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Judicature

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Abstract

The central issues that should be answered by the criminal statistic system pertain to the extent, structure and development of crime rates, the decisions of authorities for prosecution and sanctioning, the amount and type of imposed criminal sanctions, the enforcement of sanctions and the amount of reconviction after sanctioning. In this respect the German criminal statistic system has many deficits. Therefore it is necessary to supplement the existing statistics through periodical crime and victimisation surveys, to supplement the prison statistics and to implement statistics regarding suspected persons in the preliminary proceedings of public prosecutors, the enforcement of criminal sanctions as well as periodic reconviction statistic.

But a comprehensive optimisation of the criminal statistics system requires the establishment of a statistical data base in which all data of the police crime statistics and all criminological relevant judicial decisions are recorded with pseudonymised individual data and subsequently linked with each other. This statistical data base will solve the problems of the current German crime statistics and will offer a basis for the implementation of new regular federal statistics, in particular with regard to the execution of a sentence and recidivism as well as the implementation of case-flow statistics and cohort studies.

Keywords: case-flow statistics, cohort studies, conviction statistics, crime, sanctions, criminal, police crime statistics, prison statistics, probation service statistics, recidivism, reconviction statistic, statistics of criminal courts, statistics of the public prosecution offices, victimisation survey

1. The Existing Criminal Statistics System

The criminal statistics system in Germany consists of statistics that cover the areas of the police, public prosecutors, criminal courts, probation service and prisons (cf. Figure). The data is collected at a “Land” level where it is checked for plausibility and published in “Länder” statistics. The Federal Criminal Police Office (Bundeskriminalamt) and the Federal Statistical Office (Statistisches Bundesamt) summarise the aggregated data of the “Länder” statistics:

Figure 1: Overview of the Crime and Criminal Justice Statistics in the Federal Republic of Germany

Stage of Procedure (Statistical Unit)	Data Collection (statistics published at Federal Level)
Preliminary Proceedings	
Police Investigation (Criminal suspicion: case, criminal suspect, victim)	Police Crime Statistics (Polizeiliche Kriminalstatistik) (Federal Criminal Police Office) (since 1953)
Public Prosecutors decision on the result of the investigation (Cases dealt with by the Public Prosecution office. Statistical unit is procedure; since 1998 the statistics inform also on persons)	Statistics of the Public Prosecution Offices (Staatsanwaltschaftsstatistik – StAStat) (Federal Statistical Office) (since 1981)
Main Proceedings	
Proceedings of the Criminal Courts (Criminal prosecutions processed by the courts. Statistical unit is procedure; since 1989 the statistics inform also on persons)	Statistics of Criminal Courts (Justizgeschäftsstatistik in Strafsachen) (Federal Statistical Office) (since 1959)
Decisions of the Criminal Courts (sentencing, conviction, based on persons)	Conviction Statistics (Strafverfolgungsstatistik) (Federal Statistical Office) (since 1950)
Conviction/Prison	
Suspension of sentence for parole (Placed under the supervision of a full-time probation officer) (Waiver/Revocation of parole is based on the subject)	Probation Service Statistics (Bewährungshilfestatistik) (Federal Statistical Office) (since 1963)
Execution of a prison sentence (Number and type of prisons, actual population, capacity, demographic characteristics of the prisoners)	Prison Statistics (Strafvollzugsstatistik) (Federal Statistical Office) (since 1961)

The Statistics of the Public Prosecution Offices and the Statistics of Criminal Courts are procedure statistics (statistical units are procedure), whilst the other statistics are personal statistics (statistical units are persons). In the personal statistics, the statistical units always designate the sex of the relevant person as well as their age (in age groups¹). Additionally, the citizenship of the person concerned is collected. In the Police Crime Statistics (PCS), this results from the application of the comprehensive citizenship key. Currently, only the citizenship of the most significant guest worker countries is accounted for in the criminal justice statistics (this will be changed from 2009, cf. below 3.2.2). For the particularities of the statistical units and statistical variables, one should refer to the summarised overview in the First Periodical Security Report.²

2. Research Questions

The central issues that should be answered by the criminal statistic system fundamentally pertain to the extent, structure and development of crime rates, the practice and decisions of authorities for prosecution and sanctioning, the amount and type of imposed criminal sanctions, the enforcement and execution of sanctions and reconvictions after sanctioning.

