Marcelo F. Aebi
& Lorena Molnar (Eds.)

Three Decades of Crime and Criminal Justice Statistics in Europe: Methods, Trends and the Impact on Policy Making

Proceedings of a Conference Organised by the Council of Europe with the Support of the European Union

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This volume presents the proceedings of a landmark conference held at the Council of Europe examining three decades of crime and criminal justice statistics in Europe. Drawing together leading experts, it commemorates the publication of the sixth edition of the European Sourcebook of Crime and Criminal Justice Statistics while exploring critical developments in measuring and understanding crime across Europe since the 1990s.

The book addresses key methodological challenges in comparative criminology, analyzes major crime trends, and examines emerging issues like cybercrime and the impact of COVID-19 on criminal behavior. Through case studies from European countries, it demonstrates how statistical evidence can effectively inform policymaking. The volume also features insights from Eurostat, the UN Office on Drugs and Crime, and the EU Fundamental Rights Agency on harmonizing crime statistics internationally.

As an essential read for criminologists, statisticians, policy makers, and criminal justice practitioners, this book provides crucial insights into the evolution of crime measurement in Europe while highlighting future challenges and opportunities in producing comparable criminal justice statistics across jurisdictions.

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Lorena Molnar, PhD, is a postdoctoral researcher at the University of Lausanne specializing in comparative criminology and victimology, focusing on vulnerable populations such as sex workers, people experiencing homelessness, ethnic minorities, children and people with disabilities. She has also worked as a social worker and as a scientific fellow at the Applied University of Sciences and Arts of Western Switzerland.

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With presentations and interventions by (in alphabetical order):
Marcelo F. Aebi, Catrien Bijleveld, Enrico Bisogno, Stefano Caneppele,
Anne Clémenceau, Annie Devos, Joanna Goodey, Stefan Harrendorf,
Yuji Z. Hashimoto, Jörg-Martin Jehle, Tara Khan, Olivia Kühn, Chris G. Lewis,
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Preliminary remarks about the contents of this book

*Marcelo F. Aebi and Lorena Molnar**

The conference "Three decades of crime and criminal justice statistics in Europe: Methods, trends and the impact on policy making" took place as a video conference on 22 and 23 March 2021. It was organised in the framework of a project funded by the European Union and the Council of Europe and implemented by the Council of Europe. The project was placed under the responsibility of Professor Marcelo Aebi, who, as a consultant, fulfilled the task with the support of the University of Lausanne.[1]

The conference was organised by a scientific committee composed of the members of the European Sourcebook Group. It was originally scheduled to take place at the Council of Europe in Strasbourg, but due to the lockdowns introduced in most countries to prevent the spread of COVID-19, it was first postponed and then reorganised as a virtual conference.

The presentations and interventions during the panel discussions were first transcribed by Lorena Molnar from the University of Lausanne. However, the final versions included in this volume are not literal transcriptions. Breaks in speeches were removed, and incomplete sentences and repetitions, characteristic of oral discussions, were edited. Courtesy exchanges between speakers were also deleted, and the speakers and discussants were given the opportunity to edit, update, or improve their interventions. We endeavoured to maintain the tone of spoken language while preparing this final version, and we assume responsibility for any remaining mistakes. We acknowledge the use of AI tools like ChatGPT and Claude for proofreading the last version sent to the publisher, who completed the final proofreading and setup of the book. It is worth noting that only two out of the twenty authors of the presentations and papers included in this book are native English speakers.

* University of Lausanne, Switzerland.

1 Council of Europe's Consultant's contract N° 237/2021.

Three decades of crime and criminal justice statistics in Europe: An introduction

*Marcelo F. Aebi and Lorena Molnar**

The conference "Three decades of crime and criminal justice statistics in Europe: Methods, trends and the impact on policy making" was convened at a pivotal moment in the evolution of European criminal justice statistics. Three decades may seem like a modest timespan in historical terms, but they encompass profound transformations in how crime is committed, measured, and understood. These decades witnessed the fall of the Berlin Wall and the subsequent expansion of the European Union, the rise of the internet and cybercrime, and most recently, the impact of a global pandemic on criminal behaviour. Throughout these changes, the need for reliable, comparable crime statistics across Europe has only grown more pressing.

This volume presents the proceedings of a conference that brought together leading experts in criminal justice statistics from across Europe and beyond. Organised by the Council of Europe with support from the European Union in March 2021, the conference coincided with the publication of the sixth edition of the European Sourcebook of Crime and Criminal Justice Statistics, marking another milestone in a quarter-century effort to improve the quality and comparability of European crime data.

The timing of the conference was particularly significant as it allowed participants to reflect on several concurrent developments: the continued evolution of traditional crime measurement, the challenges posed by contemporary online and hybrid forms of criminality, and the impact of COVID-19 on both crime patterns and data collection. These proceedings capture not just presentations of research findings, but also the dynamic discussions and debates that followed each session, providing valuable insights into both the technical challenges and practical implications of collecting and comparing crime statistics across jurisdictions.

A distinctive feature of the conference, reflected throughout these proceedings, was the convergence of multiple European and international initiatives in crime statistics. The presentations and discussions brought together representatives from the European Sourcebook Group, the Council of Europe's Annual Penal Statistics (SPACE), Eurostat, and the United Nations Office on Drugs and Crime (UNODC). This convergence enabled

* University of Lausanne, Switzerland.

rich discussions about methodological approaches, challenges in data comparability, and potential synergies among different data collection efforts.

The proceedings are organised into four thematic sessions, each addressing crucial aspects of crime and criminal justice statistics. The first session introduces the European Sourcebook's sixth edition, detailing its methodology and findings across different stages of the criminal justice process – from police statistics to prison and probation data and national victimisation surveys. This session is particularly valuable for understanding how the Sourcebook has evolved to meet emerging challenges while maintaining continuity with previous editions.

The second session delves into methodological issues, specifically addressing the validity, reliability, and comparability of criminal justice data. A key strength of these discussions lies in their practical approach to persistent challenges in comparative criminology. Rather than merely identifying problems, the presentations offer concrete solutions and methodological innovations for improving cross-national comparisons.

The third session examines crime trends and their interpretation, with particular attention to the relationship between imprisonment trends and crime trends according to conviction statistics. This session also includes groundbreaking analyses of cybercrime trends and the impact of COVID-19 on criminal behaviour, demonstrating how traditional criminological methods can be adapted to study emerging phenomena.

The fourth session explores the critical intersection between criminology and policy-making, addressing what might be considered the ultimate purpose of criminal justice statistics: informing evidence-based policies. Through case studies from the Netherlands and Iceland, this session demonstrates how statistical data can effectively influence criminal policy when proper infrastructures for knowledge transfer are in place. The session also emphasises the continuing importance of victimisation surveys as a complement to official statistics, particularly for understanding unreported crime and public attitudes toward safety and justice.

A notable feature of these proceedings is their attention to both continuity and change. While maintaining focus on traditional indicators of crime and justice – essential for tracking long-term trends – the discussions consistently acknowledge emerging challenges. The rise of cybercrime, the increasing importance of hybrid offences (those committed both online and offline), and the need to adapt statistical systems to capture new forms of criminality are recurring themes throughout the volume.

The proceedings also reflect a growing recognition that no single data source can provide a complete picture of crime and criminal justice. Official statistics, victimisation surveys, and specialised studies must be combined to approximate the reality of crime. This recognition has led to increased methodological sophistication in how data are collected, analysed, and interpreted – a development well-documented in these pages.

These proceedings should interest multiple audiences: criminal justice practitioners seeking to understand trends in their field, policy-makers looking for evidence to

inform decisions, researchers requiring methodological guidance for comparative studies, and anyone interested in how Europe measures and responds to crime. While technical in parts, the volume maintains accessibility through clear explanations and practical examples.

Finally, while celebrating three decades of progress in European criminal justice statistics, these proceedings also look towards the future. They identify areas requiring further development, suggest methodological innovations, and propose ways to strengthen the connection between research and policy. In doing so, these proceedings contribute not just to our understanding of the past thirty years but also to shaping the future of European criminal justice statistics.

Welcome addresses

*Annie Devos, Marcelo F. Aebi and Ilina Taneva**

Annie Devos: I would like to welcome you, as participants, to this conference on three decades of crime and criminal justice statistics in Europe. It is quite an exceptional moment because the last large-scale event organised with scientists, academics, practitioners and policy-makers at the Council of Europe dates back to 2003. I would like to thank the European Union for co-funding with the Council of Europe the work that has been done over the years on these data, which enable us to understand more about the criminal justice and crime. A fortnight ago, at the Kyoto Congress, we stressed the need to better rely on facts and scientifically checked figures.

Working so is imperative to shape public policies, so that decisions are made on the basis of known facts. I personally think that policies should be far more based on previously checked facts. Experience shows that comparing statistics is difficult because agreeing on common definitions is just as hard. Over the next two days, we will be hearing much more about it at the Council of Europe. Two years ago, a day had been dedicated to prison overcrowding. Gathering all the criminal justice stakeholders and policy-makers is necessary to develop a more rigorous approach. We felt it was very important to focus on these issues here, at the Council of Europe, due to its pillars: human rights, democracy, and the rule of law.

The upcoming days will be extremely interesting. Marcelo Aebi and his network have prepared an excellent programme that will allow you to get a very good outlook on the last three decades of crime and criminal justice statistics in Europe. Before I give the floor to Marcelo, as moderator, I would like to thank the team supervised by Marcelo in Lausanne and at the Council of Europe for preparing the content and the practical aspects of the conference hosted in Strasbourg. As you know, Christine Coleur and Ilina Taneva have been working hard to get the conference off the ground. The coordination has been absolutely fantastic, and I am sure that Marcelo will join me in thanking them for their work. The Council for Penological Co-operation will obviously pass on the information presented here which, I am sure, will help us taking our decisions in future. I wish you a successful conference!

Marcelo F. Aebi: Thank you, Annie Devos, and a warm welcome to all joining us today at this conference. It is a genuine pleasure to have you with us. Opening a conference with acknowledgments is a delicate task. A list of persons acknowledged is a sort

* Annie Devos (Chair of the Council for Penological Co-operation, Council of Europe), Marcelo F. Aebi (University of Lausanne, Switzerland), Ilina Taneva (Council of Europe).

of anthology, and Jorge Luis Borges taught us that the first thing you observe in an anthology are the absentees. With that in mind, I extend my heartfelt apologies in advance if I inadvertently overlook anyone and will try to keep the list short yet broadly inclusive.

First and foremost, my gratitude goes to the three networks of national correspondents that made this project possible: the national correspondents of the *European Sourcebook*, those of the Council of Europe Annual Penal Statistics on Prisons and their inmates (SPACE I), and those of the Council of Europe Annual Penal Statistics on Probation and probationers (SPACE II). Many of you are attending this conference. Your dedication to gathering and sharing crucial data, without any financial compensation, forms the foundation of our work. Your efforts are the building blocks of the knowledge we aim to construct here, so a massive thank you is due.

A special mention is due to the Council of Europe, notably Ilina Taneva and Christine Coleur, for their tireless efforts. Jaime Rodriguez-Murphy, too, deserves our thanks for his invaluable support. This conference, enriched by your organisational prowess and the financial backing it has received from the European Union, would not have been possible without you.

And now we can focus on the main feature of this conference: today, we are unveiling the sixth and latest edition of the *European Sourcebook of Crime and Criminal Justice Statistics*, freshly published. This is the most recent fruit of a quarter of a century of collaboration among generations of dedicated professionals. A project that evolves constantly, thanks to both veteran contributors and the fresh perspectives of new members.

The presentation in this conference is because we count on you, our attendees, to keep improving our work. Your presence energises this conference and we welcome your keen eyes for any inconsistencies in the *European Sourcebook*. Our commitment to accuracy means updates are always on the table.

This afternoon, we will delve into methodology, a cornerstone for understanding and utilising the data we have compiled. While "methodology" might sound dry to some, it is crucial for the integrity of our work. We are also looking forward to discussions with Eurostat and the UNODC, highlighting the complementary nature of our data collection efforts.

Tomorrow promises insightful analyses of crime trends, from short to long-term perspectives, across all six editions of the *Sourcebook*. We will examine the critical role of victim surveys in shaping our understanding of crime and criminal justice statistics. This will be followed by a broader conversation on criminology and policy-making, featuring examples from Iceland and the Netherlands where expert opinions seem to significantly influence criminal policy.

As we contemplate the future, discussions about the forthcoming *Sourcebook* edition will also take place, aiming for a seamless transition to continue our shared mission.

Once again, welcome to all. Your engagement and insights are what make this conference truly relevant. Now, without further ado, let us dive into the sixth edition of the *European Sourcebook*, followed by a roundtable discussion that promises to be both enlightening and invigorating.

Ilina Taneva: Before we continue, a quick note: we have over 160 participants. You see 110 participants on the screen because connecting the videos of 160 participants would reduce the quality of the transmission. Therefore, more people are participating than the number registered and visible on your screen. The conference aims to bring together practitioners, academics, and professionals from prison administrations, probation services, and ministries of justice to foster dialogue. So, everybody is welcome to ask questions and contribute to the discussions. It is crucial to facilitate dialogue among all groups of researchers and practitioners, despite being connected only remotely. Maintaining this dialogue is essential for as long as we can. Thank you.

Session 1:
European Sourcebook of Crime and Criminal Justice Statistics

Introducing the 6th edition of the European Sourcebook

*Marcelo F. Aebi**

Marcelo F. Aebi: I am delighted to introduce the sixth and latest edition of the *European Sourcebook of Crime and Criminal Justice Statistics*. I am particularly fond of the term "latest" – a word without direct translations in French, Italian, or Spanish – which, to me, signals an ongoing journey. This journey began in the early nineteenth century with the first comprehensive national criminal statistics and continues with our unending quest to compare crime and the social reaction to it across countries.

The *European Sourcebook*'s chapter in this story started in 1993, backed by the European Committee on Crime Problems (CDPC) of the Council of Europe. Initially, it was just a pilot project. The CDPC brought together a group of experts who crafted a model for the *Sourcebook* and produced a first draft. This draft was appreciated by the CDCP, who in 1996 expanded the team. This is when I joined this project. Attending the first meeting of that group at the Palace of Europe in Strasbourg was my first task as a research assistant and Ph.D. candidate in November 1996. We published the first edition of the *European Sourcebook* in 1999, the same year I got my Ph.D. There is a photo from that time, snapped at the Palace of Europe's steps, capturing our group [see Figure 1]. Though some faces are missing – like Imre Kertesz and the dearly missed Hanns von Hofer – and others have since retired, a few of us are still here, tirelessly working on the project. You can catch a glimpse of this visual history on our website.[1]

When the Council of Europe funding dried up, we did not give up. We preserved our network of national correspondents, a key project outcome, and sought support elsewhere. Hence the second and the third editions of the *Sourcebook* – published in 2003 and 2006 respectively – were funded and supported by different institutions, including the British Home Office, the Swiss Foreign Ministry through the Swiss Federal Office of Statistics, the School of Criminal Sciences of the University of Lausanne, the Dutch Ministry of Justice, the *Centre d'Etudes Sociologiques sur le Droit et les Institutions Pénales* – better known as CESDIP – the European Commission, and the German Federal Ministry of Justice. The fourth and fifth editions of the *Sourcebook* were made possible with support from the European Commission under the AGIS and the ISEC 2010 programmes respectively. The publication of the *Sourcebook* was not a direct

* University of Lausanne, Switzerland.

1 https://wp.unil.ch/europeansourcebook/.

outcome of these projects in itself – whose results were published autonomously, in the form of reports and books in open access[2] – but a sort of byproduct of them because the data for both projects were collected together with the data for the *Sourcebook* through our network of national correspondents. We also collaborated with experts from the Confederation of European Probation (CEP) in the case of the DECODEUR project, which was coupled with the fifth edition of the *Sourcebook*.

The current sixth edition marks a return to the sources, as it was developed in partnership with the Council of Europe for the LINCS project, co-funded by the European Commission, and with the support of the School of Criminal Sciences of the University of Lausanne. Our network of national correspondents of the *European Sourcebook* was crucial for data collection, and roughly twenty years later we met again in Strasbourg, this time at the "new" Agora building of the Council of Europe, as can be seen in Figure 2. The first meeting took place in April 2018 and allowed us to discuss the data collection procedures. The second took place in June 2019 and allowed us to conduct a preliminary evaluation of the data already collected.

Today, we are not just unveiling this edition; we are situating it within a broader dialogue that intersects with other data initiatives and considers the criminal policy needs of European countries. The *Sourcebook* stands as a tool to support these needs.

Following this introduction, we will host a roundtable to explore the *Sourcebook*'s various sections: police, prosecution, conviction, prison, and probation statistics, alongside victimisation surveys and an annex on offence definitions. Rather than diving into each section, I will try to highlight the overarching themes that underpin our project.

The first pivotal aspect I would like to highlight is the *metadata* we have collected. I vividly remember a meeting in 1997 when the group decided that, instead of asking how offences were defined in each country, it was better to propose a standard definition of each offence and ask for deviations from it. This decision, seemingly minor at the time, became a cornerstone of the approach. In the same meeting it was decided to collect data on the statistical counting rules applied in each country. Are there written instructions on how to collect the data? Which is the counting unit of the statistics? At which point of the criminal justice procedure are data recorded? How are continuous offences counted? These are some of the questions included already in the first questionnaire send to the network of national correspondents. Hence, the *European Sourcebook* pioneered in quantifying how legal and statistical nuances influence our data, setting a model later adopted by Eurostat for its crime data collection and by the United Nations for the UN Survey on Crime Trends and the Operations of Criminal Justice Systems

2 JLS/2006/AGIS/134 and DECODEUR (HOME/2010/ISEC/FP/C1/4000001420). See Jehle and Harrendorf (2010).

(UN-CTS), which also had an influence on the International Classification of Crime for Statistical Purposes (ICCS).

Metadata are particularly relevant for teaching criminology. Undergraduate students are prone to run correlations of the data they find on the internet, taking for granted their validity and reliability. In such cases, a confrontation with the reality of the limitations of such data is particularly relevant. More worrying is confronting some fellow econometrists that scavenge the internet for crime data to feed into their sophisticated econometric models. I have tried in vain to convince some of them of the importance of theory driven analyses, but with the development of big data and statistical analyses using machine learning algorithms and techniques, the kind of analyses that starts by cross tabbing all variables and then, that is to say *ex post facto*, search for explanations of the correlations found is bound to be multiplied. For better or for worst.

Michael Tonry once told me that my efforts were useless because some econometricians are enamoured of their models, and I think he is probably right when I see a paper such as "Beauty and the Economist: The Role of Aesthetics in Economic Theory"[3] or Paul Krugman's devastating "How Did Economists Get It So Wrong?", whose first chapter is "Mistaking Beauty for Truth".[4]

The way in which metadata were collected is intrinsically connected with the second key element of the *Sourcebook* that I would like to highlight: *the advantage of working with a group of experts*. Unlike official institutions bound to accept data as provided by member states, our status as independent researchers allows us to critically evaluate the data we include, ensuring as far as possible high quality and consistency.

The third crucial point concerns *the continuity of the European Sourcebook*, which spans six editions covering the period from 1990 to 2016. The sixth edition, which we present today, focuses on the years 2011 to 2016 and may seem somewhat dated. However, challenges such as gathering resources and dealing with unforeseen delays, including the COVID-19 pandemic, have impacted the timeline. Despite this, we are already preparing for the seventh edition, which will extend the study period to 2021. Our ongoing efforts over the past three decades have resulted in a wealth of data, now freely available, providing invaluable insights into the evolution of crime and criminal justice across Europe.

We have sometimes been advised to leave data collection to international bodies like Interpol or the United Nations. However, the discontinuation and inaccessibility of such databases underscore the importance of projects like ours in preserving this information. For example, after fifty years of collecting data, Interpol in 2006 suddenly

3 Lee and Lloyd (2005).
4 Krugman (2009).

decided to interrupt its collection of police statistics. Now the printed editions can only be found in selected libraries and the latest issues, published online, have disappeared.

The sixth edition of the *Sourcebook* is now online. A printed version will follow soon, after receiving your feedback, which hopefully would help us spot potential inconsistencies and correct them. We have transformed the absolute numbers into rates per 100,000 inhabitants and percentages, facilitating some level of comparison. Yet, we caution against simplistic country-to-country comparisons, advocating instead for a nuanced interpretation of these statistics, and a focus on trends. In addition, we have also edited, as usual, a second publication with the original raw data received from the national correspondents.

As we ponder the future, we aim to develop an interactive database to keep this treasure trove of data updated and more accessible. Data are not static; they evolve with societal changes, including shifts in population demographics that can significantly impact statistical rates. Some Central and Eastern European countries have been losing population since the 1990s. For example, Bulgaria, Latvia, Lithuania, and Moldova have lost more than 20% of their population in thirty years. If censuses are conducted every ten years, then every decade we are obliged to go back to our previous population estimates for the intermediate years of that decade and recompute all the rates. That is why we are embarked in the unending quest that I mentioned at the beginning. Databases, like Frankenstein in Mary Shelley's novel, are alive.

This journey of the *European Sourcebook* is a testimony to the commitment of a group of researchers to understanding crime and criminal justice deeply. It is a call to view our data not just as numbers, but as a reflection of societal dynamics and a tool for informed policy-making. In our final conference session on criminal policy, we will discuss the challenges of comparing criminal justice statistics across countries and the potential benefits of harmonising data collection methods, especially for emerging issues like cybercrime. In the meantime, I invite you all to explore our findings, engage with the data, and join us in this ongoing journey for knowledge and understanding.

Figure 1. Meeting of the Council of Europe's Enlarged Group of Experts on Trends in Crime and Criminal Justice Statistics. Strasbourg, Palace of Europe, 29-31 March 1999

From left to right: Jörg-Martin Jehle, Max Kommer, Gordon Barclay, Bruno Aubusson de Cavarlay, Martin Killias, Imre Kertesz, Paul Smit, Calliope Spinellis, Uberto Gatti, Zdenek Karabec, Hanns von Hofer, Marcelo F. Aebi, and Andri Ahven. Absent: Alberto Laguía Arrazola.

Figure 2. Meeting of the National Correspondents of the LINCS Project and the European Sourcebook Group of Experts. Strasbourg, Agora Building, 16-17 April 2018.

Round table to present the chapters of the European Sourcebook*

Chapter 1 of the European Sourcebook: Police statistics

Rannveig Þórisdóttir and Tara Khan (Icelandic Metropolitan Police)

Rannveig Þórisdóttir: Tara and I oversaw the chapter on police statistics. The object of this chapter is to look into police statistics as a measure of crime. As Marcelo Aebi mentioned earlier, this is not a presentation of the total number of offences since we recognise the dark figure of crime. Still, this is an indicator of what is being stated at any given time as reported offences.

We asked for data on total offences and on 24 additional crime categories, including data on offences committed with firearms such as homicide and robbery. In the book, we are providing longitudinal data from 2011 to 2016, giving information on the number of cases per 100,000 population. We also provide information on changes in the number of reported offences within the period, with a measure of percentage change between 2011 and 2016. In total, four to five countries were not able to provide any information.

There are huge variations in how many countries were able to provide data in some categories. For example, regarding homicide and categories related to theft, most countries were able to provide data. But within other, perhaps newer or more complicated categories, fewer countries were able to provide data. There are also large variations in how well the countries were able to follow the definitions provided in the questionnaire. Therefore, it is very important to look carefully into how the data is defined by the country, not just the information regarding the number of reports.

It is also very important to consider when in the data process the data is being recorded. In total, seventeen of the countries reported that they recorded the data as soon as the police had registered the case, and an additional thirteen countries said that they recorded the information subsequently. This indicates that the data is predominantly labelled by the police and is referred to as input data, which is important because then it is not being changed so much as it is processed through the system.

* Additional material: the authors' visual presentation is available here: https://rm.coe.int/presentation-roundtable-22-march-2021/1680a1e435.

There are also differences between countries on how offences are counted. Most countries report that the offence was used as the counting unit, meaning, for example, that incidents with more than one offender accounted for one offence. There are also variations between countries if the principal offence rule is applied or not. Here, 36 countries provided information. Twenty countries report that they do not use the principal offence, and sixteen say that they do make use of the principle. The principal offence rule means that when there is a combination of events such as drug offence and violence, only the most severe one is counted.

We also asked how multiple offences are counted, and again, large variations appear between countries. In total, twenty countries reported that multiple offences are being counted as two or more, while fifteen countries reported that they count them as one. This can have huge effects on the number of reported cases, for example, in categories where multiple offences are common, such as in domestic violence and sexual offences against children. So, this needs to be taken into account when looking into the number of cases.

In the police chapter, we also provide data on the number of offenders from 2011 to 2016, as well as information on the percentage of women, minors, and foreigners in 2015. In total, 38 countries provided information regarding one or more offences. Not all countries that provided data offered information on how they are defined. But of those who were able to provide information, twelve said that the data was collected at the same time as data on the offence, which indicates that the labelling of the offence is also done by the police.

Information on police density is also provided in the chapter. That is how many police officers there are per population. While many countries answered the question regarding the number of police officers and civilians working with the police, few were able to meet the standard definitions, making comparison very difficult.

To sum up, overall, there are indications that the number of reported offences in the categories we collected data on are declining. This applies, for example, to theft of motor vehicles, where we see that 84% of the countries providing information reported that they are experiencing more than a 10% decline between the years 2011 and 2016. But despite these indications of general decline in number of reported offences, especially traditional offences, there are also indications of incline in number of reports in a number of categories, such as money laundering and fraud, especially cyber fraud. In total, 79% of countries report more than a 10% incline between 2011 and 2016. Of course, both may indicate real growth, but also changes in data collection and better awareness or better registration of these cases.

Chapter 2 of the European Sourcebook: Prosecution statistics

Jörg-Martin Jehle (Gottingen University, Germany)

Jörg-Martin Jehle: The prosecution chapter deals with the prosecution stage as the intermediate level between police and courts. This stage starts when the police hand over the criminal case to the public prosecution authorities or when the public prosecutor starts his own investigation, and the stage ends when the prosecutor makes his final decision, either bringing the case to a court, usually in the form of an indictment, or making a case-ending decision by himself. Of course, statistics cannot reflect the complex field of activities of the prosecutor. So, the focus is on the most important issues, the final decisions of the prosecutors, and data recorded refer to the output of procedures at the prosecutorial stage.

What have we collected? We have a longitudinal recording from 2011 to 2016; there we can demonstrate the output cases total and besides the cases brought before a court. This proportion of cases brought before a court is at the same time a measure for the attrition going on between the level of police and the courts. Here, luckily, most countries could provide data. Only for 2015, we have data for minors, women and foreigners and for different types of disposals; unfortunately, such a breakdown could be provided only by a minority of countries. And for 2015 as well, we have a breakdown by offence groups; there, a majority of countries could provide data.

In addition, we gathered data on persons whose freedom of movement was restricted by police custody and/or by pre-trial detention. Concerning pre-trial detention, there is data in the chapter on prisons as well. Finally, we can show the development concerning the number of staff of the prosecuting authorities, employees and prosecutors.

Altogether, our data collection demonstrates a mixed result. We can offer basic data for almost all countries available, but only poor data are available concerning the type of those disposals.

Chapter 3 of the European Sourcebook: Conviction statistics

Paul Smit (The Netherlands)

Paul Smit: The *Sourcebook* is a very heavy project, by which I mean the number of pages in the printed edition, because it is about 500 pages. The heaviest part of the book is the third chapter on convictions and sanctions. What we are presenting here in this chapter are not really the convictions, instead the counting unit in general is the person convicted. So, the statistics are on persons convicted and also persons receiving sanctions, basically the main sanction within any conviction. There are some exceptions, because some countries did it differently.

In this chapter, we have all persons convicted and the sanctions for the whole period, 2011 to 2016, and for all crime types. For women, minors, foreigners and EU citizens, we also have the percentages for the year 2015.

What is new in this edition, is that we also ask for legal persons convicted. There can be some legal persons convicted, mainly for fraud. Indeed, although not many countries could provide data for this either, because they do not have the data or because the concept of a legal person does not exist, ten countries could provide some data on legal persons.

For the sanctions, we have basically two tables for all 22 crime types. The first one is the kind of sanction: is it a non-custodial sentence sanction or a custodial sanction, either suspended or not suspended. That is one set of tables. The other set of tables focuses on the unsuspended custodial sanction and tells us something about the length of the custodial sanction. About half the countries were able to provide figures for this last set of tables. Also, for the kinds of sanctions tables we do have minors receiving sanctions.

Next, there is a table on persons held in pre-trial detention among the persons convicted, but only eight countries could provide information on that. What is also new in this edition, is that we have a table of the number of criminal court judges. Again, here, only a eight countries could provide data. The main problem probably is that in many countries there is no clear distinction, at least not an administrative one, between judges in a civil court and judges in a criminal court.

Chapter 4 of the European Sourcebook: Prison statistics

Mélanie M. Tiago and Marcelo F. Aebi (University of Lausanne, Switzerland)

Marcelo F. Aebi: To shake things up a bit in this session, rather than just walking you through the available data in the chapter on prison statistics, we have decided together with Mélanie Tiago to highlight some trends. The backbone of Chapter 4 in the *Sourcebook* are the Council of Europe Annual Penal Statistics on Prison populations, better known as SPACE I, that we produce for the Council of Europe at the University of Lausanne. We avoid duplicating efforts, in the sense that we do not collect the same data twice. Instead, we have the *Sourcebook* national correspondents check the SPACE data provided by their countries, fill in any gaps, and gather a bit of extra data on a few additional items.

The period covered by the sixth edition of the *European Sourcebook* coincides with a period of increasing response rates for SPACE, as more countries answered the SPACE questionnaire. This seems to be related to the fact that, since 2013, the SPACE annual reports are presented in a press conference that attracts significant media attention. In the European Sourcebook Group, we have always been concerned about the way in which the media deals with crime data, and consequently we have been reluctant to encourage contacts with journalists which could have helped in promoting our work. Nevertheless, the experience with the SPACE press conferences shows that we were wrong and that, under some circumstances, media attention can even help improve future data collections.

Let us explain this paradox. First, you must keep in mind that contemporary media tend to prefer "negative" to "positive" news. Almost every year the team of Jaime Rodríguez-Murphy at the Council of Europe produces a media coverage report that summarises the press articles about the SPACE I report. These show that the media of most countries seem to go through the report seeking the indicator in which their country scores "worst" to elaborate their headlines.[1] For instance, "Belgian cells in top three most overcrowded prisons in Europe", "Is France among the five European countries with the harshest sentences?", "Hungarian prisons are still more crowded than the European average", "Italian jails most overcrowded in Europe says Council of Europe", "Spain is among the European countries with more suicides in the prisons", "England and Wales spend more on prisons than all of Europe except Russia" are some of the headlines from Belgium, France, Hungary, Italy, Spain and the United Kingdom respectively.

1 These media coverage reports are available on the SPACE website in the section dedicated to each annual report. For example, the one covering the publication of the 2020 report can be found here: https://wp.unil.ch/space/files/2021/10/2020-SPACE-I-survey-on-prison-statistic-media-coverage-report.pdf.

Of course, governments do not like these headlines, and some of them complain to us, which leads to a nice chat on the phone. The cleverest government officials then respond that some rates are not comparable for methodological reasons, which is true 90% of the time. For example, prison capacity is not estimated everywhere in the same way, or the budget does not include the same items in each country. Suddenly, the metadata – the way in which data are collected – becomes relevant and hits the media.

Allow me to digress: I introduced the first set of questions on metadata in the SPACE questionnaire in 2003, one year after becoming responsible for them, while I was a professor at the University of Sevilla. And I did that thanks to my previous experience with the European Sourcebook Group. "Prioritize methodology" was the major lesson in comparative criminology that I learned from my mentors in that group in the 1990s.

Now, what happens after the publication of SPACE, the press conference, and the media coverage? Our personal experience is that, a couple of days after the dooming headlines, another "bad" news item raises the interest of journalists, and they forget SPACE until the next year. What usually happens the following year is that, instead of not answering the questionnaire, the prison administrations pay much more attention to it and to the answers provided. This is how the response rate increases and the quality of the answers improves. It is an interesting lesson we have learned over the years.

We can now take a look at Table 1. This table does not show "trends" in the traditional sense, but compares the prison population rates of 2016 to those of 2011, showcasing the difference as a "percentage change". For instance, the first line reveals that Albania's prison population rate – that is to say its "stock" of inmates – is 28% higher than it was in 2011. In the table, we have marked increases of more than 5% in red, decreases of more than 5% in green, and stable rates (fluctuating between -5% and +5%) in yellow. We admit that the colour coding carries a value judgment. While we understand that imprisonment is sometimes unavoidable for certain offenders, we believe it should always be the last resort. Hence, green symbolizes "positive progress", and red, less so.

After listing the countries, the first column addresses the prison population rate, also known as the stock, which corresponds to the number of inmates (both pre-trial detainees and sentenced prisoners) per 100,000 inhabitants on the 1 September of each year. It essentially measures how many people are deprived of their freedom on that specific date. A glance at the table shows a predominance of green cells, indicating that prison population rates are generally on the decline. This was somewhat unexpected.

The traditional narrative, drawing from Marxist theory as articulated by Rusche and Kirchheimer in their classic 1939 book, suggests that economic downturns lead to higher unemployment rates, which in turn should correlate with increased imprisonment rates.[2] The logic here is that unemployed prisoners contribute to the industrial "reserve army of labor" imagined by Engels and Marx. However, the drop

2 Rusche and Kirchheimer (1939).

in European prison populations following the 2008 financial crisis throws a wrench in this theory. Unemployment did rise, but prison populations did not. This discrepancy likely points to the datedness of the original hypothesis.

Marx's Capital was penned between 1867 and 1894, a time when 90% of the population lived in extreme poverty – a stark contrast to today's figures, where only 10% fall below the extreme poverty line, according to the latest available data. Moreover, Rusche and Kirchheimer wrote on the eve of World War II, predating the establishment of the Welfare State in Europe, which undoubtedly factors into the negative correlation we are observing. It is clear that we have moved beyond a world where the majority lives in dire poverty. There is still much to do to eradicate poverty, but applying an outdated framework to explain the nuances of our hybrid era, at least within Council of Europe member states, does not quite cut it.

The Ph.D. dissertation of my co-author Mélanie Tiago will be particularly relevant for testing Rusche and Kirchheimer's hypothesis. Her thesis, currently in progress, examines the relationship between crime, economic conditions, and fluctuations in the prison population in France and Belgium from 1831 to 2019. It employs both econometric techniques – such as cointegration analysis, vector-error correction models (VECM), vector autoregression (VAR), and Granger causality using the Toda-Yamamoto procedure – and traditional criminological methods like Spearman's correlation.

Mélanie's findings reveal that while correlation analysis often yields statistically significant results, econometric techniques frequently show the opposite, highlighting that correlation analysis, particularly Pearson's coefficient, is unsuitable for time-series data as it overlooks the influence of time on the data structure. This calls into question the validity of prior research on the relationship between crime, economy, and imprisonment, especially those relying on correlation analysis. Additionally, Mélanie Tiago's study challenges theories from the political economy of punishment by showing that both rising crime rates and improved economic conditions tend to correlate with an increase in the prison population. Her research emphasises how methodological choices, particularly in data analysis techniques, can shape research outcomes and explain conflicting findings in past studies on crime, economy, and imprisonment.[3]

Going back to Table 1, you will also notice that both the flow of admissions and releases have decreased from 2011 to 2016. While this table focuses solely on percentage changes, a deeper dive into the *European Sourcebook* and our annual publication, *Prisons and Prisoners in Europe*, which outlines the key findings of the SPACE I report, reveals a consistent downward trend in these indicators from 2011 to 2016.[4]

3 Tiago (2023).
4 See, for instance, Aebi and Tiago (2021).

Geographically, the distribution of prison population rates keeps showing since the early 1990s that the lowest rates are found in Nordic countries. Nevertheless, it is relevant to note that they have recently been joined by the Netherlands, Slovenia, and Croatia, with countries like Germany and Switzerland also boasting low rates. This is relevant because these countries are in a clearly different geopolitical situation than the Nordic nations, suggesting that there are other "recipes" than those of Scandinavia to have a low number of inmates. On the other end of the spectrum, the highest rates are observed in Eastern Europe – Azerbaijan, Lithuania, Georgia, and the Russian Federation.

Turning to the composition of the prison population, it is unsurprising that 95% of inmates are male. This predominance is largely attributable to the higher incidence of violent offences among men, marking a significant shift from the 1960s and early 1970s. Back then, Marxist criminologists emphasised property crimes as the main driver of incarceration. Today, however, the landscape has changed, with violent offences now accounting for a larger portion of the prison population – a transformation also reflected in both the *Sourcebook* and SPACE statistics.

In the upcoming presentation on probation statistics, you will notice an interesting point: the percentage of women on probation doubles to 10%. This increase not only highlights that women are generally less involved in crime compared to men but also underscores their significant underrepresentation in violent offences. Obtaining probation for a violent crime is considerably more challenging than for a property crime, further reflecting this disparity.

A crucial aspect to remember about European prison statistics is the exclusion of minors in most countries. Instead of being handled by prison administrations, minors are typically managed by separate institutions. This distinction is vital for enhancing cross-country comparisons. The *Sourcebook*'s metadata plays a key role here, offering insights into which inmate categories are included or excluded from the prison statistics and, when possible, detailing the inmate numbers in each category.

Now, let us touch on a contentious topic: the presence of foreign inmates in European prisons. This subject often surfaces in public debates, particularly among representatives of populist parties. However, the reality depicted in our data – and I encourage you to examine Map 1 for a clearer picture – is that the issue of foreign inmates predominantly affects Western and Mediterranean countries. It is virtually non-existent in Eastern Europe, where the percentage of foreign inmates consistently remains below 5%. Our analysis reveals a frequently overlooked fact in populist rhetoric: up to a third, sometimes even more, of foreign inmates in Western countries hail from other European Union member states. Furthermore, if we view the EU as a single entity, the classification of EU inmates as "foreigners" becomes a topic worth re-evaluating. Thus, a nuanced approach is essential.

Map 1 originates from a comprehensive study we conducted at the University of Lausanne, part of a project spearheaded by the Council of Europe and funded by the European Union. The outcomes of this project, encapsulated in three published

books available in open access on the SPACE website, delve into the trends in prison populations from 2005 to 2015.[5] One book is entirely dedicated to examining the demographics of foreign inmates in prison and probation across Europe during that period. An intriguing observation from this study is the differential rates of decrease among inmate categories during periods of overall population decline. Specifically, the release rate of national inmates sometimes outpaces that of foreign inmates, artificially inflating the latter's proportion in the total prison population. This phenomenon necessitates caution when interpreting percentages as indicators.

A historical parallel can be drawn with Switzerland during World War II. Switzerland remained a neutral country, but saw its male population subjected to military mobilisation, leading to a predominance of military over civilian legal proceedings. This shift resulted in an apparent increase in the percentage of women inmates, not necessarily because of a rise in women's criminal involvement but due to the exclusion of a significant portion of men from the usual penal statistics.[6] This example underscores the complexities of relying solely on percentages to gauge crime trends or demographic shifts within the prison population.

We hope this presentation has piqued your interest and we encourage you to explore the rich data available in the *European Sourcebook* and the SPACE annual reports, which offer crucial insights into the complex landscape of European prison populations and criminal justice systems.

5 Aebi, Berger-Kolopp, Burkhardt, Chopin, Hashimoto, and Tiago (2019); Aebi, Berger-Kolopp, Burkhardt and Tiago (2019a, 2019b).

