 1915 in the commitments to convict prisons. This decrease was really spread over the period from 1909 to 1915, with the number of commitments dropping steadily from 1,182 in 1908 to 815 in 1913, 591 in 1914, and 351 in 1915. Since 1915 the annual average commitments have been 477, with comparatively little varia-

⁶These ratios are computed from Table A at the end of this article.

tion from the average. How was this decrease of about 500 in the annual commitments produced? The answer is found principally in three changes in penal provisions and policies.

The first was the Borstal Institution, officially authorized in 1908. The number of offenders received in Borstal Institutions was 171 in 1909, 426 in 1910, and 515 in 1912. Since 1912 the trend has been unevenly upward, with a low point in 1915 and high points of 780 in 1920 and 774 in 1930. Thus the annual commitments to Borstal Institutions increased from zero to about 500 during the period when the annual commitments to convict prisons decreased by about 500, and these changes are certainly related. The principal question is whether the inmates of Borstal Institutions would have been sentenced to local prisons or to convict prisons if Borstal Institutions had not existed. In 1907 before the Borstal sentences were authorized, there were 270 young men of the age group 16-20 in Borstal classes in local prisons and 150 in Borstal classes in convict prisons. This indicates that more than half the members of Borstal classes were in local prisons. Arguments were presented, however, that this special training should be concentrated on the young prisoners who had long terms and these arguments were effective in the formal organization of the Borstal policy of sentencing young offenders, so that at first this system was intended primarily as a substitute for convict prisons for young offenders. In later years, however, the prison commissioners and others have been attempting to induce the courts to substitute Borstal sentences for sentences of imprisonment in local prisons. Consequently, though the Borstal Institution when first authorized was primarily a substitute for the convict prison, it is at present much less completely so.

The second policy that reduced commitments to convict prisons in the period 1908-15 was probation. The laws of 1879 and 1887 had authorized probation, recognizances, and discharges after proof of guilt but without formal conviction, sometimes including orders to make restitution or pay costs. These provisions were extended by the probation law of 1909. The number of persons granted probation⁷ after conviction on indictment increased from 13.9 per cent of all so convicted in 1908 to 26.1 per cent in 1930, while the number

⁷The term "probation" is used generally in this analysis to include all of these non-institutional methods of disposing of cases after conviction or proof of guilt. This does some violence to the concept of probation but in most respects the distinction between probationary supervision, recognizances, and discharges after proof of guilt is not important for purposes of this analysis and in addition the distinction in practice is not great.

sentenced to convict prisons decreased from 10.1 per cent of all so convicted in 1908 to 7.6 per cent in 1930. Thus, probation increased during the period in which commitments to convict prisons decreased while persons granted probation by courts which might have sentenced them to penal servitude increased in numbers.

A third element in the reduction of the convict prison population was the preventive detention prison for habitual criminals which was authorized in 1908. The first prisoners were received in 1911, after the completion of their terms of penal servitude. The maximum number of receptions in any years was 113 in 1912. Since that date the number has decreased to 25 in 1930. No group has been enthusiastic about the results of this policy and consequently the number of commitments has decreased. The policy did, especially in the earlier years, keep some criminals out of convict prisons.

The decrease in commitments to convict prisons after 1908 cannot be explained adequately by a decreasing crime rate. The two indexes of crime—indictable crimes known to the police, and the number of persons prosecuted for indictable crimes—run parallel from 1900 to the end of the War, both showing slight decreases after 1905, but diverge sharply at the end of the War. The number of crimes known to the police increased rapidly after the War until it is now 47 per cent more in proportion to population than in 1915-19. On the other hand the number of prosecutions for indictable crimes continued to decrease after the War and now is 6 per cent less in proportion to population than in 1915-19. The "true" trend is probably between these two indexes, for the crimes known to the police may show a fictitious increase due to the more complete reporting of crimes, while prosecutions have probably decreased in proportion to crimes actually committed because of the greater mobility of the population which has made detection, apprehension, and securing of evidence more difficult. Certainly the increase of 47 per cent in the crimes known to the police or of, say, 15 or 20 per cent in the "true" index of crimes could not explain the decrease in commitments to convict prisons. Also, the prosecutions for indictable crimes, which is probably a less reliable index of crimes committed, cannot explain the decrease in commitments to convict prisons. For the commitments decreased twice as much in the period 1905-14 as did the prosecutions. Furthermore, the decrease in prosecutions occurred almost entirely in crimes against property without violence, which seldom result in sentences of penal servitude. The number of prosecutions for crimes against property without violence per 100,000

population decreased 14.9 per cent from 1900-09 to 1930 while prosecutions for crimes against property with violence increased 38.8 per cent and crimes against the person increased 22.2 per cent. The annual number prosecuted for robbery, burglary, and housebreaking decreased 16.8 per cent from 1905-09 to 1930, while the number of persons committed to convict prisons for these crimes decreased 53.0 per cent. For these reasons it appears that the changes in crimes committed do not provide a direct explanation of the decreases in the convict prison population.