3. Status Quo of the Crime and Criminal Justice Statistics: Data Bases and Access

3.1 Information Deficits of the Existing Criminal Statistic System

When compared to these research questions, the existing criminal statistic system in Germany has many deficits. These exist, although system inherent aspects were consistently supplemented; partly through the implementation of statistics on various sectors (cf. Figure), and partly through the incorporation of additional or differentiated statistical variables. However, even with these supplements the fundamental deficits could not be altered:

- The existing criminal statistic system limits itself on the official reported crime.
- The current crime and criminal justice statistics are neither coordinated in content nor methodically. Statistical units and variables are just partially compatible. The statistics

1 In the Police Crime Statistics (PCS) children are designated to age groups (under 6, 6 to 8, 8 to 10, 10 to 12, 12 to 14). For persons in the age of criminal responsibility there are the following age groups in the PCS, the Conviction Statistics and the Probation Assistance Statistic: young person (in the PCS and in the Probation Assistance Statistics 14 to 16, 16 to 18), adolescent (18 to 21), young adults (in the PCS 21 to 23, 23 to 25), 25 to 30, 30 to 40, 40 to 50, 50 to 60, 60 and older (in the Conviction Statistics 60 to 70, 70 and older). In the Prison Statistics the age groups are in parts even more strongly differentiated.

2 Ministry of the Interior; Ministry of Justice (Eds) (2001): First Periodical Report on Crime and Crime Control, Berlin, 15 et seqq. See also Heinz, W. (2003): Soziale und kulturelle Grundlagen der Kriminologie - Der Beitrag der Kriminalstatistik. In: Dittmann, V. and Jehle, J.-M. (Eds.): Kriminologie zwischen Grundlagenwissenschaft und Praxis, Mönchengladbach, 149 ff.; Heinz, W. (2008): Kriminalstatistik – quo vadis? In: Festschrift für K. Tiedemann, Köln, 1547 ff.

are compiled through different metering and processing regulations; an Input-Output-Network of the statistics does not exist. Additional data collection and analysis that exceed the stipulated statistical variables and table programmes are a rare exception. The inadequate compatibility is not solely applicable to the PCS on the one side and the criminal justice statistics on the other side, but also to the criminal justice statistics among each other.

- An illustration of the process of convictions and sanctioning is impossible for specific offence groups. A prerequisite for this would be a – currently non-existent – possibility to link collected data at a personal level beyond the different statistics (case-flow statistics). This in turn requires the transmission and storage of pseudonymised individual data.
- The data collection is carried out by authorities in the “Länder”. A validity control of the collection with regards to the correct formality and content is only possible at the “Länder” level; at the Federal level it is furthermore merely possible to conduct plausibility and consistency tests.
- In the past the statistic authorities on federal level (Federal Criminal Police Office; Federal Statistical Office) were not conveyed any statistical individual data (micro data) by the “Länder” Criminal Police Offices and respectively the “Länder” Statistical Offices (cf. below 3.2 for changes in the last few years)
- The personal statistics regarding criminal justice are partially incomplete in the regions, and therefore they are either not implemented (for example the conviction statistics was not implemented until 2007 in Saxony-Anhalt, the Probation Services Statistics is not implemented in three out of five new “Länder”, and the statistic concerning persons committed by a criminal court to a psychiatric hospital or to an institution for withdrawal treatment is not implemented in four out of five new “Länder”) or their processing is suspended (as for example the Probations Services Statistics in Hamburg since 1997 and in Schleswig-Holstein since 2002). This is due to the fact that there is no federal law that enforces the “Länder” to collect the data for criminal justice statistics.
- The PCS cover only a section of the actual registered crime rates; for example the road traffic crime rates remain unconsidered. Due to a lack of appropriate differentiating statistical variables in the criminal justice statistics, the public prosecutors execution practice as well as the criminal conviction or executions of the sanctions are inadequately displayed.

- With the current statistical units and variables as well as the metering and processing rules, the cognitive interest of science can only be covered imperfectly. This is in part due to the fact that the collection and processing programmes for the crime and criminal justice statistics are stipulated by committees of the “Länder” and federal state, in which scientists are not represented.
- Scientific research is particularly productive when they have access to individual data records rather than aggregated data for statistical purposes. At present, only the individual data records of some of the criminal justice statistics are available from the Research Data Centre (FDZ). The individual data records of the PCS are not available through the FDZ.