6 See Killias, Aebi, and Kuhn (2019).

Map 1. Percentage of foreign inmates in the prison population, 2015 (Source: Aebi, Berger-Kolopp, Burkhardt, Chopin, Hashimoto, and Tiago (2019)

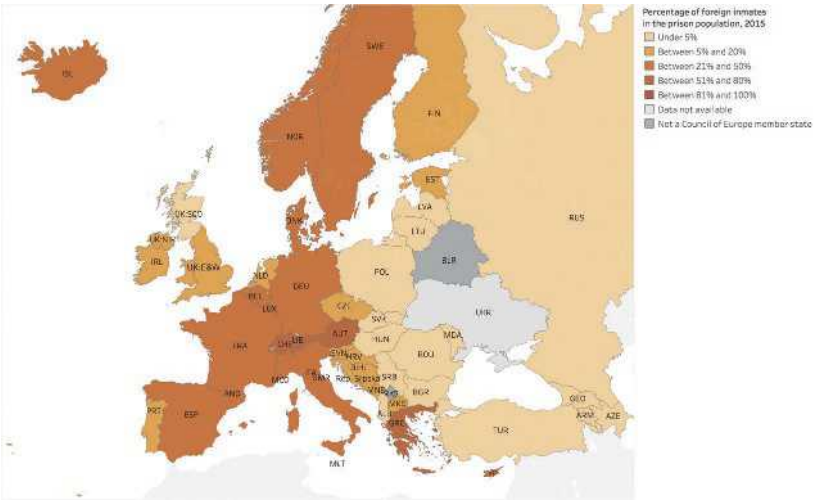

Table 1. Percentage change in key prison population indicators (2016 vs. 2011): Stock, flow of admissions, and flow of releases per 100,000 population across European countries (Source: European Sourcebook and SPACE I)

	Stock (PPR)	Flow of entries	Flow of releases
Albania	28	114	51
Armenia	-6	...	-34
Austria	-3	-6	-10
Azerbaijan	-7	-4	37
Belgium	-4	...	...
Bosnia-Herzegovina	13	...	...
Bulgaria	-13	-22	...
Croatia	-37	-36	-34
Cyprus	-27	-38	-40
Czech Republic	-4	-32	-30
Denmark	-16	-19	-18
Estonia	-20	-33	-22
Finland	-7	-13	-14
France	-8	4	11
Georgia	-53	-53	2
Germany	-12	-16	...
Greece	-20	...	...
Hungary	6	-9	29
Iceland	-20	-39	-19
Ireland	18	26	26
Italy	-20	40	39
Kosovo	16	...	...
Latvia	-33	...	...
Lithuania	-22	-17	...
Luxembourg	0	-20	-13
Malta	-14	...	...
Moldova	21	-49	145
Montenegro	-19	8	-25
Netherlands	-26	-14	-16
Norway	3	-22	-24
Poland	-13	-12	-12
Portugal	11	-13	13
Romania	-5	-14	23
Russia	-18	...	...
Serbia	0	-21	-24
Slovakia	-6	15	-1
Slovenia	2	-32	-35
Spain	-15	-25	-23
Sweden	-18	...	...
Switzerland	8	-5	...
North Macedonia	32	-6	1
Turkey	46	119	...
Ukraine	-55	...	...
UK: England and Wales	-4	1	...

Chapter 5 of the European Sourcebook: Probation statistics

Yuji Z. Hashimoto and Marcelo F. Aebi (University of Lausanne, Switzerland)

Yuji Hashimoto: Chapter 5 of the European Sourcebook is about probation, and as with the chapter on prison, we have collected data in collaboration with SPACE, specifically SPACE II, for the time period of 2011-2016.

The chapter includes information on stock (on 31 December) and flow (during the year) of probationers. We have several tables on stock, flow of entries, flow of exits, and information on the distribution of minors and foreigners, both counted by most administrations. Women in probation represent about 10% on average of the probation population, whereas foreigners are around 11%. However, regarding foreigners, not *all* probation administrations collect *all* the data. Most administrations use the *person* as the counting unit, but one must be careful in terms of what the numbers actually mean and how they can be interpreted.

Marcelo F. Aebi: Let us dive a bit deeper into the topics Yuji brought up, drawing insights from our annual publication, *Probation and Prisons in Europe: Key Findings of the SPACE reports*.[7] This publication is freely accessible on the SPACE website and offers a comparative analysis of prison and probation across Europe.[8]

First, a methodological cornerstone: the choice of the counting unit in the statistics, which has been a focal point of the European Sourcebook Group's discussions for three decades. In probation statistics, SPACE II and the *Sourcebook* advocate for counting the probationer as the unit. However, some countries opt for counting sanctions instead. This approach risks double counting, where a single probationer serving multiple sanctions will artificially inflate the statistics. According to the latest SPACE II data, more than twenty European countries use the probationer as their counting unit, while a little over ten can specify their total number of probationers but cannot give a breakdown by the principal sanction or measure they are serving without double counting.

The discrepancy in counting units affects both the stock (the number of probationers at a given date) and the flow figures (the number of persons entering and leaving probation during a given year). This makes direct comparisons challenging unless they are restricted to jurisdictions using similar statistical rules.

7 See, for example, Aebi, Hashimoto, and Tiago (2021).
8 https://wp.unil.ch/space/publications/probation-and-prison-in-europe/.

For those joining us from the United States or elsewhere outside Europe, it is important to note the Council of Europe's broad definitions of probation and community sanctions. According to these definitions, probation "relates to the implementation in the community of sanctions and measures […] which involve supervision", and these refer to "any" sanction or measure "imposed by a judicial or administrative authority […] before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment". As a result, conditional release is considered a community measure.[9] This means that individuals on conditional release are placed under the supervision of probation agencies and are counted as *probationers*. Conversely, in the United States, such individuals would typically be considered *parolees* released on *parole*. This distinction is crucial. It means, for example, that a "classic" annual publication by the US Bureau of Justice Statistics like *Probation and Parole in the US* cannot be directly compared to the SPACE II statistics. An interesting challenge for comparative criminologists specialised in penology.

Regarding the demographics of probationers, we have already noted that women make up only 10% of the probation population. On the one hand, this reflects the gendered distribution of offending, with men largely overrepresented. On the other hand, this percentage of women doubles that observed in the prison population.

A plausible explanation for this discrepancy between probation and prison populations is that probation is used for the less serious offences, particularly those not involving violence. In fact, currently, the majority of inmates are serving sentences for drug offences and violent crimes, with women notably underrepresented in the latter category. Furthermore, recidivism for violent offences can have more serious consequences than for non-violent ones, which may result in men being less frequently considered for probation. That is to say that the higher risks associated with violent reoffending could influence judicial decisions to favour more stringent controls than probation for male offenders, who are more often convicted of such crimes than women. Similarly, women's traditional role as primary caregivers might influence decisions regarding probation or conditional release – considerations that are less commonly applied to fathers of young children when they are sentenced.

Regarding citizenship, foreign nationals constitute a higher percentage in the prison population than in the probation population. This disparity is partly due to the challenges foreign nationals face in meeting probation requirements, such as maintaining a stable local address. Furthermore, foreign inmates might be subject to deportation orders post-incarceration, precluding probation options.

Making sense of probation indicators often requires comparing them to prison indicators. We have seen in the previous presentation that a low prison population rate

9 See the Council of Europe's Recommendations CM/Rec (2010)1, CM/Rec(2017)3, and CM/Rec(2003)22 (for details, see Aebi, Hashimoto & Tiago, 2021).

is seen by criminologists as something positive, while a high one is seen as something negative. This is because most criminologists do not analyse the prison population rate in comparison with the crime rate of each country, but tend to focus on the rehabilitation of offenders, which could be better achieved outside a penal institution than inside one. Probationers are serving community sanctions and measures, which are frequently referred to as alternatives to imprisonment because they aim at the social inclusion of offenders by keeping them in the community instead of in prison. Logically, the question becomes: should a high probation population rate be considered as "positive" and a low one as "negative"?

There is no straightforward answer to this question. A high probation rate could be "positive" if it is accompanied by a low prison population rate, but even in that case one should check whether the supervision of some offenders is necessary or if we are facing a case of "net widening". This phenomenon takes place when a country uses community sanctions and measures to punish behaviours that would have never entailed a reduction of freedom of the individual if such alternative sanctions did not exist. Hence, offenders that could have been sanctioned with a warning, a fine or a fully suspended sentence are placed instead under direct supervision. This means that in practice more people are placed under the control (the "net" in the metaphor coined by Stanley Cohen) of the authorities of the criminal justice system, which is precisely the opposite of what reformers wanted to achieve with the introduction of community sanctions and measures. We have studied that phenomenon in Europe a few years ago.[10]

In our publication *Probation and Prisons in Europe*, we always include a table that places countries in eight categories, ranging from those with a low probation population rate (up to 100 probationers per 100,000 inhabitants) and a low prison population rate (up to 100 inmates per 100,000 inhabitants) to those with a high probation population rate (more than 200 probationers per 100,000 inhabitants) and a high prison population rate (more than 200 inmates per 100,000 inhabitants). Countries like Croatia, Finland, Norway, and Switzerland consistently show low rates in both indicators, suggesting effective justice policies, while the Russian Federation and Turkey often represent the opposite spectrum.

However, interpreting these rates in isolation misses the broader picture of societal responses to crime as measured by other indicators. Prison and probation rates are related in a complex way to crime rates. Here is where the magic of the *European Sourcebook* operates. The *Sourcebook* provides us with several other indicators, from victimisation surveys to police, prosecution, and conviction statistics, which can be

10 Aebi, Delgrande, and Marguet (2015).

combined in many ways.[11] The true essence of the *European Sourcebook* lies in this holistic approach to crime and justice statistics, far beyond what we can cover in this brief discussion.

11 Several examples of this kind of research can be found in the section "Related publications" of the *European Sourcebook* website: https://wp.unil.ch/europeansourcebook/publications/.

Chapter 6 of the European Sourcebook: Victimisation surveys

Chris Lewis (University of Portsmouth, United Kingdom)

Chris Lewis: I will talk about Chapter 6: National Victimisation Surveys. The *Sourcebook* is some 600 pages long but this chapter is only about thirty or forty pages long. That is a pity, really, because it is a very important chapter. I would like to encourage people looking at the *Sourcebook* to turn to Chapter 6. We have an alternative way of measuring not only crime, but all sorts of other factors about the criminal justice system, opinions and attitudes.

The start of victimisation surveys was an attempt to collect information on extra crime data since most of the chapters deal with law enforcement activity: Chapter 1 deals with police measures of crime. A policy colleague in the British Home Office, where I was the chief of statistics, said that trying to run the country's criminal justice system was like trying to work in a room which was dark, apart from a small candle. And then when we introduced national victimisation surveys in England, he said it was like having two candles in the room. It was still fairly dark, but at least he could have twice as much information about crime as he had before.

We have estimates from about thirty European countries as to their estimates of crime from surveys as an alternative to police data. One of the advantages of a victimisation survey is that you can look at victims in different parts of society. Typically, victimisation surveys are on households. You talk to a sample of households, 1,000, 5,000, 20,000, depending on the size of your country and how much you can afford. And you find out their experience of crime and what they do about it. You can relate their experience to their demographics and characteristics. But you can also talk to other groups. You can talk to businesses, shops, commercial outlets, government agencies. In my case, you can talk to students at universities and find out their experience of crime and what they have been able to do to respond to the crime and react to it. So, I think national victimisation surveys are an extremely powerful tool. I should be talking in detail about some applications from England tomorrow afternoon.

Coming back to Chapter 6: aAlthough the International Crime Victim Survey (ICVS) stopped about ten or fifteen years ago, we include in this Chapter 6 some details about the countries that took part in the ICVS. But we also include information up to 2015 about the estimates that other countries have made of crime according to their national victimisation surveys, as well as information on trust in the police and the feelings of safety.

In Chapter 6 you will find five-year periods: 1990, 1995, 2000, 2005, 2010, 2015. For each of these years, we have asked for information on the prevalence of crimes such as bodily injury, sexual assault, robbery, theft, domestic burglary – as defined in

the English way – and corruption. There are tables on these, as well as on trust in the police and on feelings of safety. It is very interesting that despite all the problems of reductions in public expenditure, we have prevalence measures of crimes and measures of trust in police and feelings of safety also for those countries that do conduct national victimisation surveys.

We have asked a number of questions about the metadataon the conduct of these surveys. We also include all the information about the wording of the questions about specific crimes. So, any countries that have not conducted such a survey could read Chapter 6 and find out the wording of questions that they might wish to copy. We have also included information about the way that the surveys are designed and carried out on a national basis.

The annex of the European Sourcebook: Definitions

Stefan Harrendorf (University of Greifswald, Germany)

Stefan Harrendorf: I will discuss offence definitions and present some in-depth information on prospects, problems, and pitfalls of international comparisons this afternoon. For now, I will provide the key facts and basics.

Let me introduce the concept of "standard definitions" that we use in the *Sourcebook*. We produce a definition that is not identical to the legal definitions used in different countries because legal definitions for various offences, like theft, differ significantly across countries. To enhance comparability, we provide standard definitions with a fixed definition.

I will show you an example at the end of this presentation where we have a list of cases for which we provide preferences for certain items to be included or excluded. We also document what the different correspondents do. This is an important tool to enhance comparability between countries. These standard definitions are based on legal and statistical comparisons in different countries, derived from our studies and experiences in the expert groups.

The functions of these standard definitions are twofold: (1) to enhance compatibility and (2) to document the remaining differences

We have added an appendix in the *Sourcebook* where you can look up which definitions were followed, to what extent, by which country. It is always useful to check this for compatibility issues.

In the sixth edition, we have some new offences with new standard definitions: aggravated theft, cyber fraud, and forgery of documents. I will provide more details on how well these definitions performed this afternoon.

We also slightly changed some definitions based on the feedback received after publishing each edition of the *Sourcebook*. We had some problems with the definition of major traffic offences in the previous edition, so we improved it. We also improved the definitions of rape and sexual abuse of a child compared to the previous edition, reflecting changes that occurred in many countries due to the Istanbul Convention. We changed the delimitation between these two offences due to legal changes in recent years. There were also several minor changes and clarifications.

I will briefly show you how such standard definitions are built up in our questionnaire. Figure 1 shows the standard definition for intentional homicide. We have a very brief standard definition: "the intentional killing of a person". Then we have an include or exclude list. For example, in the include list, we have "assault leading to death". This means we include an offence where someone is killed due to intentional assault, but not with the intent to kill.

We have such a list for different offences, and we always ask for police statistics and conviction statistics. The correspondents must check whether they have followed the rule to include or exclude, or whether they did not follow this rule. As an additional help for the correspondents, we also include the code of the international classification of crimes (ICCS) by UNODC in the last column of this table.

That concludes the overview of the definitions for now.

Figure 1. Standard definition of homicide in the European Sourcebook[12]
General remark for homicides: Please note that intentional homicide is a general category and that you will also be asked to provide data on the subcategory of completed intentional homicide.

A.3.1 Intentional homicide*					**ICCS**
Standard definition: intentional killing of a person					**0101 0102 0105**
	Indicate if included in or excluded from:				
	police statistics		**conviction statistics**		
	incl.	**excl.**	**incl.**	**excl.**	
Include the following:					
• assault leading to death					***0101***
• euthanasia					**0105**
• infanticide					***0101***
• attempts					**0102**
Exclude the following					
• assistance with suicide					**0104**
• abortion					**0106**
• negligent killing (A.2 if traffic related)					**01032**
• war crimes, genocide, crimes against humanity					**110131, 11014, 11015**

12 Taken from the questionnaire for the sixth edition of the *European Sourcebook of Crime and Criminal Justice Statistics*.

Comments on the definition – see Introduction (paragraph 3)

* Differently from Anglo-American concepts and the International Classification of Crimes for Statistical Purposes, "homicide" here means both completed and attempted cases.

Marcelo F. Aebi: Thank you all for these presentations. I would like to mention that these presentations, as well as the ones that will follow this afternoon, should be put in relation with those of the conference we organised a few months ago at the Council of Europe on "Measuring cybercrime in the time of COVID-19", in which we paid special attention to the definition and measurement of different types of cybercrimes and whose proceedings will soon be published.[13]

13 See Aebi, Caneppele, and Molnar (2022).

Q&A session 1.1

Ilina Taneva: Here is a question for you from the forum. Alina Barbiu, from Romania, wrote: "Thank you very much for the conference and the presentations made. It gives me great pleasure to attend, again, your meetings on this issue and to have an update on the complex problem of criminal statistics. Congratulations for the long-run effort and looking for the future. I would like to know if you have in principle also plans to analyse the information, comparing them also with other types of statistics, for example, those collected by CEPEJ on the activity of judicial bodies. Indeed, it is important for member states to be able to use all this relevant data in order to create public policy, not only on legislation, infrastructure, talking about overcrowding, but also on human resources of public administration and judiciary. Finally, it is indeed a good approach to extend the effort and gather information on legal persons criminally liable, and also on national victimization survey that would provide a more comprehensive approach of the criminal justice system across Europe. Indeed, Chapter 6 is of great importance since victims revealed the real dimension of crime in our states".

Marcelo F. Aebi: Thank you very much. I will start by answering the question: after some of the previous editions of the *European Sourcebook*, we published special issues in the *European Journal on Criminal Policy and Research*, which include articles showing how the data collected can be used on its own or combined with other sources.[1] During this conference, there will also be a few presentations that illustrate the potential of the *Sourcebook* data. Apart from that, I would like to remind you that the *Sourcebook* is published in open access and the data are made publicly available on the *Sourcebook*'s website.[2] This means that anyone can use it and produce the kind of analysis that you mentioned. I would only ask potential users to keep in mind the importance of the metadata collected and take it into account when interpreting the results. In fact, the *Sourcebook* is already used by researchers and quoted relatively often in, for example, discussions on crime trends.

And thank you for all the nice things you said about us. We will remain in contact with the national correspondents. This kind of videoconference can simplify our communication in the future, although of course they will never replace the in-person meetings, like the ones we had during the production of this edition of the *Sourcebook*.

1 See, for example, Aebi (2004), Aebi and Jehle (2018), Jehle (2012a). https://wp.unil.ch/europeansourcebook/publications/.

2 https://wp.unil.ch/europeansourcebook/.

The added value of the European Sourcebook

*Stefano Caneppele**

Stefano Caneppele: thank you very much for inviting me to present something about the *European Sourcebook*. Thank you to the Council of Europe for organising this event. Today, my presentation is supposed to discuss the added value of the *European Sourcebook* without spoiling the content that will be presented in the afternoon. Think of this as a philosophical exercise to provide a broader perspective on the *Sourcebook*.

The latest edition covers thirty years of criminal statistics. Reflecting on this, I started thinking about what has happened since the 1990s, when the *Sourcebook* began collecting data, and how many political, economic, social, and technological events have taken place since then [*Slide 2*]. From the perspective of the group that began this data collection, I believe they were highly aware of the historical moment Europe was experiencing at that time –particularly after the fall of the Berlin Wall. The eastern part of Europe was undergoing tremendous changes, impacting the west as well. There was a clear need to establish reliable, comprehensive knowledge about criminal justice statistics as an essential aspect of a country's functioning. This was the guiding idea behind the project from the start.

With each round of data collection, disruptive events have impacted policy perspectives, and sometimes, we can even see this reflected in the crime statistics themselves. Today, we are looking back on this *Sourcebook* project spanning three decades of crime statistics, and to explain its added value, I would like to quote Albert Einstein [*Slide 3*]. When people called him "supersmart", he would reply, in a humble but honest way: "It is not that I am so smart; it's just that I stay with problems longer". The *Sourcebook*'s added value lies partly in its capacity to endure, adapt, and stay with the complexities of criminal justice data for longer than most.

In this presentation, I have included an image that speaks to this idea. With artificial intelligence, we can now animate old photos, essentially turning a still image into a movie. Imagine data working the same way: a movie is a series of still images arranged in a coherent sequence. Similarly, each data point is a snapshot in time.

* University of Lausanne, Switzerland.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-stefano-caneppele-20210322-coe-the-added-value-of-europea/1680a1e438.

But one snapshot alone does not necessarily have much meaning without a reference framework to interpret it.

To illustrate, consider a study published eight years ago on distinguishing between genuine and ambiguous smiles [*Slide 4*]. Researchers examined how the brain responds to various facial expressions – happy, angry, or mixed – and measured people's response times in identifying each expression. The study found that people are generally quicker to recognise happy faces than mixed ones, highlighting that ambiguity is harder to interpret. Additionally, they found the brain responds faster to negative expressions – a phenomenon called "negativity bias". This explains why negative events often stick in our minds more easily, as we saw with the AstraZeneca vaccine case. Although adverse reactions were rare compared to the number of people vaccinated, these few cases led some governments to temporarily pause the vaccine's rollout.

Returning to our topic, interpreting data requires a reference system. Just as we intuitively recognise a smile as a positive signal, we need frameworks to interpret crime data. The initial effort behind the *Sourcebook* was to create such a system – a set of definitions that could help us make sense of each data point we collect.

The project began with a preliminary study from 1993 to 1996, followed by the official launch of the *Sourcebook* in 1996. Along with this reference system, the team established a set of guiding principles, often implicitly [*Slide 6*]. The first principle was resilience. The decision to rely on official crime statistics was intended to make this project sustainable over the long term, more than just a one-time collection effort.

The second principle was validity. By consistently using data from the same institutions, the project aimed to improve the reliability and comparability of its data over time. The third principle was openness. The goal was to be as inclusive as possible, inviting any European country interested in participating to join the project.

The fourth principle was inclusivity, recognising that criminal justice is complex and multifaceted. The team aimed to capture this complexity by including data on police, prosecution, conviction, prison, and probation, and by expanding, where possible, to national victimisation surveys. The fifth and sixth principles were consistency and comparability, essential for making sense of data across diverse countries. By establishing a public, transparent reference system and consistently collecting data, the team hoped to improve data quality. Intersubjectivity was also a factor, as expert reviewers could identify inconsistencies, allowing for corrections and improvements over time.

Thinking of data as snapshots, we can imagine different versions of an image that might be pixelated or clear. Putting all these dimensions of the criminal justice system together gives us the closest thing to a movie – a comprehensive view of the European criminal justice landscape. This data collection exercise is not just about gathering data; it is about using scientific methods to integrate diverse data from various sources and give it meaning. This becomes especially challenging when working with countries that have different criminal justice systems and definitions.

To use a metaphor, we might think of the *Sourcebook* as a layered cake [*Slide 8*]. Each layer represents the interactions among data, national correspondents, and experts. The *Sourcebook* is a collective effort, with each contributor adding a different layer to build a comprehensive and reliable resource.

So, what exactly is the added value of the *Sourcebook*? After nearly thirty years of data collection, we see that it is not just about the data itself. The data collection process has created an infrastructure, and this is the true added value. I would break this infrastructure down into three main types: competence infrastructure, relational infrastructure, and knowledge infrastructure [*Slide 9*].

First, there is the competence infrastructure. Developing expertise takes time and persistence. There is an example I would like to bring up: an article published in the early 1990s, around the time the *Sourcebook* started.[1] This article echoed Einstein's quote about staying with problems longer, and some economists who authored the article tried to measure the time it takes to become an expert. They looked at whether expertise is a matter of passion and perseverance and concluded that passion is essential, but it must be coupled with persistence. Essentially, anyone can become an expert if they commit enough time to studying and practicing their area of interest [*Slide 10*].

For the *Sourcebook*, this means that one ongoing challenge will be the capacity to regenerate the expert group. There are two options: we can either train new people to become experts, which we are already working on, or we can try to recruit established experts. The latter option is promising but also challenging since experts are often busy and not easily convinced to take on additional responsibilities. This is something the *Sourcebook* will need to address in the years ahead.

The second type of infrastructure is relational. Over the years, the *Sourcebook* has fostered a trusted network of collaborators [*Slide 11*]. Building this kind of network from scratch would take years, and it is a crucial asset of the *Sourcebook*. As a community, joining means agreeing to certain values: transparency, openness, and democratic participation. Members choose to be part of the team, bringing a commitment to the *Sourcebook*'s ideals. The incentive for joining is not just about contributing; it is also about being recognised for your work. Mistakes in data are inevitable, but the goal is to correct and minimise them. Each contributor's work helps situate national data within a broader context, allowing us to observe trends across different countries and criminal justice systems. The *Sourcebook* community, then, is not just about data; it is about collaboration, dialogue, and potentially new projects or partnerships.

Finally, there is the knowledge infrastructure, where we have the "ideal way" of doing things and the "real way". While we may not always reach the ideal, having a framework provides structure for proceeding with the *Sourcebook*. Each cycle, which usually lasts about five years, includes securing research funding, holding a kick-off

1 Ericsson, Krampe, and Tesch-Römer (1993).

meeting, contacting national correspondents, conducting data collection, validating data, drafting datasets, and hosting public conferences [*Slide 13*]. We produce articles, participate in academic conferences, and make data available on our website, hosted by the University of Lausanne. This cycle is the structure we aim for, though it does not always unfold as planned.

Looking to the next cycle, we hope to maintain this structure while continuing to build on established processes. This ideal framework is essential for consistency, allowing the *Sourcebook* to continue as a reliable and valuable resource.

And now, for the final part of my presentation, I want to address two questions: does the *Sourcebook* have added value for both local and international communities? And what can we do to further enhance its value?

To answer the first question, I believe the *Sourcebook* indeed has added significant value, generating not just data but a collaborative infrastructure for comparative criminology across Europe. As for increasing this value, I would like to discuss the concept of engagement [*Slide 14*]. I will use the example of a blog that analysed *The New York Times* headlines. Many of you may know that *The New York Times* often tests multiple headlines to determine which attracts the most clicks or "engagement".

In our case, engagement is something we have only recently started focusing on. Producing each edition of the *Sourcebook* is a monumental effort, and by the time it is complete, contributors are understandably exhausted. Often, we assume that simply making the data available online will be enough. But in today's information landscape, where data is everywhere, this is not sufficient. Moving forward, we need to put more effort into creating accessible materials – like infographics – that policy-makers and the general public can easily understand and use.

The challenge, of course, is finding the right balance between simplifying information for accessibility and ensuring accuracy. We are starting to explore ways to create infographics and other materials, and this is something we will discuss further within the *Sourcebook* team. Although we do not have the time today to delve deeply into the engagement issue, we are committed to investing more in this area. We want people across Europe to have straightforward access to information about their own countries and the continent as a whole.

For instance, we could highlight general trends, like the decrease in theft rates across many European countries, or provide country-specific trends that show where rates might be stable or rising. This is an initial step, and we look forward to receiving your feedback on these types of visual materials, as we will be incorporating this feedback to refine our approach in the coming months. The idea is to create a balanced presentation of information that remains accurate and reliable while being accessible to a broader audience.

This initial exercise has already yielded some interesting insights. For example, we can visualise overall trends in theft rates across Europe, showing that they tend to decrease in many countries [*Slide 15*]. We can also identify countries where certain

trends are stable or increasing, giving a clearer picture of crime dynamics across different regions. By creating more of these visuals, we hope to make it easier for policy-makers, researchers, and the public to engage with the data in meaningful ways.

Ultimately, our goal is to use this engagement strategy to help ensure that the *Sourcebook* continues to serve as a valuable tool for comparative research and policy-making. By making the data more accessible, we aim to encourage more people to interact with it and to foster a greater understanding of the European criminal justice landscape.

And that concludes my presentation. Thank you all very much for your attention. It has been a pleasure sharing these reflections with you, and I hope they have provided a deeper understanding of the added value of the *European Sourcebook* and the important role it continues to play in our field.

Q&A session 1.2

Chris Lewis: I just had a couple of points to make about Chapter 6, on victimisation surveys: it is known that law enforcement has a problem when recording victimisation data. In England, this happens because of shortage of police or a shortage of resources. For example, a study of police recording in 2014 found that police were not recording about 20 to 25% of offences that were reported to them. That is something that can be solved through victimisation surveys.

The second point ties with the point that was made from Romania: national victimisation surveys can more easily pick up on different types of crime and new types of crime. If you look at Chapter 6, which is now online, you will see that we have a short section on crime against companies, and it shows that the proportion of small companies, retail and wholesale properties that are victims of a crime is quite substantial. And of course, this does not come from traditional victimisation surveys of households, but it does come out of commercial victimisation surveys. These are now included in Chapter 6.

Another advantage is that victimisation surveys can be used when new types of crime come about, for example crimes committed using computers. We can use them, for example, to know the proportion of people who have had their devices infected by malicious software, the proportion of people whose social media have been hacked and used for fraudulent purposes, the proportion of people who have their bank account, or details of their credit card stolen online, the proportion of people who are sent scam e-mails, and so on. This is the sort of information that can be more easily picked up in national victimisation surveys.

Finally, I have an ambition of making Chapter 6 a little bit more extensive, so that it includes some things that we have not been able to incorporate up to now. Hence, I would be very interested in participants' comments as to whether they feel that Chapter 6 could be extended to widen the interest in national victimisation surveys. I would give more examples of how they can be used in criminal policy, on how they can be extended from households to the commercial sector and to government agencies, and so on.

And if there is interest in extending Chapter 6, then the next point would be: are there any people out there who would be interested in collaborating with devising a wider and longer Chapter 6? These are the points I wanted to make. Thank you for the opportunity to make them.

Anna Alvazzi del Frate: Thank you for this excellent opportunity to learn more about the *Sourcebook*. I think this format is very useful, also for people who are not familiar with the type of analysis and the importance of the *Sourcebook*. I wanted to add something to what Chris Lewis was just saying about victimisation surveys. I happen

to be working now on a chapter for an encyclopedia on the challenges and political challenges in measuring victimisation and comparing across countries. That gave me the opportunity to revisit the ICVS. That is something that some people may not know existed, but it was such an important source of information. Hence, I would really like to encourage Chris to advance in the expansion of this Chapter 6 and perhaps also to focus on other regions. I think especially on Latin America. There is also some advancement in terms of creating surveys in member states. It would be interesting to establish some type of consultation, especially a methodological consultation, for making sure that they can have a focus on comparability while remaining in their own methodological streams and knowledge. Thank you very much for this opportunity.

Marcelo F. Aebi: Here is a comment by Kirstein, from the forum: "Thank you for the interesting presentation. Just one comment on the issue of whether EU nationals should be considered as foreign inmates in EU countries. Foreigners are very strongly arguing in favour of keeping them recognised as foreigners also within the EU. They have special requirements, not only on the language issue or distance to the family, but also on issues like reintegration". Thank you for the comment, Kirstein. We are not proposing to change that. It was just a general remark.

And here is a question from Daniel Fink: "I am speaking here as an academic in Switzerland, University of Lucerne. Switzerland lacks behind in many fields of crime and criminal justice statistics. And I wonder what is being done, on a ministerial level, to promote data collection and statistical analysis of data". Thank you, Daniel. As you know, I am part of the group of experts that gives advice to the Swiss Federal Bureau of Statistics on the topic of crime statistics. Therefore, my answer is perhaps not completely objective. First, I do not think that the situation in Switzerland is different from that of other federal countries. The fact that the police statistics are based on the legal definitions of the Swiss criminal code instead of on police operational definitions is certainly a limitation, but that was a choice that you, Daniel, promoted in the 2000s, when you worked at the Bureau as Head of the crime and criminal justice statistics. The Bureau is producing a series of very good publications, for instance on recidivism and on domestic violence. Of course, once more I am perhaps not completely objective because some of these publications are produced by former graduates of our master's degree in criminology at the University of Lausanne. But, in my opinion, they are top-quality publications. Apart from that, there are limitations that are due to the federal structure of the country. Something similar happens in Germany, for example. Currently, Germany is not producing federal probation statistics. And that is really a major drawback, because our analysis of the data collected through the SPACE project combined with data from the *European Sourcebook* suggests that, in many countries, probation is contributing to the widening of the criminal justice system that I mentioned earlier today. It is being used as a supplementary sanction instead of an alternative. And

this can be corrected, but for that you need the data to show you that the phenomenon is taking place. You need the data to produce an evidence-based criminal policy.

Ilina Taneva: Here is a question from Enrico Bisogno: "Many thanks, Stefano. A lot of food for thought. You highlighted the importance of the reference system to understand data. What is your view on the International Classification of Crime for Statistical Purposes (ICCS) in understanding crime and criminal justice data? Many thanks."

Stefano Caneppele: Thank you for the question. I think it is good to have a reference system that can be used as a common platform for establishing crime trends and as a basis for detecting trends. The challenge here is that as soon as we try to cover a global dimension, the complexity increases. And so, the challenge is even greater. Well, you know better, Enrico, as you will be presenting on the ICCS this afternoon, but the challenge is heightened when dealing with, on one hand, countries that already have established systems, definitions, and rules, and, on the other hand, with countries in transition, which are more open to incorporating international standards.

A major challenge we face with the *Sourcebook* is that sometimes we cannot get data that matches our definitions. We try to standardise the definition of offences by considering various dimensions and variables, but it is not always easy to obtain country data that fits perfectly with our definitions. As a result, we often have to include many footnotes in the tables, which can make them difficult to read at times. In general, the broader you try to make the scope of comparison, the bigger the challenge.

On one hand, the ICCS is very valuable because it adds significant value to statistical data and helps countries build a national system of crime statistics. On the other hand, particularly in the beginning, the goal may be to focus on a smaller set of offences that can provide useful comparisons for international trends. We see that even within Europe, it is difficult to get feedback from all countries. I imagine it is even more challenging on a global scale, but it is a worthwhile endeavour.

Additionally, diversity is important, in the sense that different definitions and standard definitions can be used, which is also interesting from a scientific research perspective. This allows us to compare and cross-analyse the evolution of crime trends using different sets of definitions. I do not know if Marcelo would like to add or join in on this point.

Marcelo F. Aebi: No, I agree with what you have said.

We still have a couple of minutes for more questions, and here is one by Sara Van Malderen: "I agree with you that data from prison brings attention to the needs of specific and possibly vulnerable groups in prison, with reference to language barriers, integration and the prison regime, and its treatment services and reintegration. These are important issues for prison administration staff, management, and policymakers". Thank you, Sara. Unfortunately, in the public debate, sometimes these figures are

used to stigmatise foreigners. My main point was that, most of the time, the image of the foreigner that is presented by most of the press does not coincide with reality. The percentage of EU inmates among foreign inmates is seldom mentioned, and we have seen that it is quite high in some countries. Hence, people get a wrong idea of the profile of the foreigners imprisoned. Here you have a classic situation in which the practitioners see some issues, while the general public, often misinformed, see others.

I also think it is important to remind what Professor Caneppele said before about putting the data in context. A single percentage can lead to several interpretations, but a percentage cannot be understood outside its context. There are so many factors that influence the percentage of foreigners in prison! Biological sex, age, resident status, immigration laws of the country, and so on and so forth. Even geography plays a role: for example, Switzerland is at the crossroads of Europe and therefore is constantly traversed by people going from south to north, or from east to west, and vice-versa. The Nordic countries are much more difficult to reach. Southern countries, on the contrary, are on the frontline of immigration arriving though the Mediterranean Sea. The geographical position of a country has, of course, a direct influence on the number of foreigners passing through that country, which in turn can have an influence on the percentage of foreign inmates. I am not referring here to immigrants established in the country, but to foreigners not established in the country. The SPACE questionnaire asks countries to differentiate between these two categories of foreigners: those legally established – which I prefer to call immigrants – and those not legally established in the country. In Switzerland, for instance, where the percentage of foreign inmates is more than 70%, you can see when you make this distinction that the overrepresentation is due to those not legally established in the country. Unfortunately, not all countries can make the distinction.

Finally, data on the number of foreign inmates is also useful for the Council of Europe when producing the recommendations of the Committee of Ministers on prisons. And these Recommendations have been extremely influential in many countries. There is a compendium that is available online.[1]

1 See https://www.coe.int/en/web/prison/conventions-recommendations.

Session 2:
Validity, reliability and comparability of criminal justice data

Stefan Harrendorf: Welcome back for the second session of today, addressing the validity, reliability and comparability of criminal justice data. My name is Stefan Harrendorf. I will moderate this session and also have the first talk this afternoon about prospects, problems and pitfalls in comparative analyses of criminal justice data. After that, there will be a presentation by Marcelo Aebi and Antonia Linde on a case study on Spain regarding the influence of statistical and legal factors on international comparisons. And then a presentation by Jörg-Martin Jehle on the prosecution stage, one by Enrico Bisogno on the International Classification of Crimes for Statistical Purposes,[1] and a presentation by Anne Clemenceau and Arsela Sturc on the Eurostat crime statistics.[2]

1 UNODC (2015).
2 See https://ec.europa.eu/eurostat/web/crime/data/database.

Comparative analyses of criminal justice data: Prospects, problems and pitfalls revisited

*Stefan Harrendorf**

Stefan Harrendorf: I will talk about prospects, problems and pitfalls in comparative analyses of criminal justice data, discussing what can or should be done and what cannot or should not be done with criminal justice data collections.[1]

In my introduction, I will firstly refer to Hanns von Hofer's somewhat old, but still valid quotation, that crime statistics are a construct that is very sensitive to the rules applied in the process of construction.[2] Therefore, differently from health data on some illnesses, for example, the data is not that precise; it depends on different definitional aspects and on different rules that are applied when building the concepts of the crimes that are to be compared.

For example, apples are not oranges, as you all know, but also theft is not *Diebstahl*, which is the German word for it, is not *vol*, is not *кра́жа*, is not *hurto*. Each country has a different concept of theft. You cannot simply take the figures from the national statistics and compare them with each other, because then you would compare apples with oranges without really knowing it. Perhaps you think both are oranges, but this is not true. This is indeed a problem.

After this brief introduction, I will give some additional input on the problems of international comparison, then I will show you some results on the data availability and conformity with definitions in the *European Sourcebook*. I will discuss the use of variation coefficients as a means to validate our data and in the end I will show some additional influences on comparability. Finally, I will come to conclusions and present a list of do's and don'ts of international comparisons.

First of all, problems of international comparison. As you can see here in Figure 1 [*Slide 6*], this is the total of police-recorded crime in 2015 across Europe as rates per

* University of Greifswald, Germany.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-stefan-harrendorf-prospects-problems-mejorcmcmcmmcm/1680a1e437.

1 On the same topic, see Harrendorf (2018).

2 Von Hofer (2000).

100,000 population. The darker a country is coloured in this figure, the higher the total crime rate is, and the lighter it is coloured, the lower it is. But as you all can imagine, this is not a security measure, and it is also not a measure for the "true" total of crime, including the dark figure, the reality of criminality in a given country. Of course, you cannot say that Sweden or Finland are really dangerous countries because they have such high crime levels, because obviously the crime figures, which are police-recorded crimes, depend on certain different factors that influence this outcome.

It is not so easy to interpret these data. For example, we have substantive influences on these rates that are presented here. First of all, the real crime rate, including the dark figure, but also other influences like reporting rates – how often victims go to the police to report a crime, how active the police itself is in detecting crimes. Then there are legal issues like how broad is the concept of criminal law in a different country, are there some crimes that are decriminalised in a country and that are only seen as administrative offences, or do we have a very broad concept of crime that even includes speeding or parking offences. And finally, there are statistical counting rules. To give one example: if you have one offender who committed ten robberies or ten burglaries across a period of time, is this counted as one offence or is it counted as ten offences; and for which year is it recorded – for the year in which the crime was solved or for the year in which the crime was committed? All these things and many others influence how the data are recorded and presented and have an influence on the level of officially recorded crime in a given country.

Therefore, international comparison is a really complex task, and still I am convinced that it is a useful task. But you need to know something about this in advance in order to be able to make meaningful comparisons. This morning, I have already shown you this standard definition [*Slide 7*] taken from the questionnaire for the sixth edition of the *European Sourcebook of Crime and Criminal Justice Statistics*, so I will not explain it in detail once more. But I just want to remind you that we use this concept of standard definitions to come to a more standardised answer from the countries. They need to adapt their national data to our standard definitions in order to overcome, to a certain degree, the legal differences that can be observed.

Now here [*Slide 9*] you see some information for the police level on data availability and overall conformity with the definitions. You see results for the different offences, from total criminal offences, major traffic offences, intentional homicide, assault, aggravated assault, sexual assault, rape, and sexual abuse of minors to robbery from left to right. You always see how many countries were able to follow the standard definition in all respects, meaning they followed all the include and exclude rules of the respective standard definition, and how high is the percentage of countries that were not able to follow this standard definition completely – this is the second, orange column that can be seen here. In gray, there are always some countries who have some ambiguities in their replies or do not give complete replies, and then we do not know whether the definition was completely followed or not. Finally, we also have some countries that are

not able to provide quantitative data, for example, because the statistics in the given country do not provide the breakdown for the given offence.

You can see that quite high comparability, or at least conformity regarding the definition, can be achieved for sexual assault, for rape and robbery, where a large number of countries were able to fully follow the definition. While for intentional homicide not so many countries were able to follow the definition completely, we know from other results, from other studies, that intentional homicide can still be compared very well across Europe and even across the world due to the fact that the differences that occur here are not so relevant for statistical comparison.

And then you have here another slide [*Slide 10*] which shows another group of offences from theft to drug trafficking, and you see once again very different results. There are some offences with quite high conformity across Europe, where many countries were able to follow the standard definition in all respects – for example, domestic burglary on police level. The result for this offence is very different on conviction level because this is not always a legal concept in the different countries. A high conformity can also be found for money laundering, an offence which has been somewhat standardised across Europe. Among the newly introduced offences, quite good conformity was achieved for forgery of documents, but the data availability is not so good. Larger problems seem to exist with regard to the other two new offences of aggravated theft and cyber fraud. First of all, they have the highest number of non-available data across all of the offences – about more than 60% of countries were not able to provide data on these new offences. Secondly, a large majority of countries was not able to follow the standard definitions for these offences in all respects. Therefore, this is indeed a reason to take a closer look at these offences in order to decide what to do with them in the next edition or next editions.