It is probable that during this period, as during the earlier period, the psychological effect of the crime rate has been significant. Since decisions regarding dispositions are made by courts, and since the attitudes of the courts are determined by the number of prosecutions rather than by the number of crimes known to the police, and since the rate of prosecutions has decreased steadily, the sense of security, even if not justified, tends toward a continued use of the less severe alternatives to penal servitude. During the last few years, however, the severity of sentences seems to be increasing slightly.

In summary, the commitments to convict prisons decreased during the period 1857-1900 principally because local prisons were used as a substitute in order to avoid the long terms required in convict prisons. Commitments to convict prisons decreased in the period 1908-15 and remained constant thereafter principally because of the emergence or development of three new policies in 1908 and 1909, namely, Borstal Institutions, probation, and preventive detention. Crime rates probably exerted a slight effect on this decrease in the period 1857-1900 and in the first part of the period 1905-30, but had no direct effect in the later part of the period 1905-30, when, if the crimes known to the police be taken as a criterion, they tended to increase rather than decrease the number of commitments to convict prisons. The reduction in the rate of prosecutions did produce a feeling of security which was significant in the choice of the alternatives to penal servitude.

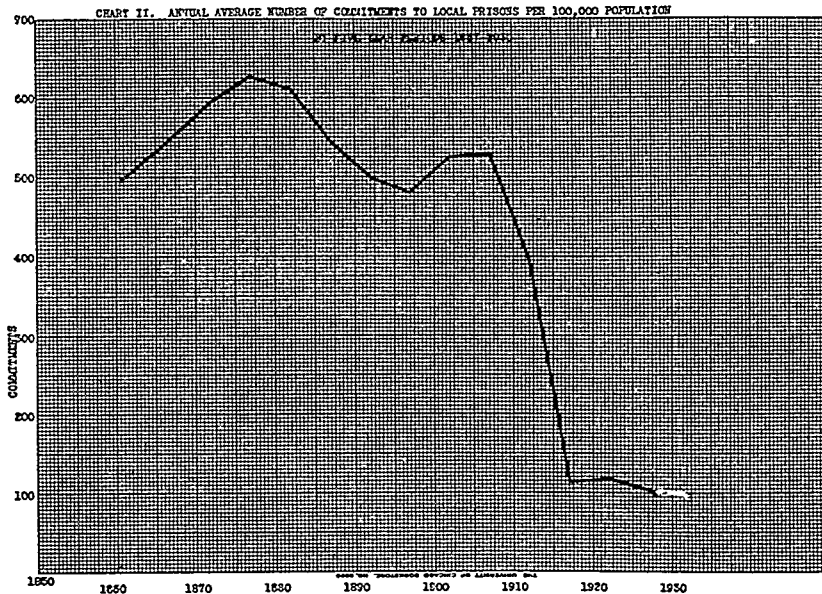
II. THE DECREASE IN COMMITMENTS TO LOCAL PRISONS

The general trend in the rate of commitments to local prisons is shown in Chart II.⁸ The most striking thing in this Chart is the rapid decrease from 529.1 per 100,000 population in 1905-09 to 112.3 in 1915-19. This reduction appears to be a continuation of a reduction

⁸This Chart is based on the last column in Table A.

which began in 1880 and was interrupted in the decade 1900-1909. At any rate the annual commitments dropped from 197,023 in 1904 to 37,531 in 1930, and the primary problem is, what produced this reduction of approximately 150,000 in the annual commitments shortly before the War?

The essence of the following explanation is that this reduction resulted from the development of probation and of facilities for the payment of fines and, to a slight extent, of new institutions, and in addition was profoundly affected by the reduction of intoxication and allied offenses, although not affected appreciably by changes in the general crime rates.