The KVI-Report 2001 has already listed several of these deficits and has emphasised the need for improvement with regards to the implementation of a case-flow statistics, the collection of additional information, through which the demand for information from research are better taken into consideration, the transmission of individual data records at a federal state level and the implementation of statistics concerning the enforcement of criminal sanctions such as fines or educative and disciplinary measures under juvenile law.³

3.2 *Changes in the Data Bases and Access since the KVI-Report 2001*

3.2.1 *Extension of the Criminal Statistical Systems on Unreported Crimes, on Fear of Crime and on the Subjective Recognition of Crime Rates and Criminal Social Control*

In their First Periodical Report on Crime and Crime Control, the Federal Government labelled continually updated research into the area of unreported crime as "a necessary instrument for measuring developments in crime for those types of offence where this is appropriate."⁴ At the start of 2002 a workgroup (AG BUKS) was set up by the Ministry of the Interior and the Ministry of Justice with the task, to create a concept for a periodical crime survey in order to gain insight into the extent of victimisation, into the scale of reporting behaviour and the experiences of crime victims when they are reporting, into attitudes among the public on various aspects of crime and the fear of crime. The final report of this workgroup was submitted to the administration of both Ministries in September 2002.⁵ The recommendations have not been implemented yet, especially due to reasons of cost.

3 Cf. Albrecht, Informationsfeld “Rechtspflege/Gerichtsbarkeit/innere/äußere Sicherheit”, in: Kommission zur Verbesserung der informationellen Infrastruktur zwischen Wissenschaft und Statistik (Hrsg.). Wege zu einer besseren informationellen Infrastruktur, Baden-Baden 2001, p. 66 f.; CD-ROM, ebk06.pdf.

4 1st PSR (Fn 2), p. 600.

5 Heinz, Wolfgang: Final report by the workgroup of the Ministry of the Interior and the Ministry of Justice on the „Regular execution of victim surveys“ (unpubl. paper).

3.2.2 Changes to the Data Bases and Access in the Field of Crime and Criminal Justice Statistics

3.2.2.1 Data Bases

Police Crime Statistics (PCS): In 1997/98 the police internally developed a plan to install PCS-new as a component of a comprehensive executive information system (FI), which was abandoned in 2002 due to large implementation difficulties. Therefore, from this date the further development of PCS-new has been solely carried out in the framework of the INPOL-Analysis. At the end of 2004 the "old data base" of the PCS was integrated to the new Oracle-data base of the INPOL-Systems. PCS-new will be introduced through a two-stage procedure. Basically, the delivery of the individual data records of the current PKS-content and the conversion of a 4-digit to a 6-digit criminal offence key number are to be put into execution in the first stage. For the second stage, it is in particular planned to expand the system of the PCS with additional catalogues, which render a differentiated collection of individual variables.

Since 1.1.2007 pseudonymised individual data records can be delivered to the Federal Criminal Police Office. As at this point in time not all "Länder" were thereto in the position, a transitional period was intended. During this period individual data records as well as the aggregated tables were delivered through a parallel operation to the Federal Criminal Police Office (FCPO). During 2008 the country wide conversion for the delivery of individual data records is due to be completed. This will then suspend the aggregated delivery. In an ideal scenario the FCPO should be in a position to establish statistics for each of the "Länder" as well as for the federal state on this basis of individual data records.

The pseudonymised individual data records allow the allocation of personal data, in order to count the "real" number of suspects at a Federal level. Furthermore, through the access to the individual data records, the FCPO has the opportunity for the first time, to correlate the collected variables to one another and to apply different methods of statistical analysis.

The previous 4-digit criminal offence key will be converted to a 6-digit key. This expansion creates the environment for a far greater and differentiated collection of criminal offences than under previous standards. Thereby the number of current 421 key numbers will increase to approx. 1500 key numbers.