Finally, we can also take a look at the general item conformity [*Slide 11*]. What I did here, is to check for all the include and exclude rules of all standard definitions how many of the rules were followed by a given country and how many rules were not. In blue there is the percentage of rules followed. If a rule was, for example, to include a certain item like assault leading to death, and the country did that, then they followed the rule. Also, if the rule was to exclude assistance to suicide and the country did that as required, it was counted as a rule followed. If it was the other way round, so a rule for a certain item was to include it in the data, but it was excluded for the country, the rule was not followed. Missing means there was no quantitative data reported for the offence the rule refers to, or that the question was not answered – it was not said whether the item was included or excluded. As you can see here, the item conformity differs largely between countries. Yet, the majority of countries followed the majority of rules. That is really good. Second, there is quite a difference in the extent to which these rules were followed. This is due to the legal differences between the countries and also to the statistical differences – it is not always possible to adapt to a certain definition. But this is also very valuable information for us.

Now I will take a look at another issue, which is variation coefficients [*Slide 13*]. What is the variation coefficient? I suppose you will all know what a standard deviation and what a mean is. The problem with means and standard deviations always is that the standard deviation can only be interpreted in relation to a certain mean. With crimes, of course, the level of total crime is much higher than the level of homicide, so you cannot easily compare the standard deviation for crime data reported on homicide with the standard deviation for crime data reported on traffic offences, because the orders of magnitude about which we are talking here are very different. A way to standardise this is to look at the relative standard deviation: the standard deviation divided by the mean. This is actually a kind of percentage, and this percentage or ratio is also called a variation coefficient.

Here [*Slide 13*] you can see that in general, the variation coefficients for the different crimes and for all the levels that have been taken into account here – police recorded crimes, police recorded suspects and convictions – are really high, often around one, which means that the standard deviation is almost as big as the mean. This means actually that the mean does not represent the individual countries' results, but it shows that there is a large variation in crime data even across Europe.

But what is the added value of this view here? You can now see [*Slide 14*] that for some offences the variation coefficients are even higher than for other offences. This could be a proxy or could be a sign of problems with the definition or problems with comparability of that offence across Europe. You can see, for example, very high variation coefficients for cyber fraud, especially on police level. The same is true for corruption, especially on convictions level. This could be a sign of problems with the definition or problems with the data for these offences.

And this can also be verified if you take a look at this slide [*Slide 15*], because what I found out already almost tenyears ago is that there is usually a stable relationship between the standard deviation and the mean for different offences in Europe or even worldwide.[3] If you look at the relation between standard deviation and mean, it is almost identical for most offences. Therefore, if you look here for outliers, you would expect that also these outliers should be in line with the others. If they are not, this might show or hint at a problem with a definition. This is a nice and useful tool to identify data problems and problems with certain offence definitions, which has also been successfully used for identifying problems with the data before.

There are other important influences on comparability that have to be taken into account. I will restrict myself to what I think is most important, which is that you should not simply compare levels of crime across the world and conclude that it reflects the extent of crime problems in different countries. I said that already, I showed you the map of Europe before. But there is something you can say, and that is very interesting:

3 See Harrendorf (2012).

there is a relationship, a very strong, positive correlation between the quality of criminal justice work – that is to say the criminal justice performance – and the amount of police recorded crimes in a given country. That means the higher the criminal justice performance, the higher also the rate of police recorded crimes per 100,000 population.

How can this be explained? Obviously, first of all, what is this index that I built? The index was built based on the European Social Survey 2010, where there were questions on justice asked – questions on trust in the police and trust in the courts, and other questions like "Do the police take bribes?"; "Do judges take bribes?", etc. Based on the answers to these subjective questions where the respondents judged their own criminal justice system, I built this index with a range from 0.0 (which means a very bad performance) to 1.0 (which is a very good performance).

And as you can see here [*Slide 17*], there is a very strong correlation with police recorded crimes. Very interesting, on the other hand, we find a strong negative correlation with the rate of completed homicides in a given country – that means the better the criminal justice performance, the lower the rate of completed homicides. And third, there is also a strong negative correlation with imprisonment rates. So, the lower the imprisonment rate, the higher the criminal justice performance index. This is also something that I identified quite a time ago.[4] But this was updated now with these data from the European Social Survey. And it has once again turned out to be still proving true.

Finally, I also built an index from those three indicators from the *Sourcebook* [*Slide 18*]. From total crime, ranked from lowest to highest and homicide completed from highest to lowest and total persons in prison from highest to lowest, I calculated an index for the year 2015 which I called the Criminal Justice Functionality Index. If you do that, you can see here this really strong correlation between the subjective factors – the subjective evaluation of criminal justice performance from the European Social Survey – and these three key indicators from the *Sourcebook*. This shows that actually a high level of completed homicide, a high level of imprisonment and a low level of police recorded total crime are an indicator for a somewhat dysfunctional criminal justice system, which still has to deal with certain problems and perhaps might need some improvement.

So now my do's and don'ts of international comparative comparison:[5]

1. Do not use comparative crime and criminal justice data if the research question can be answered by relying on data from international victim or offender surveys. International comparability for these surveys is better.
2. Do not use comparative crime and criminal justice data to investigate the true incidence of crime in different countries; international victim or offender surveys

4 See, for example, Harrendorf (2017, 2018).
5 Originally published with one rule less in Harrendorf (2018).

are better for this. However, as an exception, it may be feasible to compare levels and trends for completed homicide in different countries and use them as indicators.
3. Comparisons of rates for crime and criminal justice variables between countries should be made extremely cautiously. This does not rule them out, but the interpretation of differences found may be complex.
4. Crime rates are based on the work of actors involved in the criminal justice process and are necessarily influenced by the quality and efficiency of their work. Some rates, like the total of criminal offences, can be seen as a proxy for qualitative police performance.
5. Trend comparisons are more reliable than rate comparisons, as the influence of legal and statistical factors is reduced. They should be preferred.
6. Comparability can be improved by controlling for the influence of distorting factors by using indicators calculated as ratios of two different variables.
7. Country clustering is a difficult task, since data variations between countries are huge. Mean crime rates for the world or even for Europe cannot credibly be calculated. Country clusters are potentially feasible only for countries for which data are highly similar.
8. The best way to obtain comparable data for different countries is to conduct a multi-country study using an identical methodology, e.g. by relying on case files of the courts or prosecution services.
9. If you have to rely on secondary analysis of statistical data instead, never use national data unmodified in comparative projects. Use data from international surveys.
10. Choose the survey that best provides the variables you need and that fits the regional scope of your study.
11. For European studies, the *European Sourcebook* is preferable to using Eurostat or UN Survey data because it much more fully documents differences in offence definitions and recording practices and has a better validation process.
12. If data look strange, do not trust them! Look critically at data before using them and check for internal consistency, inexplicable increases or decreases in trends, and differing values for the same or comparable variables from other surveys.
13. Try to correct wrong or problematic data by replacing them with data for an (almost) identical variable from another international survey.
14. Remember in comparing offence-related cross-national data that data for some offences is much more reliable and comparable than for others.
15. When drawing from the *European Sourcebook*, data for theft, robbery, sexual assault, rape, and homicide, and at the police level also for domestic burglary, are relatively comparable.

Thank you for your attention.

How to adapt data from national statistics for international comparisons of crime and criminal justice statistics: A case study

*Marcelo F. Aebi and Antonia Linde**

Marcelo F. Aebi: Throughout this conference, many speakers have emphasised the critical role of the *European Sourcebook* group in enhancing the comparability of data across different jurisdictions. The group has formulated standard definitions for each offence included in the *Sourcebook* questionnaire. It is crucial for national correspondents to align their country's criminal justice statistics as closely as possible with these definitions. That is their indispensable contribution to the *Sourcebook* project. Our presentation today illustrates the efforts of these national correspondents in tailoring their data to meet the *Sourcebook*'s criteria. This research has been conducted in collaboration with Antonia Linde, who serves as the national correspondent for the Sourcebook in Spain.[1]

Faced with the *Sourcebook* questionnaire, national correspondents encounter several challenges for each offence listed. Initially, they must navigate the linguistic hurdle: how is the offence accurately translated into my language? However, finding a linguistic equivalent does not guarantee an identical offence exists within their criminal code. For instance, the term "murder in the first degree" readily translates into any Romance language, yet the categorisation of murder by degrees is foreign to the legal systems of European countries speaking these languages.

Then, correspondents must determine whether data from national statistics can be used as is or requires modification by including or excluding certain categories. This decision often varies between conviction statistics and police statistics, with the latter typically relying on operational definitions rather than legal ones. A common example is "theft by means of domestic burglary" or simply "domestic burglary", a category prevalent in police terminology but not explicitly defined in continental criminal codes.

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Additional material: the author's presentation slides are available at https://rm.coe.int/presentation-marcelo-aebi-et-antonia-linde-2021-coe-case-study-influen/1680a1e452.

1 See also Linde and Aebi (2021).

In this presentation, we use Spain as a case study to explore the intersection between violent and property offences, focusing specifically on robbery and various types of theft. Concerning the external validity of our analysis – that is, the potential to generalise our findings to other contexts – it is important to note from the outset that it has two applications. First, our observations about the place of robbery in the classification of offences are applicable whenever comparing a common law country, where robbery is considered a violent offence, to a civil law country, where robbery, defined as theft with violence, is categorised as a property offence. Second, the classification of thefts in the Spanish Criminal Code aligns with that of most Latin American countries, including Argentina, Chile, Ecuador, Costa Rica and Perú. This commonality suggests that much of our analysis can be extrapolated to these regions as well. Let us begin with a discussion on robbery.

***Robbery*[2]**

The *Sourcebook* defines robbery as "stealing from a person with force or threat of force". The translation of this definition into Spanish is not straightforward. It is important to note that in English, both the verb "steal" and the noun "theft" refer to the same action: depriving a person of her property, independently of whether there is force or not. On the contrary, the Spanish legal language has two basic, specific and opposite terms: one for cases in which there was force, violence, or intimidation (*robo*) and another for those in which there was not (*hurto*). Second, because in Spanish force and violence are not synonyms. Let us see that in detail. In English, the legal definition of force (according to the Merriam-Webster's Law Dictionary) corresponds to "violence, compulsion, or constraint exerted upon or against a person or thing". That is why in English one could use as synonyms "the use of force or threat of force" and "the use of violence or threat of violence" in the definition of robbery. On the contrary, the Spanish legal language introduces a distinction between force and violence. Researchers simply cannot use the literal equivalent of the word violence (that is to say, *violencia*) when referring to a thing, nor the literal equivalent of the word force (*fuerza*) when referring to a person. In these cases, the literal translations are simply wrong. In the Spanish legal system, there is a distinction between "theft with violence or intimidation on persons" (*robo con violencia o intimidación en las personas*) and "theft with force on things" (*robo con fuerza en las cosas*). The former is the equivalent of robbery, and although it may be seen as a periphrasis (in the sense that it uses multiple words instead of a single one) it appears to us as an appropriate expression for two reasons. First, because it emphasises the place of the offence amid property offences. Second, because it perfectly complements with "theft with force on things", as we will see immediately through an analysis of the different kinds of theft foreseen in the Spanish Criminal Code. It is worth mentioning that "theft

2 We have added subtitles to simplify the reading.

with force on things" is often wrongly translated from Spanish to English as burglary (for example, in the translation of the Spanish Criminal Code made by the Spanish Ministry of Justice and available online[3]), which creates even more confusion.

Theft

The *Sourcebook* defines theft as "depriving a person or organisation of property with the intent to keep it". In the classification of the *Sourcebook*, theft is thus an overarching category that corresponds to taking personal property from someone independently of whether or not force was used to access that property. The only cases excluded are those in which violence was used against persons to obtain that property, which, following the common law tradition, are considered as robberies. Consequently, theft cannot be translated to Spanish as *hurto*. The latter, as we have just seen, is an offence that excludes the use of any kind of force, violence, or intimidation (typical examples are shoplifting and pickpocketing). In fact, a proper legal translation of *hurto* would be "larceny-theft" (and not simply "larceny", as in the translation of the Spanish code that we just mentioned). Larceny-theft is an offence foreseen in the United States FBI's Uniform Crime Reporting Program and refers to stealing when the property "is not taken by force and violence or by fraud".[4] However, "larceny-theft" does not exist in the United Kingdom, where there used to be an overarching crime called "larceny", which was abolished in the 1960s and replaced by the specific offences treated in this presentation: robbery, burglary, fraud, and different kinds of theft.

And here is a very interesting point I would like to bring up: the International Classification of Crime for Statistical Purposes, or ICCS, from the United Nations Office on Drugs and Crime – UNODC, which we will be discussed in another session of this conference – defines "theft" in line with the Spanish and Latin American tradition of *hurto*. According to the ICCS, theft is described as the unlawful taking or obtaining of property with the intent to permanently withhold it from a person or organisation without consent, and crucially, without the use of force, threat of force, violence, coercion, or deception. This particular definition has some significant implications for data comparability in the United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems, also known as UN-CTS. Countries outside the Spanish-speaking legal tradition encounter two major challenges. First, for those tasked with filling out the questionnaire, there is a real difficulty in recognising that the term "theft" is used in a way that does not just stray from their own legal terminology but also from the common everyday usage of the word in English. Second, it becomes a challenge to disaggregate data for "larceny-theft" as a distinct subcategory of theft within their

3 Available at https://www.mjusticia.gob.es/es/AreaTematica/DocumentacionPublicaciones/Documents/Criminal_Code_2016.pdf.

4 See https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/larceny-theft.

statistical systems, especially since many of these countries do not even recognsze that subcategory in their legal frameworks.

Here is our point: it is very risky in comparative criminology to take names of offences that already exist in a legal system and give them a different meaning. In fact, we believe that this is not the appropriate way of obtaining comparable data from countries with different legal systems, which usually imply different terminologies and definitions of offences.

In our view, there are two better alternatives, which I personally proposed many years ago during a meeting with the group of experts working on the ICCS in Mexico, if I recall correctly. However, these were not adopted. These alternatives can be illustrated through the translation of "theft" into Spanish. The first approach involves using a term outside of legal jargon. A suitable candidate for "theft" might be "subtraction" (*sustracción*), which, although it appears in the Spanish Criminal Code in the context of motor vehicle theft, is not itself an offence. This concept would need to be defined in simple terms, focusing on general understanding rather than adhering strictly to the specifics of criminal codes, which are more relevant for legal experts than for criminologists. The second approach – perhaps less elegant – is to use a descriptive or periphrastic translation. For instance, "appropriation of another's property, with or without force or violence".

Independently of the term chosen to translate "theft", the empirical consequence of the incomparability of the offence foreseen in the *Sourcebook* with any specific offence in the Spanish Criminal Code means that one cannot use the figures published in the Spanish national statistics without adapting them. In particular, the only way to match the Spanish data with the one required by the *Sourcebook* is to add several legal categories.

In conviction statistics, one must add (a) larceny-theft (*hurto*), (b) theft with force against things, and (c) theft of use of motor vehicles (*joyriding*). In practice, that computation multiplies by three the number of sentences for larceny-theft pronounced in 2019 in Spain.

In police statistics – whose operational definitions differ slightly from the legal ones – one must add (a) larceny-theft, (b) theft with force against things, and (c) theft of vehicles with or without the use of force. In practice, that computation increases by 50% the number of larceny-thefts registered by the police in 2019.

Motor Vehicle Theft

You might have noticed that in our previous computations, we included various categories of motor vehicle theft. This requires an explanation because it is linked to a specific aspect of the Spanish Criminal Code. This code includes a crime called *sustracción de vehículos a motor*, which might seem like it should translate directly to "motor vehicle theft", but that would be misleading. In reality, the code's definition aligns more closely with what it is called "joyriding" in English. According to Article 244.1 of

the Spanish Criminal Code, this offence covers situations where there is no intention of appropriation, and the vehicle is returned within 48 hours. That is essentially what we understand as joyriding. Now, if the vehicle is not returned within that time frame, the code then assumes an intent to keep the vehicle permanently. The act could then be classified as either (a) larceny-theft, (b) theft with force against objects, or (c) theft with violence or intimidation against persons – that is, robbery – depending on how the theft was carried out. Therefore, authors convicted of these crimes are categorised under these broader offences, making it impossible to pinpoint from the published statistics the subcategory of cases specifically involving motor vehicles.

That is exactly why the number of motor vehicle thefts reported in Spanish judicial statistics seems surprisingly low. The legal definition in Spain – which we have identified as more akin to joyriding – does not only diverge from the definition used in the *Sourcebook*, which describes it as "depriving a person or organisation of a motor vehicle with the intent to keep it or to use it", but it also differs from what is used in Spanish police statistics. The police apply an *operational definition* that captures *the exact opposite* scenario, counting only the vehicles that were actually stolen from their owners. So, in 2019, the Spanish judicial statistics reported just 1,729 convictions for joyriding, whereas the police reported 35,105 incidents of motor vehicle theft, which might involve force, violence, or intimidation. However, neither of these aligns perfectly with the broader definition used by the *Sourcebook*, which includes joyriding but excludes instances where there was violence against vehicle occupants, which should be classified as robberies. The nuances in these statistics are critical, and they are clarified in the comments provided by Spain in the *Sourcebook* metadata. This example highlights the need to consult the metadata collected in the *Sourcebook* before making any analysis of the data.

Burglary and domestic burglary

The Sourcebook categorises motor vehicle theft alongside other forms of aggravated theft, such as theft by means of burglary. In that perspective, it is crucial to contextualise the concepts of burglary and domestic burglary. In contemporary common law systems, burglary is typically defined as unlawfully entering a building with the intent to commit any crime and is often referred to as breaking and entering. However, none of these terms have direct counterparts in civil law systems like Spain's. Moreover, the everyday use of the word "burglary" in English-speaking environments differs from its legal definition: according to the Cambridge Dictionary, burglary refers to "the crime of illegally entering a building and stealing things". Similarly, the *Sourcebook* – which in its sixth edition has changed the labelling of the offence to theft by means of burglary – defines burglary as "theft from a closed part of a building or other premises after gaining access to it against the owner's will (e.g., by use of force against an object)".

Defined in that way – that is, with the intention to steal – burglary could be translated into Spanish as "theft with force against things", a legal term already present in the

Spanish Criminal Code. However, the correspondence between the two is far from perfect. For example, in common law jurisdictions, burglary can be committed without using force, such as by remaining in a public building after it closes. In contrast, in Spain, "theft with force against things" explicitly requires the use of force and does not specifically refer to "buildings" but to "things". This offence occurs whenever someone forcibly accesses an object – be it a vending machine, a parking meter, a car, or, in the "good old days", a public phone – to steal from it. This is also true in other civil law jurisdictions, where this aggravated form of theft exists, though its label may vary. This inclusion significantly affects the number of registered offences because theft from cars is one of the most common types of theft in western countries. Consequently, the expanded definition of burglary in the *Sourcebook* requires the national correspondents from countries with civil law systems to exclude thefts from motor vehicles, vending machines, or parking meters.

In short, burglary has no direct legal equivalent in the Spanish Criminal Code and thus does not appear as such in conviction statistics, meaning there will be no data from Spain in the relevant section of the *Sourcebook*. Logically, the subcategory of domestic burglary is also absent.

On the contrary, Spanish police statistics, which are based on operational definitions, provide data on theft in commercial premises (*robo con fuerza en locales comerciales*) and in households (*robo con fuerza en vivienda*). The latter corresponds to the *Sourcebook*'s definition of domestic burglary: "gaining access to closed private premises (e.g. by use of force against an object) with the objective to steal goods". Incidentally, we consider that the appropriate equivalents would thus be *robo en vivienda* and "theft with force in a household". In sum, when completing the chapter on police statistics of the *Sourcebook*, it was possible to provide Spanish data for domestic burglary and, by adding the two categories mentioned above to also provide data on "theft by means of burglary".

Putting it all together

To clarify what we have discussed so far, Figure 1 offers a simplified overview of the classification of the main property offences and robbery according to the common law system, the *European Sourcebook of Crime and Criminal Justice Statistics*, and the Spanish Criminal Code. You will notice the names of the offences coloured in blue across each system, and the placement of robbery highlighted in red. This figure illustrates why, due to varying classifications of offences across different countries, finding exact equivalents for comparative research can be challenging.

In this context, we have seen how crucial the role of national correspondents is. They are essential not only for gathering meaningful data but also for explaining how this data was collected and how it should be interpreted. They provide the essential *metadata* required to understand the data correctly.

National correspondents also play a critical role in providing detailed explanations for observed trends in crime statistics. For instance, the *Sourcebook*'s standard definition specifies that total theft figures must include minor thefts – those involving small amounts – which can significantly alter the total number of registered infractions depending on whether they are included or excluded. In that perspective, a pivotal piece of information is that before the reform of the Spanish Criminal Code in 2015, larceny-thefts (*hurtos*) of up to € 400, which were merely subject to fines, were categorised as misdemeanours (*faltas*) and not included in the total number of registered crimes. The reform eliminated the "misdemeanour" category, replacing it by a category called "minor offences" (*delitos leves*). This significantly impacted the recording of larceny-thefts. In police statistics, this reform coincides with the end of the downward trend in larceny-thefts, which had decreased from 73,000 in 2013 to 57,000 in 2015, and then increased to 59,000 in 2019. In conviction statistics, the number of sentences for larceny-theft multiplied fivefold from 2014 to 2016.

Pessimists might view this as yet another example of the inadequacy of official statistics to accurately measure crime. We agree with this view only to some extent: as we will demonstrate immediately after summarising our presentation, sometimes official statistics can be extremely useful in measuring crime trends.

Conclusion

In a nutshell, today's discussion highlighted some key distinctions in legal terminology between common law and civil law jurisdictions, which are illustrated in Figure 1. In common law systems, using force or the threat of force to take property from someone with the intent to keep it is considered a violent offence known as robbery. Conversely, when such appropriation involves no violence or intimidation, it is – unsurprisingly – categorised as a property offence. Iin civil law systems, like Spain's, the act of taking someone else's property with the intent to keep it is always considered a property offence, regardless of whether violence is involved. This methodological discrepancy highlights why it is incorrect to directly compare the *overall rates* of *violent offences* or of *property offences* across common and civil law jurisdictions: each system categorises offences differently under these broad categories.

Additionally, the Spanish Criminal Code – as well as the codes of several Latin American countries – distinguishes between violence and force: "force" pertains to actions against objects, while "violence" pertains to actions against persons. Within this framework, there are three distinct categories of theft: (a) without any force or violence (larceny-theft), (b) with force against objects, and (c) with violence or intimidation against persons (robbery). However, there is no single term in Spanish that encompasses all three, which leads to the necessity for a periphrasis, such as "appropriation of another person's property". Specifically, in Spanish legal terminology, there is one word for stealing without force (*hurto*) and another for stealing with force (*robo*). *Hurto* derives from the Latin *furtum*, which also produced *furto* in Italian. Nevertheless, while

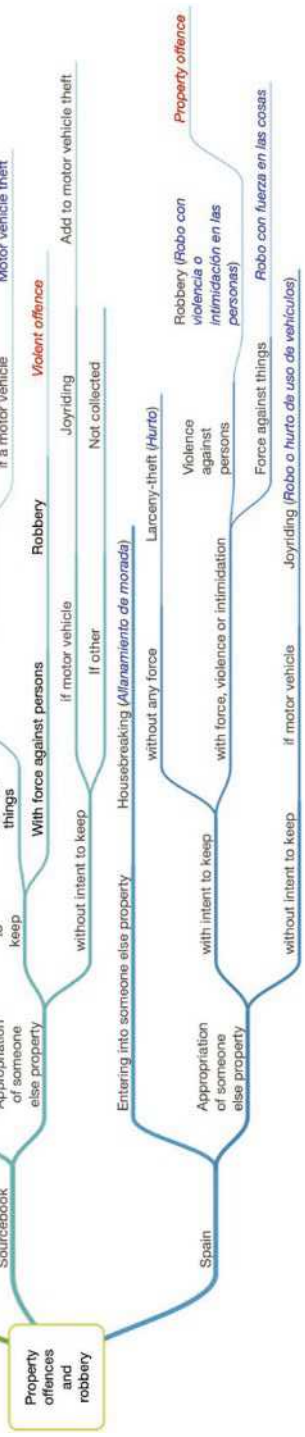
Italian allows for *furto* to be qualified to include force (*furto con scasso*), Spanish does not permit a similar combination of words. Far removed from these legal intricacies, in everyday language, Spanish speakers typically use *robo* – which shares roots with "robbery" in English and *Raub* in German – to refer to all kinds of thefts. However, comparative criminologists are challenged to find more sophisticated solutions to address this lack of equivalence, a quest that was the focal point of our presentation.

English serves as the *lingua franca* for criminologists, and as a result, the criminological literature typically employs common law definitions of offences. We contend that it is often misguided to seek exact synonyms for these offences among the offences included in the criminal codes of civil law countries. Specifically, we demonstrated that theft and burglary, as defined in the *European Sourcebook*, do not have precise equivalents in the Spanish Criminal Code. Similarly, it is usually incorrect to translate the offences described in the Spanish code using terms from common law because the definitions do not align exactly. For instance, the Spanish Ministry of Justice erroneously uses "larceny" to translate *hurto*, when an accurate translation would be "larceny-theft". Additionally, it translates *robo con fuerza en las cosas* as "burglary", whereas "theft with force against things" would be appropriate. Consequently, we propose using periphrastic translations, which, although more verbose, provide a clearer and more accurate description of the criminalised behaviours. This critique is, of course, meant to be constructive and aligns with our 2010 criticisms regarding the sudden disappearance of comprehensive Spanish police statistics and the lack of reliable indicators for trends in computer-related offences, both of which have since been addressed.[5]

We hope this presentation has underscored the extreme importance of the metadata collected by the *Sourcebook*, as well as some of the many challenges that national correspondents and regional coordinators face in gathering this data.

5 Aebi and Linde (2010a, 2010b).

Figure 1. Classification of the main property offences and robbery according to the Common Law tradition, the *European Sourcebook of Crime and Criminal Justice Statistics*, and the Spanish Criminal Code



Prosecution: The missing link between police and court level

*Jörg-Martin Jehle**

Jörg-Martin Jehle: I will talk about the prosecution as the intermediate stage between police and court level, which is decisive for dealing with criminal cases within the criminal justice system. If you look at the rates of offences and offenders at the police level and compare these to the rates of convicted persons, you see a huge attrition of criminal cases. This attrition is essentially due to the decisions of the prosecutorial authorities: they decide whether a criminal case is brought before a court or handled in a different way. Hence, the prosecution stage is the link between police and courts. What is going on there is not totally missing, but only partly reflected in the various national statistics of prosecution.

Let us firstly have a look at the criminal justice system as a whole and determine which functions the public prosecution authorities have within the system. This is an overview of different levels of the criminal justice system showing the flow of criminal cases. Let us first go to the question of which offences are included and dealt with within the criminal justice system. There is a core of serious offences which are defined as criminal in all countries, for example intentional killing, robbery, rape and other serious offences. But many countries have a special category of minor offences, administrative offences or offences against public order. They are dealt with outside the criminal justice system, and this mainly concerns minor traffic offences. A few countries even deal with classical offences like theft and bodily injury in a special way: either the police can end the case or bring the case to a special court outside the criminal justice system. For example, this is true for the so-called *wykroczenie* in Poland or the contraventions in France where the police can handle the case by themselves. Last but not least, some countries handle juvenile offenders who have committed a less serious offence totally outside the criminal justice system.

How do the police handle criminal offences? Which offences are transferred to the prosecutorial stage? The input into the prosecution level depends on the power of the police. In some countries, the police have to transfer all criminal cases to the prosecuting authorities, for example, in Germany. In other countries, the police can

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Additional material: the author's presentation slides are available at https://rm.coe.int/presentation-jorg-martin-jehle-coe-conference-210321-prosecution/1680a1e431.

exercise a sort of discretion and can end prosecution by themselves, for example, cautioning in England. In some countries, petty offences like shoplifting in Poland and Czech Republic and criminal offences of minors are handled outside the criminal justice system. Concerning minors, this is especially true in Central/east European countries. So, the input into the prosecution stage strongly varies according to the different criminal justice systems.

When the police have handed over the criminal case to the prosecution level, what happensthere? We focus on the most important issues: the final decisions of the prosecutor. The case output depends on the discretionary powers of the prosecution authorities which vary from country to country as well. In most countries, the prosecution authority has the power to decide whether or not to prosecute, for example, because of lacking evidence or for efficiency reasons. In some countries, they can end the case under certain conditions, e.g., the defendant has to pay money to a welfare organisation, do community service or other measures. In some countries, the prosecutor can impose penal sanctions, usually a fine that leads to a formal verdict, with or without the consent of the court (this sort of penal order is used in the Netherlands, for example). In consequence, only a part of the criminal cases is brought before a court and leads to a conviction after a full hearing.

In our questionnaire, we have developed categories of the central disposals to make the figures in Europe comparable. There is the total of cases disposed of and a breakdown by cases brought before a court, penal orders, measures imposed by the prosecutor (paying a sum of money and other measures), proceedings dropped unconditionally due to lack of public interest or efficiency reasons, proceedings dropped for legal or factual reasons, and proceedings dropped because the offender remained unknown.

Let me present some general results. The questionnaire asked for competences and available disposals of the prosecuting authorities. The metadata gathered were very useful, providing a good overview of the different national systems. However, the data availability is not as good as at the level of police and courts, though it has slightly improved during the last decades. Almost all countries could provide data, at least for the total of cases disposed and the criminal cases brought before the court. In most countries, there was a decreasing trend of criminal cases handled by the prosecution between 2011 and 2016, which parallels the trend at the police level to a certain degree.

Concerning the breakdown by minors, women, and foreigners and the different types of disposals, we only collected cross-sectional data for 2015, and only a minority of countries could provide data. However, regarding the breakdown by offence groups, a majority of countries could provide data. Additionally, we collected some data on persons' freedom of movement restricted by police custody and pre-trial detention. Finally, we can show the development of staff of the prosecuting authorities. Altogether, the data collection demonstrates a mixed result: general data are available for almost all countries, but only a minority of countries could provide data concerning the types of disposals and the suspects/defendants concerned.

Let us have a special look at the percentage of cases brought before a court [Table 1]. The variation of the percentages is huge, from an extreme minimum of only 5% up to an extreme maximum of 98%. In most countries, there is a remarkable attrition. In half of the countries, the percentage of cases brought before a court is clearly below 50%. Of course, the attrition is not the same in all fields. One can assume that it differs according to the seriousness of offences, which is demonstrated in the following table. Table 1 shows that the proportion of cases brought before a court depends on the seriousness of the offence; concerning serious violent offences like homicide and robbery, the percentage of indictments is much higher than concerning less serious offences like bodily injury, theft, and drug trafficking.

I come to my second table [Table 2]. In the vertical order, you find the workload on the prosecutorial level. There are countries like Armenia or the Czech Republic with a low rate of criminal cases disposed of by the prosecution authorities and there are countries with a higher workload like France and Germany. If you go to the horizontal order, we find the proportion of cases brought before a court: a low proportion like in Austria and a high proportion, about 50%, like in England and Wales.

The following idea is behind the table: There is a relationship between the two factors. IIf the prosecution authorities have to deal with a relatively low number of cases, the percentage of cases brought before a court will be high, and the other way around. For example, in the Czech Republic, the rate of criminal cases is relatively low and the percentage of cases brought before a court tends to be high. On the other hand, the workload of criminal cases is relatively high and the percentage of cases brought before a court is relatively low, for example, in Germany. Altogether, in this respect a clear trend can be observed, with the exception (that must be admitted) of Armenia on the one hand and Turkey on the other.

Let me now make my final remarks. Data describing the various national differences concerning competences and disposals of prosecution authorities are quite good and they help a lot to understand the differences between the various jurisdictions. But data availability at the prosecution level is poor compared to the police and courts level. It has to be improved in the future because prosecution is a decisive stage within the criminal justice system. This has mainly to do with measures to end the case at the level of prosecution. There, the *European Sourcebook* has developed categories of recording, but figures from national prosecution statistics are often missing. Many countries cannot provide differentiated or even any data on the various decisions of the prosecuting authorities. This is especially true for alternative measures concerning minors, which is a pity because this has become the most important part of juvenile criminal law. In order to reach a better understanding of what takes place in this important field of prosecutorial discretion, it is necessary to essentially improve prosecution statistics in the near future. Nevertheless, even now, some interesting aspects and trends can be observed, as I have hopefully demonstrated in this presentation. More details can be

found in the coming new edition of the *Sourcebook*. Thank you very much for your attention.

Table 1. Percentage of cases brought before a court by offence groups in 2015*

	Homicide	Robbery	Bodily Injury	Theft	Drug Trafficking
Mean	76%	71%	55%	46%	54%
Minimum	22%	10%	6%	3%	14%
Maximum	100%	97%	88%	99%	93%

* Mean of 17 (robbery), 18 (homicide, drug offences), 19 (bodily injury, theft) countries regarding the percentage of offences that were brought before a court.

Table 2. Percentage of cases brought before a court in relation to the rate of criminal cases

		Cases brought before a court per 100,000 population in 2015		
		low: up to 25% of total cases disposed of	middle: more than 25% up to 50% of total cases disposed of	high: more than 50% of total cases disposed of
Cases disposed of per 100,000 population in 2015	low: up to 1,500	Armenia*	Albania* Serbia*	Czech Republic Georgia* Hungary* Latvia* Lithuania Luxembourg Montenegro* Netherlands
	middle: more than 1,500 up to 5,000	Austria* Estonia* Portugal* Romania*	Bulgaria* Finland Poland* Slovenia* Scotland	England & Wales Iceland* Lithuania*
	high: more than 5,000	Belgium* Denmark France* Germany	Sweden	Turkey*

* Cases disposed of include proceedings against unknown offenders.

The International Classification of Crimes for Statistical purposes (ICCS)

*Enrico Bisogno**

Enrico Bisogno: It is a pleasure to be in touch with you all and with the people and friends from the *European Sourcebook*. I would like to share with you some thoughts and reflections on the ICCS, the International Classification of Crime for Statistical Purposes, which has been mentioned a few times, and update you on how things are going.

As you know, the ICCS was endorsed in 2015 by both the UN Statistical Commission and the UN Commission on Crime Prevention and Criminal Justice. Before the latest years, we did not have any international statistical standard on statistics on crime and criminal justice. We know from experience that the fact that a standard has been endorsed does not mean that things will change overnight. It is a process of adaptation and implementation by countries that will take some time, but we can already see some improvements.

I think it is good to quickly go through the advantages of the ICCS. What would be the advantages once it is properly implemented at country level? One of the key advantages is to provide a comprehensive statistical framework of criminal offences – all forms of crimes can be properly reflected in the data countries produce. We know from experience that traditionally, countries have been reporting more on certain crimes with different levels of accuracy. For example, violent crimes had more importance than other types of crimes. The ICCS should provide visibility to all possible forms of crimes, improve comparability because using the same definitions for the same crimes should improve comparability, even if we know that is only one of the factors affecting it. By naming things in the same way, we should improve comparability of data across countries and across time, which is something that the UN should indeed promote.

Another element that we always stress is that the ICCS can improve consistency not only across countries but also within countries – for example, in federal states, but also very importantly at different stages of the criminal justice system and across different

* UNODC.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-enrico-bisogno-on-iccs/1680a1e42e.

sources. One thing we have noticed in these few years is that the ICCS represents a common vocabulary in crime for statistical purposes. It is becoming more and more used not only for statistical purposes, but when there is a policy focus on certain areas of crime, like environmental crime, domestic violence or cybercrime. It is always very difficult to develop some international concepts or definitions because it can be very sensitive and complex. The fact that there is something developed for statistical purposes facilitates some processes that usually take a lot of time just for discussion of definitions.

This is what is being done by countries to implement the ICCS. There are different steps – technical steps to match the national system into the ICCS framework. The categories and definitions of the ICCS are used to build correspondence tables to improve the data at country level and produce ICCS-compliant data. Most countries are still at different stages in this process of adaptation, trying to map their national system into something that can produce data compliant with the ICCS categories and definitions. We always stress the need to disaggregate data to highlight characteristics of the perpetrators, victims, and the way that the crime was committed.

We know there are challenges, both technical and in terms of awareness. Not always do we have sufficient awareness of why agencies should realign their production system of data. In some cases, we see the difficulty to make the change – they have to understand the value of their systems before changing their ways of producing data. Also, when we are able to produce data according to the ICCS, they might result in changes in figures that not everybody likes, for example, because they produce an increase in the number of homicides. This is why beside the technical path, we need more advocacy work so that people in our institutions – not only law enforcement or people from the judiciary or prison administrations, but also other users like people from academia, researchers, people from NGOs – see the value of the ICCS and try to show in concrete terms what it means.

I wanted to show you a couple of examples. In this chart [*Slide 7*], you can see for three countries – two countries in Europe and one country in Latin America – a simple ratio. You are very familiar with this kind of indicator. This is the ratio between convictions and reported offences for some of the ICCS categories. On the extreme right, you can see what is the ratio for the total number of offences. It is between 10 and 15% in these European countries while it is well below 10%, 5%, for the country of Latin America. This already gives an indication where there is more effectiveness of the criminal justice system. But then you can also do this comparison by different types, different categories of crimes. And you see, for example, for the country in the middle, the relation to drug-related offences or on the right again in terms of offences against the natural environment, and you can see the differences in how the system in these countries acts differently in relation to different types of crimes. This is one of the added values of the ICCS. Before the ICCS, without ICCS, it would not be possible to do these comparisons. We know these are not perfect figures because the compliance

with the ICCS is not yet perfect. But still, the fact that countries are able to put together these data according to the ICCS categories really adds value to the data produced by countries. This is one example where one can really build a strong argument in favour of the ICCS and the value it can provide to policy-makers or practitioners of the criminal justice system.

Another area where we are also very much engaged is on femicide, on gender-related killing for which internationally we do not have yet a standard definition. We know there is a lot of attention around this topic, a lot of goodwill to stop this horrible form of killing. But we are still at the moment where we are not yet able to understand differences across countries, even in trend levels in different countries. This is why UNODC and other international/regional agencies have launched an initiative to define clearly, from a statistical perspective, what is a femicide. Building on the definition of homicide, we identified a number of specific categories of killings that can be very accurate and comprehensive in identifying all forms of gender-related killings. First, we know that the first approximation of this type of femicide is represented by homicide of a woman perpetrated by intimate partners or other family members. But we know that this is not enough and, based on the ICCS, we identified a number of other categories, either on the victim or on the perpetrator or other characteristics that can really help identify and then count these forms of homicide [*Slide 10*].

The ICCS implementation is a process very strongly grounded on a technical path and a technical process of mapping nationals to international categories, but at the same time it is important to accompany this process with strong advocacy activities to show its value. This is why we are trying to also underline the value of the ICCS as a tool to modernise crime statistics, to bring them in line with other areas of official statistics. We are trying to build a stronger alliance around the ICCS. Maybe this message is facilitated in Europe, where there is already a very mature system in relative terms compared to other regions of the world. But we can see other regions like in Latin America, in Asia, and more and more countries in Africa are also looking at the ICCS as a way to improve, modernise and make real use of crime and criminal justice data. We really would like that, also a network, such as the one around the *European Sourcebook*, could take this ICCS as a tool, an important tool to bring it to the next step also at the European level, in terms of comprehensiveness and comparability of crime data.

I will stop here and if there are any questions, I would be more than happy to be in touch with you. And I hope we can continue to work more and more closely with your network. Thanks a lot.

Eurostat Crime Statistics

*Anne Clémenceau and Arsela Sturc**

My name is Anne Clemenceau. I am the new head of the Eurostat unit in charge of 'income and living conditions; quality of life' and new in the field crime and criminal justice statistics. But I have with me Arsela Sturc, who is an expert in the field. I wanted to give you an overview of the story of EU statistics on crime and criminal justice: the European Commission established an Action Plan 2006-2010 to develop a comprehensive and coherent strategy to measure crime and criminal justice. The 2009 Stockholm programme reiterated the need for reliable and comparable statistics on crime and criminal justice. In 2012, there was a new action plan 2011-2015 to improve statistics in this field. Data collection started in 2007, with 2005 as a reference year. In 2014, this data collection became a joint data collection with UNODC. This data collection is composed of a common path and some specific data for the European Commission. These data, which are published by Eurostat, are classified according to the crime categories and in line with the previous presentation, defined in the international classification of crime for statistical purposes (ICCS).

So, the basics: how do we work in Eurostat? The data providers are public authorities, such as police, prosecution, courts or prison. In Eurostat, we usually work with national statistical offices. However, for this data collection, they only have a coordination role, they are not the data providers. In some countries, it is even the police or a ministry that is in charge of the coordination.