The analysis of this decrease is facilitated by dividing commitments to local prisons into commitments for indictable crimes and commitments for non-indictable crimes, and subdividing each of these into commitments without option of fines and commitments in default of payment of fines. This analysis is confined to the period since 1904 because the statistical reports did not show these subdivisions prior to 1904. The decreases and increases in the several methods of disposition are presented in Table II.⁹ This shows that while the

⁹Statistics for the years between 1904 and 1930 are given in Tables B and C at the end of this article.

number committed to local prisons in each of these classes decreased, the number placed on probation and the number who paid fines increased.

A. The Effect of Probation.—Probation has been principally an alternative to commitment to local prisons without option of fines. It has been used both for persons charged with indictable crimes and persons charged with non-indictable crimes, but has increased more for the former than for the latter group, and its significance for the two groups is somewhat different.

For indictable crimes the number committed to local prisons without option of fines was 12,746 less in 1930 than in 1904, while the number granted probation was 19,003 more. Probation for indictable crimes increased steadily throughout this period. In 1904 17.7 per cent of all persons convicted or found guilty of indictable crimes were granted probation, in 1930 50.7 per cent. This increase in the use of probation was confined almost entirely to probation in the narrower sense, while recognizances remained practically constant and discharges after proof of guilt increased slightly and at the expense of discharges without proof of guilt.

TABLE II
 NUMBER OF PERSONS CONVICTED OR FOUND GUILTY AND THE SEVERAL DISPOSITIONS IN SUCH CASES IN 1904 AND 1930, BY INDICTABLE AND NON-INDICTABLE CRIMES

Dispositions	— Indictable Crimes —			— Non-Indictable Crimes —		
	1904	1930	Increase	1904	1930	Increase
Local Prisons:						
Default	3,524	945	— 2,579	104,031	11,552	—92,479
No option	26,103	13,357	—12,746	63,365	11,677	—51,688
Other Prisons.....	1,100	1,745	+ 645	469	1,535	+ 1,066
Probation	9,498	28,501	+19,003	48,359	69,621	+21,262
Fines Paid.....	11,011	11,478	+ 467	435,518	473,217	+37,699
Whipping	2,382	130	— 2,252	3	0	— 3
Death	28	14	— 14
Total	53,646	56,170	+ 2,524	651,745	567,602	—84,143

For non-indictable crimes the situation is somewhat different. Commitments to local prisons without option of fines were 51,686 fewer in 1930 than in 1904, while grants of probation were 21,262 more. This shows that probation may account for a part of the decrease in prison commitments of this type, but at best it can account for less than half of the decrease. Furthermore, its influence was confined largely to the period 1908-15, for grants of probation were

made in 1904 to 7.4 per cent of the persons convicted or found guilty of non-indictable crimes, increased to 11.4 per cent in 1910-14, and thereafter remained approximately constant. Also, probation in most of these non-indictable cases was nothing more than a discharge after proof of guilt, 78 per cent of the grants of probation being of this nature in 1908 and 82 per cent in 1930. In general, probation, though of some importance, is not a sufficient explanation of the decrease in commitments to local prisons without option of fines for non-indictable offenses. The additional factor in the explanation is the decrease in drunkenness and of allied offenses, which is to be discussed later.

B. Fines.—The decrease in commitments to local prisons in default of fines is explained to a very considerable extent by improved arrangements for the payment of fines. The annual average number of persons fined in the period 1905-09 was 498,958, of whom 19.6 per cent were committed to prisons in default of payment, while in 1930 the number fined was 496,139, of whom only 2 per cent were committed to prison in default. For indictable crimes the decrease in commitments to prison in default of fines was small in absolute number, though large as a percentage. A small part of this decrease was due to the increased number who paid fines, the rest to the increased use of probation, Borstal sentences and other institutions.

For non-indictable offenses the decrease in commitments in default of fines is very much larger. And this decrease is approximately equal to the increase in the percentage who paid fines. In 1905-09 15.7 per cent of all dispositions were commitments to prison in default of fines; this percentage decreased slightly to 12.9 per cent in 1910-14, and then in 1915-19 dropped abruptly to 2.9 per cent, where it remained approximately constant thereafter. Also, 65.6 per cent of all dispositions for non-indictable offenses in 1905-09 were fines paid; this percentage increased slightly to 67.3 in 1910-14, and then increased abruptly to 82.6 per cent in 1915-19, remaining approximately constant thereafter. Why did the number committed to prison for default decrease while the number who paid fines increased?