Statistics of the Public Prosecution Offices, Statistics of Criminal Courts: Since the reporting year 2004, the Statistical Federal Office allots (anonymised) individual data of the

“Länder” for the Statistics of the Public Prosecution Offices and the Statistics of Criminal Courts. Thereby, when required, the Statistical Federal Office can flexibly compile additional analysis of the available data that exceeds the regular publications on statistics regarding public prosecutors and criminal courts.

Since the reporting year 2004, the emergence of procedure is differentiated by the public prosecutors by following a subject matter catalogue of the violated penal provisions that currently includes 30 positions. Detailed information is published only for six subject matters.

Conviction Statistics, Prisons Statistics, Probation Service Statistics: For the reporting year 2007, the offence keys which are specific for each criminal justice statistic were replaced by a uniform recommended code system for all personal statistics. This introduction enables that in the future the results of the three surveys can be compared with respect to the proven grievous criminal offences, which offers a big advantage for the field of personal criminal justice statistics.

Before the reporting year 2009, conviction statistics and the prisons statistics will have removed the previous restriction in data collection concerning citizenship which up to now has been differentiated only through German/ non-German and some important guest worker-citizenships. In the future the citizenship of the convicted and respectively the prisoners and detainees will be included under the complete area- and citizenship key of the official population statistics. In contrast, probation service statistics will continue to differentiate between Germans/ non-Germans.

Conviction Statistics: Since 2007, the Conviction Statistics has been implemented in Saxony-Anhalt and thereby it is executed all over Germany. From the reporting year 2009 forward, weight of sanctions which are currently collected in fixed categories will be collected non-categorised.

3.2.2.2 Data Access through the Data Users

Since 1997 the annual report of the PCS is also published on the internet; the annual tables and time series dating back to 1987 can be downloaded as a pdf-file;⁶ interested users will also

⁶ <http://www.bka.de/> → Reports and Statistics → Crime Statistics.

receive this data as an excel-file. Till the end of the 1990's, the Federal Statistical Office published the technical series "judicature" exclusively in printed format, and for a few years administered it through both printed and electronic mediums. Since 2004 electronic publications are exclusively available⁷ (as excel and pdf-file). Time series are also downloadable with regards to convicted offenders for criminal offences as well as convicted Germans and foreigners.

Since autumn 2005, micro data for the reporting years since 1995 of the conviction statistics (StVerfStat), prison statistics (StVollzStat) and since summer 2008 also those of the probations Service Statistics (BewHiStat) have been made available for scientific analysis through the Research Data Centres of the Federal Statistical Office and the statistical offices of the "Länder".⁸

At present the data of the judicature statistics are solely available through the so-called controlled remote data processing (processing of the formally anonymised original data exclusively in the Statistical Office with the scientist receiving only the results of the analysis). In addition, a so-called "Public Use File" is being prepared for the conviction statistics.

The annual reports of the PCS contain not only data in tables, but also detailed explanation reports, time series, graphic visualisations and interpretations. On the other hand the Statistical Federal Office limits itself as far as possible to the publications of the criminal justice statistics in tabular form, which are supplemented by several figures with time series. There are however remarkable exceptions to this publication system:

In 1999 the results of the various criminal justice statistics were summarised by the Statistical Federal Office in the publication "Justice in the Mirror of the Criminal Justice Statistics". In the 2008 published brochure "Justice at One Glance",⁹ individual results from data sources were also incorporated, that were beyond the control of the statistical offices.

For the first time the federal government tried with the two Periodical Reports on Crime and Crime Control in Germany from the year 2001¹⁰ and 2006¹¹ "to put together the most

7 <https://www-ec.destatis.de>.

8 <http://www.forschungsdatenzentrum.de/en/>

9 <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Publikationen/Broschueren/JustizBlick,property=file.pdf>.

10 1st PSR (Fn 2).

11 Ministry of the Interior; Ministry of Justice (eds): Second Periodical Safety Report, Berlin 2006 <<http://www.uni-konstanz.de/rtf/ki/links.htm#PSB2>>.

comprehensive picture possible of the crime situation in Germany. For the first time in a report, it will draw together findings taken from the existing pool of official data (...). At the same time, the report will use as a reference of the results of scientific research into the manifestation and causes of criminality."¹² Through the inclusion of data from other data sources and from scientific research results (for example victim surveys) these reports contain a synopsis of the respective standard of knowledge on the field of crime and internal security.