Most common crimes are regulated by national laws and covered by national statistics. But when a crime is regulated by EU law, it is mandatory for the member states to provide data to Eurostat. These data are based on administrative sources (they are not collected through a survey), collected on a voluntary basis by all EU countries, candidate countries and potential candidate countries. The content of the annual data collection is discussed in the yearly working group meeting. Data are transmitted to Eurostat as aggregated figures.

What is our data offer? In fact, we have five categories of data [*Slide 6*]. The first one is police data, so recorded offences by offence category. The second category includes data recorded on intentional homicide and sexual offences; the third one relates to persons in criminal justice system. The fourth and fifth categories relate to court processes and to some characteristics of prisons and prisoners. Going into more details,

* Eurostat.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-anne-clemenceau-eurostat-eu-statistics-on-crime-and-crimi/1680a1e42b.

we see on the next slide [*Slide 7*] the offence categories for which we disseminate data on the number and per hundred inhabitants recorded offences: intentional homicide, assault, sexual violence, robbery, burglary, theft, unlawful acts involving controlled drugs or precursors. In relation to recorded intentional homicide and sexual offences [*Slides 8-9*], we have data on intentional homicide, rape and sexual assault by legal status and sex of the person involved, number of intentional homicide victims by victim-offender relationship and sex and age. We have also data on larger cities: on the number of intentional homicide victims in larger cities by sex and the number of intentional homicide offences in larger cities.

On the slide [*Slide 10*], we give some more detailed information on all the breakdowns in relation to legal status, sex, victim-offender relationship, age groups. The next slide [*Slide 11*] focuses on the third category, that is to say on persons in the criminal justice system, so suspected, prosecuted, convicted persons by sex, by age, by citizenship, as well as information about number/rate of personnel (professional judges, police officers, persons in adult and juvenile prisons) in the criminal justice system by sex [*Slide 12*].

Looking at court processes [*Slide 13*], we have information on legal cases processed in first instance courts by legal status of the court process and persons brought before criminal court by legal status of the court, and again, on the next slide [*Slide 14*], we see the different breakdowns used in our dissemination. The last part of the information we disseminate [*Slides 15-16*] is related to prison and prisoner characteristics, by offence category, prison capacity and number/rate of persons held, prisoners by age and sex by citizenship and prisoners by legal status of trial process. And again, we have different breakdowns.

As I said earlier, these data are based on administrative information and consequently have some limitations we are fully aware of, and it is also part of our metadata information [*Slide 17*]. First of all, full comparability is not achieved, given that the data are very much depending on the legal systems and the criminal justice systems, very much depending on national legislation, national legal definitions, recording methods differ. We have differences not only in national crime definitions, but also in international statistical definitions. We sometimes have issues with statistical units or with statistical population. We need to be aware of these limitations when analysing the data because of the data sources which are being used at national level.

Based on this information we have different products: first, data are available in our database, the Eurostat database, and you have the link on the screen [*Slide 18*], but we also produce methodological documentation, some metadata, we have some short articles or what we call also proceedings, much more detailed statistics articles or also other statistical tables we can produce for specialised users. We also have other products [*Slide 19*] including a dedicated website, guidelines, publications (two on the slide, you see one with the ICCS classification and one on monitoring the EU crime policies using this international classification).

Overall, our data offer is quite complete because we have a high response rate of 97% [*Slide 20*]. Apart from this basic information on crime and criminal justice, we also collect additional data on very specific issues such as cybercrime, migrant smuggling and trafficking in human beings. We have also some regional data for the main core offences, which we started very recently. Arsela Sturc, in charge of this data collection in Eurostat, is our main contact point for all of our work [*Slide 21*]. Thank you.

Q&A session 2

Stefan Harrendorf: We have a question from the forum that can be answered immediately: Yes, all the PowerPoint presentations of this conference are available for download through the website of the Council of Europe. Many thanks to Christine Coleur, who has taken care of that.

Ilina Taneva: I have a question addressed to Jörg-Martin Jehle. There was a presentation about police and prosecutors, and the difference between judicial systems; in particular, whether the police can decide on the case to be sent to the prosecutor's office or not, while in other countries, they automatically send every case to the prosecutor's office. In the previous presentation of this morning, about countries in which there are less registered crimes by the police and countries in which there are more registered crimes, which were identified by different colours, I was wondering whether there is some correlation being sought between the fact that in some countries police have the authority to decide on the case and not refer to prosecutors. Maybe this influences the numbers of police files that are registered?

Jörg-Martin Jehle: That is a very good question; but we have not studied it yet. We should do it because there are a lot of relationships between the different entities at the different levels of the criminal justice system. I have shown the relationship between the caseload at the prosecutorial level and the decision to take the criminal case to a court, but of course, we could proceed in the same manner with the relationship between police categories, police entities, and the prosecutorial caseload, and we can also put it in relation with the proportion of cases brought to the courts. We could do this and maybe we should do this. I will try to test whether such relationship exists.

Paul Smit: I would like to react on the presentation of Enrico Bisogno about the ICCS, in particular on his closing remarks about the link between what we are doing with the *European Sourcebook* and the ICCS. The obvious question is, of course, if there is such a wonderful standard classification, why are we [the European Sourcebook Group] not using it? This is a perfectly legitimate question. Enrico knows that I am really a fan of the ICCS. I think it is a wonderful exercise, and it is very good to have this worldwide standard classification. Nevertheless, I do not think it would be wise for us, as the European Sourcebook Group, to adopt it. And I will tell you why. Actually, these are two different approaches. The ICCS is somehow imposing a classification. I realise that it does not impose legal definitions to the countries, that the classification exists purely for statistical purposes, but it is still imposing, in a certain way, standard definitions. While the *Sourcebook*, on the other hand, is more suggesting definitions and taking note of all the deviations from these definitions. These are part of the metadata and

are very useful for researchers. So indeed, as a researcher, I am quite happy to have two different sources of data with two different kinds of approaches for the classification.

Having said that, of course it is very good to have this link between the work of the European Sourcebook Group and of the UNODC. Moreover, as you know, if you look carefully at the ICCS, you can see that many elements of it are actually derived from the *Sourcebook*, because some of the experts of the *Sourcebook* have also contributed to the ICCS. And I would very much like to see this kind of cooperation continuing, because a classification of definitions of crimes is actually only the beginning. There are all kinds of other concepts that we have to define. What exactly is a prosecution? How can you define what an offender is? Etc. And this is something that the Sourcebook group, also in cooperation with the UNODC and Eurostat could be working on in the coming years.

Enrico Bisogno: Thanks for the reflection. Yes, it is as you said: the ICCS builds on the work of previous projects, and the European Sourcebook Group was a pioneer in the area. I think that, even globally, I do not know of other initiatives that undertook this work of looking very carefully at data and definitions, and metadata, and so on. So, we can really say that you laid the foundations for this kind of work and then it was taken up by UNODC. And I think you could also allow the development of the ICCS, together with other experts from Europe and from other countries, other regions in the world.

And well, you know, in a way you are right about the ICCS being "imposed", but it is imposed in a way, without the rifles or guns. It is a statistical standard, and it is always like that in this area, the area of statistical standards. At least at the UN level. At the European level, Eurostat has different tools. Globally, at the UN level, we cannot really force countries to follow a statistical standard. It is a kind of agreement, a formal agreement to comply with these standards that have been developed through an open, transparent and also lengthy process. Through that effort we now have this tool, which can be improved, of course. That is why it is labelled ICCS version 1.0. Perhaps, we should already start the process to develop a 1.1 or 2.0. So, of course, it is not perfect, but we think it is a very sensible framework both for defining crime and also for characterising crime. This work on disaggregation (and I think we all agree on this) is not really a question of UNODC. We are the custodians, but it is really a collective effort, and we can use it more and more as a reference, as a benchmark. As you said, there is the ICCS and then there is the *European Sourcebook* with its suggested definitions. But in most cases the definitions are very similar, if not the same.

And the fact is that now we have this kind of global standard, and I think it would really help everybody if we all use it. I mean if we have it as a goal. And then, of course, that is a goal. It would also mean assessing the distance from it. So how far are we still from that standard? Are we going in the right direction or not? This work is being done by many countries at the institutional level. By the statistical agencies, the police, the judiciary and so on. As a research initiative, I would really try to get you to embrace this

kind of tool for the next iteration of a *European Sourcebook*. Sorry for being a bit blunt, but I think you should consider seriously that, for the improvement of crime statistics in the longer term, it would be good if we try to get to work in the same direction. It is, of course, a suggestion, and it is up to you to consider that. But really it is something that we can work on very closely together. Also, in view of the second point that you refer to, crime is one thing, but criminal justice is another. And we still do not have the standard for it. I mean, how to measure, how to characterise, how to quantify the criminal justice functioning. And this is yet another area where UNODC is willing to work. So just to say that we would always be very much interested and willing to further work with this group, which has an expertise that is quite unique.

Paul Smit: Thank you. I am also looking forward to close cooperation in the next years.

Marcelo F. Aebi: I was just checking the website of the UN-CTS [United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems] conducted by UNODC, which of course is currently based on the ICCS, to make some quick comparisons, but I realise it has not been updated recently. I suppose it is because you have had some changes in the staff. In any case, I would like to insist on the fact that we are always willing to collaborate with UNODC, as we have done in the past. Collaboration implies diversity and respect of the particularities of each partner. Enrico, you have been trying for many years to convince us to delegate the data collection to UNODC and Eurostat, and to concentrate on the analysis, but that is not going to happen in the near future. Similarly, we have not embraced the ICCS and will not do it for now, but if you look at the questionnaire that we used for this sixth edition of the *European Sourcebook*, for each standard definition and each subcategory of any offence that the national correspondents were asked to include or exclude, we indicated the correspondence in the ICCS. Sometimes the *Sourcebook* category corresponds to several codes of the ICCS, sometimes it is the other way around, and sometimes the definitions are comparable. The questionnaire is available online, which means that we have eased the way for researchers interested in that kind of comparisons.

A main reason not to adopt the ICCS is that we are the custodians of almost thirty years of crime trends. We have not introduced major changes in the definitions of the European Sourcebook – and we have documented every change in each edition – because our goal is to assure some consistency in our series. This is one of the advantages of doing research as a group of independent experts, and not inside an official institution. For example, the questionnaire of the UN-CTS has been modified many times, depending on who was in charge of it at UNODC, and depending on political pressures that do not always reflect criminal policy priorities. Now it is very difficult, if not impossible, to establish crime trends with the data collected through the UN-CTS during half a century.

Another reason not to adopt the ICCS is that in many cases it is close to the common law system, while most European countries follow a civil law tradition. I really doubt that the *European Sourcebook* will ever adopt the concept of manslaughter, for example. However, synergies have existed and will continue to exist. We will continue to learn from each other. As it was mentioned, the *Sourcebook* showed the way to the UN-CTS for the collection of metadata, and this may happen again in the future, or it may take place the other way around. For the moment, as I said, we have provided the tools to make the connection between the two classifications and the two data collections.

So, I agree with Paul Smit when he says that it is good for research to have two collections. It is like… we would be losing something if we had Coca-Cola without Pepsi. Now we have two collections and hence we can make comparisons and perhaps identify problems or mistakes in one or the other. We would never discover them if we had only one collection. There is an old saying (I think it is a sutra): "You only know when water is salty because you tasted sweet water before". And so, comparisons are always useful, and they are one of the bases of the scientific method.

Beata Gruszczyńska: First, I would like to thank you for the invitation and for this conference. As you know, we have worked together for many years in the European Sourcebook Group. Today I have followed the presentations of the *Sourcebook*, Eurostat, and the ICCS and I think that every collection has huge advantages and disadvantages. The best would be if we can cooperate. Because as to the methodology, the *European Sourcebook* is absolutely the best, but as to the data, the new Eurostat data is better, and Eurostat is using the ICCS. Paul Smit has already said a lot of what I would like to say. I appreciated the presentation of Eurostat with new categories as femicides and others. That is the most important now; so, thank you Eurostat for doing it. I think it would be good to have more cooperation between the ICCS and the *European Sourcebook*. I believe that even the best friends of the *Sourcebook* will use data from other sources if they are more, and better and newer.

Stefan Harrendorf: Thank you, dear Beata. And there is a question from Anna Alvazzi di Frate. She says: "I would be very interested in what you suggest as the next steps for advancing in compatible definitions of femicide". And since this "you" is indefinite here, I guess that each of the data collection initiatives might be willing to say something to this question. So, if someone from UNODC, or Eurostat, or from the *European Sourcebook* wishes to say something about this question.

Enrico Bisogno: In relation to femicide, we have to translate, we have to operationalise the concept of gender-related, gender-motivated, gender-based killings. And of course, while theoretically it seems easy to do, it turns out to be very complex from an operational point of view. It is complex to establish whether a certain killing should be considered as gender-based or not. Several criteria have been investigated. Currently,

we have a long list of more than thirty possible criteria, which are always, to the extent possible, based on objective characteristics: whether there was relationship between the victim and the perpetrator, whether there was another crime perpetrated together with the killing, whether there was a specific condition of the woman or the girl, and so on. There are more than thirty of these criteria and, in these days, we will launch a consultation with a number of stakeholders: experts from statistical agencies, experts from criminal justice institutions, experts from gender equality institutions, and also researchers and members of the academia. If any of the experts participating in the conference would like to take part in this consultation, please let me know. We would be happy to talk because we have prepared a comprehensive questionnaire for this consultation. This is where we are. We developed this work over the last year and a half, together with UN women. And we will launch this consultation so that in one year from now, we will have the results. We will also have a discussion on this at the UN Statistical Commission.

Marcelo F. Aebi: I think a distinction must be made here. If you want to know how many men (from a biological point of view) were murdered, or how many women were murdered, then there is no problem. You simply register in the statistics the biological sex of each victim of homicide, as most statistical systems already do.

On the contrary, if you want to introduce motivations, if you want to know why the person was killed, then statistics will be of little help. For example, it is impossible for the police officer recording a crime in police statistics to operationalise a definition such as the one adopted by the WHO [World Health Organization]: femicide is the intentional murder of women because they are women. The police officer recording the killing or the doctor certifying the death cannot enter the mind of the killer and discover his intentions. Statistics can effectively quantify and categorise the physical aspects of crimes, such as the number of homicides and the biological sex of the victims, but they fall short in accurately representing the complex and nuanced motivations behind these crimes. Motivations, especially in the context of crimes like femicide, involve deep psychological, social, and cultural factors that are not readily apparent or quantifiable at the time of recording the crime. Understanding the motive behind a crime often requires a thorough investigation, sometimes extending over years, to uncover the true intent of the perpetrator. Think by analogy in theft or robbery. It would be oversimplistic to attribute all thefts to the economic structure of society or to an unequal society, or all robberies to a violent society. Similarly, defining femicide strictly as the killing of women because they are women without considering the broader context and investigation results is problematic from a scientific point of view. Inferring motivations without a thorough investigation strays from scientific rigour.

If what you want is to label as homicide the intentional killing of a man and as femicide the intentional killing of a woman, then there is no problem. That is one thing. You can also measure intimate partner homicide or femicide if you define it

as intentional homicide committed by the current or a recent former partner of the victim. On the contrary, if you want to add motivations without a detailed enquiry, that is no longer science.

Enrico Bisogno: Just a few reactions to Marcelo. Of course, looking at the sex of the victims of homicide, we can clearly see how many men and how many women have been killed. Now, there is a strong, very strong policy interest from the public opinion and from activists, to look specifically at homicides in order to see whether there is a gender component. This means that it is a homicide that is originating in inequalities and gender inequality between men and women, whether it is at the level of infrastructure, or at a cultural level, and a number of issues. I mean, the situations where these kinds of killings are perpetrated. That is why there is a specific focus on this. Certainly not on the specific motivation of one person or the individual killing, but in general. If we can identify those cases, the cases where there is a gender motivation at the basis, that would help understand this kind of homicides, where there is a disproportionate number of women that are killed compared to men. That, I think, is also very realistic, to have really concrete criteria.

And the last thing I would like to say, regarding what Marcelo said before, it is that of course there can be different standards for producing and collecting data or compiling data from the national statistics. But if we want to make real progress in the area of crime statistics, I think everybody would gain if we globally could use the same kind of standards, as it happens in many other areas of statistics, whether it is labour statistics or GDP (Gross Domestic Product) or education or any other area. So, of course, we can have different standards, but at the same time, if you want to have this and try to aim for this global comparability, I think it would be very useful for everybody to tend towards that standard.

Stefan Harrendorf: There is a comment on the same topic by Chris Lewis: "One way forward towards improving statistics on femicide could be to experiment with countries setting up a homicide index, on the lines of that maintained in my time in charge in England and Wales, a file is created for each homicide, with details of the characteristics of the victim and of the suspects and of the relationship, together with the details of the investigation by the police. Indeed, especially with these details of the investigation, one might also reconstruct the motivations. Another idea that I had is that, of course, you first have a look at the gender relationship between offender and victim; but then you do not have the clear motivation, of course. However, in many countries there are also homicides for which the court has to assess a certain motivation. And if in these countries they have femicide as an offence, if there is a legal concept like that, then you might have the motivation, in that case, in conviction statistics. But as long as most countries do not have such an offence, of course, it is not so easy to compare it internationally."

Marcelo F. Aebi: I fully agree with Chris' proposal, because it is placed at the microlevel. You work with the files of the homicides and then you try to see if there are some common characteristics that allow you to go from there to the macrolevel. And this is the kind of work that, in my opinion, should be done by researchers in every country. But to do it directly at the level of the statistics is completely impossible. Scientifically, it is completely impossible. In this case, Enrico, we will never reach an agreement, and that is good. It is good to have different opinions as it is good to have different standards for definitions and different data collection. For example, you mentioned differences at the structural level, which is a macrolevel variable, and it is very difficult to put it in relation with the motivations for a murder, that takes place at the microlevel. Motivations are individual. Let us take infanticide as an example. We know that currently women are overrepresented among the authors of infanticides, especially neonaticides, and we know, through archaeological and documental research, that infanticide has existed throughout human history. However, on the basis of the cases recorded, you cannot produce a single explanation of infanticide. Not for the current situation, nor for previous periods of history. There is almost never a single cause. But, if you have a specific database for an offence at the police level, then you can exploit it and, if you put it in relation with what happened later at the prosecutorial level and at the judicial level, then you can have a good indicator. We conducted a similar kind of follow-up study in Switzerland for all the cases of domestic violence recorded by the police in one canton during six months and the results were published in the *European Journal of Criminology*.[1]

Enrico Bisogno: Sorry. Again, this is exactly the difference between research and a statistical exercise, I dare to say this to my friend Marcelo, a statistical exercise where we try to understand roughly the size, the magnitude and the trends of a certain phenomenon. We are not interested in individual cases. You see, there is a strong policy request to identify femicides, but not defined as all cases where a woman is killed by a man, but those due to gender inequality in the societies. And we want to to understand the patterns and the trends. So, this is why we are interested in capturing the overall size of this, not the individual.

Stefan Harrendorf: Thank you all. Now I will close this session. Just one remark from Chris Lewis in the forum: "Whether femicide could also be treated like hate crimes or as a special kind of hate crime. And this goes in the same direction as the legal concept, that I mentioned before. If there is a common legal concept, it could be identified and also compared as soon as many countries adopt such a concept."

1 Chopin and Aebi (2020).

Session 3:
Crime, trends and their interpretation

Introducing the LINCS Report on Offence Definitions and Prison Rates in European Comparison

*Stefan Harrendorf and Olivia Kühn**

Olivia Kühn: I will start talking about offence definitions and imprisonment rates in European comparison, beginning with a brief recap of yesterday's presentation that crime statistics are constructed and are therefore very sensitive to the rules applied in the process of construction, which is a quotation of Von Hofer.[1] To compare crime statistics, you have to take into account that they are influenced by various legal, statistical, substantial and criminal policy factors. I will not enter into details here.[2]

The *European Sourcebook* [ESB] methodology provides standard offence definitions complemented by a list of cases of doubt, indicating whether they should be included in or excluded from the data. In contrast, SPACE I usually does not provide standardised definitions, so the differences in the national offence definitions lead to larger differences in the data collected. These different approaches can be compared.

To facilitate this comparison, the SPACE I 2016 questionnaire included a special module on offence definitions based on the *Sourcebook* model. National correspondents were asked to indicate the inclusion and exclusion of certain subcategories without giving a preference as to whether the subcategory should be included or excluded. This differs from the *Sourcebook* and allows comparison, as SPACE I definitions reflect the non-adapted legal and statistical situation of those countries.

We try to answer the following research questions: do legal definitions influence imprisonment rates? And if so, how is that influence exerted?

First, we need to revisit the definitions. In the *Sourcebook*, the aim is to improve comparability between different countries for certain offences. We have a standard

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* Greifswald University, Germany.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-stefan-harrendorf-and-olivia-kuhn-definitions-and-prison-/1680a1e436. The chapter summarises the report *Offence Definitions and Imprisonment Rates in European Comparison* by Olivia Kühn, Stefan Harrendorf and Marcelo F. Aebi, with the collaboration of Yuji Z. Hashimoto, Lorena Molnar and Mélanie M. Tiago, which is fully available in the Appendix.

1 Von Hofer (2000).

2 But see Harrendorf (2018) and Harrendorf (in this volume: *Prospects, Problems, and Pitfalls in Comparative Analyses of Criminal Justice Data Revisited*).

definition accompanied by a list of items that should be included or excluded from the reported data. In prison statistics, there is little room for adapting to such definitions, yet it can be assumed that the definitions are somewhat similar to those used for police and conviction statistics. A question in the Sourcebook questionnaire asking for differences between offence definitions used in prison statistics and those used for police and conviction statistics was only answered by 21 countries, but at least 17 of them indicated that there were no differences.

As an example, the standard definition for intentional homicide is the intentional killing of a person, with a list of items to be included and excluded from the reported data [*Slide 4: Standard definition of intentional homicide in the ESB*]. Regarding conformity with offence definitions for *Sourcebook* data, we achieve very high conformity rates for sexual assault, robbery and rape. For the majority of offences and countries, the definitions are not followed fully. However, the rates for "definitions followed in all respects" are generally medium-high for all these offences, allowing for reasonably good comparison [*Slide 5: Conformity with offence definitions on police level for ESB data*].

For SPACE, the definitions used in the 2016 questionnaire are based on the fifth edition of the *Sourcebook*, which differ slightly from those in the sixth edition as a few subcategories of offences are not included, but they remain broadly similar. A standard definition was provided, but without rules for inclusion or exclusion of the items on that list, as this is not easily done at the prison level. Prison administrations, which usually report to SPACE I, are typically tied to the legal definitions in their country. Consequently, the reported data will be less comparable, but the national differences will be more pronounced because SPACE I definitions will correspond to the legal definitions in a certain country.

We performed a conformity check with offence definitions for SPACE I data. As you can see [*Slide 7: Conformity with ESB offence definitions for SPACE I data*], there is basically no definition followed by any country based on the *Sourcebook* inclusion and exclusion rules, apart from drug offences, where conformity with the definition was even higher than for the *Sourcebook*. Other than that, the standard definition provided is not identical to the definition used in the national context.

Because we wanted to examine imprisonment rates, we also needed to look at the percentages of countries providing prison data by offence type as well as definitions [*Slide 8: Percentages of countries providing prison data by offence type*]. For the majority of offences, *Sourcebook* and SPACE I data are available for around the same percentage of countries. Especially striking differences in data availability can be found for traffic offences, with higher availability in SPACE I data. Additionally, data on some offences are only provided in the ESB data collection, but data availability for a somewhat corresponding offence from SPACE I is much higher (fraud versus financial crimes and sexual assault versus other sexual offences).

We also compared the mean imprisonment rates for different offence types between the *Sourcebook* and SPACE I [*Slide 9: Mean imprisonment rates by offence type*]. It could be assumed that they may differ because of the differences in data availability. Yet, the ESB questionnaire for the sixth edition provided the option to simply copy SPACE I data if the definitions are similar. Therefore, it is probably not unexpected that the mean imprisonment rates for different offences across Europe are also somewhat similar. Now I give the floor to Stefan.

Stefan Harrendorf: Thank you, Olivia. Now, let us discuss the methodology of our study. Our idea was that the broader a definition is, the more cases would fall under it, and the higher the imprisonment rate for that offence would be. We first tried to introduce a very simple measure for the broadness of a definition by saying the more items from the include and exclude lists accompanying standard definitions were included, the broader the definition is. We calculated a first indicator for the broadness of the definition by calculating the percentage of all subcategories that were included in the definition list of a certain offence, regardless of the original preferences. This means that even for the *European Sourcebook*, where we usually have a list of items that should be included and others that should be excluded, we treated them all equally and calculated the percentage of all the categories that were included by the different countries.

If we look at the results, you can see that almost no country responding to the *European Sourcebook* actually included all items on the include/exclude lists into their definition [*Slide 11: Full item inclusion ratios for ESB data*]. This is a good result because we did not want it to be that way. We had our standard definitions, and there, of course, certain items should ideally be excluded. As you can see, since the national correspondents usually followed these rules, they also usually did not include all items. There are some exceptions for drug offences total and for rape (and one for robbery, too), but except for that, there is no offence for which a country included everything.

Results for SPACE I data are very different [*Slide 12: Item inclusion ratios for SPACE I data*]. You see that there are quite a few countries which actually included everything from these item lists into their data because there was no preference given. Therefore, if they have a very broad national legal definition or very broad statistical category, they included everything into that data.

We also tried to implement a more sophisticated approach, where we considered the relevance of subcategories. For example, for homicide, it is more relevant if assault leading to death is included compared to euthanasia, because the numbers of assaults leading to death would be higher. Another example: the inclusion of assault leading to death is more important for homicide than for assault itself, because the total numbers for assault are much bigger and will not be so strongly influenced by the inclusion of assault leading to death. Therefore, we also tried to consider the relevance of the subcategories and apply some weights. We did that by using police data to estimate the relevance of the different subcategories, looking up how large the proportion, for

example, for assault leading to death compared to the total of homicides is, and using these percentages to weigh the different subcategories. Sometimes we had to use much rougher estimates because not even police statistics are always detailed enough to give a breakdown for every subcategory that we used.

For our results, we first checked the relation between the unweighted item inclusion ratio and imprisonment rates for homicides for the *European Sourcebook* [*Slide 14: Relation between unweighted item inclusion ratios and imprisonment rates – Homicide – ESB*]. On the horizontal axis, you can see the percentage of items included in the definition. The countries cluster very strongly around the 50% level of inclusion because this is what results when the standard definition is followed. You will also see that there is no significant relationship between the percentage of items included from the homicide definition and the imprisonment rate. So here, there is no relationship visible.

The results are very different if you look at SPACE I data [*Slide 15: Relation between unweighted item inclusion ratios and imprisonment rates – Homicide – SPACE*]. First, the countries do not cluster at a certain level because there were no preferences given as to the standard definition. Also, you see here a medium correlation of 0.43 between the item inclusion ratio and the prisoner rate per 100,000 inhabitants. This can be explained by the fact that the *Sourcebook* data, due to the high level of standardisation and comparability achieved, is already so comparable that you do not see significant influences between definitions and imprisonment rates. But for SPACE, you can still see this influence.

If you look at the weighted item inclusion ratio, you see similar results [*Slide 16: Relation between weighted item inclusion ratios and imprisonment rates – Homicide – ESB*]. Once again for the *Sourcebook*, the countries cluster at a certain point, now at around 75%. You also have a weak negative correlation, which is not very meaningful and cannot really be interpreted. But on the other hand, if you look into SPACE I data, which was not adapted, once again, you see a positive correlation [*Slide 17: Relation between weighted item inclusion ratios and imprisonment rates – Homicide – SPACE*].

So, there you see a relationship between the weighted item inclusion ratio and the imprisonment rate. This can be shown for other offences as well. For almost every offence, you can see that there is a positive correlation between SPACE I data for the weighted and the unweighted item inclusion ratios and the imprisonment rate for that offence. This supports the hypothesis that broader definitions indeed lead to higher imprisonment rates for that offence, which is also very plausible.

Sourcebook data differ, as you saw, and this is also true for all the other offences as well, because most countries try to follow the standard definition, as you can see from the results that cluster around a certain point. It is really hard to find any meaningful correlations because the conformity with the definitions is already quite high.

What this all means in the end is that the use of national legal definitions, as in SPACE I data, decreases the validity of international comparison of crime rates, and

that we indeed can reach a certain level of homogenisation of data through the use of standard definitions. I think this is a very important message of this research endeavour.

Therefore, even public officials who will report, for example, to the Council of Europe or to EUROSTAT, should be encouraged to report data that is not identical to the data published in the national statistics, but should be adapted to standard definitions in order to enhance comparability. As we also said before, we found a positive influence of the broadness of definitions on imprisonment rates.

Prescriptive offence definitions, as used in the *European Sourcebook*, with a standard list of items to be included and excluded, obviously enhance data comparability.

Thank you for your attention, this was our presentation.

Introducing the LINCS Report on the relationship between imprisonment trends and crime trends according to conviction statistics in Europe from 2005 to 2015

*Marcelo F. Aebi, Yuji Z. Hashimoto, Lorena Molnar and Mélanie M. Tiago**

Marcelo F. Aebi: I will be discussing the relationship between imprisonment trends and crime trends, as reflected in conviction statistics, from 2005 to 2015. This analysis covers all member states of the Council of Europe that contributed data to the LINCS project. This presentation summarises the final report produced by our team, which was initially presented on 30 September 2019, and subsequently updated in December 2019 and April 2020. The research extended over eighteen months as per our contract, but the updating and validation of data are, as you know, a never-ending story. Today, I will present the state of the report as it was last updated online in April 2020. However, following the publication of the *Sourcebook* yesterday, future updates to this report may be necessary.

The aim of the research is to analyse the relationship between crime and imprisonment in European countries from 2005 to 2015, using conviction statistics as a proxy for crime trends. Conviction statistics, although not ideal for measuring crime levels due to their late-stage occurrence in the criminal justice process, are considered reliable for trend analysis. The data was sourced through a collaboration with the European Sourcebook Group and supplemented by two meetings with national correspondents at the Council of Europe in Strasbourg, where data discrepancies were addressed.

The methodology involved compiling and refining data from previous editions of the *European Sourcebook* and updating prison indicators from the Council of Europe Annual Penal Statistics (SPACE). Despite some gaps in the data series for

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This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-aebi-conviction-prisons-210323/1680a1e44d.

certain countries, the study provides a valuable resource for understanding crime and imprisonment trends, useful for civil society, researchers, and policy-makers. The report remains neutral on the causes behind these trends, focusing instead on presenting the data collected.

A key finding of the study is that we uncovered a noteworthy trend across many countries: a positive correlation exists between crime trends, as indicated by conviction statistics, and trends in the prison population. This finding underscores a general alignment between the frequency of crimes and the number of incarcerations. However, there is a complex interplay between legal reforms, policy changes, and crime dynamics within Europe.

Let me walk you through some findings keeping in mind that it would be exhausting to present you the five figures that we produced for each of the countries studied.

However, before diving deeper into country-specific analyses, it is crucial to emphasise that we are working with conviction statistics. While these are not perfect measures of crime levels since they occur late in the criminal justice process, they offer particularly reliable trend indicators. Why? Because in countries that follow the rule of law, convictions require substantial evidence, making them more reliable indicators of actual criminal activity, even if they do not capture the full scale of crime.

Let me emphasise a crucial methodological point here: we will be looking at rates rather than absolute numbers and we are interested in trends, not in cross-sectional comparisons. That is why all our graphs use an index with 2005 as the base year (index=100). This approach allows us to compare trends across countries with very different absolute numbers of crimes and prisoners.

[*Slides 6-10*] Let us start with Austria, which actually serves as an interesting counterexample to our main findings. Here we see a relatively stable prison population while total criminal offences decreased by almost 30%. This divergence from the general pattern we observed in other countries makes Austria particularly interesting. When we look at specific crimes in Austria, there is another intriguing anomaly: fraud rates are declining, which is unusual compared to other European countries where cyber-related fraud has typically led to increased fraud rates.

[*Slides 11-13*] Moving to Croatia, we see a much more typical pattern. Notice how the blue line representing the prison population rate closely tracks the trend line for total criminal offences. Croatia also shows an interesting development in fraud convictions, with the percentage of persons convicted for fraud increasing by 50%, but decreasing in the last three years of the series.

[*Slides 14-16*] Looking more closely at Denmark's case, it provides an excellent example of how methodological changes can affect our data. The early variation in the trends reflects changes in recording practices. However, what is particularly interesting is what

happens after these recording practices stabilise: we see a clear correlation between overall crime trends and imprisonment rates. The increase in fraud cases – doubling over the period – is especially noteworthy as it represents a pattern we have observed in countries that properly account for cybercrime under their fraud statistics.

[*Slides 17-18*] Finland presents another compelling case of correlation between total criminal offences and prison population rates. What is particularly interesting about Finland is how it manages to maintain this correlation while keeping one of the lowest prison population rates in Europe. The Finnish case demonstrates that it is possible to have a responsive prison system without high incarceration rates.

[*Slides 19-20*] France presents a fascinating case study of policy impact. Notice the sharp increase in the prison population rate after 2010, suggesting a significant shift in how imprisonment was being used as a criminal justice tool. The fraud trend here is particularly interesting, showing steady growth until a slight decline in the final three years.

[*Slide 21*] Germany presents what we might call a 'textbook example' of the correlation between crime trends and imprisonment rates. Looking at the graph, you can see an almost perfect alignment between the total criminal offences line and the prison population rate. This tight correlation is particularly noteworthy given Germany's size and federal structure, where criminal justice is administered at the state (*Länder*) level.

The German case is especially valuable for our study for several reasons. First, the consistency of the correlation suggests highly reliable data recording practices. Second, the trend shows a gradual decline in both crime and imprisonment rates, indicating that the German system responds proportionally to changes in crime rates. Third, unlike many other countries we have examined, Germany maintained this correlation without significant disruption from policy changes or amnesty programmes.

This stable pattern in Germany, one of Europe's largest criminal justice systems, helps validate our broader finding about the relationship between conviction statistics and imprisonment trends under "stable" conditions – that is, when there are no major policy interventions or recording changes.

The German example is particularly instructive when contrasted with cases like Austria (its neighbour) where we saw no such correlation, or Italy where the correlation was disrupted by amnesties. This comparison helps highlight how different policy approaches can lead to quite different relationships between crime and imprisonment rates, even among countries with similar legal traditions.

[*Slide 22*] Italy offers compelling evidence about the limitations of amnesties. The graph clearly shows how the prison population dropped by one third following an amnesty, but within just three years, it had rebounded to pre-amnesty levels. This pattern was

also observed in Armenia and Georgia, suggesting that amnesties are not effective long-term solutions for prison population management.

[*Slides 23-26*] The Lithuanian case merits special attention. Here we see the prison population rate increasing more rapidly than the overall crime rate, suggesting a shift toward more punitive responses. Looking at specific crimes, the fraud rate doubled during this period, matching a pattern we have seen in other countries. Additionally, Lithuania shows the characteristic increase in drug trafficking that we have observed across Europe.

[*Slides 27-28*] The Netherlands case is particularly instructive for understanding different approaches to imprisonment. While we see a correlation between prison population rates and total criminal offences, what is fascinating about the Dutch system is how it maintains a relatively low prison population rate despite having a high rate of entries into penal institutions. This apparent paradox can be explained by a policy of shorter prison stays – people enter prison more frequently but stay for shorter periods. This approach leads to a "logic" correlation between crime and imprisonment while minimising long-term incarceration.

[*Slides 29-30*] Portugal's data reveals an interesting pattern after 2009, where we begin to see alignment between crime rates and imprisonment trends. The Portuguese case is particularly notable for showing how fraud and theft trends can diverge – while theft began decreasing after 2013, fraud continued its upward trajectory. This pattern of divergence between traditional property crimes and fraud is something we are seeing more frequently across Europe, likely reflecting the shift from physical to digital crime.

[*Slides 31-32*] Sweden's data presents another clear example of the correlation between crime rates and imprisonment trends, particularly after 2009. However, what is especially interesting in the Swedish case is the pattern we see in fraud convictions. The sharp increase followed by a sudden plateau raises questions about either recording practices or policy changes that warrant further investigation.

[*Slides 33-34*] Finally, looking at Switzerland, we see another clear example of the correlation between total criminal offences and prison population rates. The Swiss data also shows the characteristic increase in fraud that we have come to associate with the proper recording of cyber-related crimes.

That is all for the main results. From a methodological point of view, it is important to emphasise that this is very much a work in progress. As I mentioned in the beginning, each time figures are updated, the entire analysis needs to be recalculated. This is why we are particularly eager to receive feedback from national correspondents who might spot inconsistencies in their country's data.

Now, let me conclude by synthesising our key findings and some of their broader implications. The relationship between crime and imprisonment that we have documented has several important implications for policy.

First, regarding the correlation pattern. In most countries that consistently record their data, we see a clear correlation between total criminal offences and prison population rates. However – and this is crucial – this correlation typically breaks down under two circumstances: (a) when countries implement specific measures to reduce prison overcrowding, and (b) when they introduce new criminal policies or modify their criminal codes.

Second, regarding contemporary crime trends. We have identified two particularly significant trends across Europe: (a) the rise in drug offences, including drug trafficking, is nearly universal across European countries; (b) the increase in fraud convictions, particularly in countries that properly record cyber-related fraud under their fraud statistics.

Third, regarding criminal policy effectiveness. Perhaps one of our most actionable findings concerns amnesties. The data clearly shows that while amnesties provide immediate relief to prison overcrowding, they fail as long-term solutions. The cases of Armenia, Georgia, and Italy demonstrate that prison populations typically rebound to pre-amnesty levels within about three years. This suggests that policy-makers need to look for more sustainable solutions to prison overcrowding.

Fourth, regarding recording practices. One particularly interesting finding relates to cyber-related crime. When we see countries where fraud rates are not increasing, it raises an important question: is this because these countries truly have lower fraud rates, or is it because cyber-related frauds are being recorded under different categories? This highlights the urgent need for standardised recording practices across Europe.

Finally, regarding future research directions. The relationship between cybercrime and traditional crime statistics emerges as a critical area for future research. This will be discussed in more detail in a second presentation with Stefano Caneppele, focusing on the challenges of measuring cybercrime, which has been rising since the 1990s but lacks clear indicators.

Let me end with a call to action: the value of this research depends on its accuracy. We therefore encourage all national correspondents to review the data for their respective countries and help us identify any inconsistencies that need to be addressed.

The full report is available online at www.unil.ch/space, and we welcome your feedback and corrections.

Twenty-seven years of crime trends (1990 to 2016)

*Paul Smit**

Paul Smit: We have six editions of the *Sourcebook*, covering a large period from 1990 to 2016. The data are available on the website, both as raw data and as rates per 100,000 and percentages, just as you can find in the *Sourcebook* itself. Using them can be awkward when you want to use the same kind of data for all six editions, so I constructed a database where all data from all six editions are present in a uniform way. This database is not yet publicly available, and in the next two years, I would like to see this database, or one like it, having all data from all six or even seven editions accessible in a user-friendly way.

Looking at the *Sourcebook*, each of the six editions covers a period of four to six years, with one year overlap between editions – which is very important for computing trends. For instance, in the sixth edition we start with 2011, which was also the last year of the fifth edition. For some subjects like juvenile offenders and sanctions, data are available in each edition for one year only. These anchor years are 1995, 1999, 2003, 2006, 2010, and 2015. Although not covering all years, we can use these data to look at trends.

The same information is generally available in all six editions, with some exceptions and changes in crime types. Some crime types disappear, some are new in the fifth or sixth editions, and some definitions have changed slightly. Total crime, for example, is not present in the first edition, so trends for total crime start only in 1995, the first year of the second edition. The third edition was very limited: prosecution data were almost completely missing, and all sanctions and measures were missing.

Computing trends required using the overlap year to correct for differences between editions. We noticed sudden changes for some countries between editions, possibly because of a change in the national correspondent who had different views on how to collect and present the data. The overlap year allows us to correct for these changes to some extent.

What I present here are not the trends for individual countries. Instead, the European countries are clustered into four groups: North/West, South, Central, and Eeast. Although these names suggest the clustering was geographically oriented, it was

* The Netherlands.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-paul-smit-presstrasps20210323/1680a1e433.

based on an empirical study using only judicial information.[1] In that study, a cluster analysis was done and the result seemed more or less geographically oriented, even though geographic information was not used for the cluster analysis at all.

For a group of countries, we needed to compute a mean, done with weighting related to the population. The weight of Luxembourg within the group North/West was less than the weight of Germany. Also, to compute trends, missing values were interpolated and outliers were removed where possible.