The per cent of the persons sentenced to pay fines who are committed to prisons in default of payment is certainly affected to some extent by the general economic conditions. This percentage fluctuated within narrow limits during the period 1893 to 1913, when it decreased very abruptly. Improvements in economic conditions during the War undoubtedly assisted in reducing this percentage, but there was no appreciable increase in the percentage after the War, when economic conditions became more difficult. Consequently the variations in in-

come seem to explain only the narrower fluctuations and do not explain the decided change from one level to another.

The immediate and important explanation of this substitution of fines paid for commitments in default of fines is found in the Act of 1914 which provided that a court of summary jurisdiction, when imposing a fine, must grant the offender time in which to pay the fine unless the offender was able to pay the fine forthright or had no fixed abode within the jurisdiction of the court, or unless the court for other specific reasons decided that time should not be granted. The effect of this law was probably significant and immediate, as is shown in Table III, but unfortunately cannot be demonstrated clearly because statistics of the total number of persons who received time in which to pay fines are not available. The only available statistics on this point are provided in a special study of the Birmingham prison, in which commitments in 1913 were compared with commitments in 1915 in order to measure the effect of the law of 1914. This study showed that of the persons fined 11.9 per cent more stayed out of prison in 1915 than in 1913, although approximately one-third of those who stayed out of prison did so because they were "lost sight of," while two-thirds paid their fines either within the allotted time or immediately after arrest.¹⁰ If this percentage is representative of the entire country from 1915 to the present date, the law of 1914 has reduced the annual commitments in default of fine by about 60,000. There is little basis for this assumption, however. The only thing which can be shown from the available statistics is that the number committed in default of fine to whom time had not been granted for

TABLE III

ANNUAL AVERAGE NUMBER OF PERSONS FINED AND NUMBER AND PERCENTAGE OF THOSE FINED WHO WERE DISPOSED OF IN SPECIFIED MANNERS, BY FIVE-YEAR PERIODS 1905-30

Years	Total Fined	Imprisonment in Default of Payment							
		Paid Fines		Total		Without Allowance of Time		After Allowance of Time	
		No.	% of Those Fined	No.	% of Those Fined	No.	% of Those Fined	No.	% of Those Fined
1905-09	498,958	401,099	80.4	97,858	19.6	97,859	19.6	0	0.0
1910-14	465,092	389,648	83.8	75,444	16.2	75,139	16.2	305*	0.0
1915-19	394,913	382,660	96.9	12,253	3.1	10,620	2.7	1,633	0.4
1920-24	446,524	431,467	96.6	15,057	3.4	12,487	2.8	2,570	0.6
1925-29	490,790	476,948	97.2	13,842	2.8	9,783	1.9	4,059	0.9
1930	496,139	483,642	97.5	12,497	2.5	8,063	1.6	4,434	0.9

*For 1914 only.

¹⁰Report of Commissioners of Prisons, 1916-17, p. 7.

payment of fines decreased from 97,859 in 1905-09 to 8,063 in 1930, or from 19.6 per cent of fines imposed to 1.6 per cent, while the number committed in default after allowance of time to pay the fine increased from 0 in 1905-09 to 4,434 in 1930, or to about 1 per cent of the total number fined in 1930. The number committed in default of fine to whom time had been allowed for payment of fines is increasing slightly, and this increase is probably due to the grant of time to a larger proportion of the number fined, though this cannot be determined from the available statistics. There seems to be no doubt, however, that this law has kept many thousands of offenders out of prison.

C. Decrease in Drunkenness.—At several points in the preceding analysis it was apparent that changes in penal policies did not adequately explain the decreases in the commitments to local prisons, especially for non-indictable offenses. An additional factor is the great decrease in drunkenness and allied offenses, such as assaults, sleeping out, begging, general vagrancy, and prostitution. Prosecutions for these offenses, in general, have been decreasing since 1880, with a more rapid rate of decrease after 1900, with an abrupt decrease at the beginning of the War, and with no increase subsequent to the War.¹¹ The number of prosecutions for intoxication decreased from 626.4 per 100,000 population in 1900-09 to 147.2 in 1930. Other available statistics regarding the liquor traffic agree with the statistics of prosecutions. The number of places licensed to sell intoxicating drinks decreased from 38.73 per 10,000 population in 1904 to 28.66 in 1930, the per capita consumption of beer decreased from 31.56 gallons in 1900 to 16.42 in 1929, and of spirits from 1.12 to 0.28, while the number of deaths certified as due to cirrhosis of the liver decreased from 3,996 to 1,656. This decrease seems to be due to education, to the methods of regulating the liquor traffic, and to the social insurance policies.