4. "Optimisation of the Existing Criminal Statistics Systems" – Recommendations of the Workgroup assembled by the German Council for Social and Economic Data (RatSWD)

4.1 Tasks of the Workgroup

On the 27th of October 2006 the German Council for Social and Economic Data (RatSWD) hosted a workshop "Data Problems in the Crime and Criminal Justice Statistics" in Berlin. As one of the results of this workshop the participants adopted a memorandum in which the RatSWD was asked to assemble a workgroup, which should be tasked to create "proposals for a comprehensive optimisation of the existing criminal statistics systems."¹³ As a result of the memorandum (workshop 2006) the RatSWD assembled a workgroup with eleven members. The task of the workgroup was to deliver their proposals for the "optimisation of the existing criminal statistics systems" within a year. The constitutive meeting of the workshop took place in July 2007 in Berlin.

In reference to the aforementioned deficits listed in the KVI-Report 2001 and additional ones regarding existing information gaps (above 3.1) which were noted as deficits from the perspective of the workgroup, proposals to redress these deficits were made in order to transform these in the short-, mid-, and long term. These recommendations were delivered to the RatSWD in September 2008.

4.2 Recommendations of the Workgroup

4.2.1 Short- and Mid-Term Realisable Recommendations

According to the perception of the workgroup, the deficits of the existing criminal statistics system can only effectively be resolved when the official data on crime, conviction and prison are linked with each other in a statistical data base. A comprehensive optimisation of the

¹² 1st PSB, abridged version, 2001, 3.

¹³ http://www.ratswd.de/download/veranstaltungen/Memorandum_KriminalWS.pdf.

criminal statistics system therefore requires the establishment of such a data base. However, this will presumably only be accomplished in a long-term perspective. Therefore the workgroup calls for a number of measures which can be implemented more quickly in the transition period to enable short- and respectively mid-term improvements of the data situation in the field of crime and crime control. These serve the purpose of rectifying acute deficits and are additionally – at least partly – necessary intermediate steps for the establishment of a statistical data base. Recommended are supplementary measures for the existing criminal statistics system as well as system inherent permanent measures:

a) Supplementary measures for the existing criminal statistics system:

- Supplementing the crime and criminal justice statistics system through periodical crime and victimisation surveys.
- Implementation of a new statistic regarding suspected persons in the preliminary proceedings of public prosecutors based on data from the central public prosecutors procedural register (ZStV).
- Implementation of a periodic reconviction statistic on the basis of the register data, which could replace the previous and current research into legal recidivism.
- Supplementing the prison statistics, which are nowadays based on a fixed date, to an entry and release statistic.

b) System inherent measures:

- Securing that the data collection and data preparation of the personal statistics regarding criminal justice is completed country-wide.
- Delivery of plausibility checked pseudonymised individual data records for the criminal justice statistics based on persons to the Federal Statistical Office.
- Improvement of the compatibility of the criminal justice statistics based on persons among each other as well as with the PCS.
- Supplementing the criminal offence key through criminological-criminalistic characteristics including a severity index.
- Greater flexibility in the data collection and data preparation due to the fact that the original data inventory has to be supplemented through additional information for specific regions and/or time frames. These data may be collected by the authorities in the “Länder” or in a BUS-form (Network Politics-Practice-Research). The additional data will serve either as clarification for current questions or act as an exemplary trial of changes to the original data inventory.

- Extension of the data offer from the research data centre of the Federal Statistical Office and the statistical offices of the “Länder” on all personal statistics regarding crime and criminal justice statistics.
- Publication of time series in mechanical processed format.
- Publication of Periodical Reports on Crime and Crime Control.

The implementation of at least part of the recommendations requires the creation of a federal law for the personal statistics regarding criminal justice. This is the only way which ensures that the data collection and data preparation is completed country-wide, the budget is safeguarded and the delivery of the pseudonymised individual data records of the personal statistics regarding criminal justice to the Federal Statistical Office is successful.

The criminal justice statistics based on proceedings (statistics of the public prosecution offices, statistics of criminal courts) should remain unchanged. They have predominantly administrative goals, as for example the calculation of the requirement of manpower for the judicial authority.