I will present registered crime for both total crime and three selected crime types – assault, theft, and drugs; three attrition rates (the number of offenders divided by registered crimes, the number of convicted persons per offenders found, and the punitive rates); prison data, percentages of pre-trial detainees; and trends on juveniles and females. This presentation has no deep research questions with sophisticated methods or far-reaching conclusions. It is more of an invitation for you to use the data yourself for research.

Looking at registered crime, Ffigure 1 [*Slide 8*] shows the total number of crimes in the four groups of countries and Europe as a total. There is an obvious decrease in registered crime starting around 2002. The difference between regions is large: in north-western countries registered crime is high compared to eastern countries where it is rather low. Southern countries and central European countries are in between and more or less the same. For assault and drugs, which is generally true for most violent crimes, we see an increase until about 2007-2008 and a stabilisation after that. For theft, there is a steady decrease over the whole period.

In Figure 2 [*Slide 7*], some EUROSTAT data for total registered crimes are added to the *Sourcebook* data. These data go back to 1950 for some countries, but really started with enough countries from 1960. Here we see a broader perspective with trends starting in 1960 for north-western European countries and somewhat later for central and southern European countries. A considerable increase in registered crime occurred between 1965 and 2000, followed by a slow decrease to the level from the beginning of the 1980s.

Figure 3 [*Slide 10*] shows the offender rates: the percentages of offenders per registered crime. For total crime these rates seem to be converging to about 50% for Europe as a total. For drugs, we see that it is rather stable, except for central Europe where in the period 1990 to 2000 the offender rate decreased. These offender rates for drugs are typically very high, 100% or even more, reflecting that for drug crimes there are usually more than one offender per registered crime.

The conviction rates – the number of convicted persons per offenders – are presented in Figure 4 [*Slide 11*]. Here we can see a slow increase in the conviction rate for theft. For Europe as a whole, the increase is from a little below 50% to over 50%. This indicates

1 Smit, Marshall, and van Gammeren (2008).

that slowly the chance of conviction for an offender is increasing for theft. Apart from theft, conviction rates seem to be rather stable over time with large variations between regions.

There are several ways to define a punitivity indicator. The one used here is computed by dividing prison stock by the number of convicted persons. This gives us an indicator that combines the chance of getting a prison sentence and the length of the prison sentence. If every convicted person is convicted for a one-year prison sentence, then this indicator will be 1. But if half of the offenders get a prison sentence for three years (and the other half no prison sentence), then the indicator is 1.5. One advantage of this indicator is that it does not depend on the length of the sentence imposed, but on the length of the prison stay actually served.

In Figure 5 [*Slide 13*], two observations can be made: first, punitivity seems to be surprisingly stable over the last 27 years. Second, there is a very clear distinction between the regions. The punitivity indicator is about 1 during all 27 years for eastern European countries. In contrast, the indicator for the northwestern countries is 0.1 or even less.

For pretrial detention, Figure 6 [*Slide 15*] shows that it is steadily decreasing in all regions and particularly in the central European region.

To conclude, some data are presented on juveniles and females in Figures 7 and 8 [*Slides 17 and 18*]: as percentage of total offenders (for assault and theft) for the 'anchor years' 1995, 1999, 2003, 2006, 2010 and 2015, and as percentage of total prison stock.

The proportion of juveniles in the criminal justice systems appears to be decreasing. This can be seen in the proportion of juvenile offenders for theft (Figure 7; *Slide 17*), but particularly in the dramatic decrease in juveniles in prison (Figure 8; *Slide 18*]). Although the percentage is very small, the decrease for total Europe is from 5% to a little bit more than 1%. This decrease can be seen in all regions.

On the other hand, with some exceptions, the proportion of female offenders shows a slow increase. In Figure 7 [*Slide 17*], both assault and theft cases for females are slightly increasing. For the proportion of females in the prison stock (Figure 8; *Slide 18*), there is a slight increase for Europe as a whole from a little bit over 4% to a little bit over 5%. This increase is mainly due to eastern European countries.

This presentation has shown you some exciting trends over the last 27 years. No explanations have been given, but this is really an invitation for you as researchers to use these data and to do exciting things with it. Thank you very much.

Multi-factor explanations of crime trends

*Stefano Caneppele and Marcelo F. Aebi**

Stefano Caneppele: I am presenting a reflection that Marcelo Aebi and I are conducting on the multifactor explanation of crime trends. This reflection started considering the debate around the concept of the crime drop. Usually, when I try to explain to my students the concept of validity, I use the metaphor of Pringles. I guess that everybody knows this brand of chips (we will see later if we can call them chips or not). Pringles were invented in 1967 by Frederick Baur, engineering chemist. Baur was passionate about food storage and dehydrated foods. Just for curiosity, Pringles took their name from a drive, the Pringle Drive, that still exists in Cincinnati (Ohio), the city in which the company P&G who owned at the time the brand was based.

I use this very popular product to raise the question of the validity of crime statistics. This is the first can of Pringles [*Slide 2*]. You can see that it is written the "newfangled potato chips" and indeed the Pringles were invented by this engineer, this chemist in order to solve a problem linked to logistics. The idea was to have chips, which were always the same, were easy to produce, to store, to transport and to consume. So basically, the idea of this can was pretty much linked to the idea of increasing the capacity of storing and transporting, and to increase also the facility of producing this type of food. I use this parallelism with the Pringles saying that statistics are made of observational data that, when combined and processed, create a product which is information that should be always the same (comparability) and more convenient to produce, store and consume.

So, the example that I use for describing the issue of validity about crime data is: are our Pringles really potato chips or potato crisps, as it was suggested in the can in the 1970s? And the answer is: not really, at least according to the High Court UK, because in the Pringles, there were not really more than 50% of potatoes inside. So, here we have the issue of validity: are we really describing, observing or using the right indicator to describe the phenomenon that we want to observe? In this case, can we really use the term chips to describe and to define Pringles as potato crisps? Of course, in this case, the example of Pringles and the decision of the court was linked to financial issues and taxation. At that time, Pringles were exempted from paying taxation on potato imports

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since they were other than potatoes. This is an example of the concept of validity that we can apply also to crime data.

Later I will present a paper that discusses the crime drop. But when we talk about a "crime drop", are we really referring to a drop of all types of crime? Since the 1990s, the concept of a "crime drop" has been proposed, especially in the United States, to describe a consistent and continuous reduction in crime observed through various crime measures, both in the United States and even in parts of Europe. Some authors argue that this crime drop is due to the increased adoption of security measures across western societies. However, there is a significant debate on this, as alternative explanations cannot be excluded. In this presentation, we aim to address the notion that the validity of crime measures may also influence our understanding of the crime drop. For example, crime statistics only began to include cybercrime recently. Although it is difficult to establish a causal link between rising cybercrime and the decline of many street crimes, we cannot rule out that changes in routine activities – such as people spending more time online at home – may reduce their chances of physical assault while increasing their exposure to cybercrime.

In fact, we should consider that multiple and cumulative events may affect crime and crime statistics trends, and often it is difficult to explain everything with just one single causal explanation. For example, yesterday, the Canton of Vaud in Switzerland, in which the University of Lausanne is based, released its official data about crime statistics in 2020. Data indicate a decrease in domestic violence reported to the police. In the press, the chancellor of security declared that this is the result of a law that was passed in 2018, which imposed the expulsion of the offender from the home when caught committing domestic violence. Of course, this may be one of the possible explanations, but there are other possible factors that could explain why domestic violence, or more precisely domestic violences offences recorded by the police, declined in 2020. For example, we might assume that victims of domestic violence were less willing to report incidents due to fear of increased violence, as they were in closer proximity or even confined with the perpetrators. The COVID-19 situation may have also heightened economic vulnerabilities, further discouraging victims from reporting. Alternatively, perpetrators might not have escalated violence since the limited mobility imposed by health restrictions increased their control over victims. Victims may have felt pressured to delay any plans to leave, a decision that typically carries greater risk of assault. These examples illustrate that multiple explanations exist for crime data and trends. When interpreting crime trends, we should not rely on just one hypothesis to explain the complex set of behaviours labelled as "crime". This complexity is also true for cybercrime, which was overlooked in earlier studies on the crime drop.

Even when we talk about cybercrime, we talk of a huge variety of conducts that can be categorised according to different classifications that have been proposed by different scholars. Let us take, for example, the transformation test of Wall. He said: if we keep out the internet from the equation, will the criminal conduct survive?

Consequently, he developed the classification of cyber-dependent crime – that some scholars called the true cybercrime – and cyber-assisted crime. This is the case, for example, of frauds that have been boosted by the fact that, through the internet, one can reach a considerable amount of people and so one can increase the productivity of fraud interaction, reducing the cost of the perpetration.

Another classification is linked to the modus operandi and to the fact that we can classify cybercrime according to the activity that is being perpetrated against the machine. For example, we can run an attack against a server or other information systems. Or we can use the machine to commit frauds, but also, we can commit a crime in the machine. And this will lead us to the discussion around the creation of a cyberspace in which people can have multiple digital identities. Thanks to the perception of anonymity, and also to the idea of proximity, everybody can be reached very fast despite being very far from a geographical point of view. And then we have *hybrid* crimes, which exploit both cyberspace and physical space opportunities.

There are so many differences today compared to the past that demand careful attention when interpreting crime trends. One of the biggest innovations enabling the development of cyberspace was the launch of the smartphone in 2007, along with mobile high-speed connectivity. This completely changed access to and the nature of cyberspace. So, when we examine crime trends and search for explanations, we should not get stuck in outdated perspectives. On that note, here is a quote from Steve Ballmer, former CEO of Microsoft, who incidentally once worked with the inventor of Pringles. In 2007, when Microsoft was competing to get access to the smartphone market, he famously said, "There's no chance that iPhone is going to get any significant market share, no chance". As we know, Apple's trajectory was quite different, despite Ballmer's concerns over the high price of the iPhone. His incautious statement is still held against him today. What we can learn from this example is that the rise of cyberspace should keep us constantly rethinking how these digital environments both create new crime opportunities and reshape existing ones. With that, I leave the floor to my colleague Marcelo Aebi for the second part of the presentation.

Marcelo F. Aebi: Thank you, Stefano. Precisely 2007, the year when the first iPhone reached the market, was the upper limit of the analysis of crime trends in western Europe that we conducted with Antonia Linde in 2010.[1] We cover the period 1990 to 2007 according to police statistics and 1988 to 2005 according to the ICVS to control for the reporting rates of the victimisations suffered. Our reaction stemmed from the fact that after observing a drop in traditional (offline) crime in the United States and then in the United Kingdom, many criminologists started talking about an international crime drop, but the data did not support this idea. Some countries followed this trend,

1 Aebi and Linde (2010b).

but there was no general crime drop across the board. In continental Europe, we saw a decrease in property offences and completed homicides, but non-lethal violence and drug offences did not follow the same downward trend, quite the contrary. Of course, among the causes of this increased violence is the higher sensitivity of people to crime, particularly violent crime, nowadays. But this is not the only explanation.

We produced a multifactor model, including what later became known as "the security hypothesis" [*Slide 9*]. This hypothesis was already present in an article we wrote with Martin Killias ten years earlier, when probably no one in continental Europe was discussing the crime drop.[2] The multifactor model that Antonia and I proposed is rooted in opportunity-based theories. According to this model, the rise in property crimes in the early 1990s was linked to political and economic shifts, including black market expansion in central and eastern Europe and the establishment of new transportation routes for illegal goods. The subsequent decline in these crimes may be attributed to market saturation, stricter police measures, socioeconomic improvements in central and eastern Europe, and heightened security measures across western Europe (that is to say the "security hypothesis").

For violent crimes, which are more prevalent among youth, the model suggests that trends seem tied to shifts in youth lifestyles and demographics. Increased internet access during the 1990s led to a split in time spent by youth: those with more internet access tended to stay at home, increasing the risk of involvement in cybercrime, while those with limited access spent more time on the streets, potentially increasing exposure to violent or drug-related crimes as opportunities for property crime become more restricted due to the already mentioned increased security measures. This divide began to change after 2007, when smartphones democratised internet access.

In the 1990s and early 2000s, limited internet access was often associated with low socioeconomic status, potentially explaining the overrepresentation of youth from ethnic minorities in conventional offences recorded in crime statistics. Research from the Eurogang group also indicated that the rise of second-generation ethnic minorities had contributed to the emergence of street gangs in Europe, often associated with violent crimes and, in some cases, drug trafficking. Additionally, we considered research indicating increased rates of binge drinking and soft drug use among European youth, along with the observed link between binge drinking and violent behaviour.

To the best of our knowledge, this multifactor model of 2010 was the first comprehensive explanation of crime trends that included cybercrime. The trouble is that we did not have – in fact we still do not have – a reliable indicator of its evolution.

This led us to the issue of how cybercrime is defined and measured. The European Union Directive on cybercrime defines illegal access to information systems, illegal system interference, illegal data interference, and illegal interception tools for

2 Killias and Aebi (2000).

committing offences [*Slide 11*]. However, these definitions do not really align with the international classification of crimes for statistical purposes (ICCS) of the UNODC, that I will show in the next slide.

This slide [*Slide 12*] illustrates the two paths followed by the UNODC. On one side, we have cybercrime-related "tags". If an offence is committed with a cyberelement, say a computer, this offence is "tagged", resulting in a different way of counting crime. We believe this is a logical approach, and we also believe that it should lead to a different method of comparing crimes. Instead of counting the number of offences, one could measure the percentage committed at least partially through the internet. This changes the kind of analysis that can be done on the data, and we need to adapt to that.

On the other side, the international classification also introduced acts against computer systems, which are not defined exactly the same way as in the EU. The main challenge is the complexity of some types of cybercrime. Let me give you an example from four years ago: the Spanish police, collaborating with Chinese police, arrested 269 people, mostly from Taiwan, in sixteen different locations in Spain. Spain has a national police, the *Guardia Civil*, and local forces, all of which were involved in tackling various types of cyber fraud. In this case, we had cyber fraud against approximately 3,000 victims based in China, who lost 12 million euros.

Now, how do we count these offences? What is the counting unit? Should I count 3,000 cyber frauds? If I count acts, should I count sixteen for the different locations or one for each case? Is it even possible to get an accurate figure? The arrested individuals will likely appear in Spanish police data, but also in Chinese data. It is extremely challenging to measure this using our traditional metrics.

The proposal we are making with Stefano,[3] based on existing classifications, tries to assist with this issue and addresses also the case of hybrid crimes. In this slide [*Slide 14*] we have the traditional offline crimes as well as the online crime. The latter can be cyber-enabled, in the sense that they existed before such as bullying or financial fraud, and some are cyber-dependent crimes like hacking and viruses. But how do you count a virus? Do you count one virus or the number of infections? How do you determine the number of infections? And then we have numerous hybrid crimes. For instance, stalking can begin in the street and continue on the internet. This is particularly relevant for bullying, especially in schools. In the past, bullying typically ended when a child entered their home. Now it continues online. And let me add something: I know there are various priorities we can discuss, but a real priority is the number of suicides in Europe, which in many countries is ten times higher than the number of homicides. Some of these suicides are adolescents and, in some cases, they are the result of being bullied. This major issue is not being adequately addressed. The fact that in a hybrid

3 Caneppele and Aebi (2019/2017).

world victims cannot escape from bullying is a serious problem. Of course, bullying is not the only example, but I believe it is a compelling one.

Now, let us consider the evolution of cybercrime from 1990, when the offline crime drop began in the United States and for some offences in the United Kingdom. It is challenging to find a consistent indicator. We have been discussing the importance of national and international victimisation surveys. The International Crime Victims Survey (ICVS) was discontinued in 2005 and the introduction of a European Victim Survey, planned for 2013,[4] ended up being rejected by the European Parliament, largely because of the opposition of the United Kingdom delegation which invoked, among other reasons, its overlap with their existing national survey.

It is thus to the Crime Survey for England and Wales that we will turn now. We can see [*Slide 16*] an increasing trend from 1982 to the mid-1990s followed by a fifteen years' decrease. However, when in 2018 it was decided to include fraud and computer misuse, the overall number of crimes increased by one third. There is a clear break in the figures at this point.

The latest data are from September 2020. Due to the COVID-19 pandemic, the methodology has shifted to telephone surveys, so we cannot be certain if the increase observed is real. However, it could be, and I will explain why: keep in mind that the percentage of fraud incidents reported to the police is extremely low – only 14% for fraud and computer misuse combined [*Slide 17*]. Looking at the details: 17% for general fraud and 18% for bank and credit card fraud. Usually, when credit card fraud occurs, people call their credit card company. These companies want to avoid negative publicity. Imagine a headline stating that a million people across the world were victims of credit card fraud in the last two months… Consequently, most cases never reach the police. That is why victim surveys are so important.

The next slide [*Slide 18*] shows the criminal statistics of the canton of Vaud published yesterday, that Stefano mentioned earlier. You will notice a specifid section dedicated to cyberfraud, which in French is called *cyber-escroquerie* [*Slide 19*]. One third of them correspond to cases where people buy things online and do not receive them. Another third involves abuse of credit cards or use of stolen identities through bank accounts. The remaining third correspond to other types of cyberfrauds.

Looking at trends in cyberfraud from 2016 to 2020, you can see a clear increase [*Slide 20*]. One could argue that the increase in 2020 is due to pandemic-related lockdowns causing cybercrime to rise. However, you can see that the increase follows the trend we have been observing since 2016. On the contrary, the total number of offences against the criminal code – as well as their rate per 1,000 inhabitants – increased from 2009 (when the current Swiss police statistics were introduced) to 2012 and started decreasing after that [*Slide 21*].

4 Van Dijk, Mayhew, Van Kesteren, Aebi, and Linde (2010).

Picking up on Stefano's analogy, these data show that we must certainly avoid treating the offences included in crime statistics as the contents of a can of Pringles. Not all offences follow the same trend. That is why the idea of a general crime drop at a time when the internet was booming seemed to us counter-intuitive from the beginning.

Now here [*Slide 22*] we have the Nilson report, which used to be open access but no longer is. It shows losses in billions from credit card fraud from 1992 to 2014. This information is collected from credit card companies. We are talking about billions in the American sense, so one billion is one thousand million (or *un milliard* for French speakers). There were 16 billion in losses, which might make one wonder why nothing is being done. The reason is probably that the losses remain stable relative to transactions – credit card companies are losing six cents per 100 dollars consistently [*Slide 23*]. This means that while losses increased, the average income was also multiplied by 16. The use of credit cards increased by at least 16 times, and the losses increased proportionally. But they always represent six cents per 100 dollars. And I think you can guess who is paying for that – when you pay your annual fee for the credit card, you are probably covering those six cents that the companies are losing for every hundred dollars. In any case, the fact is that this trend shows that there was no "general" crime drop in the 1990s and 2000s, not even in the United States.

To conclude: the fact that cybercrime was not taken into account in most discussions of crime trends is quite astonishing. We insisted on this many years ago, but if you look at the literature, it is seldom mentioned. Consider these figures from Switzerland [*Slide 24*]: in 1998, less than 20% of the population regularly used the internet. By 2019, 92% of men and 85% of women were using it, with an average of 90%. Looking at age groups, for young people aged 14-29, we are almost at 100% usage. Even for seniors, now 50% of those 70 or older are online.

Let us look at the time people spend on the internet daily [*Slide 25*]: the darker the colour on the chart, the higher the percentage. For example, among adolescents aged 15-19, one third spend three hours or more online; only 14% of them spend less than one hour daily. Even among those 75 years or older, 10% still spend more than two hours a day online. This represents a general change. Of course, there are differences according to age, but not as pronounced as you might expect. We also have data on the scale of problematic internet use, which some might call internet addiction, affecting certain groups.

If we focus on young people [*Slide 26*], for those aged 6 to 13 – primary school children – 60% are using the internet, half have a mobile phone, and one third have internet access in their room. For adolescents aged 12 to 19, 99% have a mobile phone, 75% a computer, and one third a tablet. Essentially, everyone is online.

Now let us recap the key points as we have been stating them in several publications.[5] There is no universal crime drop, and I do not understand why we should use the situation in the United States as a reference when the situation in Europe varies significantly from country to country.

Cybercrime, until the late 2010s, was seldom mentioned as a relevant issue. It has clearly increased since the 1990s, but it is almost impossible to measure it precisely. We have measures of how many millions or billions have been lost through credit card fraud, but we do not have a clear indicator of its impact on individuals, mainly because it is seldom reported to the police.

The increase of cybercrime must have contributed to the decrease of offline crimes, which still constitute the bulk of recorded crime, giving thus the false impression of an overall crime drop. This does not mean that people who were committing robberies became cyber experts. Generations are constantly renewed. It is society that has changed. Lifestyles have changed. We now live in a hybrid world.

I would like to recall an idea from Bertrand Russell, who was strongly against the principle of causation: think "process". The concept of process is more efficient than that of "cause" to explain how society and crime have changed. I believe we should stop looking for a specific cause and concentrate in the process, as Norbert Elias did with the process of civilisation.

Finally, there has been a *paradigm shift*, which requires us to rethink how we measure, study, and explain crime. We need a criminology that encompasses the digital world, the physical world, and the hybrid realities they create together. This is the message we wanted to convey to you today. Thank you very much.

5 Aebi and Linde (2010b, 2012), Caneppele and Aebi (2019/2017), Linde and Aebi (2020).

The impact of COVID-19 on cybercrime trends

*Fernando Miró-Llinares**

Fernando Miró-Llinares: Good morning. It is an honour for me to be at this conference at the Council of Europe. I would like to thank the organisers for their invitation, especially Professor Marcelo Aebi. Of course, I would prefer to be in the magnificent city of Strasbourg with all of you, but cyberspace has allowed me to listen to todays magnificent speeches without leaving my home. Thanks to this, it has been possible to hold this conference despite the pandemic we are living through. The question we are all asking ourselves is whether we will be able to hold conferences of this kind in person again when this is over. It is not difficult to predict that additional meetings will return because of the need for face-to-face contact, but also that many will be reduced and that video conferences will replace many trips to meetings.

Just as the big think tanks are predicting that teleworking will increase and that digital leisure at home will continue to increase, as it has been doing for years, the COVID-19 crisis has accelerated digitalisation. This process of change that Marcelo [Aebi] and Stefano [Caneppele] were talking about before is now more visible, but it has been going on for some decades and brought profound change. In relation to what concerns us here, on the one hand, the emergence of a new cyberspace in which multiple types of criminal behaviours are committed, and on the other hand, the impact of technology on everyday activities and on people's habits and lifestyles to such an extent that it is probably affecting traditional crime.

This is the subject of my presentation, which, compared to those that have preceded me, will offer more explanatory hypotheses than data and more data that is difficult to analyse than reliable and clear data: it is cybercrime, my friends, as Marcelo and Stefano explained. I hope that in the not-too-distant future this will change and that the *European Sourcebook* will help.

For now, I will try to approximate what happened to cybercrime during the pandemic in order to reflect on how the digital revolution influenced and influences crime trends. From the beginning of the pandemic, the growth of cybercrime was

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This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at: https://rm.coe.int/presentation-fernando-miro-llinares-the-impact-of-covid-19-on-cybercri/1680a1e42f.

taken for granted by agencies such as Europol, Interpol, and the United Nations. They had also begun to report the first events related to COVID-19 domain names of fake websites. Just as a decrease in street crime was expected, there were warnings of an increase in internet crime. This was sometimes misleadingly expressed as criminals moving from the streets to computers, ignoring the technical complexity of some forms, not all, of crime perpetrated on the internet, and also that many crimes have much more to do with opportunities that arise than with planned misdeeds that shift from one place to another.

Behind this general idea, from the streets to the homes and from here to the internet, what did exist was an essential intuition related to a very basic theoretical framework which states that crime, like any other social activity, is determined and conditioned in part by the environment in which it takes place, by the situational context that leads to the convergence of potential offenders and targets in some places and not in others. The increased use of internet services due to less time on the streets because of the lockdown would lead to an increase in cybercrime. Since they spend their time on the internet, that will be \where opportunities arise and where offenders and victims will converge.

Moreover, the context also allowed criminals to take advantage of new cyber spaces, of new interests that emerged during the lockdown to perpetrate their attacks. In fact, the first reports of cybercrime were not given so much by a move from physical space to cyberspace, but by the opportunism of cyber criminals to adapt to the new context. We think of the internet itself, for instance new places like Zoom. Just as in physical space, that is what I am going to call adaptation. In the same physical space, criminals choose victims and places and they move on. When potential guardians appear in cyberspace, cybercriminals adapt to changes in digital space.

There are four essential ways in which cyber criminals adapt.

1. Typological adaptation: cyber criminals respond to blocked opportunities by committing other types of crime.
2. Target adaptation: moving from well-protected targets to easier targets.
3. Technological adaptation: launching attacks with new tools and technologies.
4. Cyberplace adaptation: changing the domain name or digital place from which they carry out their attacks.

While the pandemic may have led some criminal organisations to take advantage of the situation by entering the illegal trade in certain health products, such as face masks or medicines, the two forms of adaptation most clearly facilitated by the pandemic were target adaptation and cyberplace adaptation. We have seen the emergence of fraud related to health products or attacks on the health infrastructure themselves, which have become vulnerable targets as they were overwhelmed by the situation. In fact, a study conducted by Atlas VPN on attacks on different sectors in the first quarter of 2019 and the first quarter of 2020 shows that there was a change in the main targets chosen

by cyber criminals with an increase in attacks on the information manufacturing and healthcare sectors, as you can see [*Slide 12*], and a decrease in attacks against sectors like transport and tourism during the pandemic.

We have also seen examples of cyber criminals taking advantage of the new context, acting in cyber places where there was a higher concentration of people who in many cases were new to these environments and unaware of the appropriate ways of protecting themselves.

We can observe [*Slide 13*] that among the high creation of domains related to the coronavirus, shown in the graph of Checkpoint study, many malicious domains appeared as shown in the graph of the Domaintools report.

As can be seen in these two graphs [*Slide 14*] from Forcepoint and Trendmicro reports, the interest and concern for information about the coronavirus and the vaccines have been used by cyber criminals to both spread scams and to increase access to malicious domains.

What we have seen so far is the opportunism of cyber criminals inside the same cyber space. But we cannot say that this is a real increase of cyber crime. We are going to see how different it is, related to a shift of opportunities from physical space to cyberspace, because of changing lifestyles due to the COVID-19 crisis that may have led to an increase in cybercrime.

I show these graphs [*Slide 16*] based on Google Data on Spain, showing how the lockdown led to a reduction of activity in commercial areas and an increase in time spent at home. It will also come as no surprise if I state that more time at home also related to time spent on leisure activities, as these graphs from *The New York Times* show [*Slide 17*].

And it is not just the time we spend on the internet that has changed, as Marcelo Aebi explained before. Also, the patterns of what we do, of how we navigate the internet, our activities that have changed, as shown by the increase in online shopping in different countries, seen as the business target of online sales or the growing use of new online tools to work and communicate, as this conference we have demonstrates.

To some extent, we could say that cyberspace is expanding. We are doing an increasing variety of activities in cyberspace and with greater frequency, and some activities are even being moved from physical space to online, as well as opportunities that come with them.

Many countries have produced specific reports on the evolution of crime during and after confinement. There are also specific reports about cybercrime, like the one by Europol on cybercrime, but I do not have enough time to analyse all of them. So, to understand what happened, I prefer to focus on the one I believe is the most complete, also the most recent from last week, from Friday: the IC3 report from the FBI [*Slide 22*]. The FBI received complaints of a wide array of cybercrimes from victims across the globe, and they produced an annual report highlighting the data provided by the general public.

Since 2015, this report has collected the number of reports for more than thirty categories of cybercrime. We have collected data from these last five reports to see changes in reporting trends, and especially the changes in the last year for this time. We are observing a general rising trend, clearly larger than before. Almost all crimes are on an increasing trajectory, with some exceptions like hacktivism and cyber terrorism.

In the table [*Slide 22*], we capture some of the most interesting changes in recent years. We can see, for example, that misrepresentation crimes (misrepresentation crimes are for instance shopping where in the end the products are not of the quality or quantity advertised) have grown alarmingly by 306% from 2019 to 2020 after a four-year period of relative stability, probably due to the increase of online shopping during and after the lockdown.

Crimes against the healthcare system have also tripled compared to 2019; reported crimes against children have increased by 144%, although it is difficult to know whether it has increased actual crime or complaints. We find a similar pattern of crimes related to non-payment and non-delivery and threats of violent crimes, although the reasons for these crimes are not as marked as the others. Other cybercrimes like copyright offences continue to rise but they seem to follow the general trend of the last five years rather than a spike in the last year, as was the case with the other several categories mentioned before.

These data suggest an impact of COVID-19 on cybercrime, even in this aggregated data. Alongside these official reports, academic research has also proliferated [*Slide 23*]. They show, with respect to traditional crimes, that during the confinement, and as expected, crime rates were lower than expected according to time series models in several forms of urban crime, which, however, would have returned almost to normal afterwards and in some cases would have increased.

In terms of cybercrime, the two most interesting pieces of research – I am admittedly an interested party as I am part of their research team – are based on Action Fraud's data on cybercrime in the UK. In the first one [*Slide 24*], we compare the number of cyber-dependent crimes and cyber frauds recorded by the police between May 2019 and 2020, finding a significant increase in cybercrime in general and many specific forms of cybercrime in particular, such as offences on personal social media and email hacking, malware distribution as well as online shopping fraud.[1] In addition [*Slide 25*], we analysed the evolution of these crimes over the last twelve months. The analysis showed that most forms of cyber fraud increased in the UK during the COVID-19 outbreak, and that crime rates were particularly high during the two months with the strictest blocking policies and measures.

These results are somewhat consolidated when looking at more recent research we have conducted using Action Fraud again, but with data from 2017 to June 2020 using

1 Buil-Gil, Miró-Llinares, Moneva, Kemp, and Díaz-Castaño (2021).

ARIMA-models [*Slides 26 to 29*]. It is seen that both cybercrime itself and online fraud, especially shopping and auction fraud, increased during the lockdown beyond what the trend predicted.[2] But you can see that the trend is also growing. What is interesting is that after the end of the lockdown, pure cybercrime has returned to the predicted levels, but cyber fraud has not.

Following my argument, while increased time on the internet does not necessarily create more opportunities for pure cybercrime, some opportunities for displacement have been accelerated by confinement. Increased use of cyberspace for shopping, for example, may have remained, and thus the rise of cyber-enabled crimes. We can see that fraud related to online shopping reached levels far above predicted values and also that ticket fraud was below predicted values. This is because certain frauds, although committed online, have some form of physical components, as happens with ticket fraud related to shows and other events, some kind of hybrid crimes, as Marcelo and Stefano said before.

Does this being due to COVID-19 mean that when normality returns, the rates will return to normal? The first thing we must say is that this displacement of activity due to digitalisation had already been happening, although more slowly since the late 1990s. In fact, some authors such as myself, Marcelo, and Antonia Linde have already pointed out that the decline in some forms of crime that has been taking place since the 1990s under the name "crime drop" could have some relationship or indirect link, on the one hand, with the known measurement of new forms of crime and, on the other, with a change in lifestyle due to the digitalisation that has decreased some modalities of criminal behaviour committed in physical space and increased those modalities of the same or similar crimes that can now be committed in cyberspace [*Slides 32 to 34*].

What I am going to show to you now [*Slide 35*] are some results of our research on trends regarding some dual crimes that I am currently conducting. Some people call them cyber-dependent crimes or cyber-enabled crimes. I prefer to call them dual crimes. These are crimes that, even today, can be committed in a similar way in physical and digital space, such as defamation, duress and threats of violence, sexual abuse, corporate crimes, or fraud.

In more than 9,000 judicial resolutions, we analysed how the events investigated as a crime have evolved over these twenty years from 2000 to now to measure the impact of what Marcelo and Stefano were saying before, this digitalisation. Although I will only show preliminary results, as expected, they are shocking. Behaviours perpetrated without digital components in physical space have significantly decreased since 2000, and those carried out in cyberspace have increased significantly.

In relation to fraud in general, we can see a decreasing trend between 2000 and 2009, which coincides with a decrease in sentences without the cyber component [*Slide 36*].

2 Kemp, Buil-Gil, Moneva, Miró-Llinares, and Díaz-Castaño (2021).

The trend changes from this year when frauds with a cyber component begin to rise. In fact, we can see that in the early 2000s, cyber fraud only accounted for 20% of fraud-related convictions, whereas today it accounts for around 80%, which represents an increase of more than 100%.

Threat of violent offences show a similar pattern [*Slide 37*]. In the early 2000s, sentences related to cyber behaviours accounted for less than 10% and are now around 80%, an increase of more than 300%. It seems that we say things like "I will kill you" now by WhatsApp and not face-to-face.

So, I come to the end and allow me some conclusions about what we can imagine will happen in the near future because of what we have seen during the pandemic and also what we can learn from the past. Changes in criminal opportunities are related to changes in everyday activities. As long as we shop on the internet, online shopping fraud will continue to occur. If we look at the Action Fraud data updated to February 2021, we can see, as mentioned above, that while the trend in cyber-dependent crime has returned to pre-pandemic levels, fraud is still growing [*Slide 40*].

The question therefore is: will our behaviour change when the pandemic is over? This [*Slide 41*] is a study on the maintenance of habits acquired during the pandemic: more than 50% of those interviewed had stated that they would maintain these habits after the end of the pandemic. And it is not just that those of us who already made regular use of these technologies are now using them more. But also, people who did not use these technologies extensively before the pandemic have been forced to use them, especially visible in older people, as shown in these graphs from a new study by D. Buil-Gil and Y. Zeng, which showed that their use of the internet during the pandemic is outside the ARIMA-model prediction for people over fifty [*Slides 42 and 43*].[3]

And we know now, as we have seen, that behaviour involving meeting people has shifted from physical space to cyberspace, as has been happening since the 1990s. Victimisation will shift there, too.

Thanks for the interest and waiting for the later discussion.

3 Buil-Gil, Zeng, and Kemp (2021).

The contribution of international victimisation surveys to the study of crime rates and crime trends: Would establishing a European Crime Victim Survey be a good idea?

*Catrien Bijleveld**

Catrien Bijleveld: This presentation is actually more of a question I want to pose to everyone here. I would be very eager to hear your responses. To start with, I want to step back and, as a criminologist, say that it is strange to see that we have a unique problem: we have great difficulty measuring our central variable crime. It is really difficult to assess crime levels nationally and internationally. Instead of having direct measures, we use mostly indirect measures. We use police data, other indirect data such as data from insurers or emergency units in hospitals, and victimisation data. We ask people whether they have been victimised, by what crime, what happened, what they felt about police treatment, etc.

In general, these victimisation data from victim reports are perceived as the least problematic. They are generally perceived as the best measure we can get of crime. Even so, they are not unproblematic by themselves and are definitely not a perfect solution to measure crime. It becomes especially problematic when we want to make cross-national comparisons.

There are definitional incongruities: crimes are defined differently across countries, crimes are perceived differently, so certain behaviours are considered a crime in some countries and less so in others. If you have victimisation data collected in different countries, there are usually methodological differences in how these data were collected. That may also give you differences in prevalence rates – which may be due to differences in the extent to which the crime occurs, but which may also be a direct consequence of the methodology.

* The Netherlands.
Additional material: the author's presentation slides are available at https://rm.coe.int/presentation-catrien-bijleveld-23-march-2021/1680a1e42c.

It is really strange if you think about these definitional differences. For instance, if you are a medical doctor, whether you research TB or malaria or COVID-19 or HIV in Zimbabwe or in the Netherlands or in Thailand, you will employ exactly the same definition. But that is not the case when you talk about crime. I noted that Marcelo Aebi in the opening talk of this conference, in fact, said that it is impossible to compare rates over countries.

The *European Sourcebook*, of which we heard a lot here, is a laudable effort. It cannot be praised enough to help overcome such incongruities within Europe, within the European Union and the Council of Europe, to look at national crime and justice statistics and to interpret this.

However, looking at the latest version of the *Sourcebook*, you will see that we do not have systematic comparison data on victimisation. These data are definitely not at the level of police data or prosecution data or prison data. As a consequence, it is hard to compare crime trends across Europe.

Some of you might say, "Well, but we have the ICVS!" Yes, we had the International Crime Victimisation Survey, but it has not been conducted that often. We had rounds in a number of years and the latest one was pan-European and actually quite successful. But all in all, the picture is definitely not solid enough to be able to compare crime trends. Some of you might say that the Fundamental Rights Agency recently conducted a survey, based on the ICVS, on which we will hear more this afternoon at this conference. But all in all, my opinion would be that we definitely do not have enough to compare trends.

So this is the question that I want to pose to you: would you think it would be a good idea (or even necessary) to have yearly or, let us say, bi-yearly victimisation data for Europe? We are, you could say, a common physical space, a connected physical space with largely open borders. We share transnational crime because it is so easy to cross those borders. We already share supranational European laws for a long time and – not unimportant – one that is increasingly seen as important: the victim's directive. In addition, we can see from the *European Sourcebook* that some countries do not even have regular victimisation surveys.

Should we strive for a European crime victim survey? Yearly data, or bi-yearly data and victimisation trends will constitute a limited set. But it would be your best option, if you are interested in crime trends in Europe, to get that picture. This has been stressed a number of times here at this conference as well. It would also offer opportunities, for instance, to better incorporate cybercrime.

I know that a number of years back, an effort has been made to start a crime victim survey. One issue with such a pan-European victim survey is that you may get double surveys in some countries. So, you may have the European Survey that tells one story, and you may have a national survey which tells another story. That can be a real issue: it was something we had, for instance, in my country, the Netherlands, for a long time. We

had two victimisation surveys and they never quite said the same. So that is something policy-makers may want to spend money on.

Finally, if we introduce a European crime victim survey, another thing to solve is, of course, to have the same methodology rolled out over different countries in which the survey is administered.

Thank you.

Q&A session 3

Chris Lewis: I want to say something about cybercrime, because I have several PhD students researching this area. I just want to comment on the very interesting presentations by Marcelo [Aebi] and Fernando [Miró]. First, about the geographic situation. Many cyber criminals now live in and work from Nigeria, Thailand, Mexico, Brazil and places like that, because internet penetration is very high in these countries. So, the suspects are not European anymore, they tend to be from somewhere else. Secondly, the motivations are changing. In my experience, it is not purely financial anymore, but there are all sorts of motives and motivations, like revenge, and there are political motivations, there are sexual motivations, and it is getting more and more complex. The third point is that most cybercrimes are not successful. If I counted every time that somebody tries to hack my bank account, it is probably at least once a day, possibly, and maybe more lately. The next point is that cyber criminals are developing an industry. They are working to get much better than many criminals are in other fields. And we have got evidence of that. And the final extra point I wanted to make is that law enforcement generally – as far as the crime prevention of cyber criminality, or solving who are the criminals and bringing them to justice – is very inadequate. It just does not work. Financial institutions are better at coping with specific financial cybercrimes, and they cope reasonably well. And my bankers rescued me at least five times in the last three years. So those were the points I wanted to make. It just shows that the contribution of research, social research, to statistics is now rather more important than we thought in the past.

Rannveig Þórisdóttir: Thank you, Chris. I think this is very important, especially because the data shows that these cases are not reported to the police, which then, of course, cannot create the capability to solve the case and to do some crime prevention.

Beata Gruszczyńska: Thank you very much. Extremely interesting and very useful. And starting from Paul Smit, when I look at the analysis of crimes over three decades, it reminds me of the analysis we conducted with Markku Heiskanen from Finland. It is a little bit different, but not so much, and shows why we should always analyse more. I also would like to say that Professor Miró made a very interesting presentation about cybercrime and COVID-19, which reflects just the time in which we live. And lastly, I would like to thank you very much, Catrien [Bijleveld], for your presentation and the discussion about the necessity of the victimisation survey. This is what we need, because we know that we have many different rules in many different statistical systems, and then only some trends are comparable. But the victimisation survey is necessary, and what I also would like to mention is the JUST perspective on gender-based violence, used in victimisation surveys conducted by Eurostat over the last three years. I participated in them, and it was very interesting. And now if you are in an EU

member state, you can take part in this survey that also covers cybercrime, and focus especially on violence, especially gender-based violence against women and against men. So, we need statistical data and also an international victimisation survey. Thank you so much.

Catrien Bijleveld: Thank you, Beata, and I just wanted to thank also the people who put their remarks in the chat.