Corresponding with this decrease in intoxication, the number sentenced for intoxication to terms of imprisonment without option of fines decreased from 7,764 in 1905 to 1,933 in 1930, though the ratio of this penalty to all penalties for intoxication remained nearly constant, being 3.6 per cent of all penalties in 1905 and 3.2 per cent in 1930, as is shown in Table IV. The number committed to prison in default of fines decreased very much more, from 61,360 in 1905 to

¹¹See Great Britain, Royal Commission on Licensing, 1932; George B. Wilson, A statistical review of the variations during the last twenty years in the consumption of intoxicating drinks in the United Kingdom, *Journal of Royal Statistical Society* 75:183-247, 1912.

6,660 in 1930. This was a decrease from 28.5 per cent of all dispositions for intoxication in 1905 to 10.9 per cent in 1930, and while it was occurring the percentage of fines paid and of grants of probation increased by approximately an equal amount. Consequently at least two factors were operating, one being the decrease in the amount of intoxication, the other the change in the methods of dealing with persons prosecuted for intoxication. The relative importance of these factors can be indicated roughly by comparing two hypothetical situ-

TABLE IV

NUMBER CONVICTED OF INTOXICATION AND PER CENT OF THOSE CONVICTED WHO WERE DISPOSED OF IN VARIOUS MANNERS, BY SELECTED YEARS

Year	Number Convicted*	Per Cent of Those Convicted Who			
		Paid Fines	Prison in Default	Prison No Option	Probation and Recognizance
1905	215,458	62.3	28.5	3.6	5.6
1909	178,377	60.7	29.2	3.6	6.5
1913	198,665	66.5	23.1	3.1	7.3
1922	81,541	79.7	10.2	3.0	7.1
1930	60,876	74.9	10.9	3.2	10.8

*Including the cases in which the charge was proved and an order made without conviction.

ations. If the number of prosecutions had been the same in 1930 as in 1905, with the methods actually used in 1930 applied, the number of commitments to prison in default of fine would have been 16,394 greater than the actual number of commitments. On the other hand, if the methods of disposition used in 1905 are assumed to be operating in 1930, upon the number actually prosecuted for intoxication, the number committed to prison in default of fine would have been 10,690 more than the number actually committed. This indicates that the decrease in the number of prosecutions was somewhat more important than the change in the methods of disposing of cases of intoxication in decreasing the number of persons committed to prison for intoxication.

While intoxication has decreased immensely since 1905, some other non-indictable offenses have increased. Of these the most important is the group of violations of highway acts. The rate of prosecutions for traffic violations has increased consistently since 1857, with an increased acceleration after 1890, and a very abrupt rise beginning immediately after the War. The number of prosecutions for traffic violations per 100,000 population increased from 144.2 in 1900-09 to 693.0 in 1930. While there were 152,132 fewer

prosecutions for intoxication per year in 1930 than in 1900-09, there were 229,717 more prosecutions for traffic violations. But while the increase in traffic violations is greater than the decrease in intoxication, the penalties for traffic violations are quite different from the penalties for intoxication, and especially commitment to prison seldom results from traffic violations. In fact, in spite of the great increase in prosecutions for traffic offenses, the number of persons sentenced for traffic offenses to terms of imprisonment in default of fines decreased from 4,790 in 1905 to 687 in 1930. It is possible that the law of 1914 accounts for a part of this decrease, but changes in the types of traffic offenses and of the economic status of offenders also play a part. Consequently, in general, a considerable part of the reduction in commitments to prison is due to the decrease in intoxication and this decrease has not been off-set by increases in the other important types of non-indictable offenses.

D. The Effect of the General Crime Rate.—The indexes of indictable crimes—crimes known to the police and prosecutions for indictable crimes—are not closely correlated with commitments to local prisons for indictable crimes. The number of indictable crimes known to the police decreased slightly from 1905-09 to 1915-19 and then rose abruptly, while commitments to local prisons for indictable crimes decreased abruptly from 1905-09 to 1915-19 and then increased slightly. Consequently there has been an increasing divergence between these two variables, as is seen in the fact that 31.9 per cent of the indictable crimes known to the police resulted in commitments to local prisons in 1904, and in 1930 only 9.7 per cent as is shown in Table V. Therefore commitments to local prisons for indictable

TABLE V

PER CENT OF CRIMES KNOWN AND OF PROSECUTIONS FOR INDICTABLE CRIMES RESULTING IN COMMITMENT TO LOCAL PRISONS, AND PER CENT OF PROSECUTIONS FOR NON-INDICTABLE CRIMES RESULTING IN COMMITMENTS TO LOCAL PRISONS, BY FIVE-YEAR PERIODS 1904-30