4.2.2 Long-term Recommendations to be Implemented

Admittedly, the fundamental problems of the existing criminal statistics system will not be resolved by these short- and respectively mid-term realisable improvements to the data situation. The workgroup suggests a replacement of the previous system and recommends the creating of a statistical data base system, in which all criminological relevant judicial decisions are recorded with pseudonymised individual data and subsequently linked with each other. The problems of the current crime statistics system can be solved through the proposed system conversion. It also offers the foundation to yield new regular federal statistics, in particular with regard to the preliminary proceedings of public prosecutors, remand custody, execution of a sentence and recidivism.

The workgroup is aware of the fact that the proposed system conversion requires a significant organisational and technical advance. In this respect the data base can presumably not be implemented until the longer-term.

In an optimised criminal statistics system the police data should also be integrated into the new data base system. However, due to the organisational separation of PCS and the criminal justice statistics, it is estimated that the integration will not be realizable in the near future. A

more efficient comparison of police and court data shall be achieved through the harmonisation of the criminal offence collection and the metering rules.

Following the opinion of the work group, there is no additional data collection necessary for the criminological-statistical data base system by the administration of justice. Instead, data that were collected for other purposes and are therefore usually available electronically should be made accessible to a statistical analysis. Therefore it is proposed to use alongside the existing reporting paths from the Administration of Justice to the Central Public Prosecutors Procedural Register and the Federal Central Register, the provision of extensive parallel data delivery to the official statistics, as several “Länder” have already put this into practice.

For a comprehensive optimisation of the current criminal statistics system in Germany, the workgroup believes that the following requirements have to be fulfilled in order to enable the required system conversion:

- The existence of identification / linkage possibilities, that enable personal classification through a pseudonymised encryption process.
- Pseudonymisation of the individual data records, plausibility check at “Länder” level and the delivery of pseudonymised individual data to the Federal level.
- Storing the pseudonymised individual data records in an especially protected data base at Federal Level and personal linkage of the data.
- Independence of the data processing sites.

The implementation of these basic requirements calls for the establishment of a federal law

- for the delivery, processing, linkage and storage of pseudonymised individual data on criminal justice in a data base,
- for the regular compilation of the (extended) criminal justice statistics on this data foundation,
- in which also the scientific access to the individual data is regulated and their institutionalised integration is regulated through the further development of the collection.

5. European and International Developments

5.1 European Development

5.1.1 European Sourcebook of Crime and Criminal Justice Statistics

In 1993 the Council of Europe charged a group of specialists with the preparation of a feasibility study concerning the collection of crime and criminal justice data for Europe.¹⁴ The first study, which was limited to 10 countries, was positively accepted. In 1995 the expert group was therefore expanded; the first publication of the European Sourcebook of Crime and Criminal Justice Statistics in 1999 contained information from 36 European countries, covering the period 1990 to 1996.¹⁵ The 2nd edition was sponsored from the governments of Switzerland, Great Britain and the Netherlands and published at the end of 2003.¹⁶ It contained data from 40 European countries between 1995 and 2000. The 3rd issue which appeared in 2006 covers the period between 2000 and 2003 with data from 37 countries.¹⁷ The publication of the 4th edition has been announced for 2009 and will cover the time period 2004 till 2007.

5.1.2 The Hague Programme 2004 and its Implementation

5.1.2.1 Hague Programme 2004 and EU-Action plan 2006-2010 „Development of a Comprehensive and Coherent EU-Strategy on the Measurement of Crime and Conviction Rates“

The establishment of a comprehensive European crime statistics system has repeatedly been recommended. The most significant was the Hague Programme,¹⁸ accepted by the European Council in 2004. The Council welcomed “the initiative of the Commission to establish European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators.”¹⁹ In the "Communication from the Commission »Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006 – 2010«²⁰ it is still viewed that "one of the main deficiencies in the area of Justice, Freedom and Security is still the lack of reliable and comparable statistical information."²¹ The goal is the assembly of “statistical information on crime (including victimisation) and criminal justice at European Union level,”²² which should

14 <http://www.europeansourcebook.org/>

15 http://www.europeansourcebook.org/sourcebook_start.htm.

16 http://www.europeansourcebook.org/esb2_Full.pdf.

17 http://www.europeansourcebook.org/esb3_Full.pdf.