Athena Demetriou: First of all, I would like to thank the Council of Europe for this interesting conference and also all the speakers for their interesting presentations and all of this information that had many perspectives for all of us, for comparisons in analysis of data and trends and produced many thoughts and ideas of viewing things from different angles. And in my country the last eight months, there has been debate and discussions about overcrowding at the Parliament. On the one side are the prisons that support one position – less imprisonment with more alternatives, of course, and, on the other, there are the police and the prosecutors that support more imprisonment. An *ad hoc* committee was established with a six-month mandate with the aim to provide a set of proposals with permanent solutions to the problem of overcrowding in prisons. And me and the director, who is the Head of the Committee, are members and I am writing this script, and I have collected lots of data right now: our prison population from 1990 to 2020, using, of course, many references and sources from the Council of Europe which are mentioned today. All this interesting and valuable information of today's presentations leads me to many interesting and valuable comparisons to support our recommendations about implementing more alternatives to imprisonment and detention even more. And Paul [Smit], I think your slides show that there was a decrease in total crime since 2000, too, and also there was a decrease in the stock of pretrial inmates. The other thing that was said is that in the 21st century the countries of the Council of Europe started implementing more alternatives to detention and imprisonment. All this information leads to the explanation, and correct me if I am wrong, that recidivism has decreased with the implementation of alternatives to detention in prison. And so, the alternatives work well for preventing criminality and leading to a decrease of the total crime and to the decrease of the risks for the community. This torrent of data is very valuable and important, leading to more comparisons and explanations that support the argumentation about implementing more alternatives instead of detention and imprisonment. So, I would like to make this statement and I will move on with a question for Marcelo [Aebi]. Marcelo mentioned authors who, while discussing crime trends, did not take into account cybercrime. But anyway, I think the number of inmates detained for cyber-offences is not negligible in the prison stock. My question is whether when he mentioned this, he meant that the number would be different by discussing the cybercrime. I think that had no impact on the stock of prisons. I mean, these numbers were taken into account in the prisons. So,

can you elaborate more on this issue about mentioning that cybercrime was not taking into consideration in the crime drop?

Marcelo F. Aebi: Well, there are two different queries that need an answer. First, as much as I would like you, Athena, to be right about the fact that community sanctions produce less recidivism, I am a scientist and I only take position on the basis of facts. And the facts that we do have right now, at the level of Europe, do not allow us to make such a conclusion. You cannot say that, if imprisonment is going down, it must be because we are using more alternatives to imprisonment. That would be, what we call, *jumping to conclusions*. Correlation does not imply causation. The only way to test the hypothesis that alternative sentences are more effective than prison in reducing recidivism would be to conduct an experiment and have two similar groups (and by that, I mean similar profiles but also convictions for similar offences) and send one to imprisonment and one to an alternative sanction. This was done in Switzerland before introducing community service in the criminal code. We measured recidivism (and other variables) among persons sentenced to up to one month of imprisonment that were randomly divided in two groups: one served community service and one went to imprisonment. We did not find differences in the rates of recidivism. The main difference came from the acceptation of the sentence, which was much better accepted by people serving community sentences. Of course, this is impossible to do once the sanction is foreseen in the criminal code and with persons sentenced to longer sentences.

In the meantime, another of our analyses conducted at the macro-level about trends in imprisonment and trends in probation suggests that, in some countries, alternative sanctions are not being used as alternatives to imprisonment, but as supplementary sanctions. This is a phenomenon called "net-widening". For example, you have countries that have high rates of imprisonment and high rates of alternatives to imprisonment. In many European countries, a lot of people are being placed under the supervision of probation agencies. Probably, some persons that would have never been sent to prison are now being sent to an alternative sanction, just because that possibility exists and it "sends the message" to the public opinion that a "real sanction is being imposed. This complicates any comparison even further, because these persons are what we called "good risks", that is to say that they have a very low risk of recidivism (and that is precisely why they should have never been sent to prison). If these persons are sent to an alternative sanction, they will artificially decrease the rate of recidivism, giving a false impression of success. So, in my opinion, it is only through rigorous research that, if the results are positive, it will be possible to convince policy-makers, judges, and the general public to really use alternatives instead of imprisonment. But you need to control at least for previous convictions, type of crime and biological sex before reaching any conclusion.

Then for the second question about the so-called crime drop. Most of the discussions about the crime drop took place in the United States since the late 1990s, then in the United Kingdom, and later in a few other countries. But then, by the late 2000s, some authors started to talk about an "international crime drop" and suggested that the trends observed in those countries could be extrapolated to other regions of the world, in which quite often there was no research on crime trends. Moreover, the explanations advanced to explain the crime drop in the USA were based on factors that most of the time were completely absent in Europe: the end of the crack epidemic, changes in law enforcement, increased use of imprisonment… Nothing like that happened in the same way in Europe: there was no crack epidemic, no zero-tolerance policy, no mass imprisonment… Also in the United States, there is a correlation between trends in homicide and the general, the overall, crime trend for all traditional offences (let us say for offline offences), and that correlation is not observed in western Europe, where homicide rates are among the lowest in the world. So, through our analyses in different papers we warned that trends in Europe were not uniform, that homicide and traditional property offences were decreasing but there was not a general crime drop, that this heterogeneity contradicted classic explanations of crime trends and could be explained through situational theories. And we insisted on taking into account computer-related offences (cybercrime or online offences) that were surely increasing, but for which we did not have a good indicator. It was surprising to see how academic discussions and explanations turned around property crimes, homicides and violent crimes without paying real attention to cybercrime. We had the impression of being in these movies where the wolf is there but the characters do not see it because it is behind them.

Of course, as has been said throughout this conference, police statistics are a bad measure of online (and hybrid) offences, but since 2013, England and Wales started measuring some of these offences through their victimisation survey (the "Crime Survey for England and Wales") and currently we can estimate that between one third and half of all crimes are taking place online. That was my point. It is not related to the prison stock, which depends on the number of cases known to the criminal justice system and for which there is a suspect or a person convicted.

And then I have a comment for Catrien [Bijleveld]. As you know, I fully support this proposal of a European survey. And as you also know, together with Jan van Dijk, we conducted research for Eurostat in 2009 to 2010 and we developed a European questionnaire that should have been the basis of a European safety survey to be conducted in 2013.[1] Unfortunately, the European Parliament, under the influence of a small UK delegation that wanted to make economies, blocked the project at the last minute, even if the EU had already spent quite a lot of money for the pilot and preliminary studies. We tried to relaunch that survey through a letter to the European

1 Van Dijk, Mayhew, van Kesteren, Aebi, and Linde (2010).

Commission supported by several institutions, including the European Society of Criminology, but without success. Nevertheless, the questionnaire is there and can be used. However, as I have mentioned some strong points of our previous research, I must also mention the weak ones. In this case you will have to review the whole section on online crime, because smartphones have changed everything since then. And finally, in my opinion, that survey could become, in the medium run, a new International Crime Victim Survey, because there are a lot of researchers around the world interested in having a common instrument again. So, Catrien, you can count on me.

Fernando Miró: Very, very short, because Athena was referring to the impact on prisons on what Marcelo and I were saying about the increase of cybercrime. If cybercrime is increasing, that should be seen in incarceration rates, and it is not. So, what is happening? The reason, as Chris [Lewis] said before, is that justice is not working well for cybercrime. So, cybercrime is there, we are seeing it, but as the wolf that Marcelo mentioned, it is hidden behind the statistics. We are seeing cybercrime, but it does not reflect on prisons. But that does not mean that cybercrime does not exist.

Catrien Bijleveld: Thanks, Marcelo, for sketching an even broader vision, and thank you also to Beata [Gruszczyńska] and Anna [Alvazzi del Frate], and to the persons in the chat for your stimulating remarks. I think I am going to try to contact a number of you in the coming months and see whether we can pull something together to get this moving. So, thanks so much.

Session 4:
Criminology and policy-making

Paul Smit: Welcome, everyone, to the final session of this conference. This session has two main elements, one of which – victimisation surveys – was discussed earlier. Chris Lewis and Joanna Goodey will address this topic; Joanna will be standing in for Sami Nevala, who, unfortunately, is unwell.

We will thus cover all the presentations and other aspects planned for this closing session. We have an array of valuable statistical data to discuss, including what has been done and what can be done moving forward.

Lorena Molnar and Yuji Hashimoto will start with the first presentation. After the coffee break we will proceed with two case studies: one from the Netherlands, presented by Catrien Bijleveld, and another from Iceland, presented by Rannveig Þórisdóttir.

The impact of the European Sourcebook on criminological research

*Lorena Molnar and Yuji Z. Hashimoto**

Lorena Molnar: Thank you very much for being here. I would like to thank the organisers and Paul [Smit] as well. I am Lorena Molnar, and today I will be presenting a project that Yuji Z. Hashimoto and I worked on, exploring the impact of the *European Sourcebook* on criminological research.

To start, both Yuji and I are PhD students and research assistants at the University of Lausanne, working with Marcelo Aebi and Stefano Caneppele, and we are part of the core team behind the *European Sourcebook*. Our main role involves processing the data, creating tables, and ensuring everything is as accurate as possible. So, if you find any inconsistencies in the data, well, you might have us to blame!

In addition to our work on the *European Sourcebook*, we decided to start another project. As the new generation involved in this initiative, we have been genuinely moved and grateful for the incredible work that has gone into this project over the past 25 years. It all started with a single idea by Martin Killias – who was inspired by the American Sourcebook – and it grew into a project that has been running for a quarter century, involving over forty countries and numerous scholars. We see it as an invaluable legacy that earlier generations have passed down to us, providing an infrastructure, a database, and a wealth of knowledge that we can build on.

The *European Sourcebook* itself is a fantastic project, not only because of its methodological focus but also because it provides open access data, which is invaluable for the criminological community. Much of the work is done by people on a voluntary basis – many have full time jobs and take on this project in addition to their regular responsibilities. So, we are incredibly thankful to everyone who has contributed to its development.

This new project we are presenting today is more of a look back at the history of European criminology, or "meta-criminology". We are editing a book called *Criminology in the Making: The History of the European Sourcebook* [*Slide 3*],

* University of Lausanne, Switzerland.
Additional material: the author's presentation slides are available at https://rm.coe.int/presentation-lorena-molnar-et-yuji-zocatelli-hashimoto-coe-esb-impact-/1680a1e432.

which includes contributions from authors across Europe who have been key figures in the *Sourcebook*'s development – some from its inception, like Martin Killias, and others who joined later but made notable contributions.

Each author in this book offers their unique perspective on various aspects of the project: the internal workings of an international collaboration of this scale, the methodological and logistical challenges, and their views on the *Sourcebook*'s impact on academia and policy. They discuss whether they believed the *Sourcebook* would reach its current level of success, what they would change if they could, and what they see as its limitations.

For our analysis, we gathered insights from the authors of the book and reviewed around eighty publications that have utilised *Sourcebook* data since the mid-1990s. We aimed to be as thorough as possible, though some publications may have been overlooked, particularly those from the 1990s when indexing systems were not as developed as they are today. Nonetheless, we believe our sample is representative. To assess the focus of these papers, we analysed their titles and abstracts, identifying the topics, countries, and issues addressed. We complemented this analysis with the authors' essays in the book.

First, let us look at the most common themes in the research. It is worth noting that while we reviewed eighty papers, they collectively address more than eighty issues because each paper often covers multiple topics. For example, if a paper compares countries, it might also discuss specific aspects like crime rates, justice systems, or crime trends. Our main goal was to identify the most frequently addressed topics [*Slide 5*].

In Figure 2, you will see that the most common topic, addressed by 41 papers, is country *comparisons*. Twenty-nine papers examine *crime rates*, either broadly or focusing on specific offences, which we will see in more detail in the next slide. Twenty-one papers focus on *criminal justice systems*, drawing from Sourcebook data on various stages – police statistics, prosecution, conviction, prison, and probation. For example, Jörg-Martin Jehle has written on attrition,[1] and Stefan Harrendorf has explored punitiveness.[2] *Crime trends* also emerged as a prominent theme, reflecting the availability of data from the 1990s onward. And interestingly, seventeen papers addressed *methodology*, which shows the *Sourcebook*'s impact as a methodological guide for comparative criminology.

Leaving aside the publications that focused on many offences or on many topics and those who did not really addressed topics but rather methodological issues, we can now zoom into the specific topics addressed [*Slide 6*] and identify particular themes: nine publications focused on *homicide*, six on *youth crime*, six on *prosecution*, and five on *punitiveness*. Four focused on *prison* or *imprisonment rates*, and three each on *gender or sex differences*, and *police*, including police work and police statistics. Other topics,

1 Jehle (2012b).
2 Harrendorf (2011).

like attrition, community sanctions, property crimes, immigration, and rape, appear in two publications each. Lastly, assault, firearms, and probation were each covered once.

As for the geographic scope, you may remember that 41 papers conducted comparisons across Europe. Eleven of these divided Europe into regions – such as western Europe, eastern Europe, and the Balkans – while seventeen focused on individual countries, looking at places like Switzerland, Germany, and Serbia.

Now, regarding the impact of the Sourcebook, we measured this both quantitatively and qualitatively. Quantitatively, we can measure its impact by citations. For instance, the 2014 edition of the *Sourcebook* has been cited 205 times according to Google Scholar. When we add citations from all eighty papers, we find that they have been cited about 2,500 times altogether. Although scholars often cite previous work on the same topic, potentially inflating these numbers, it still provides insight into the *Sourcebook*'s reach.

Qualitatively, *Slide 8* summarises the authors' perspectives on what contributes to the *Sourcebook*'s positive impact as well as the challenges that limit it.

Starting with contributions, the authors highlighted the *Sourcebook*'s comprehensive *overview of the criminal justice system*, from police to probation. This broad scope has been a major asset, adding to the *Sourcebook*'s reputation and impact. The *Sourcebook* has also served as a *methodological guide* for comparative criminology, setting standards for how data comparisons should be conducted, including the challenges and precautions necessary for valid comparisons. Additionally, the fact that the *data is openly accessible*, available both as raw counts and rates, has enabled other researchers to build their own datasets, perform calculations, and explore topics within their areas of expertise.

The *Sourcebook* has also inspired other projects, like the *Atlas of Crime in Poland*, as mentioned by Beata Gruszczyńska.[3] I am thinking also of our dear LINCS project which has been presented these days, and there was another project which has been less discussed these days but for which you can find information on our website: the DECODEUR project.[4] These synergies have extended to collaborations with other institutions, such as Eurostat, thanks to our dear late colleague Cinthia Tavares, who was instrumental in developing Eurostat's crime statistics. Further partnerships, such as with the Confederation of European Probation, have also enriched the *Sourcebook*'s development and impact.

The final points raised by our colleagues highlight that the *Sourcebook* has not only been useful but has also made a significant impact on the education of future criminologists, policy-makers, and future statistical institute employees. The authors mentioned that they have used the *Sourcebook* in their university lectures, which has broadened the knowledge of comparative criminology among new generations of

3 Gruszczyńska, Marczewski, and Siemaszko (1994).
4 DECODEUR Project (n.d.).

criminologists and jurists. The availability of extensive time series data has also been noted as a positive feature.

However, some challenges remain that limit the *Sourcebook*'s impact, mainly due to delays in publication. Right now, we are discussing data from 2011 to 2016 in 2021. While some factors, like the pandemic, contributed to this delay, it is simply a time-intensive process that involves data collection from national correspondents, standardisation, validation, and often, multiple rounds of feedback to ensure accuracy and reliability. This complexity is one of the main limitations on the *Sourcebook*'s immediate impact.

Another challenge mentioned by one of the authors is the difficulty in interpreting the data provided by the *Sourcebook*, which requires expert knowledge. I found Stefano Caneppele's presentation particularly interesting, as he discussed ways to improve the presentation of our key findings, making them more accessible to a non-academic audience.

Additionally, as I am sure many of you are aware, it is very challenging to influence the data collection processes of national Institutes. Even when national correspondents are part of these institutes, data collection practices vary due to institutional norms and legal definitions. For instance, as Marcelo Aebi and Antonia Linde pointed out, the distinctions in definitions of theft and robbery in Spain make it difficult for national correspondents to decide on the best data to provide in line with the *Sourcebook*'s standards.

In conclusion, we believe the *European Sourcebook* has positively impacted research. It is encouraging to see that the 2014 edition of the database has already been used in around 200 papers, proving its influence in comparative research, analysis, and methodological standardisation. However, its influence on the methodologies of national statistics institutes is less pronounced, and addressing that remains a challenge.

Despite these challenges, we view the *Sourcebook* as a goldmine for future exploration and collaborations. There are many areas, across various countries, that have not yet been studied in depth. For example, there is a lot of potential to explore topics like gender differences, specific types of offences, immigration, and cybercrime – especially now that we have new data on cybercrime that was not previously available. Until we have a European victim crime survey, national victimisation surveys can also help us get a more complete picture of crime data across Europe. With this new edition, we now have an extended time series, offering even more opportunities for research, as some of our colleagues have already demonstrated.

That wraps up my presentation. Thank you all for your attention. I would like to extend my thanks to all the national correspondents, my core team colleagues, and the *Sourcebook*'s expert group – it has been incredibly insightful and an honour to be part of this team. Both Yuji and I are available for any questions – feel free to reach out via email, Twitter, or LinkedIn. Thank you very much.

Paul Smit: Thank you very much, Lorena, for that excellent presentation.

The importance of national victimisation surveys

*Chris G. Lewis**

Chris Lewis: I am talking about national victimisation surveys and in my slides I give some examples of how victimisation surveys have been used in England and Wales for policy development. But a couple of general remarks before I get onto these slides.

Firstly, I will remind you that Chapter 6 of the *European Sourcebook* is a rather short chapter about the countries that have conducted at least one victimisation survey. There are about thirty such countries and these surveys give estimates of crimes, attitudes about law enforcement, feelings of safety, actions towards crime prevention by households and by staff of businesses, and the sort of training that might be used by businesses for their staff.

In Chapter 6, we include prevalence of crimes such as bodily injury, sexual assault, robbery, theft, domestic burglary, corruption, we also include metadata, the wording of questions, survey sizes, designed survey frequency and sources. It includes opinions about safety and the justice system. It is a useful compendium of material for the researcher, but I would not say that Chapter 6 is particularly good for the policy-maker. And that is why I have ambitions either for myself or, as I am getting rather old, perhaps somebody rather younger who might take Chapter 6 to greater heights. It is mainly about national victimisation, so it is because we have not, for some years, had an international victimisation survey and there has been some recent discussion about setting up such a survey again. And I would support that initiative if it were to come forward. But after I speak, we have Joanna [Goodey] talking about an international survey on fundamental rights, which has a number of similarities with an international victims survey, and she will tell you all about that.

I think there is a long discussion to be held about what should be an international victimisation survey: should it be a general one, collecting a lot of data, which you can then use for all sorts of purposes, or should it not be rather more specific and concentrate on one these e.g. cybercrime or human rights?

The second general point I want to make is about the data from victimisation surveys being very different from those from law enforcement. Police collect data, they

* University of Portsmouth, United Kingdom.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at https://rm.coe.int/presentation-chris-lewis-importance-of-national-victimization-surveys/1680a1e42d.

do not usually analyse it always by the type of victim. They do sometimes, but mostly they do not. But what we do with victimisation surveys? You can work out whether the victim was a household, a student, a commercial property, a computer user or a government agency. And all these will be different types of surveys. What we are getting also when you are talking about data from victimisation survey, that service is about social characteristics, not about legal ones. So, if the police collect the figure on the number of rapes, that is according to the definition in that country. If you get a figure by talking to the group of students about rapes, they will answer it as to their understanding about the word rape. So you will get different answers.

The third point about the data from surveys is that it is a sample. You cannot talk to everyone in the country, you may talk to three, five, ten, even 40,000 people. The results will be estimates, they will not be exact, so that when you get a measure of 62% of the police are doing a good job, it is somewhere between 60 and 64%. So that is another characteristic. And there are many other differences with surveys. Are they held nationally or are they held in an individual capital or when they are conducted? And what was the methodology for conducting the surveys? So that is one of the differences between law enforcement data and other data from victimisation surveys.

But I would say the victimisation data is much more flexible because the questions can be much more detailed. We can ask you about crime prevention activities and about people's opinions. We can collect information about the characteristics of the victim, and we can collect information about different sorts of victims, which I mentioned before. And we can conduct a much more complex set of analyses. And I will give you some examples.

And finally, I think in most countries there is a reasonably well-developed industry for conducting surveys. In general, market research is quite common in Europe. There are surveys that exist, survey companies that exist to collect data about people on how they shop, what sort of things they want out of life, what sort of holidays they want and so on and so forth. So that this is a good industry for collecting information which could be used if you have not got a crime survey. You could develop one using market research firms, for example.

So, we can move on to have a look at some examples. I think the usefulness of victimisation surveys is best seen by looking at surveys at the national level. One or two surveys, which are very specific, such as I think the one Joanna [Goodey] is going to tell us about. They can be very good social policy development, but most of the victimisation surveys so far are the ones that are conducted by a national organisation, a national government for its own use. And I will show some examples of how surveys can be useful for policy formulation crime prevention.

We already have a general population and the media who are sympathetic to such surveys. I think that is essential. We have an industry of survey firms, interviewers and publicists, and we also have a great positive integration of government survey data and freely available databases to universities to further analysis. And one or two of

my examples will be like that, and of course, I am talking about the United Kingdom. Other jurisdictions have their own background, and it would be interesting to hear from them as well, of course. And ideally, I would like to be able to include more of other people's experiences in Chapter 6 in future editions.

Surveys give good measures of the prevalence of crimes that are alternative measures to what the police have. Also an important characteristic of surveys is that these crime data can be correlated with personal household data, such as age, gender, relation to victim to suspect use of crime prevention actions, types of drugs which might be used and so on. Police data only rarely show characteristics of the victim, and victimisation surveys can show the extent of different social groupings becoming victims and how this change and examples that I will go into on the following slides are the extent of drug misuse, the domestic violence against adults, crimes against children, crimes against other specific groups. We will look at opinions about justice and safety. We will look at cybercrime and how people and businesses take crime prevention actions.

My first slide [*Slide 6*] shows the example of trends in illegal drug use from 1996 to 2019. The top line is for young people and the bottom line, in black, is for people from 16 to 59. You can see that the results over a period of time, and this, of course, means you have to conduct the survey each year for a period of 25 years. It shows that illegal drug use amongst young people dropped to 20%, and it has been relatively stable for the last perhaps ten years or so. And for older people, the use was slightly above 10%, and it is now slightly below 10%. So that is a very interesting set of figures which measures the impact of government's drug policy or anti-drug policies.

And this slide [*Slide 7*] shows the interaction between age and frequency of taking these illegal drugs. So, you have the frequency on the left-hand side: take it every day, three to five days a week, once or twice a week, two or three times a month. And then the people who do not take drugs very much, once a month, once every couple of months, once or twice this year. You see how the simple measure of "do you take drugs" is actually not simple at all, and it needs to be divided up into a very large number of different sets of characteristics. So, the larger figure say 50% only take drugs once or twice a year. And the number of people who take drugs every day is very, very small indeed. So that is a very useful set of results from the victimisation survey that you would not get from police data at all.

My next example [*Slide 8*] raises the point about how accurate data that you collect from asking people questions about sensitive issues is. And of course, when you are talking about partner abuse, family abuse, stalking, a sexual crime and all that sort of things, you have to be very careful about asking the question in the right context and you have to be very careful about the interpretation. You could get completely wrong figures, but the figures that we have here, and we do not have time to talk about how they were collected in the questionnaire, show that women are much more likely than men to suffer partner abuse: 5.6% of women say they have been abused by a partner agianst 2.4% of men. And as far as stalking is concerned, the figures are about the same:

5.4% for women, 2.6% for men. On the other hand, 1.7% of men, and 1.9% of women say they have suffered from family abuse. This shows how important it is to exactly define what you are talking about when you are talking about abuse within families or by partners. These figures are for 2019.

Ilina Taneva: Just a quick question: when you say victims are men, is there a distinction? Who was the perpetrator, a woman or a man? Do you have any demographic information on the perpetrator? For example, on religiosity.

Chris Lewis: You would need to look at each case. For stalking, it is generally the opposite sex gender. When you are talking about family abuse, it needs not be the opposite gender at all. The perpetrator could be your son or daughter or your grandson. You know, if you are living with a family, it could be the whole family that is not very good at looking after the grandfather or the grandmother. So, we do not know for family members who the suspect is.

My next example [*Slide 9*] is for a set of offences experienced by children aged ten to fifteen. This data is obtained from a special survey within the Crime Survey for England & Wales, addressed to children under sixteen. You can see at the bottom of this slide the number of children who were surveyed is between 2,000 to 3,000 each year. As a result, we can estimate that there are something like 800,000 or 900,000 incidents against children each year. They could be violent incidents, or they could be theft. And if you go down the slide, you can see that 12% of children were victims of violence in each year. Also, about 6% were victims of a theft offence, which need not, of course, be in the home, which could well be outside the home. So, this gives a little bit more information about children as victims. For example, when I bought my granddaughter her first mobile phone, she loved showing it around to everybody and she lived in central London, and it was stolen within three days…

And in a little more detail, this [*Slide 10*] is the same measure we are talking about: children experienced 841,000 offences, 454,000 with violence, 86,000 resulted in a wounding and 254,000 resulted in mild injury. There were also 126,000 offences of damage against children's property, for example, and 232,000 cases of robbery against children. And then looking at the different age groups [*Slide 11*], 13- and 14-year-olds were more at risk than other ages; boys were twice as likely to be victims as girls (14% against 7%); children of mixed ethnicity had a slightly higher victimisation; 11% of white children, 9% of black children and 7% of Asian children were victims. When you look at people who have a disability or long-standing illness, their victimisation rate goes up to 21%. When you look at children who were actually bullied in the last twelve months, 25% of them were victims of some kind of crime, compared with only 7% of those who were not bullied. Surveys throw much more light on victims, who they are, and what type of victim they became.

My next example is about historical victimisation as a child [*Slide 12*]. If you look at the left-hand side – those who were victimised in the past – and then you go on to the present, 36% of those who were victimised in the past went on to be abused as

an adult by a partner or ex-partner. And 41% of these had a child in the house who might have witnessed the abuse. And if you look at the future, 34% of the people who witnessed domestic abuse as a child went on to be abused by a partner. So, this shows how abuse can carry on from one generation to the next. This reinforces the strength of victimisation surveys.

Another example is that with careful collection, we can measure opinions. For example, when asked what they thought about the criminal justice system, about half thought it effective and 70% thought it fair [*Slide 13*].

Moving on now to types of computer crime [*Slide 14*]: 0.7% of people had their personal details stolen online; 8% of people had their device infected by software; 4.8% of people had their social media sites accessed without their consent and used maliciously, sending out messages as if they were coming from them or posted pictures that they would not have wanted to post. In slightly less than 1% of cases, people were locked out of the device and asked to make a payment to get back in.

One further example of the use of surveys comes from a study by Professor Andromachi Tseloni who has made important research analyses of English crime surveys over many years [*Slide 15*]. She looked at the security profiles of households. In particular, she has discovered that the combination of window locks in door lights on a timer, double door locks or deadlocks and external lights on a timer, prove to be fifty times more protective than no security. And if your house has no security at all, there was a fourfold rise in incidents compared to homes with a combination of security devices. Furthermore, homes with just a burglar alarm and nothing else had a slightly higher burglar risk than homes with no security at all. You cannot fool the burglar. An imitation burglar alarm does not work.

The United Kingdom conducts an annual survey of cyber breaches directed at commercial companies, and the results are mostly about policies and companies' reactions to cybercrime [*Slide 16*]. Topics include awareness of an approach to cybersecurity incidents and impacts of breaches. Half of businesses and a quarter of charities are caught having cyber security breaches. That is a very high figure, and it is higher among medium businesses, large businesses and high-income charities. Full details of the survey and its results can be found online.[1]

Finally, I shall summarise the benefits of national victimisation surveys. We can obtain a better understanding of crime, and this can lead to action on crime prevention, to new legislation and to better allocation of resources. Each country is best placed to measure and control crime in its own way, but I would contend that surveys can be useful and cost-effective. Countries can learn from one another as far as methodology

1 See https://www.gov.uk/government/publications/cyber-security-breaches-survey-2020/cyber-security-breaches-survey-2020.

is concerned. But comparisons across countries are not easily carried out unless the survey has been specifically designed.

Now we are moving on to the next presentation where you will be told how international surveys can be carried out. Thank you very much. I would be happy to answer any questions. You can reach me at Chris.lewis@port.ac.uk.

Report on crime victimisation and safety

*Joanna Goodey**

Joanna Goodey: Today, I am standing in for my colleague, Sami Nevala, in presenting recently published research results on crime victimisation by the Fundamental Rights Agency.

[*Slide 1*] We are an EU agency that covers all the member states of the European Union. I am going to be speaking about our Fundamental Rights Survey, which included questions on respondents' experiences of criminal victimisation – which you have heard the previous speaker, Chris Lewis, refer to. The title of FRA's 'Fundamental Rights Survey' is somewhat misleading – as half of the Fundamental Rights Survey is, in fact, a survey on crime victimisation. The Agency's report from February 2020 'Crime, Safety and Victims' Rights' focuses on these results.

My own background is in criminology and criminal justice. Reflecting this, connected to the Agency's mandate to look at the situation of crime victims – many of FRA's surveys that we undertake, covering the EU, include people's experiences of crime. We consider that such research is important to include in FRA's work because of the continuing gap in crime victimisation surveys, not only at the international level but at the state level – with a lack of comparability where national research does exist. I will be speaking to these issues today and then bringing the discussion around to the area of policy-making.

[*Slide 2*] I will be talking today about a few headline figures from the Fundamental Rights Agency's 'Fundamental Rights Survey' – half of which is a classic crime victimisation survey. We conducted the survey in 2019, and we published results last year and this year.

The crime victimisation survey that the agency is perhaps best known for is its Violence Against Women Survey, which we conducted in 2012 and published in 2014, and for which the microdata is available for further analysis in the public domain. For the Violence Against Women Survey, we interviewed 42,000 women face to face across the (then) 28 member states of the EU. It was based on a random sample and the survey

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* Head of Research and Data, European Union Agency for Fundamental Rights (FRA).
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at https://rm.coe.int/presentation-joanna-goodey-frs-coe-conference-23-mar-2021-fra-final/1680a1e430.

has been replicated by the OSCE in non-EU member states, and also in Japan. That survey received a lot of attention, particularly in relation to EU policy. It also fed into discussions about legislation at EU and member state level and is still highly used and quoted in the policy and academic field. In the first week when we released the survey, we had around 1,200 media articles, and, having put the data set from the Violence Against Women Survey in the public domain, it is increasingly used by academic researchers.

[*Slide 3*] We have now had a series of surveys focusing on the experience of immigrants and descendants of immigrants, which include experiences of criminal victimisation and police stops. The EU MIDIS European Union among Minorities and Discrimination Survey, of which we have had two rounds, covers all EU member states. This year we have a new survey in progress covering ethnic minorities and immigrants. We also have specific survey data on Roma and Travellers. Some of this is a subset of data from the EU MIDIS surveys we have conducted on ethnic minorities and immigrants generally. Other times we have done standalone surveys on Roma, which allows researchers and policy-makers to see the extent of crime victimisation amongst these communities. Within FRA's surveys on ethnic minorities and immigrant groups, we have a specific series of questions about whether – if they were a victim of crime – they consider that it was hate motivated.

It is also important to point out that all these surveys collect data on experiences of police stops, and whether people who are stopped consider that it was because of their ethnic minority or immigrant background – namely, ethnic profiling. So, FRA has perhaps the largest data sets in the EU on ethnic minorities and immigrants' experiences of crime victimisation and experiences of police stops. Again, where our resources allow, we are progressively making the microdata from the surveys available in the public domain for analysis, and they are being used by academics and other actors.

[*Slide 4*] We have also conducted surveys on the Jewish population in the EU – which includes data on crime victimisation and antisemitism. As you can see, these samples are smaller and are based on online opt-in surveys, because, given Europe's history, it is obviously not possible to create a sampling frame of Europe's Jewish population based on existing registers. We work with the Jewish community to encourage them to take part in these surveys. As you can see, the participation in our surveys, from the 2012 to 2018 surveys on Jewish people in the EU, has increased – with more member states covered and more participants.

And then we have also had two surveys on the LGBT(I) community. Again, because of the nature of the survey coverage, you cannot have a random sample of LGBT(I) persons in the population based on any 'register', and therefore we have used an online, opt-in approach. We had 93,000 respondents for the first survey in 2012, and then for

the second survey in 2019, 140,000 respondents. These surveys include questions about discrimination, but at least a third of the questions are on experiences of crime, hate crime, and whether one reports crime. So, as I said at the beginning of my intervention today – very much hidden behind the titles of these surveys, they offer extensive data on experiences of crime – particularly covering communities that are not covered in many national surveys.

[*Slide 5*] Now I will move on to talk about the Fundamental Rights Survey, which contains crime data, and covers the EU 27, North Macedonia and the UK, with just under 35,000 respondents. The survey presents a representative sample of the general population, encompassing people aged sixteen and older. We had face-to-face interviews in the majority of member states. In some we had online data collection, as appropriate in each country, reflecting typically the established method for other surveys at national level, and in consideration of access to sampling frames. Details of what we did methodologically are in a technical report accompanying the survey, which is accessible in the public domain. All our surveys have very extensive technical reports. Importantly, in our reporting from the survey, we break down the results in detail by EU member state. However, I wll not be talking about the member state results today, but I will be referring to some results with respect to socio-demographic characteristics of respondents.

[*Slide 6*] The report that we published in February this year, titled "Crime, Safety and Victims' Rights", is just one of the reports from the Fundamental Rights Survey. This report focuses on crime victimisation. I think we can say it is the first EU-wide survey data on crime victimisation experiences that has been collected to date. The Fundamental Rights Agency considered from a policy perspective – and following our mandate to undertake survey research and to focus on victims of crime – that we should not only continue to collect data on ethnic minorities and immigrants' experiences of crime, as well as other groups such as LGBTI, and women's experiences of violence, but that we should also collect base level crime data – using established crime survey methodologies – on the general population. FRA participates as a member in Eurostat meetings that address crime data collection and crime surveys, and to this end our data is able to inform policy discussions in these areas, which – in parallel – also reflects another core area of FRA's work – access to justice.

You can see here that the Fundamental Rights Survey covers physical violence; we cover acts of harassment, which are increasingly looked at in crime surveys; we ask for details about the perpetrators when they were known by the victim; where the incident of violence took place; the consequences for the victim; about reporting to the police and other organisations, and reasons for not reporting. We cover property crimes such as burglary and fraud. We also ask people about their willingness to take action as a witness of crime, and alongside this we ask the classic 'fear of crime' or worry about

crime questions, and risk avoidance behaviour. Within these areas, we have subsets of questions, which I do not have time to go into today – so I am just going to give you a few headlines now from the survey.

[*Slide 7*] Remember that this survey is based on just under 35,000 people across the EU, which compared with some national surveys makes the sample size small at the national level. However, we do not go below the baseline of 1,000 respondents in a member state.

[*Slide 8*] Looking at the data we did collect, what you see in this slide is the classic five-year prevalence rate and then the twelve-month prevalence rate for burglary, online banking or payment card fraud, consumer fraud, harassment and violence, and then the average for the five-year and twelve-month rate – as an average for all the EU member states. For example – we consider that it is important to collect data on harassment because increasingly it is recognised and being criminalised as impinging on people's lives. It particularly impinges in the public domain on women's lives, and is also related to hate crime; impacting on different people from persons with disabilities through to ethnic minorities – who are a subset of the general population, for which the data can be broken down. So, again, the headline figures, physical violence, 6% of people experienced it within the last twelve months. The figures for women and men are very similar – but their experiences of violence are, as we see from further analysis, very different with respect, for example, to their relationship with the perpetrator.

[*Slide 9*] These percentages correspond to 22 million people in the EU having experienced violence in the last twelve months. When you look at harassment, you can see 29% of people in the EU experienced it in the last twelve months, which would correspond to 110 million people in the EU – acknowledging that these are estimates.

[*Slide 10*] The typical questions we ask in the survey, which build on established survey research that has captured experiences of violence and harassment (particularly against women), do not phrase questions around criminal law definitions – because, as we know, a strict criminal law definition differs from state to state, does not allow for comparison, and the terminology is often difficult to interpret by members of the general public. We asked respondents – in relation to violence (and I am paraphrasing here) – whether somebody slapped you, has thrown something at you, pushed you or pulled your hair, has hit you with a fist or with something else that could hurt you, etc. We asked these types of questions to come up with a measure of physical violence. And then we also had the incidence rate that we counted, which you can also look at in the data.

The same approach was undertaken with respect to experiences of harassment. And the data can be broken down to look at different types of harassment – from

the so-called 'more' serious to 'less' serious incidents. Acknowledging here that the extent and nature of harassment is increasingly being recognised in survey research – particularly in relation to women's experiences of everyday harassment, which is coming under scrutiny in the policy and legislative field.

[*Slide 11*] If you concentrate on the red bars on this slide, with respect to experiencing physical violence in the last five years. Looking at the vertical column on the very left, we have the age breakdown. No surprises here that young people aged 16 to 29 are experiencing higher levels of physical violence, and in the middle vertical column – again with the highest rate – students and pupils. What we know from crime surveys, over decades now, is that young people are disproportionately victims of crime. And then when you go down the central column, you will see in terms of people's household income, people who are unemployed or on social benefits are experiencing higher rates of physical violence. And then we have other respondent characteristics that indicate – in red – higher rates.

[*Slide 12*] This slide looks in more detail at some of the social demographic characteristics of victims, of those (from the 35,000 respondents) who indicated they were victims of physical violence – echoing what Chris Lewis said in his earlier presentation. So, we see that people who are severely limited in their usual activities, and this includes people with disabilities, are more often experiencing physical violence, 17%, as opposed to 8% of people who are not experiencing more physical violence. Ethnic minorities have higher rates of physical violence, as do people who indicated they are not heterosexual (so LG). How does this relate to policy? As an EU agency, FRA looks at experiences of equality and non-discrimination, where there is strong EU law, and also at the field of racist and related hate crime, whereby we feed the results of this survey – alongside the other surveys I referred to earlier – to EU institutions and member states with respect to the application of law and policy in practice, in relation to different populations' experiences of victimisation.

[*Slide 13*] The figure in slide 13 is basically showing something that people who have worked on crime surveys for decades are very familiar with, namely, that when we asked people who was the perpetrator of violence, disproportionately, it is men. And we have a breakdown here of incidents experienced by women and incidents experienced by men. And if we add those incidents where it is both a man and a woman, you can also see even higher rates, although for women, just over a quarter, are experiencing violence perpetrated by other women. And this is just one way of breaking down the data.

[*Slide 14*] We also asked people about the place where the most recent physical incident of violence took place; with women indicated in blue and men in orange. Women

disproportionately say that the most recent incident of physical violence took place in their own homes, so reflecting intimate partner violence or domestic violence. And then in orange, the big bar there, mostly men are indicating that physical violence occurred in a street square, park, or other public outside space – at 39% of men indicating this as opposed to 20% of women (which is still high for women). This is a breakdown of incidents where people did not specifically refer to violence of a sexual nature, which needs to be interpreted differently.

[*Slide 15*] Victims of physical violence and contact with the police and other services – as shown here. Looking at the darkest figure – of those who experienced physical violence, 7% reported to the police. And then the next figure is 14%, those who reported to the police and contacted another service. We see high rates of non-reporting, which is the classic result one expects from crime surveys with regard to the 'dark figure' of crime. And herein we can breakdown the data for all the member states we surveyed to reveal different reporting rates to the police.

[*Slide 16*] Now I am just going to share a few more slides before I conclude, with the next slide showing headline figures on safety.

[*Slide 17*] Slide 17 includes a couple of quotes – which were part of the qualitative element accompanying the research. What I did not mention is that we also conducted some qualitative research with focus groups to accompany the quantitative survey research. So, we were able to capture the experiences of people with respect to certain areas covered in the questionnaire.

We asked people about avoiding situations or places due to fear of being assaulted or harassed. And you can see in the dark blue there, 20% (one in five people) when asked about three scenarios where they might avoid certain situations or places – said often or all the time.

[*Slide 18*] And of course, disproportionately, women tend to exhibit this kind of behaviour, which reflects everyday harassment that they have experienced, and learnt to avoid, from a young age – typically of a sexual nature. Avoidance behaviours that are also deployed in anticipation of sexualised threats or assault.

At the top you will see that among young women aged 16 to 29 – 39% – say they often or all the time avoid situations or places due to fear of being assaulted or harassed, with 44% indicating sometimes. Also, we can see there are some young men who are also displaying this kind of behaviour. This also needs to be noted in terms of their crime avoidance behaviour. This reflects debates that have been ongoing for decades, and which have resurfaced in certain EU member states more recently, and countries outside the EU, about women's safety in public spaces.