	Number of Commitments to Local Prisons for Indictable Crimes per 100		Number of Commitments to Local Prisons for Non-In- dictable Crimes per 100	
	Crimes Known to Police	Prosecutions	Crimes Known to Police	Prosecutions
1904	31.9	49.0		22.4
1905-09	29.6	46.3		22.3
1910-14	23.8	36.6		18.7
1915-19	14.1	20.7		5.3
1920-24	14.6	26.6		5.2
1925-29	11.1	22.1		4.0
1930	9.7	22.3		3.8

crimes decreased in spite of, rather than because of, the increase in the number of indictable crimes known to the police. Nearly the same conclusion can be reached regarding the relation between prosecutions for indictable crimes and commitments to local prisons for indictable crimes. The prosecutions decreased very slightly prior to the War and thereafter remained nearly constant, while commitments to local prisons decreased abruptly prior to the War and thereafter remained nearly constant. In 1904 49.0 per cent of the prosecutions for indictable crimes resulted in commitments to local prisons; in 1915-19 it decreased to 20.7 per cent and thereafter did not change much, being 22.3 in 1930.

For non-indictable offenses the only index is the number of prosecutions. Such prosecutions are not at all reliable as an index of the changes in the number of offenses committed, but as they stand, they do not show a close correlation with variations in commitments to local prisons for non-indictable offenses. The rate of prosecutions for non-indictable offenses decreased slowly prior to the War and then increased slowly, but not up to the pre-War level. Commitments to local prisons for non-indictable offenses, on the other hand, decreased slowly prior to the War, then dropped abruptly to about one-fourth the previous rate, and have remained approximately constant at the level of the War period up to the present date. In 1904 22.4 per cent of the prosecutions for non-indictable offenses resulted in commitment to local prisons, in 1930 only 3.8 per cent. Consequently the conclusion can be reached that changes in the general crime rates have had little direct influence on the rate of commitments to local prisons, but the decrease in the number of prosecutions has had some influence in inducing courts to refrain from sentences of imprisonment and to use other methods of disposing of cases.

E. Commitments to Other Types of Institutions.—In addition to the factors previously described, the development of other types of institutional sentences has had some influence in decreasing commitments to local prisons. In the following section an analysis will be made of the trends in the commitments to these other institutions and this will show that the net increase from 1904 to 1930 in the number committed to these other institutions was about 1500 and that this could have reduced the annual commitments to local prisons by not more than 1,500 a year, which is comparatively insignificant in view of the total decrease of 150,000 in the commitments to local prisons.

In summary, the general argument regarding the decrease in local prisons from 1904 to 1930 is that the number of commitments to local

prisons without option of fines decreased principally because of the development of probation, and that probation had real significance as a method of dealing with persons found guilty of indictable crimes but for persons found guilty of non-indictable offenses was principally a substitute for discharge without a finding of guilt. Commitments to local prisons in default of fines decreased partly because the law of 1914 gave offenders time to pay fines instead of being imprisoned immediately in default of payment, and partly because of the decrease in drunkenness. Also the development of new institutional penalties had a slight significance in decreasing the number of commitments to local prisons. Changes in the general crime rate had very little direct effect but probably had an indirect effect, because the feeling of security resulting from a constant or decreasing number of prosecutions tends towards leniency.

III. COMMITMENTS TO OTHER INSTITUTIONS

Descriptions and explanations of the trends in convict prisons, local prisons, Borstal Institutions and preventive detention prisons have been presented in the preceding sections. Somewhat similar trends may be found in other institutions which receive offenders from the courts.

In 1930 61 criminal insane persons were received in the special institution for criminal insane at Broadmoor and 99 in local asylums. The number of receptions of criminal insane per 100,000 population increased from 0.60 in 1893-94 to 0.67 in 1910-14, when it dropped to 0.43 in the War years and to 0.40 in 1930. This number of commitments is so small that it produced no appreciable effect on the commitments to other institutions.

Special classes for mentally defective offenders have been provided for many years, but the courts first received specific authority to commit offenders to institutions for the mentally defectives in 1913. The number so committed increased from 27 in 1914 to 281 in 1930. These persons are generally held in the institutions for comparatively short periods, being released under supervision if they respond to training. This policy may explain a part of the small decrease in the receptions in institutions for the criminal insane after 1914 but it had a very slight effect on the number committed to other institutions because of the small numbers involved.