18 Hague Programme for the strengthening of Freedom, Security and Justice in the European Union (http://ec.europa.eu/justice_home/doc_centre/doc/hague_programme_en.pdf).

19 Hague Programme (Fn. 18), 25.

20 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0437:FIN:EN:PDF>.

21 EU-Action plan 2006-2010 (Fn. 20), 3.

22 EU-Action plan 2006-2010 (Fn. 20), 2.

enable the comparison between member states and their regions. For this purpose, the "available national data will be collected and quality-assessed to form the first Community statistics on crime and criminal justice"²³ in the short-term, and in the mid-term the collection of data "in a harmonised manner"²⁴ will be strived for. The Commission proposed to establish an expert group representing data users and a second workgroup should be formed to represent data producers.

5.1.2.2 Actions for the Implementation of the Hague Programme and the EU-Action Plan 2006-2010

Expert group of the Directorate-General for "Justice, Freedom and Security" within the EU Commission (DG JLS): Pursuant to the EU-Action plan 2006-2010 the DG JLS set up a group of experts on the policy needs for data on crime and criminal justice (PNDCR).²⁵ Among other things, this group had the task, to establish an indicator list on the comparison of criminal statistics in Europe and to develop the content requirements of an Europe-wide population survey on crime rates and safety feeling. The expert group has identified human trafficking and money laundering as fields for which urgent comparative data should be gathered across Europe.²⁶

Workgroup "Statistics on Crime and Criminal Justice": Additionally in 2006, the Directors of Social Statistics of the National Statistics Departments in Europe (DSS) implemented a representative workgroup for data producers "Statistics on Crime and Criminal Justice".²⁷ It was tasked with the requirements laid out in the Hague Programme 2004 to support the required data collection, analysis and comparison in the field of crime and criminal justice in the member states, and to ensure that the EU-Action Plan is effectively implemented through working closely with other supranational organisations who are already active in the field of Crime and Judicature, for example the European Sourcebook-Group,²⁸ United Nations Office on Drugs and Crime (UNODC),²⁹ and the United Nations Economic Commission for Europe (UNECE).³⁰ Additionally, the workgroup shall transport their work

23 EU-Action plan 2006-2010 (Fn. 20), 3.

24 EU-Action plan 2006-2010 (Fn. 20), 4.

25 Commission Decision of 7 August 2006 setting up a group of experts on the policy needs for data on crime and criminal justice, Official Journal L 234 , 29/08/2006 P. 0029 – 0032. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:234:0029:01:EN:HTML>.

26 <http://www.crime-prevention-intl.org/filebin/Generating%20Links%20for%20Website/Other%20ICPC%20Events/Rencontre%20des%20Observatoires%20de%20Paris/Liens/Olivier.Bardin.Paris.ENG.pdf>.

27 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:234:0029:01:EN:HTML>, 2.

28 <http://www.europeansourcebook.org/>

29 <http://www.unodc.org/unodc/en/about-unodc/index.html>.

30 <http://www.unece.org/Welcome.html>.

and results to the statistics system of the member states. Moreover they shall be required to appoint specific task forces³¹ and to closely co-operate with the expert group of the Directorate-General for "Justice, Freedom and Security" within the EU Commission (DG JLS) (see under 5.1.2.2.1).

Statistics in Focus "Crime and Criminal Justice": It was proposed in the Hague Programme that Eurostat should use European instruments for the collection, analysis and comparison of information on crime and victimisation as well as draw on the respective developments of the individual member states. Additionally, they were to use national statistics and other information sources as agreed indicators. In 2007 the first copy „Statistics in Focus »Crime and Criminal Justice«³² was published; in the meantime the first updated version has been released.³³

The publication entails the most important results from the Eurostat led „Crime Data Request“ of the member states. While the publication only identifies trends, absolute numbers are available on the Eurostat-Internet site.³⁴

Europe-wide Population Survey on Crime Rates and Safety Feeling: In the implementation of the EU Hague Programme and the EU- Action plan 2006-2010, Eurostat plans to conduct a European victimisation survey in 2010/2011 on victimisation and general safety issues. As preparation, a survey of previous victim surveys conducted in Europe was created. On this basis – and with the usage of the UN developed manual on victim interviews - a questionnaire will be developed.