[*Slide 19*] I am going to move on rapidly now and then conclude by linking some of these findings to policy with respect to the recommendations in the FRA report "Crime, Safety and Victims' Rights" – which contains a key findings and opinion section.

[*Slide 20*] The report's results are tied to EU law and call for various policy and practical responses. For example, the report addresses the need for targeted measures to prevent physical violence – particularly in relation to the high rates experienced by particular groups. The report also addresses this in relation to harassment and the socio-demographic breakdown that the results reveal for different groups. We also target member states when we talk about the need to encourage and empower certain groups to report incidents of crime, as – for many working in the policy field who are less familiar with crime victimisation surveys – there is a need to direct responsible actors to available data (such as FRA's surveys) that can serve to inform action. So, to underline the reality of underreported crime for policy-makers, which for many of them is often a surprise (because they have not been working in the area of crime and criminology, or victimology – as is the case for those at this conference), we encourage them to work with the survey data.

Also, the survey report refers to the need to ensure people's access to justice – as a fundamental right – which relates to increasing reporting rates.

The report also refers to specific areas where the data calls for targeted intervention – for example, in relation to victims of violence in the domestic sphere.

[*Slide 21*] When it comes to the legal and policy context, the report refers to existing EU law in this area – namely, the Victims' Rights Directive – which member states have signed up to, and which speaks to issues such as data collection.

In the context of the EU, you have an established legal instrument called the Victims' Rights Directive. However, its implementation in practice is patchy in some areas – as reported by the European Commission. You have the first EU Strategy on Victims' Rights since last year. This is the first time the EU has had such a strategy. The Fundamental Rights Agency is part of the victims' rights platform, established by the European Commission, where we bring forward our data and expertise, not only from the Fundamental Rights Survey on the general population, but from all our surveys and our related socio-legal research. To this end we have a range of social, legal, and non-quantitative research and related publications on crime victims, which is widely disseminated and used by the EU institutions.

FRA is also engaged in related policy strands alongside the Victims' Right Strategy, namely, the Security Union Strategy of the EU, the EU Action Plan on racism and xenophobia, which is accompanied by a legal Framework Decision on racism and xenophobia. There is also a Disability Strategy, and many other strategies, where our work brings in key evidence – in the absence, often, of data at member state level – which underlines the experiences of particular victim groups.

I have not been able to talk in the time available about the results from the survey we have on fraud and consumer protection – which relates to other areas of EU law. These findings are available in our published material.

[*Slide 22*] The Fundamental Rights Survey also relates to the UN SDGs. Here I have listed some areas where the survey data can speak directly to the SDGs – not only in relation to the reported findings on 'Crime, Safety and Victims' Rights', but in relation to another report from the survey that touches on areas ranging from judicial independence through to democratic principles. As with FRA's Violence against Women Survey, the data from which was used by the EU to populate the UN SDGs addressing violence against women – FRA's survey research is used for policy across a range of areas, including in the field of crime victimisation – given that it provides data in areas where many member states are not collecting it.

[*Slide 23*] Finally, the data explorer from the Fundamental Rights Survey is available through this website.

[*Slide 24*] Thank you – and here you will find the email contacts for me and my colleague, Sami Nevala.

The Netherlands as a case study

*Catrien Bijleveld**

Catrien Bijleveld: Thanks again for being able to present at the conference. I have really enjoyed most of what I have been able to attend. Compliments to the organisers. I am going to talk about the Netherlands Scientific Council for Government Policy, or WRR, where I have been employed since the end of 2019. Shortly afterwards, COVID-19 struck in the Netherlands, so I only had about two or three months where we could really be together in the building and function as a normal body. Since then, everybody has been working from home. Even though I have been there for almost one and a half years, I still feel a bit of a rookie. Nevertheless, I will try to tell you about how we work, what our basis is, what kind of reports we produce, and give you some information on a report I am currently working on in the Netherlands, which also involved research in other European countries.

We are housed in a building opposite the houses of parliament in The Hague [*Slide 2*]. It is a very nice, old building. We have only a part of it. A little bit to the right is one of the oldest prisons in the Netherlands: the 'Gevangenpoort' (highly appropriate for the topic of this conference). The WRR is an official body, established in 1972, so next year we will be fifty years old.

We are a council for government policy, which is also in the law. We are independent, responsible for our own working programme and processes. We organise an independent external review of our work every five years. Administratively, we fall under the Ministry of General Affairs, a very tiny ministry where the prime minister also resides. We have a fixed budget, so we do not have project finances. We have to finance all we do every year from this fixed sum.

We are a council consisting of eight members, including our chair, a secretary, and an advisory member. The council members have been chosen across a broad spectrum of disciplines: law, economics (two), social science, public administration, medicine, humanities, and someone from the exact sciences. Both the chair and the secretary are there full time, and the other members have appointments between 24 and 8 hours a week. We are independently appointed by the crown or cabinet for a five-year term, which can be renewed once for a maximum term of ten years. The council members are all senior professors.

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* The Netherlands.
This chapter makes reference to slides from the original conference presentation. The complete set of slides, including all figures and tables mentioned in the text, can be accessed through the accompanying website at https://rm.coe.int/catrien-bijleveld-wrr-23-march-2021/1680a1e429.

To support the council, we have a sizeable staff consisting of 22 researchers, many interns, and administrative and communication staff. The staff has its own director who is also secretary of the council. The scientific staff, like the council members, cover a broad spectrum of disciplines. The majority are at PhD level, some are also full professors, and depending on the topics we are dealing with, we hire temporary guest experts. These may come from academia or government. We also have a lively crowd of master students who work with us in internships for three to six months. In total, we have about sixty people in the building.

We give strategic policy advice to government, policy-makers, municipalities, and society in the broader sense. All advice we give is trans-sectoral, generally addressing more than one ministry. It is also long-term, looking at very long-term developments. For instance, we are currently undertaking a climate project looking at policy advice for the period after 2050. We do not generally give very technical or specific advice, but rather what we call "directions" for thinking about and designing policies.

Everything we do is science-based, relying on existing scientific and empirical insights, expert judgments, and sometimes additional explorations through interviews or surveys. Policy relevance is a bit of a specialty, a separate expertise between science and policy.

The council has final collective responsibility for everything we do. We generally work to reach consensus on the final product. We also employ peer review when feasible. In projects, we work in teams with two council members and a number of staff, sometimes adding external experts. We study literature, explore the field, do interviews, and can conduct our own surveys. We write reports that are often the shape and weight of a PhD thesis, taking two to three, sometimes even four years to finish. We also generate exploratory studies, policy briefs, and papers. Of course they are in Dutch, but they always have some kind of English summary or translations.

We engage actively with the public through our website, communication strategy, and organised meetings. That communication is sometimes also interactive. We have sort of standard meetings with policy-makers, but we also organise meetings with academia, with specific targets, groups, and with the public. We have a yearly lecture where we invite interesting, innovative speakers. We try to be very open, inviting people in and broadcasting our work.

We have a diligent aftercare policy. Whenever we publish a report, there is a mandatory public response from the government. We try to get not only a formal response but a more substantive one, and we closely follow up on what actually happens with our advice.

While, as I said, we have existed for fifty years, the environment in which we operate is shifting. The type of advice we are giving becomes more uncertain, dealing with longer-term issues, such as the example I gave with climate policy after 2050, but also with unpredictable situations like the COVID-19 pandemic that corresponds to an ultra-short policy window of time, which also generates larger uncertainty.

There is a second shift that is interesting. Traditionally, we would advise the national government – the ministers and policy advisors in the ministries. But we see that our government has delegated a lot of responsibility to municipal authorities. So these also become addressees with whom we interact and that our projects may address. Also, many laws have moved to the supranational level, to the European level. So, Europe has, in a sense, also become our partner. We are still finding our way in how to accommodate and address these different levels and follow up on our advice.

Last, how do we select projects? I already mentioned our climate project; we recently finished a migration project. Most of the projects we do are self-selected; the council itself picks what projects it is going to do through an internal process where we consider what we think is relevant or urgent. A small part, about a quarter I believe, is on demand in the sense that ministries or politicians may ask for certain projects to be carried out by us.

Recently, we have had a number of quite interesting reports out. One on digital disruption focused essentially on one big question, telling the government that all its policies on digital disruption have been focused on prevention – preventing things from going wrong, the internet breaking down, ATMs not giving out money anymore. But the issue of what we can do if things do go wrong had been much less addressed. This is something we talked about in this report.

Another report we recently published focused on employment. In that report, we noted a strong trend towards what we call *zzp'-ers*, self-employed people with flexible jobs, little insurance, lots of uncertainty. These people were very hard hit in the coronacrisis, of which we will probably see the effects once all the special measures are over. This is also an interesting, thoughtful report on how maybe the government should be less neoliberal in employment matters.

Our last recent report is on migration and the extent to which the Netherlands is becoming more diverse and what implications that has. Currently, we are working on a report on the sustainability of healthcare, healthcare costs, and healthcare personnel in the Netherlands. As in many countries, expenses in healthcare have been growing continuously. We address the issue of whether that is manageable, sustainable in the long term and what policy options there are to address this.

I myself am involved in a project on the future of policing, what we call the 'police function'in the Netherlands. We are investigating whether the manner in which we organise security in the Netherlands needs a rethink vis-à-vis a number of societal trends that you see not only in the Netherlands but also in Europe. One of these is the digitalisation of society. A second is the encroachment of private industries in security.

The question we ask is whether it is necessary for the government to rethink the way we have organised policing and security in the Netherlands in a digital world and in a world where we have so many private companies organised in part for security. We explore issues of social contract, police competence (such as whether the police are sufficiently trained to tackle cybercrime), fundamental rights of people having recourse

to independent lawyers, judges, legal framework, inequality, and all these kinds of issues. For this project, we not only talked to specialists in the Netherlands, but we also looked at whether this question had already been addressed in other countries: UK, Belgium, Germany, Austria. One nice thing to say is that we quickly moved to the *Sourcebook* to look at its data.

One thing that strikes me, which is also why this conference is so important, is that if you compare doing research in this area of policing with doing research on healthcare, migration, employment, and all these other areas, data are so much easier to obtain, interpret, and compare across countries in those other fields. So, there is really quite an important and long way still to go for us as criminologists, ensuring that we get better and better comparable data across countries.

With that, I will end my presentation. You can look me up at our website (wrr.nl), where you can also find the individual WRR council members. Or send me an e-mail if you have any questions. Thank you.

Iceland as a case study

*Rannveig Þórisdóttir**

Rannveig Þórisdóttir: Iceland is a small country with a population close to 370,000, and a crime level that is considered low by most people. Still, most types of offences are known in Iceland and the police must deal with similar tasks as the police in more dense countries.

Today I want to give you some insights into the changes made within the Icelandic police regarding how family violence was handled by the police and the prosecution. I wll focus on the relations between definitions and registrations to show you how visibility of an offence can be changed by defining it correctly.

The Icelandic police collects data into one centralised database and has been collecting comparable data since 2005. There is also access to centralised information on most offence types since 1998. Therefore, we have quite good access to data. The problem we have been facing is rather that there has been a lack of definitions and strict protocols on how to record offences and offenders. One of the reasons for this is that before 2005 registrations of offences in our official database were in many cases based on statistical concepts rather than legal ones. In 2005 the police got a new database where registrations were based on legal definitions and tags used for more detailed statistical categorisation.

Today I want to share with you a case study that shows how these changes had a large impact on the data at hand, on our knowledge and on our protocols. The example I want to share is that of family violence. I will start with a short talk about the importance of definitions, then I will talk about how a better definition led to better registration and changed the visibility and knowledge of family violence in Iceland. In the end, I will talk about how we are using the data for decision-making and the importance of making the data visible, not hidden in files or PDF files online.

Definitions are very important, not just because they provide clarity, but also because they can help us to ensure a common understanding. When an issue is well defined, it helps us to analyse it and understand how to tackle it. The importance of definitions has already been discussed yesterday and this morning and, as Stefano pointed out, definitions can be difficult, they can be time consuming, and we need to

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Additional material: the author's presentation slides are available at https://rm.coe.int/presentation-rannveig-orisdottir-using-statistical-data-send/1680a1e434.

stay with them to improve them and learn to tackle the task at hand. And that is exactly my experience from the journey I want to share with you.

Domestic or family violence was of course known in Iceland, but it was very hidden in our statistics because there were no specific laws that defined family violence and there were no working procedures nor guidelines for police on how to handle these cases and how to tag them in our registrational system. No legal and no clear statistical definitions meant that registration was very diverse, especially since there were no clear statistical codes or tags to define the cases. Therefore, it was impossible to follow the cases through the judicial system. An offence, not based on a category, nor on any legal reference, does not have any defined offenders nor any defined victims, and they are therefore hidden in the data. These cases probably existed in our systems, but they were not defined as such and therefore hidden in our statistics.

I want to take the example of femicide. The homicide rate is quite low in Iceland; on average, there are around three homicides per year. Sometimes we have no homicides per year, but then on other occasions we have had up to five cases per year. When you look at how these cases have been registered in the system, how they are being defined or tagged in our system, none of the homicides, for example, in the period 2003 to 2015, were defined as related to family or domestic violence. Still, when one analyses the cases from this period it is obvious that almost half of these cases are in fact related to family violence and one third of them to partner violence. But due to lack of definitions this does not get through to the general discussion, so the situation is not seen as it is.

That was the situation when, in 2005, societal and governmental pressure motivated administrations within the police to initiate work on how the police could improve how they dealt with cases related to family violence, admitting that these cases needed a different approach. This led to the publication of a new protocol regarding how domestic violence should be handled and registered in the statistical system. These protocols were based on the work of both specialists within the police and specialists from the universities. For the next ten years measures were taken to improve protocols regarding family violence as well as how it was registered but it was only in the year 2015 that new protocols were published, where family violence was finally very well defined and strict registration rules were applied regarding the offence suspect, and the victims.

This was not an easy task; it had to be followed through very strictly. Specialists within the police read through every single registration to check if everything was correctly registered and followed it through. If something was missing or if the registration of the case was peculiar in any way or if any abnormality was spotted, they would ask the investigators to fix the registration and, at the same time, teach the police officers how to define and how to use the codes. During these changes, the Icelandic government also implemented a new article within the penal code on family violence. The new article was implemented in 2016 and is based on the idea that the incident must be repeated and serious.

So, what happened after this process of new work protocols and recording rules was established? *Slide 7* shows the number of cases tagged as family violence (dark blue line), as family dispute (yellow line) and those that fall under the new legal definition introduced in 2016, Article 218b (family violence).

Cases defined as dispute are incidents when the police are called to the location, often there has not been any offence, but there is still maybe loudness or fighting or something like that, but there are no direct threats or no direct laws have been broken. The dark blue line shows the number of cases where the police is called to the location or reports made of an offence that is tagged as family violence such as minor assault, threat, or vandalism. The red line shows the number of cases that are labelled or fall under the laws on family violence, the new article introduced in 2016 (Art. 218b).

Slide 7 shows very well how the changes made to the work protocols in 2015 had a huge impact on how the police record cases. As one can see the number of disputes decreased and the number of family violence cases increased as a part of the re-definition made through the changes in the work protocol. What is also interesting here is how few cases fall under the legal definition of family violence compared to the number of cases that fall under the work protocols as family violence.

Slide 8 shows the number of offences included in cases tagged as family violence. From 2014 to 2017, the number of cases involving violence nearly doubled, while sexual offences increased almost tenfold. This apparent growth reflects not an actual increase in cases but rather a redefinition of cases that were previously untagged or undefined as family violence, making them invisible within the system.

The same applies to the visibility of suspects and victims in family violence cases, as illustrated in *Slide 9*. In 2014, 155 suspects and 233 victims were registered in cases tagged as family violence. By 2015, the number of registered suspects and victims had tripled. Again, this is not a real increase but rather the result of improved definitions and case registration within the system.

Evaluating these changes relies not only on statistical data but also on self-report surveys conducted over the years by the police and the University of Iceland. These surveys indicate that partner violence is not growing in society; rather, more individuals now recognise it as a serious offence and report incidents to the police in greater numbers.

But how do you maintain implementation at such a high level? After five years of a very strict follow-up of case registration and handling, it became clear that new methods were needed to sustain the progress. The reason was that when monitoring lessened, police officers gradually relaxed their adherence to definitions and protocols.

To counter this, we created a statistical overview to give administrators real-time insight into how cases were handled and categorised. Using a dashboard solution, data is automatically updated daily, providing live statistical overviews for both

administrators and decision-makers. This approach has been particularly beneficial for the judicial process, as it allows cases to be tracked from the police level through prosecution and on to the courts, helping identify which cases are discontinued by the police and which proceed through to the courts.

Why is this so important? In our experience, increasing access to data on family violence engages more people and raises awareness, allowing a larger group of specialists to analyse, question, and evaluate the data from multiple perspectives.

Data quality is, of course, crucial, as is an understanding of its limitations. Data quality monitoring is embedded in the system, ensuring ongoing checks. Better information on cases, victims, and offenders has also deepened our understanding of the nature of these cases and highlighted the importance of tailored services for different groups, particularly victims and children. The police are a service agency, and this approach can be seen as a form of service quality control.

While this is an ongoing journey, I believe this case study from Iceland demonstrates how police statistics can enhance protocols, understanding, and service within law enforcement. Thank you for your attention.

Q&A session 4

Marcelo F. Aebi: I would like to ask a question to Joanna Goodey. The moment you said that 30% of Europeans are being harassed annually, I went to check the report because I felt that the percentage was too high. But the report corroborates what you said, because it states that "two in five people experienced harassment the five years before and 29% in the 12 months before the survey. This corresponds to almost 110 million people in the EU 27 experiencing harassment in a year".

What I usually teach my students of methodology in the first year is that, when the result is awkward (too high or too low), they must immediately check the methodology. So, I went to check the wording of the questionnaire, and, of course, the wording includes several cases of serious harassment, but it also includes behaviours such as "made offensive or threatening gestures" or "stare at you inappropriately". If you include "stare at you inappropriately", then what is the definition of inappropriate? What does it mean to stare at you inappropriately? I think this very large labelling of the questions give impressive results, but pushes a false idea of Europe as a very dangerous place to live. Anyone who has lived in other continents knows that it is not the case. One hundred and ten million people harassed every year is a lot of people.

Frankly, I am not convinced about sending this kind of message. In my opinion, it creates a sort of moral panic, it gives the impression of a very dangerous place to live, but the reason is that the definition that you are using is extremely large. In other surveys, like the ICVS and the ISRD, there was an effort to distinguish minor cases from serious ones. I think we should be careful when presenting research results, and I do not see enough caution taken in this case.

For example, I am sure that, without even realising, I raised my eyebrows when I heard the results of this survey and also when I read what was included under the definition of harassment. And I am sure I did it because it is a kind of instinctive reaction, like many other human gestures, that have been studied by neuroscientists. Now I wonder if that would fit the definition of inappropriate.

Joanna Goodey: These kinds of questions are normal for this kind of research. Of course, I gave you the headline figures. What you can do is break down the data for each subset of questions. When we present the survey results, we also break them down in different ways. And we have a data explorer that allows people to do that. We will also, for all our surveys and in due course for the Fundamental Rights Survey, put the microdata available in the public domain so people can do that.

I want to just take a step backwards, because we did the same large-scale survey for our Violence Against Women survey. What is quite interesting with the Violence Against Women survey for experiences of harassment and violence, we also broke the data down into different levels of seriousness, if you like; so we took a continuum and

we began with the lower-level incidents to the more severe level incidents. We covered both harassment in this regard so that we were very transparent in our interpretation.

When I talk about the Violence Against Women survey, when we release that and I am giving this example here, in 2014, many people were very surprised. They said, how can these figures be so high? And then, of course, you had the #Metoo movement, and you have a lot of separate research in the member states, which shows the kind of everyday level of harassment that particular women and certain groups in the population experience. So, I think we have to recognise that while some people regard it as an exaggeration of a reality, for many people it is a lived reality.

We are very transparent about how we treat the data. Like I said, of course, you can say we are perhaps conflating something, because we have put the lowest level of type of harassment. But that has been tested in other surveys. These are not questions we pick out of thin air and brought into our own survey. It is established, as you know, for surveys on violence against women in certain member states. And you can take it even further, and analyse the more serious offences or the less serious. And you can look at it when you have the microdata data available, which hopefully will be later this year.

Closing remarks

Stefan Harrendorf: I will just say some brief words. Thank you very much to everyone who participated and especially to all the speakers who presented papers here. It was really enlightening, interesting, and enriching. I really liked the conference very much, so thank you to everyone for their contributions; also to those who discussed with us during the different sessions. I think this will bring progress to criminal justice research across Europe for another thirty years. I am looking forward to the next thirty years of crime and criminal justice statistics in Europe. Perhaps some of us will meet again in thirty years and discuss this issue then, but I hope we will also discuss before that.

I think there is still a long future for this kind of research, and I am also looking forward to starting work on the new edition of the *European Sourcebook*. We have invested a lot of time in presenting results from the *Sourcebook*. As Marcelo Aebi already said at the beginning of this conference, we will immediately start designing the new questionnaire for the new *Sourcebook* edition and also preparing the data collection. The next edition will come out a bit earlier than this one, with fresher data. We will once again have something to discuss with you that will further research and criminal policy in Europe.

That is everything I wanted to say. Thank you very much once again to all who participated, have a nice afternoon, and see you again sometime soon. Hopefully, it will be possible to meet in person, perhaps at the conference of the European Society of Criminology or sometime later. Stay healthy and safe. See you. Bye.

Paul Smit: Thank you, Stefan. [*Ironic:*] I like the idea of organising a conference thirty years from now, and I will certainly participate.

Marcelo F. Aebi: I guess it is time to take stock of the conference and briefly present the way forward.

We started this conference discussing the contribution of the *European Sourcebook* to research, criminal policy, and to the general knowledge of the public about crime and the functioning of criminal justice systems across Europe. We closed it, like a perfect circle, with illustrations from real applications in Iceland and the Netherlands. Countries that are already applying evidence-based research, with advice from criminologists, and with data from different crime indicators, including survey and official statistics. A lot of that data is included in the *Sourcebook*.

Then we had presentations on how to use the data collected, alone or in combination with other sources, including examples of recent projects conducted with the joint support of the Council of Europe and the European Union in which we combined the *Sourcebook* with, for example, the Council of Europe Annual Penal Statistics.

After that we had some very nice examples of the limitations of the data collected. Heads and tails: strong and weak points. I know that we insist a lot on methodological issues, but methodology is key. Different methodologies can produce different results even with the same instrument. But if the results are similar, the validity of the research is increased.

As we are lucky enough to have a good collaboration with different institutions, we had the presence of the Fundamental Rights Agency, of Eurostat, and of the UNODC, and we saw similarities and dissimilarities in the way data are collected and the advantages of doing comparative research.

I would also like to highlight the discussions that took place during the questions and answers' sessions. There were some nice examples of how researchers can exchange freely and respectfully even when they held different, and sometimes opposite, opinions or positions.

In parallel, we have seen general consensus about the need for a new international victimisation survey, or at least a European one. Ten years ago, we were on the edge of having a European safety survey. We lost it, but perhaps only temporarily, because Catrien [Bijleveld] presented us a project to relaunch it. Perhaps at the beginning as an EU project, but the Council of Europe could play a major role in coordinating the use of the survey in its member states. There are 27 member states in the EU and 47 in the Council of Europe. So, I think there is really a place for the Council of Europe in coordinating the twenty members states that are not EU members.

This is the right moment to thank once more the Council of Europe, and in particular its Council for Penological Co-operation (PC-CP), Ilina Taneva and Christine Coleur. It was a pleasure to collaborate again for this sixth edition of the *European Sourcebook* as we did for the first one. Twenty years later, as Alexandre Dumas said. We hope that we will be able to continue collaborating in the future. We only need to find the funds to organise the meetings of the group and the meetings with the national correspondents. Virtual meetings are useful, but sometimes you need to meet in person.

We would also like to thank for their support the University of Greifswald, the Georg-August University of London, the University of Portsmouth and, of course, the University of Lausanne and its School of Criminal Sciences, which host the *European Sourcebook* website and has supported this project since its very beginning.

This leads me to my last two points: as it has been said several times, the national correspondents are a key element of the European Sourcebook Project, and that is why we include them as co-authors of this sixth edition. Most of them have participated in this conference and, now that it is over, I kindly ask you go to the *Sourcebook*'s website, download the *Sourcebook*, download the original data, and check everything carefully. If you see something wrong, please let us know and we will change it immediately. There are hundreds of thousands of cells in the *Sourcebook* database, in the *Sourcebook* itself, and in the publication that contains the original data. This means that even if we

made mistakes in only 1% of them, we could have some hundreds of cells with wrongful information. So please help us.

Second, please keep collaborating with us for the launching of the new edition of the *Sourcebook*. I would go a little bit further than Stefan. For the last few months, we, the members of the Sourcebook Group, have been meeting almost every Friday afternoon for one or two hours, and we hope to keep these virtual meetings going on in the future, in such a way that you could perhaps already make a note in your agenda, for example, for the summer of 2022, when we hope to send the questionnaire for the seventh edition. I think that, if we advance properly, in a couple of years from now, we may have data until 2021. "You may say I'm a dreamer, but I'm not the only one." Thank you very much for attending this virtual conference and I hope to see you personally soon.

Paul Smit: Thank you, Marcelo. And again, thanks to all the participants and to the Council of Europe for organising the conference.

Looking back to move forward: Synthesis and future directions in European criminal justice statistics

*Marcelo F. Aebi**

The conference on "Three Decades of Crime and Criminal Justice Statistics in Europe" achieved more than a retrospective review of progress in data collection and analysis. It revealed both persistent challenges and emerging opportunities in measuring and understanding crime across Europe. This concluding chapter synthesises the key insights that emerged from the presentations and discussions, focusing on their implications for future research and policy-making.

The evolution of data collection and comparability

A central theme throughout the conference was the continuing tension between the need for comparable data and the reality of diverse legal and statistical systems across Europe. The *European Sourcebook of Crime and Criminal Justice Statistics*, now in its sixth edition, exemplifies both the progress made and the challenges that remain. As demonstrated through multiple presentations, particularly those by Stefan Harrendorf and Marcelo Aebi, the development of standard definitions and metadata collection has significantly improved data comparability. However, the presentations also highlighted that complete standardisation remains elusive and perhaps undesirable, given the importance of understanding national contexts and maintaining historical continuity in national statistics.

The challenge of measuring evolving crime patterns

The conference highlighted a fundamental shift in how crime manifests in contemporary society. Fernando Miró's analysis of cybercrime during the COVID-19 pandemic, complemented by presentations from Stefano Caneppele and Marcelo Aebi on long-term

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crime trends, demonstrated that we are witnessing not just new forms of crime, but a transformation in how traditional crimes are committed. The concept of "hybrid crimes" – offences that bridge physical and digital spaces – emerged as particularly significant. This evolution challenges traditional data collection methods and raises questions about the validity of historical crime trend analyses that do not account for cyber-enabled and cyber-dependent crimes.

Methodological innovations and data integration

A recurring theme was the need to integrate multiple data sources to understand crime patterns comprehensively. The presentations on victimisation surveys, particularly by Chris Lewis and Joanna Goodey, emphasised how survey data can complement official statistics. The discussion of the Fundamental Rights Agency's surveys highlighted the value of targeted research focusing on specific populations or crime types. This multi-method approach seems increasingly necessary as crime patterns become more complex and traditional indicators capture a diminishing proportion of criminal activity.

The policy-practice nexus

The case studies from Iceland and the Netherlands, presented by Rannveig Þórisdóttir and Catrien Bijleveld respectively, offered compelling examples of how statistical evidence can effectively inform policy when appropriate institutional frameworks exist. These presentations demonstrated that the gap between research and policy-making is not inevitable but can be bridged through sustained institutional commitment and careful attention to knowledge translation.

Future directions

The conference discussions pointed to several critical areas for future development. First, there is a clear need for new indicators that can better capture cybercrime and hybrid offences. While traditional crime categories remain important, they must be complemented by metrics that reflect contemporary criminal behaviour. Second, the success of various European initiatives suggests the time may be right to revisit the possibility of a standardised European victimisation survey, a topic that generated substantial interest during the discussions.

Third, the presentations highlighted the importance of making data more accessible and interpretable for various stakeholders. The *European Sourcebook*'s emphasis on metadata and methodological transparency provides a model, but more work is needed

to translate complex statistical information into formats that policy-makers and practitioners can readily use.

Implications for research and policy

Several practical implications emerged from the conference. For researchers, the proceedings emphasise the importance of methodological rigour while acknowledging the limitations of current measurement approaches. For policy-makers, they underscore the value of evidence-based decision-making while highlighting the complexities involved in interpreting criminal justice statistics. For practitioners, they provide concrete examples of how statistical data can inform operational decisions and policy implementation.

Conclusion

The conference demonstrated that European criminal justice statistics have come a long way in three decades, but new challenges continue to emerge. The success of initiatives like the *European Sourcebook*, SPACE statistics, and various victimisation surveys shows what can be achieved through sustained international collaboration. However, the evolving nature of crime, particularly in the digital domain, requires continuous innovation in measurement approaches.

Looking forward, the key to progress appears to lie in maintaining the balance between continuity and innovation – preserving valuable long-term indicators while developing new measures for emerging phenomena. The conference proceedings suggest that the European criminal justice statistics community is well-positioned to meet these challenges, building on three decades of methodological development and international cooperation.

As crime continues to evolve and new measurement challenges emerge, the lessons learned from these three decades of experience will prove invaluable. The path forward requires continued international collaboration, methodological innovation, and commitment to evidence-based policy-making. Most importantly, it requires maintaining the delicate balance between standardisation and flexibility that has characterised the most successful initiatives in European criminal justice statistics.

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Appendix

Offence definitions and imprisonment rates in European comparison

*Olivia Kühn, Stefan Harrendorf and Marcelo F. Aebi**

Disclaimer

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Country-based information on penal institutions and prison populations was collected through questionnaires sent to the prison administrations of the member states of the Council of Europe. Information on conviction statistics was collected through a collaboration with the European Sourcebook Group and its network of national correspondents. The information collected was analysed by the authors of the study.

The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

Abstract

The legal definitions of criminal offences differ considerably across Europe. These differences should have an impact on the figures appearing in the criminal justice

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statistics of different countries for offences that upon translation bear the same name, but in fact are not legally defined in the same way. In that perspective, several efforts to improve the comparability of offences have been conducted since the 1990s, when the European Sourcebook (ESB) group of experts developed a methodology that consisted in proposing a standard definition followed by a series of categories of the offence that the national correspondents in charge of filling the questionnaire should include or exclude. This methodology was later adopted by the UNCTS and by Eurostat.

The Council of Europe Annual Penal Statistics (SPACE) do not follow that method because research has shown that, in most countries, little can be done to exclude or include categories of offences from prison data. Most prison administrations receive little information on the characteristics of the offences for which their inmates had been convicted. Hence the definitions used in SPACE are basically the legal definitions of offences foreseen in each country.

This means that a comparison of the definitions used in the ESB and in SPACE coupled with a comparison of the data collected in both collections can highlight differences in the definitions as well as their consequences on the data collected. In that perspective this study tries to answer two research questions: do offence definitions affect imprisonment rates? And if yes, how?

The data collected for the SPACE questionnaire, which is based on the legal definitions of offences in each country, shows that the answer to the first question is affirmative, in the sense that broader definitions are often associated with higher imprisonment rates for the offences so defined. However, the correlation is not strong because there are several other legal, statistical, substantial, and criminal policy factors that affect imprisonment rates. On the contrary, the data collected for the ESB show that the use of standard definitions tend to cancel the correlation between them and imprisonment rates, probably as an effect of the higher level of standardisation reached. This corroborates that such definitions are extremely useful when conducting comparative research. The implications of these results for research and for evidence-based European criminal policy are briefly discussed.

1. Introduction

Following a careful analysis of data from police statistics included in the first edition of the *European Sourcebook of Crime and Criminal Justice Statistics* (ESB), von Hofer (2000: 88) concluded that "crime statistics are a construct […] very sensitive to the rules applied in the process of construction". Analyses of the data included in the subsequent editions of the ESB – see different special issues of the *European Journal on Criminal Policy and Research* (1/2000, 2-3/2004, 1/2012 and 1/2018) – suggest that this hypothesis holds true for statistics on all areas of criminal justice, including prison statistics. This does not mean that they are useless, but that to make sense of them one must consider

the legal, statistical, substantial, and criminal policy factors that have an influence on the data collected (von Hofer, 2000; Aebi, 2010). These factors refer, for example, to offence definitions and to case-ending possibilities available for the prosecution service (legal factors), to the rules applied to count offences, cases and persons (statistical factors), to the priority given to the enforcement by criminal law agencies of specific types of offences (criminal policy factors), and also to the "true" crime levels and reporting rates of offences, that is to say to substantial factors (for details, see von Hofer, 2000; Aebi, 2010; Harrendorf, 2018).

This means that the number of crimes included in different national criminal justice statistics cannot be compared directly, even when the comparison is based on offences that, after translation, seem to bear the same name. "From a criminal law perspective, theft is not *Diebstahl* is not *кража* is not *varkaus* is not *kradzież* is not theft, although each of these words is simply a translation of the others" (Harrendorf, 2019: 326). In fact, offence definitions –one of the key legal factors mentioned above – differ significantly across Europe (Harrendorf, 2012; Aebi et al., 2014: 369; Aebi, 2019). To give just one example, the Anglo-American concept of burglary – defined as entering into a building with the intention to commit any crime cannot be found as such in most continental European systems (Tonry and Farrington, 2005: 3; Linde & Aebi, 2021). The comparison of the overall crime rates is even more complex, since the borderline between criminal and non-criminal behaviour is drawn somewhat differently in each country (Harrendorf, 2012, 2018).

That is the reason why the group of experts that created the ESB in 1990s did not include the total crime rate in its first edition. That group of experts also developed a methodology to measure the influence of the factors mentioned above, which consists in providing a short standard definition of an offence, accompanied by a series of subcategories that the person in charge of filling the questionnaire (the *national correspondent* in the ESB terminology) is asked to include or exclude (see Aebi et al., 2021). In the early 2000s, this methodology was adopted with slight modifications by the *United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems* (UNCTS) as well as by the *Eurostat crime and criminal justice statistics*. Since the mid-2010s, these two data collections share methodology and data collection procedures with the UNCTS (Eurostat, 2017:. 4, 9) and have adopted definitions inspired by the International Classification of Crime for Statistical Purposes (ICCS) developed by the United Nations (UNODC, 2015). For some offences – for example, theft – the ICCS definitions do not fully coincide with those of the ESB. Hence, the ESB, the UNCTS and the Eurostat statistics are useful tools to foster statistical comparability of crime and criminal justice data. The three of them provide standardised offence definitions supported by some rules for cases of doubt, which clearly state whether such cases should be included in or excluded from the data. However, this is not enough to guarantee compliance with the definition provided. Some countries simply cannot meet the definition, others do not have detailed information on the offences recorded,

which could allow them to add or subtract some subcategories of offences from the total, and still in other countries the person providing the data does not dare or is not authorised to provide data that differs from the one published in their official statistics. That is why, the three statistical collections mentioned above allow countries to state to which extent they followed the definitions provided.

In parallel, since the 1980s, the *Council of Europe Annual Penal Statistics* (better known by their French acronym *SPACE*[1]) have been collecting data on the distribution of sentenced offenders according to the offence they were convicted for, but without providing a standard definition of these offences. The rationale behind that decision is twofold. First, the SPACE questionnaires are filled by the Prison Administrations, which are tied by the legal definitions of their country. Second, most prison administrations receive little information on the offences that led their inmates to prison. In continental countries, that information is usually limited to the article of the criminal code for which they were convicted.

That is a quite different situation from the one faced by the National Correspondents of the ESB, who are usually criminologists or researchers in criminology and, consequently, are not tied by legal definitions when conducting research for the ESB project. Accordingly, they can combine different sections of their criminal statistics to adapt them as much as possible to the standard definitions provided by the ESB. One must highlight, however, that most of the figures adapted by the ESB national correspondents belong to the police section of the questionnaire, most probably because of the second limitation mentioned above.

Against that background, one can hypothesise that a comparison of the definitions used in the ESB and in SPACE, coupled with a comparison of the data collected in both, could highlight not only the differences in the definitions but also their consequences on the data collected. That is the hypothesis tested in this paper, which is originally one of the outcomes of the LINCS project and has now been updated with the latest validated data collected for the sixth edition of the ESB. Besides, we collected the SPACE data through a special module on definitions added to the 2016 SPACE I questionnaire. This module included definitions based on the ones of the ESB and their subcategories. As the goal is to know how much the legal definitions of the countries differ from each other, the national correspondents were asked to mention whether their legal definitions included or excluded the different subcategories, but did not receive instructions on which of them were theoretically included or excluded in the definitions developed by the ESB.

While several publications already tried to relate offence definitions to crime and criminal justice data (see, e.g., von Hofer, 2000; Harrendorf, 2012, 2018), until so far there has not been an attempt to systematically assess the influence of offence

1 *Statistiques Pénales Annuelles du Conseil de l'Europe*.

definitions on imprisonment rates in total and for different offences. This paper tries to fill that lacuna, relying on data and definitions (i.e., metadata) taken from the ESB and SPACE, as well as from the 2016 SPACE annual module on offence definitions.

The aim of this study is to answer two research questions: do the legal definitions of offences have an influence on imprisonment rates? And, if the answer is affirmative, how is that influence exerted? The main hypothesis in that context is that, all other factors being equal, broader definitions should lead to higher rates of imprisonment for the offences so defined.

The paper is structured as follows: first, we analyse the general structure and comparability of the definitions used in the ESB and in SPACE. That analysis will help us identify the adaptations that need to be introduced to the available data in order to produce a meaningful assessment of the impact of offence definitions on the imprisonment rate. Then we will briefly compare the overall imprisonment rates across countries before focusing our analysis on the comparison of the average rate of persons imprisoned for different offences according to SPACE I and according to the ESB.

In principle, the ESB collects data on 43 member states of the Council of Europe (only the microstates are excluded).[2] For the United Kingdom (UK), it reports differentiated data for the separate criminal justice systems of England and Wales, Scotland, and Northern Ireland. In total, the maximum coverage of the ESB corresponds thus to 45 nations. SPACE I collects data from the 52 prison administrations of the 47 member states of the Council of Europe (the UK, Spain and Bosnia-Herzegovina have more than one prison administration). Logically, we will only compare data for the 45 nations that are in principle covered in both data collections. In a few analyses, however, the number of nations compared will be lower than that because not all the administrations provided data for all the variables required.

2. Definitions

We will start our analysis with a comparison of the similarities and differences between the definitions of the ESB (sixth edition, with data covering the years 2011 to 2016) and SPACE I (2016 questionnaire). The analysis is limited to the offences for which an imprisonment rate is collected in both.

2 Microstates are very small (in terms of population and surface) sovereign states whose inclusion in statistical analyses affects the validity and reliability of such analyses. The ones that are members of the Council of Europe are Andorra, Liechtenstein, Monaco and San Marino. All these countries have less than 100,000 inhabitants.

2.1 The ESB definitions

The ESB uses the concept of *standard definitions*, which are accompanied by a list of items that should be included in or excluded from the data reported. Table 1 shows the definitions of all offences for which prison data are collected in the latest, sixth survey wave of the ESB.

The definitions section of the ESB checks in detail the conformity of data with the standard definitions both for the police and conviction sections of the questionnaire. On the contrary, there is no specific option available to give detailed information on the offence definitions used in prison statistics. In the prison section, there is only a general metadata question which asks: "Do the offence definitions […] differ from those in the 'Definitions' part of the questionnaire?" The reason is that, as mentioned above, there is little room for adapting data to the definitions in prison statistics. Yet, it can be assumed that the definitions are usually identical or somewhat similar, since 17 of the 21 countries (81 %) that answered this question confirmed that there were no differences.

In that perspective, Figure 1 shows the extent to which countries managed to meet the standard ESB definitions in the police section. If all items of the include list could be included and all others excluded, it is assumed that the reported data fulfil the definition completely. For example, 24% of the countries fulfilled the definition of intentional homicide in all respects, while 50% did not. In addition, 24% of the countries gave unclear answers for several definitions. Finally, no evaluation of the definition was made for those countries that did not provide quantitative data.

Figure 1 shows that sexual assault (52%), robbery (48%), and rape (39%) show moderate conformity rates, whereas total crime (20%), major traffic offences and drug offences (both 17%) only have a low conformity rate.