Two inebriate reformatories were authorized by act of 1899. Offenders who were troublesome in private reformatories might be committed to these state reformatories by court order. The annual

average number of commitments was 268 in 1900-04 and 293 in 1910-14, but thereafter these institutions were practically abandoned. Even at the high point of receptions in these reformatories, they had so few commitments that they produced no appreciable effect on the number of persons sentenced to imprisonment because of intoxication.

Police cells have been used by the courts as a method of institutional punishment, by authority of an act of 1914. This penalty is used principally for vagrancy and for simple larceny and the terms of imprisonment are comparatively short. The annual average number of commitments increased from 182 in 1917-19 to 1537 in 1930. This method of punishment has to a slight extent reduced the number of commitments to local prisons.

Reformatory schools for delinquent children¹² were authorized in 1854. They are used principally for children 14 to 16 years of age found guilty or convicted of indictable crimes. The institutions are privately managed but are under the supervision of the Home Office. The annual average number of commitments remained nearly constant in absolute numbers from 1860 to 1910-14 at about 1,200. The number increased in the War years to 1,616 and then decreased to 724 in 1924, and has decreased slightly more since that date. In general the rate has shown a slightly downward trend in proportion to population, and this trend has been decidedly accelerated since the War.

Industrial schools for dependent, neglected and delinquent children up to the age of fourteen were started in 1854. These schools, also, are under private management but are supervised by the Home Office. In their early history they were used principally for dependent children, but at present are used principally for the younger delinquents. In 1893-94 469 children were sent to industrial schools for punishable offenses, and the number has remained approximately constant except in the War years when it increased to 1,363.

By Act of 1909 children under sixteen years of age found guilty of punishable offenses may be sentenced by the court for terms not exceeding one month to the places used by the police to detain children who are awaiting trial. The annual average number sentenced to these places of detention decreased from 195 in 1910-1913 to 14 in 1925-29 and to 5 in 1930. Thus this form of incarceration has been practically abandoned.

In addition to the persons committed as described above, many

¹²See Myers, E. D., *England's Industrial and Reformatory Schools*. Social Forces 11:373-78. March, 1933.

non-criminal prisoners are committed to local prisons, for debt and other reasons.¹³ In 1930 13,276 non-criminal prisoners were committed to local prisons, of whom 13,002 were debtor prisoners. Of the debtor prisoners committed by order of the courts of summary jurisdiction, 29 per cent were for non-payment of bastardy orders, 48 per cent for failure to provide family maintenance, and 23 per cent for failure to pay taxes. The significant thing is that while the criminal prisoners have decreased very greatly, the non-criminal prisoners have hardly decreased at all. The number committed as debtor prisoners in 1893 was 7.8 per cent of all commitments to local prisons, in 1930 25.5 per cent.

In general, these other institutions can be neglected in the explanation of the decrease in commitments to the prisons. Several of them, in fact, show the same downward trend which is evident in the institutions in the regular prison system, and this is true especially of the inebriate reformatories, reformatory schools, places of detention, and to a very slight extent of the institutions for criminal insane.

IV. CONCLUSION AND SUMMARY

The general positive conclusion from the preceding analysis is that the reduction in the prison population of England is due to two factors: first, the development of probation and of provision for time in which to pay fines; second, the reduction in intoxication. The general negative conclusion is that the reduction was not a direct effect of changes in crime rates, though a constant or a decreasing crime rate facilitates the substitution of other measures for imprisonment, because of the feeling of security engendered by a rate of that nature.

Among the underlying factors which have produced the changes described previously, the crime rate, improvements in education and in economic conditions are certainly important.¹⁴ In addition the Howard Association has been constantly pressing for the reduction of particular groups of prisoners and has been very influential. Recently this association has been working for the reduction in the number of debtor prisoners, of young offenders, and of short term offenders. The prison commission and the prison officers are, in general, engaged in this work for a life-time, and develop professional interests, abilities and attitudes. In addition, the prisons are all under one

¹³See Sara Margery Fry, *Debtor Prisoners*, The Magistrate, October-November, 1932.