The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)³⁵ was commissioned to conceptualise the design and the questionnaire equipment.³⁶ The individual methods of such a population survey should be tested through different collection methods in individual member states. Germany also wants to participate in the pilot

31 Currently two Task Forces exist, „victimisation“ and „crime data availability“.

32 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-07-015/EN/KS-SF-07-015-EN.PDF.

33 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-019/EN/KS-SF-08-019-EN.PDF.

34 http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,45323734&_dad=portal&_schema=PORTAL&screen=welcomeref&open=/&product=EU_MASTER_crime&depth=2.

35 <http://www.heuni.fi/index.htm>.

36 Cf. Heiskanen / Viuhko (Heiskanen M.; Viuhko, M.: European Victimization Survey, S. 8 ff.) and Thomas (Thomas, Geoffrey: Development of a EU Victimization Module, S. 34 ff.) in: Aromaa, Kauko; Heiskanen, Markku (eds.): Victimization Surveys in Comparative Perspective. Papers from the Stockholm Criminology Symposium 2007 (<http://www.heuni.fi/uploads/ojyw1estdwh5b.pdf>).

survey; therefore the Statistical Federal Office, four “Länder” Statistical Offices and the Federal Criminal Police Office collectively developed an operating concept, which they submitted to Eurostat.

5.2 *International Developments*

International Crime Victimization Survey (ICVS) and International Self-Report Delinquency Study: The invaluable advantage of crime surveys is that they have a standardised inventory and are independent from national crime definitions, convictions and registration practices. They are therefore suitable to provide a tool for country comparisons.

In the 1980's the International Crime Survey (ICS) and respectively – since the 1996 renaming – the International Crime Victimization Survey (ICVS) was assembled. This has been repeated since 1989, with the same instrument and most of the same methods, which in the meantime have been repeated³⁷ four times, in 1989 also with German participation.³⁸ Germany participated again in the fifth survey that was carried out in 2004/05.³⁹ The sixth survey has been planned for 2009.

An International Self-Report Delinquency Study took place in 1982.⁴⁰ The second International Self-Report Delinquency Study occurred with German participation.⁴¹

Comparative International Crime and Criminal Justice Statistics: The International Criminal Police Organisation (ICPO- Interpol)⁴² gathers data regarding the police crime statistics of their member states and then summarises them at interval periods. These reports were previously available upon request and for a few years they were even universally accessible on the internet. However, for the past few years they have only been available for (internal) official use. In 2006, the 75th General Assembly accepted a resolution,⁴³ which brought the end of the creation of an International Criminal Police Statistics.⁴⁴

37 <http://rechten.uvt.nl/icvs/>

38 At the first ICVS in 1989, 14 countries participated, there under also Germany. The following surveys took place in 1992 with the participation of 33 countries, 1996 and 2000 respectively had 48 countries participate. Germany did not participate in this survey. Germany only took part again at the 5. survey – 2004/2005.

39 Van Dijk, J.J.M., van Kesteren, J.N. & Smit, P.: Criminal Victimization in International Perspective, Key findings from the 2004-2005 ICVS and EU ICS. The Hague 2008 (http://rechten.uvt.nl/icvs/pdf/files/ICVS2004_05.pdf).

40 Junger-Tas, J., Terlouw, G.-J., Klein, M. W. (eds), Delinquent behavior among young people in the western world: first results of the international self-report delinquency study, Amsterdam 1994.

41 <http://www2.jura.uni-hamburg.de/instkrim/kriminologie/Projekte/ISR2/ISR2.html>. The final report has been announced for the summer of 2008.

42 <http://www.interpol.int/>

43 Resolution No AG-2006-RES-19.

44 http://www.interpol.int/public/ICPO/GeneralAssembly/AGN75/resolutions/AGN_75RES19.asp.

United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (World Crime Survey): The United Nations implements – as a tendency worldwide – a collection of the international crime developments as well as reactions of the conviction agencies.⁴⁵ The United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (World Crime Survey) has been executed in nine phases since 1970; the 10th phase covering the years 2005 and 2006 is currently in its preparation phase. The accuracy and reliability of this survey is naturally dependant on how the comprehensive questionnaire is filled out.⁴⁶

45 <http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>.

46 For the comparison of the data quality and to individual – international comparative – analysis cf. 2. PSB (Fn. 11), 39 ff.