¹⁴For a general analysis of the crime rate in England in relation to social and economic conditions, see S. K. Ruck, *The Increase of Crime in England*, Political Quarterly 3:206-25, April-June, 1932.

central management, so that policies can be organized, experiments can be controlled, and results can be determined. Furthermore this reduction in the prison population appears as a part of a great social movement which has been under way in England and other countries for at least a century. In England transportation to penal colonies has been abandoned and sentences to the death penalty and to whipping and flogging have been almost entirely eliminated. Also punishments in prison for violation of prison regulations have been greatly reduced. In convict prisons in 1902-07 37.4 per cent of the male prisoners were punished, in 1930 only 13.4 per cent; in local prisons the percentage punished decreased from 12.8 per cent in 1913-14 to 4.3 per cent in 1930. Furthermore the severity of the prison punishments has decreased. Even the use of the lock-up awaiting trial has been greatly reduced. In 1893 56 per cent of the prosecutions were initiated by summonses rather than arrests, and this increased to 77.1 in 1930. Even when the offender was charged with an indictable crime the summons was used in 22.5 per cent of the cases in 1930 as compared with 8 per cent in 1893. Also the prison population has been reduced in Scotland, Ireland, Sweden, Germany and other continental countries. This movement probably spreads wherever the crime rates do not produce a feeling of insecurity.

TABLE A

INDICTABLE CRIMES KNOWN TO THE POLICE, PERSONS PROSECUTED FOR INDICTABLE CRIMES, COMMITMENTS TO CONVICT PRISONS AND TO LOCAL PRISONS, PER 100,000 POPULATION, ANNUAL AVERAGE, BY FIVE-YEAR PERIODS, 1857-1930

Years	Crimes Known to Police	Prosecutions for		Commitments to	
		Indictable Crimes	Convict Prisons	Local Prisons	Local Prisons
1857-64	448.75	276.61	13.50		494.80
1865-69	442.56	277.40	9.12		547.82
1870-74	366.43	232.10	7.04		593.88
1875-79	357.35	216.00	6.62		626.32
1880-84	367.50	231.63	5.43		611.64
1885-89	312.29	204.78	3.40		545.81
1890-94	284.93	191.05	2.86		498.84
1895-99	255.02	163.84	2.46		480.96
1900-04	255.87	172.71	2.76		524.36
1905-09	285.72	182.82	3.05		529.08
1910-14	269.56	175.11	2.27		396.49
1915-19	251.00	171.50	1.25		112.33
1920-24	279.99	154.25	1.28		117.31
1925-29	324.87	162.89	1.22		102.98
1930	369.37	160.90	1.34		95.08

TABLE B

ANNUAL AVERAGE NUMBER OF PENALTIES IMPOSED FOR INDICTABLE CRIMES,
BY FIVE-YEAR PERIODS 1904-30

Penalty	1904	1905-9	1910-4	1915-9	1920-4	1925-9	1930
Total Convicted or							
Found Guilty	53,646	55,562	55,257	50,418	49,749	56,540	56,170
Death	28	27	27	21	23	23	14
Convict Prison	918	1,056	828	428	498	491	532
Local Prison:							
Default of fine	3,524	2,819	1,993	442	846	1,059	945
No option	26,103	26,579	21,332	11,514	14,782	13,129	13,357
Borstal Institution		171*	492	458	539	590	720
Police Cells				44	89	143	205
Institutions for Insane	182	184	190	117	120	120	123
Mental Defectives			4	46	91	152	165
Fines, paid	11,011	9,512	9,393	14,254†	11,414‡	13,999	11,478
Probation, etc.	9,498	13,128	19,071	19,696	20,796	26,563	28,501
Whipping, flogging	2,382	2,086	1,927	3,398†	551‡	271	130

*1909 only.

†1917-19 only.

‡1922-24 only.

TABLE C

ANNUAL AVERAGE NUMBER OF PENALTIES IMPOSED FOR NON-INDICTABLE CRIMES
BY FIVE-YEAR PERIODS 1905-30

Penalty	1904	1905-09	1910-14	1915-19	1920-24	1925-29	1930
Total Convicted or							
Found Guilty	651,745	600,384	569,316	398,191	500,673	556,597	567,604
Local Prison:							
Default	104,031	94,041	73,452	11,811	14,211	12,783	11,552
No option	63,365	59,549	47,072	14,286	15,023	13,571	11,677
Borstal Institution			9	28	38	37	54
Police Cells				138	742	1,096	1,332
Institutions for Insane	51	42	50	16	24	22	33
Mental Defectives			4	31	59	91	116
Inebriate Reformatory	418	376	293	35	2		
Fine, paid	435,518	395,404	383,273	328,723	417,509	466,912	473,219
Probation	48,359	50,969	65,152	43,058	53,057	62,085	69,621
Whipping	3	3	11	45	8		