2.2 The SPACE definitions

The definitions included in the special module of SPACE are based on the ones used in the fifth edition of the ESB because the module was launched before the modification of the ESB questionnaire for its sixth edition. Consequently, there are a few subcategories of offences that are not included in SPACE. In addition, there are a few offences for which SPACE does not collect data, mainly because they represent an extremely low percentage of the sentenced prisoners. Despite that, the definitions used in SPACE remain broadly similar to those in the ESB.[3]

3 As stated in the special module of the SPACE questionnaire: "The following definitions are […] inspired from the European Sourcebook of Crime and Criminal Justice Statistics […] as well as the International Classification of Crime for Statistical Purposes (ICCS) […]."

In particular, the special module of SPACE also provides a general definition, which is usually identical or at least similar to that of the ESB (e.g., homicide is defined in both cases as the "intentional killing of a person"). A checklist of items included in or excluded from the data is also given. However, the SPACE I questionnaire does not provide a rule regarding which of the items should be included and which should be excluded.[4] The reason for that decision is that, from the discussions with the SPACE national correspondents that took place during previous research projects (see Aebi et al., 2019), it became clear that the vast majority of them did not have the possibility of adapting the definitions by adding or subtracting some subcategories. Usually, they only receive information on the general category of offence for which the inmates placed under their responsibility were sentenced (in continental countries, the information received is generally the article of the criminal code). That is the reason why, although the ESB requires national correspondents to adapt their data to the definition provided, the prison data published in the ESB is very close to that published in SPACE. For example, in the fifth edition of the ESB, an empirical comparison of the prison data included in the ESB and in SPACE revealed only very minor differences (see Aebi et al., 2014: 268). That is the reason why it was possible for the sixth edition of the ESB to refer to the available SPACE data on the number of prisoners by offence and allow correspondents to simply confirm whether these data are correct. This means that the data on sentenced prisoners included in SPACE correspond to the one that is published or would be published – as in several countries that information is not publicly available – in the national prison statistics. The situation is completely different in the case of police statistics, in which one can find clear examples of the efforts accomplished by the ESB national correspondents to adapt the data to the standard definitions.

In that context, the aim of the SPACE special module was to collect information on the legal definitions applied in each country. This means that the subcategories included in the SPACE questionnaire have a descriptive function but not, as in the ESB, a prescriptive function. For example, in the cases of homicide and assault, it is possible that assault leading to death was counted by country *A* for both offences, by country *B* only for homicide and by country *C* only for assault.

In sum, the SPACE definitions should correspond to the legal definitions used in each country, while the ESB group of experts expects correspondents to modify their national data in such a way that they fit, as close as possible, the ESB standard definition. Consequently, it is expected that the national differences will be more pronounced in the SPACE data, while the ESB data will be more comparable. This gives us the

4 The rule provided in the special module of the SPACE questionnaire is simply: "The general definition of each offence is complemented with a list of specific items, and you are requested to specify if they are included or excluded in the statistics of your country."

opportunity of testing the effects of adopting – or not adopting v a standard definition on the data collected.

The ESB definitions were presented in Table 1, while the SPACE definitions are presented in Table 2. Nevertheless, presenting them in a meaningful way requires establishing a reference for the subcategories included or excluded. We have already mentioned that the SPACE questionnaire does not provide a rule for them, which allows us to fix that rule on the basis of the definitions used for the ESB. In this way it will be possible to compare directly both sources of information for every country included in the analysis. In that perspective, the category "other", which is part of the item lists of each definition in SPACE, has not been considered.

Figure 2 shows the general conformity with the definitions of SPACE (in reference to the ESB/ICCS standards). Full conformity with the include and exclude rules taken from the ESB and the ICCS can only be found for four offences (rape, robbery, drug offences, traffic offences) and only for very few countries. A relatively good conformity level – even higher than the one found for ESB data – can be reached for drug offences. This corroborates the hypothesis advanced above in the sense that, as the SPACE data reflect legal definitions, the differences between countries will be much higher than those found using ESB data.

Figure 2 shows that for several offences – namely homicide, assault, other sexual offences, theft, and economic and financial offences – none of the countries matches the standard definition of the ESB/ICCS. The only offences for which there are some compatibilities are rape, robbery, road traffic offences and drug offences. For the latter, 27% (N=12) of the countries match the definition, but for the rest of offences the percentage is around 10%, which corresponds to a maximum of five countries only.

This means that the comparability of the SPACE definitions is much lower than that of the ESB which, in turn, means that the comparability of the prison data collected is also lower because they are not based on the same concepts. However, it must be mentioned that the general availability of data is higher for SPACE than for the ESB, and that there are less cases of unclear definitions in the former than in the latter. This means that more countries answered the SPACE questionnaire than that of the ESB and that the answers to SPACE were less ambiguous.

3. Imprisonment rates

Figure 3 shows the percentage of countries[5] that provided prison data for the different offences in both collections. For each type of offence, more than 60% of the countries

5 Including the three sub-national regions England and Wales, Scotland and Northern Ireland in the case of the UK.

that completed the SPACE questionnaire did provide data. The lowest response rate is slightly below 70% for road traffic offences, the highest is almost 90% for total crime. For the ESB there are far more fluctuations in this respect. Very few countries have been able to report data for aggravated assault and sexual abuse of minors. Again, the highest availability of prisoner data is found for total crime with almost 90%. For many other offences, a 70% response rate was achieved. And yet, data availability for all offence types is still slightly lower for the ESB data. One of the reasons is that the ESB in this edition offered the option to overtake the already available prison data from SPACE I. Although correspondents were asked to check whether SPACE data for their countries were correct and provide modifications where necessary, in practice few of them provided new or updated data for the prison section.

Figure 4 adds another dimension by showing the average European prison population rates by offence according to the ESB and to SPACE. At first glance, there are no major differences between both sources. On the contrary, in many cases the average values of the imprisonment rates are approximately the same, although the reference dates differ by one year (the ESB data relates to 1 September 2015, while the SPACE data relates to 1 September 2016). Larger differences can only be found for total crime, theft and homicide. It is also relevant to point out that the imprisonment rates are almost identical for fraud (collected only in the ESB) compared to economic and financial offences (collected only in SPACE). As shown in Table 2, economic crimes according to the SPACE definition comprise not only fraud, but also money laundering and corruption. Theoretically, this should have led to a higher average prison population rate in SPACE than in the ESB. In practice, however, the results show that money laundering and corruption seem to play only a subordinate role in the total number of economic and financial offences. This could, inter alia, be related to the increase of cyber frauds in recent years.

Since the aim of this study is to examine the influence of the definitions on imprisonment rates, in the rest of the analyses we will exclude countries that provided a definition but no data and vice versa (i.e., countries that have only provided data but no definition). The result of these exclusions in terms of the general availability of the data can be appreciated in Figure 5.

Figure 5 shows a decrease of data availability for each of the offences both in the ESB and in SPACE, with the noteworthy exception of aggravated assault and sexual assault, for which there is no relevant decrease. In the case of SPACE, the decreases in data availability for economic and financial crimes (-16%) and road traffic offences (-13%) are particularly noticeable; followed closely by the ones on assault and robbery (-11% in both cases). The missing imprisonment rate for all offences (total crime) is explained by the fact that SPACE did not ask for it. Apart from that, the general availability of the data reported to SPACE is still comparatively high, reaching at least 60% for each of the other offence groups (except traffic offences).

In the case of the ESB, the greatest reduction in data availability concerns the rates for drug offences (-15% in), followed closely by assault and robbery (-13% each) as well as homicide and theft (-11% for each of them). Overall, this means that data availability for the ESB is now lower than before and the difference with the data available for SPACE – which remains higher – is more pronounced. However, Figure 6 shows that the decrease in the number of countries for which data are available does not have a strong effect on the European average imprisonment rates according to both sources. In practice, there are only a few minor changes regarding theft, robbery, and drug offences.

4. Correlations between definitions and imprisonment rates by offence

After cleansing the contents of our database, we can start the analysis of the correlations between (a) the definition of each offence and (b) the imprisonment rate for that offence. The already mentioned low data availability for the ESB may complicate the interpretation of the results for a few offences. Nevertheless, for most offences data availability seems to be sufficient and hence the comparison between the two sources is feasible. In practice, only the imprisonment rate for aggravated assault will not be related to the respective offence definition in the following analysis because the total number of countries providing data and definitions is too low (n=3).

The first question to address is the way in which such a comparison should be conducted, that is to say the methodology of the comparison. In fact, the question of how to relate offence definitions and imprisonment rates to each other is not straightforward. If for the sake of this exercise we accept as a premise that there are no fundamental differences in terms of levels of crime, then it can be hypothesised that broader legal definitions should lead to more cases falling under the definition and, consequently, to higher imprisonment rates for those offences. To test that hypothesis, it is necessary to assess the relationship between the broadness of an offence definition and the offence-related imprisonment rate.

In that perspective, the first step consists in developing a scale to measure the broadness of the definitions. In that perspective, it seems reasonable to assume that the more items a country has included in an offence definition, the broader the definition is and the higher the imprisonment rate for that offence will be. Hence, we started by creating a reference for each offence that corresponds to the addition of all its subcategories, that is to say a sort of "all inclusive" definition. This reference is then compared to the number of subcategories included in each country, and the result is expressed as a percentage. For example, if there are ten subcategories for an offence, and a given country includes six of them in its definition, the score of the country in the scale – that we will call the *inclusion ratio* – will be 60%.

Before starting an offence-by-offence and country-by-country analysis, Figure 7 uses the ESB definitions section to show the distribution of countries in relation to the broadest possible definition for each offence in police statistics. The figure shows that for rape, robbery, and drug offences there are only a few countries that include all items (i.e., even those placed on the list of items to be excluded) in their definitions. For the rest of the offences, no country used the broadest possible definition.

A clearly different picture emerges from Figure 8, which conducts the same analysis but using SPACE data. Although most countries do not use the broadest possible definition, a comparison with Figure 2 shows that the percentage of countries applying that broad definition is higher than the percentage of countries that follow a definition in line with the ESB/ICCS templates. This is particularly noticeable in the case of other sexual offences and rape, which means that some countries provided the same data for the two offences. One reason might be that in some countries the distinction between rape and other sexual offences cannot be established on the basis of the subcategories included in the questionnaire.

This method of checking the conformity with the broadest possible definition is a useful first step to analyse the relationship between offence definitions and imprisonment rates because it is easily understandable and easy to survey. Nevertheless, the individual subcategories on the definition lists are of different relevance. For example, assault leading to death will play a much more important role in homicide than in bodily injury, as it will amount to a higher percentage of homicide cases than assault cases. This means that it is also useful to weigh the data according to the influence of each subcategory.

The main questions here is how to weigh the cases properly. On the one hand, the relative number of specific offences varies according to the stage of the criminal justice procedure. For example, the number of homicide offences and suspects of homicide represent less than 0.5% of the total number of offences and offenders recorded in Europe; on the contrary, the percentage of prisoners convicted for homicide represent more than 10% of the total number of inmates. This is explained by the fact that the first two measures are *flow* indicators (they measure the number of offences and offenders during a whole year), while the third one is a *stock* indicator (it measures the number of inmates at a specific date). The stock is sensitive to the presence of persons serving long prison sentences, which are typical for homicide, and lead to the same persons being counted in the total stock year after year. On the other hand, we have seen that prison data are not sensitive to the subcategories of offences listed in the definition. Most prison administrations will record an inmate sentenced for homicide, without being able to know if it was a case of intentional or negligent homicide, or an assault leading to death. Moreover, it would be inappropriate to use prison data for weighting the figures and then relate weighted percentages to imprisonment rates because that would constitute an obvious self-reference.

In that perspective, police data are the most sensitive to the different subcategories of each offence. In addition, they are useful as a reference for weighting because they indicate the maximum potential input into prison, although in some countries, imprisonment is not the standard sanction. For that reason, we adopted a pragmatic approach and took all the available data for every subcategory of each offence from the German Police Crime Statistics. After summing all these subcategories, we built ratios for each of them in accordance with their relative weight. In addition, we relied on Swedish Police Crime Statistics for road traffic offences, as this category is not recorded in German police statistics. Obviously, it can be objected that the resulting weighted data can only be used reliably for Germany (or Sweden for traffic offences) because the structure and relative importance of crimes in other countries is probably different. This is partially true, but an analysis of the distribution of the offences across countries in the different editions of the ESB suggests that the differences are not irreconcilable. Quite the contrary, once differences in the definitions are controlled for, the percentages of offences are relatively similar across countries. This means that the categories that are important in one country (i.e., those that represent a relatively high percentage of all offences) will often be also important in others; conversely, statistically unimportant categories in one country usually also have a low statistical relevance in other countries too (see Harrendorf, 2012 and 2013, for some confirming evidence).

For a few subcategories data were not available in the German police statistics, which led us to use the available estimates of their respective influence. However, when the latter did not seem reliable, we did not compute weighted rates. That is the case for drug offences on the one hand and the broad category of "Economic and Financial Crimes" used in the SPACE dataset on the other.

It was also impossible to find data, or at least reliable estimates, on the consequences of the exclusion of the subcategories "all traffic offences subject to proceedings outside the criminal justice system", "all traffic offences sanctioned by fines issued automatically by a technical system", "administrative offences subject to proceedings outside the criminal justice system", and "minor offences subject to proceedings outside the criminal justice system" for the ESB definition of total crime. The same is true for the exclusion of the subcategory "all traffic offences subject to proceedings outside the criminal justice system" for the definition of traffic offences in the ESB. Following the logic described above, it was decided to exclude these categories from the weighting procedure. This decision can seldom be challenged because such offences will almost never lead to imprisonment as, per definition, these are all categories explicitly placed outside the criminal justice system.[6] Their inclusion would, if at all, be negatively, instead of positively, related to imprisonment rates. As a negative weight for these

6 With possible exceptions for "all traffic offences sanctioned by fines issued automatically by a technical system", yet this category also by definition will not contain cases that may lead to imprisonment.

groups cannot be validly estimated, and their inclusion is a very rare occurrence, it seems acceptable to simply give no weight at all to them.

The weights applied based on the procedure described above can be looked up in Table 3 at the end of this report.

4.1 Total crime

The SPACE questionnaire does not include a definition for the general category of "total crime" because the figures used for that item correspond to the total number of inmates, which include pre-trial detainees and sentenced prisoners. On the contrary, for the rest of offences, the figures correspond only to sentenced prisoners. Consequently, in this section we will only use ESB data.

4.1.1 Unweighted (total crime)

Figure 9 shows the relationship between the overall imprisonment rates and the percentage of subcategories (items) included in the total number of offences recorded in each country according to the ESB. There is, in fact, no correlation (r=-0.03; p=0.864). This means that, at least for total crime in the ESB, a high conformity with the broadest possible definition does not necessarily lead to a higher imprisonment rate. Some countries fulfil this condition, such as Cyprus, which has a relatively low imprisonment rate and a low inclusion rate, or Latvia, for which both rates are relatively high. There are, however, results that go in the opposite direction. Georgia and the Netherlands are particularly striking, as the former has the highest and the latter the lowest imprisonment rate of all responding countries, while the inclusion ratio is identical. The high number of countries with a 60% ratio is due to the fact that these are roughly the countries that followed the original standard ESB definition, respecting the include and exclude rules completely. One of the reasons for the differences observed may be that the percentage of pre-trial detainees in the total imprisonment rate differs considerably from one country to another.

Figure 9 also corroborates that imprisonment rates do not only depend on the broadness of offence definitions. There are other factors that probably have a much larger influence on them, including mainly the legal, statistical, substantial, and criminal policy factors mentioned in the introduction, but also the general political and economic situation. This means that similar inclusion rates do not necessarily mean similar imprisonment rates. This cannot only be expected for total crime, but also for the other crime categories.

4.1.2 Weighted (total crime)

After weighting the items on the definition list for total offences,[7] the results change slightly (see Figure 10), but the correlation coefficient remains close to zero (r=0.016). Once again, it seems as if there are no strong influences visible due to the high conformity of definitions. Many countries follow the definition in all respects, but still show vast differences in their respective imprisonment rates. This could imply that the ESB controls in a relatively efficient way the statistical differences related to offence definitions, so that the remaining differences can mainly be attributed to other factors.

4.2 Traffic offences

The relationship between imprisonment rates for traffic offences and the percentage of items included in their definition (inclusion ratio) is illustrated in Figure 15 (ESB) and Figure 16 (SPACE) for unweighted data, and in Figure 17 (ESB) and Figure 18 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.2.1 Unweighted traffic offences

Looking at traffic offences (Figures 11 and 12) the results show some significant differences with those for total crime. There is a quite strong negative correlation for the ESB unweighted data (Figure 11), which is statistically significant (r=-0.86; p=0.013). This negative correlation is certainly unexpected, but there are only six countries (actually seven, but the obviously incorrect entry for Italy was not taken into account here) out of 45 that provided data. On the contrary, SPACE provides significantly more data for this kind of offence. Specifically, Figure 12 shows that 25 countries were able to transmit data on persons imprisoned for traffic offences. In this case the correlation remains negative, but it is much weaker and statistically non-significant (r=-0.265; p=0.2).

Comparing Figures 11 and 12, the main similarity is the negative correlation. This result contradicts our hypothesis of a positive correlation between the number of items included in the definition and the number of prisoners. Nevertheless, it is too early to draw general conclusions. In particular, at least three major methodological issues must be taken into account. First, the figures show that imprisonment rates for traffic offences tend to be extremely low, regardless of whether a few items or all items are included. The reason is that most traffic offences are minor offences that are not sanctioned with imprisonment. Second, we have seen that the standard definitions are not specifically aimed at prison data, which means that the adjustments introduced in police data to match that standard definition may not have been applied in the same way

7 For an explanation of this method and its general problems, see Section 3 (Imprisonment rates) above.

to imprisonment rates. In particular, in the case of traffic offences, the average inclusion ratio is 71% and all country ratios are close to that value, which suggests that they made a major effort to adapt their national definitions to the standard definition. However, and probably because of the first reason mentioned above – the low imprisonment rates for traffic offences – such adjustments may have had a minor impact on imprisonment rates. Only major traffic offences lead the offender to prison, and the differences across countries in these kinds of offences could be irrelevant. This interpretation is supported by the fact that the SPACE data, which is provided unmodified (i.e., according to the national definitions) also shows a negative correlation, despite their more varied distribution. Finally, as always, we cannot control for the impact of substantial, statistical, and other legal differences on the data collected, and that impact could be stronger when definitional differences are reduced.

4.2.2 Weighted traffic offences

Figure 13 shows that, for the ESB data, there is a slight tightening of the correlation (r=-0.842; p=0.002) when the items are weighted according to their frequency and relative importance at the police level (according to Swedish police statistics, as stated above). However, we have already seen that only six countries provided data for the analysis.

The SPACE data, when weighted (Figure 14), also reach a slightly higher negative correlation coefficient (r=-0.317), which remains statistically non-significant (p=0.112). The distribution also shows several outliers, namely Ireland, Estonia, Poland, and Portugal. In particular, Ireland and Estonia have contrasting imprisonment rates, even if their weighted inclusion ratios are quite close. The Irish position is not surprising as the country only includes one item, which is also the most insignificant one (all other traffic offences, which represents 1.5% of the total offences), and consequently has a relatively low imprisonment rate. However, this explanation does not apply to countries such as Greece or Cyprus, which have even lower imprisonment rates for traffic offences, although they include more and weightier items in their definitions. In sum, once more the negative correlation found cannot be plausibly explained by a direct influence of the offence definitions.

4.3 Intentional homicide

The relationship between imprisonment rates for homicide and the percentage of items included in its definition (inclusion ratio) is illustrated in Figure 15 (ESB) and Figure 16 (SPACE) for unweighted data, and in Figure 17 (ESB) and Figure 18 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.3.1 Unweighted intentional homicide

The ESB data (Figure 15) show that most countries have similar inclusion ratios, with a peak at 50%. At the same time, there is an extremely weak correlation between the inclusion ratio and the imprisonment rate for homicide (r=-0.147), suggesting that the latter seem to be more dependent on other factors than on the (adapted) definitions.

The analysis of the SPACE data presented in Figure 16 shows a completely different picture. A total of 34 out of 45 countries provided data on intentional homicide and there is a medium-strong positive correlation, which is statistically significant (r=0.436; p=0.01). In this case, the correlation supports our hypothesis: higher inclusion ratios are associated with higher imprisonment rates. One can also see several countries with similar inclusion rates, but the variance of the distribution is much more pronounced than in Figure 15 since, as explained before, the SPACE questionnaire does not provide rules on inclusion or exclusion of items.

4.3.2 Weighted intentional homicide

When the ESB data are weighted (Figure 17), the weak negative correlation increases slightly (r=-0.275) but remains statistically non-significant. On the contrary, when the weighting is applied to the SPACE data (Figure 18) the correlation becomes weaker and statistically non-significant (r=0.279; p=0.110). In both cases, the correlations seem to be affected mainly by the role played by attempted homicides, which were included by most countries, and have the largest weight (>50%) in these figures.

4.4 Assault

The relationship between imprisonment rates for assault and the percentage of items included in its definition (inclusion ratio) is illustrated in Figure 19 (ESB) and Figure 20 (SPACE) for unweighted data, and in Figure 21 (ESB) and Figure 22 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.4.1 Unweighted assault

The interpretation provided above for homicide also applies to the ESB data for assault (Figure 19). Due to the relatively high conformity with the standard definition, most countries accumulate at and around one value of the independent variable. In this case, it is around the inclusion ratio of 50%. Once more, the remaining variation in the imprisonment rates can be attributed to other factors than definitions; concretely, there is only a weak correlation identifiable (r=-0.273).

Again, the thirty countries that provided data for SPACE show a different outcome (Figure 20). As in the case of homicide, we find a significant correlation in the expected direction (r=0.443; p=0.014). A major difference is that the countries that could be found around the 50 to 60% inclusion ratio in the ESB (Figure 19) present a dispersed

distribution according to the SPACE data (Figure 20). For example, Bulgaria, Germany, and Georgia (all at 50% in the ESB diagram) can now be seen at 40, 70 and 100%.

4.4.2 Weighted assault

The weighting of the data does not introduce any major change in the correlation between the assault definition and imprisonment rates for the offence according to ESB data (Figure 21; r=-0.23). Rather, due to the relatively low variance in definitions, almost all countries are now clustered at the end of the x-axis, showing very high weighted inclusion ratios.

Once again, the results for the SPACE data (Figure 22) are very different and show (when compared to the unweighted data) a slightly weaker, but still significant correlation (r=0.366; p=0.047). The result is comparable to the one already found for homicide, but even more pronounced. The assumption that offence definitions for these offences have an impact on imprisonment rates is further supported by the fact that the better-standardised data for the ESB do not show comparable results.

4.5 Rape

The relationship between imprisonment rates for rape and the percentage of items included in its definition (inclusion ratio) is illustrated in Figure 23 (ESB) and Figure 24 (SPACE) for unweighted data, and in Figure 25 (ESB) and Figure 26 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.5.1 Unweighted rape

The number of countries (N=31) that provided eligible data on rape for the ESB (Figure 23) is higher than for the offences studied previously. However, once again, there is no correlation to be found (r=0.032; p=0.865). The main difference with the previous offences is that, in the case of rape, no correlation can be found with the SPACE data either (Figure 24). In fact, a correlation of r=0.093 means that the variables are practically unrelated. This is rather surprising since, until now, SPACE data had shown correlations in the expected direction, while only the ESB data did not.

4.5.2 Weighted rape

Applying the weighting on the ESB data results in a shift of the data towards higher percentages (Figure 25). If previously most of the countries reached a percentage of just over 70% now the majority reaches a little over an inclusion ratio of 90%. Still no correlation can be found (r=0.062, p=0.741).

In the case of SPACE, Figure 26 shows that there are practically no changes to the results obtained with unweighted data (Figure 24). It is true that there is a slight shift

towards higher percentages of inclusion, but they hardly influence the correlation (r=0.104).

Summing up, in the case of rape, no correlation between definition broadness and imprisonment rates can be found for any of the surveys, both for weighted and unweighted data. There are, however, some striking differences in the answers given by some countries to each survey. For example, in the unweighted data, Latvia reaches an inclusion ratio of 100% for the ESB, but just over 40% for SPACE. Nonetheless, and quite surprisingly, the imprisonment rate remains the same in both surveys. A similar result can be found for Romania (ESB: >70%; SPACE: <20%).

4.6 Sexual abuse of minors

The influence of the weighting in sexual abuse of minors (collected only in the ESB) is particularly impressive. While the unweighted data for the ESB (Figure 27) still show a weak correlation in the positive direction (r=0.25, p=0.598), when the weighting is applied (Figure 28), the correlation turns radically in the opposite direction (r=-0369). Regrettably, the number of countries included in the analysis is once more too low to allow drawing valid conclusions.

4.7 Sexual assault (ESB)/other sexual offences (SPACE)

The relationship between imprisonment rates for sexual assault (in the ESB data) and other sexual offences (in SPACE data) and the percentage of items included in their respective definitions (inclusion ratio) is illustrated in Figure 29 (ESB) and Figure 30 (SPACE) for unweighted data, and in Figure 31 (ESB) and Figure 32 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.7.1 Unweighted sexual assault and other sexual offences

In principle, sexual assault is the offence that achieves the highest conformity rates with the standard definition of the ESB (Table 1). Only thirteen countries submitted data on imprisonment rates for sexual assault in total, but Figure 29 shows a relatively strong and significant (yet negative) correlation (r=-0.786; p=0.002). As happened before with traffic offences, it is difficult to draw conclusions based on such a small sample of countries. The figure shows that the data are well-standardised with only few differences in the definition, which suggests that the correlation could be spurious.

The SPACE data (Figure 30), which do not refer to sexual assault, but to sexual offences other than rape, show once more a correlation in the expected direction, although this time it is only weak and not significant (r=0.249; p=0.193). Similarly to what we observed before, the SPACE data show a larger variation in definitions than the

ESB data. This corroborates that there is an effect of offence definitions on prison data, especially when contrasting the results with those of the well-standardised ESB data.

4.7.2 Weighted sexual assault and other sexual offences

Once the data on sexual assult is weighted (Figure 31) the negative correlation found previously with the ESB data decreases slightly and becomes non-significant (r=-0.284; p=0.346). The weighted inclusion ratios for most countries are still very close to each other, due to the strong standardisation of the ESB data. As before, this homogeneity implies that it is implausible to assume that the differences observed could be attributed to the definition of sexual assault. In the case of SPACE (Figure 32), the correlation coefficient for the weighted data (r=0.226) is almost identical to that of the unweighted data, and the result is also non-significant (p=0.239).

If we summarise the general direction of the correlations found with the SPACE data until now, almost all of them – the exceptions are traffic offences and rape – are positive both for the unweighted and the weighted data, even if sometimes they are relatively weak. On the contrary, the correlations found with the ESB data are inexistent or negative, with the only exception of the insignificant positive correlation found with the unweighted data for sexual abuse of a minor. These partial results tend to corroborate our hypothesis about the overall influence of the definitions on the data collected. The design of the ESB, with a strong emphasis on definition comparability, reduces the impact of the definitions, while the design of SPACE, based on the definitions used in each country, leads to a higher degree of heterogeneity in the definitions and, in that case, our assumption that a high item inclusion ratio favours a higher imprisonment rate for the same offence seems to bear some truth.

4.8 Robbery

The relationship between imprisonment rates for robbery and the percentage of items included in its definition (inclusion ratio) is illustrated in Figure 33 (ESB) and Figure 34 (SPACE) for unweighted data, and in Figure 35 (ESB) and Figure 36 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.8.1 Unweighted robbery

The ESB robbery data (Figure 33) show that countries tend to cluster around a 40% of conformity with an "all-inclusive" definition. Unsurprisingly, in this case there is only a weak, insignificant negative correlation (r=-0.199; p=0.291) to be found. This corroborates that a high conformity in definitions does not allow for the identification of effects of the inclusion ratio on prison data.

The results obtained with the SPACE data (Figure 34) point to the opposite direction. The inclusion ratios are widely spread across the diagram (indicating strong differences

in definitions) and this introduces a certain logic that supports our hypothesis. In countries with a high inclusion ratio, the imprisonment rate also tends to be high, and that correlation is significant (r=0.360; p=0.043).

4.8.2 Weighted robbery

The variation in the item inclusion ratios is reduced even further when the ESB data are weighted (Figure 35). Under that condition, most countries are placed on the line of the 20% inclusion ratio, but that has no influence on the correlation (r=-0.212).

Conversely, in the case of the SPACE data (Figure 36), two opposite groups assemble most of the data, one around a 13% inclusion ratio and the other around 100%. In addition, there is still a lot of variation in the inclusion rates of the countries placed between these extremes. In that context, the correlation becomes slightly weaker (r=0.297; p=0.122).

4.9 Theft

The relationship between imprisonment rates for theft and the percentage of items included in its definition (inclusion ratio) is illustrated in Figure 37 (ESB) and Figure 38 (SPACE) for unweighted data, and in Figure 39 (ESB) and Figure 40 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.9.1 Unweighted theft

Theft is another offence for which the ESB data show clustered inclusion ratios, which in this case oscillate between 50% and 60%. Consequently, there is no correlation (Figure 37) between the imprisonment rate and the inclusion ratio (r=0.146; p=0.434). Once more, the plausible explanation is that the high conformity of the ESB definitions hinders the finding of any clear relation between imprisonment rates and offence definitions.

Once again, Figure 38 corroborates that the SPACE data on definitions varies much more than the ESB data, and this is accompanied by a significant correlation between these definitions and the imprisonment rates according to SPACE (r=0.401; p=0.023).

4.9.2 Weighted theft

Weighting the ESB data for theft (Figure 39) reduces even further the almost non-existent correlation between definitions and imprisonment rates for that offence, to the point that it becomes slightly negative (r=-0.062). On the other hand, weighting the SPACE data (Figure 40) does not change the direction of the correlation, which remains positive as expected, but becomes weaker (r=0.248) and non-significant. (p=0.171). In this case, the main difference with the unweighted data is that most countries reach inclusion rates of 90% or more.

4.10 Fraud (ESB)/Economic and financial crimes (SPACE)

The relationship between imprisonment rates for fraud (in the ESB data) and economic and financial crimes (in SPACE data) and the percentage of items included in their respective definitions (inclusion ratio) is illustrated in Figure 41 (ESB) and Figure 42 (SPACE) for unweighted data, and in Figure 43 (ESB) and Figure 44 (SPACE) for data weighted according to their frequency and relative importance at the police level.

4.10.1 Unweighted fraud/economic and financial crimes

The distribution of the ESB data for fraud (Figure 41) clusters strongly at the inclusion ratio that represents the standard definition (in this case, 20%). The correlation is negative, but non-significant (r=-0.309; p=0.355), in such a way that, once more, one can identity no clear influence of the definition on the data collected.

In the case of the SPACE data for economic and financial crimes (Figure 42), there is a slight, but non-significant correlation in the expected direction (r=0.276; p=0.163). This increases the number of results obtained with the SPACE data that corroborate the main hypothesis of this paper. In this case, the high number of subcategories included in the definition of economic and financial crimes increases the dispersion of the inclusion rates presented in the figure.

4.10.2 Weighted fraud

Once more, the weighting procedure renders the correlation even weaker (r=-0.246; p=0.417) for the ESB data (Figure 43). The inclusion ratios remained clustered around the value that corresponds to the inclusion ratio of the standard definition (55%), corroborating that when data reach a high level of standardisation, there are no clear effects of the offence definition on the imprisonment rates. In that case, the remaining cross-national differences need to be explained using other factors. For the reasons explained above, it is not possible to weigh the data on economic and financial crimes included in SPACE.

4.11 Drug offences

As happened with a few other offences, it was impossible to find a weighting procedure for drug offences. Therefore, Figures 44 and 45 show only unweighted results for the conformity with an "all-inclusive" offence definition.

For drug offences, both the ESB and the SPACE data show a slightly positive, but non-significant correlation coefficient (ESB r=-0.333; SPACE r=0.161). At the same time, both data collections achieve very high item inclusion ratios for almost all countries (in the case of SPACE, the exceptions are Iceland, Denmark, and Romania). This means that the variance in inclusion ratios is somewhat low, especially for the ESB data, and

that could explain why, in the case of drug offences, there is no strong effect of the offence definitions on the imprisonment rates.

5. Conclusions

As stated in the introduction, the aim of this study is to answer two questions: do the legal definitions of offences have an influence on imprisonment rates? And, if the answer is affirmative, how is that influence exerted?

The data collected for the SPACE questionnaire, which is based on the legal definitions of offences in each country, shows that the answer to the first question is affirmative. Even if prisons are at the end of the criminal justice system and therefore cumulate all the limitations of official measures of crime and the influence of legal, statistical, substantial, and criminal policy factors, the analyses suggest that broader definitions are often associated with higher imprisonment rates for the offences so defined.

On the contrary, the data collected for the ESB are based on standard definitions that the countries are required to follow. As a result, leaving aside very few exceptions, no positive effect of the broadness of offence definitions on imprisonment rates could be found through our analyses. This means that most countries tried to follow the standard definitions proposed by the ESC strictly. Consequently, there is little variation in their definitions, which in turn affects the possibility of finding correlations between them and the imprisonment rates.

These results corroborate our hypothesis, which postulates that, all other factors being equal, broader definitions should lead to higher rates of imprisonment for the offences so defined. When countries applied their own definitions – as it is the case in SPACE – there is a wide diversity in the way in which offences that bear the same name are defined. In that context, we have seen that the countries with the broader definitions show also higher imprisonment rates for the offences so defined, and that explains why our analyses of the SPACE data found positive and sometimes signification correlations between these factors.

All the analyses were conducted using weighted and unweighted inclusion ratios for the subcategories of the different offences. The weighted ratios constantly showed lower correlation coefficients than the unweighted, but with the data available one cannot clearly establish which of the results is the more reliable.

In terms of research, our results show that the use of legal definitions decreases the validity of international comparisons of crime rates. They also suggest that the use of standard definitions in international crime and criminal justice surveys – a procedure introduced in the 1990s by the European Sourcebook Group – can improve such comparisons. However, the effect of using standard definitions cannot be fully appreciated in this research because it is based on prison statistics, whose figures can

seldom be adjusted by including or excluding subcategories. On the contrary, police statistics are much more malleable, and should reflect the positive effect of the use of ESB definitions to adapt the data and increase the validity of international comparisons of crime and criminal justice statistics.

In terms of evidence-based European criminal policy, our results suggest that a certain level of homogenisation of the data collected can be achieved through the use of standard definitions with subcategories to include or exclude. In that perspective, the key issue is to allow the person who is filling in the questionnaire to adapt the data according to these definitions. That can easily be achieved within the ESB network because the national correspondents are criminologists who are not representing any official institution of the country. On the contrary, when the questionnaire is filled in by a public official – as it is the case for the Eurostat and the UNCTS collection – they should be allowed to add or subtract subcategories of offences even if this implies reporting data that is not identical to the one published in national statistics. In addition, it would be necessary to help those respondents without a background in law or criminology.

In short, it can be said that this study delivers some evidence for a positive influence of the broadness of offence definitions on imprisonment rates, although that effect is not particularly strong. It also showed the inherent value of prescriptive offence definitions for an enhanced data comparability. Nevertheless, understanding crime rates and trends, requires considering also the rest of substantial, statistical, legal, and criminal policy factors that affect the comparability of the data collected in national statistics.

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Table 1. *European Sourcebook* (ESB) definitions of offences for which prison data are collected

Offence name	Definition	Include	Exclude
Total crime	All offences subject to criminal proceedings	• minor theft and other minor property offences • minor assault and other minor violent offences • criminal offences committed by minors • crimes according to a military penal code • traffic offences, if they are subject to criminal proceedings • all other criminal offences subject to criminal proceedings	• all traffic offences subject to proceedings outside the criminal justice system • all traffic offences sanctioned by fines issued automatically by a technical system • administrative offences subject to proceedings outside the criminal justice system • minor offences subject to proceedings outside the criminal justice system
Major road traffic offences	Road traffic offences subject to criminal proceedings	• negligent homicide and negligent injury in road traffic • dangerous/reckless driving (i.e.: driving in a way that falls far below what would be expected of a competent and careful driver and is obviously endangering life or health of another person or leads to the danger of serious damage to property) • seriously endangering road traffic in other ways (e.g., removing traffic signs, building obstacles, throwing objects onto the motorway) • driving under the influence of drugs or alcohol • all other traffic offences subject to criminal proceedings	• offences committed outside road traffic (e.g., involving trains, airplanes, ships, or boats) • all traffic offences subject to proceedings outside the criminal justice system
Intentional homicide	Intentional killing of a person	• assault leading to death • euthanasia • infanticide • attempts	• assistance with suicide • abortion • negligent killing • war crimes, genocide, crimes against humanity

Offence name	Definition	Include	Exclude
Bodily injury (assault)	Inflicting bodily injury on another person with intent	• minor bodily injury • aggravated bodily injury • bodily injury of a public servant/official • bodily injury in a domestic dispute • attempts	• assault leading to death • threats • assault only causing pain (e.g., slapping) • sexual assault • negligent bodily injury
Aggravated bodily injury (aggravated assault)	Inflicting serious (e.g., life-threatening or disabling) bodily injury to another person with intent, or under aggravated circumstances (use of weapons, or on a vulnerable victim)	• serious and lasting (i.e., disabling) bodily injury • life-threatening bodily injury • use of weapons (dangerous objects) • particularly vulnerable victim • attempts	• assault leading to death (which should be recorded as homicide, see above) • mere threats • sexual assault • negligent bodily injury
Sexual assault	Physical sexual contact with a person against her/his will or with a person who cannot validly consent to sexual acts	• any sexual acts committed with violence or threat of violence • any sexual acts committed with abuse of authority or undue pressure • any sexual acts committed against a helpless person • any sexual acts committed against a marital partner against her/his will • acts considered as rape • acts considered as physical sexual abuse of a child • attempts	• any verbal or any other form of non-physical molestation • pornography • pimping • buying/offering paid sex • exhibitionism

Offence name	Definition	Include	Exclude
Rape	Sexual intercourse with a person against her/his will (per vaginam or other)	• penetration other than vaginal (e.g., buggery) • forced intra-marital sexual intercourse • sexual intercourse without force with a helpless person • sexual intercourse of an adult with a child or any other person who cannot validly consent • attempts	• sexual intercourse between children, if factually (i.e., regardless of legal validity) consented by both partners • sexual intercourse between a child and a juvenile, if factually (i.e. regardless of legal validity) consented by both partners and the age difference is not larger than three years
Sexual abuse of a child	Any form of physical sexual contact of a person above the age of sexual consent with a person below the age of sexual consent, except of sexual intercourse	• any form of physical sexual contact not amounting to (statutory) rape • attempts	• verbal or any other form of non-physical molestation (e.g. via the internet) • distribution and possession of child pornography • acts considered as rape • sexual acts between children, if factually (i.e., regardless of legal validity) consented by both partners • sexual acts between a child and a juvenile, if factually (i.e., regardless of legal validity) consented by both partners and the age difference is not larger than three years
Robbery	Theft with force or threat of force against a person	• muggings (bag-snatchings) • theft immediately followed by force or threat of force against a person used to keep hold of the stolen goods • attempts	• pick-pocketing • extortion • blackmailing • theft with force against property only
Theft	Depriving a person or organisation of property with the intent to keep it	• minor (e.g., small value) theft • theft committed by means of burglary (i.e., by breaking and entering) • theft of motor vehicles • theft by employees • attempts	• robbery • fraud • receiving/handling stolen goods

Offence name	Definition	Include	Exclude
Fraud	Deceiving someone or taking advantage of someone's error with the intent to unlawfully gain financial benefits, thereby causing the deceived person to enter any operation that will be damaging to his/her or a third person's financial interest	• cyber fraud (i.e., fraud committed by means of computer-mediated communication, e.g. via the internet) • attempts	• receiving/handling stolen property • forgery of documents • tax and customs offences • subsidy fraud • fraud involving welfare payments • money laundering • forgery of money or payment instruments • consuming goods or services without the intent to pay (e.g., fare dodging) • breaching of trust/embezzlement
Drug offences	All illicit intentional acts in connection with narcotic drugs and psychotropic substances as defined in the international drug control conventions	• cultivation • production and manufacture • extraction and preparation • offering and offering for sale • distribution • purchase • sale • delivery on any terms whatsoever • brokerage • dispatch and dispatch in transit • transport • importation • exportation • financing of drug operations • possession not in connection with personal use • possession for personal use (i.e.: possession of small quantities) • consumption • attempts	• offences with respect to precursor substances

Table 2. SPACE I offence definitions with reference to the ESB/ICCS standards

Offence	Definition	Include (according to ESB/ICCS)	Exclude (according to ESB/ICCS)
Homicide	Intentional killing of a person	• Assault leading to death • Euthanasia • Infanticide • Attempts	• Assistance with suicide • Abortion • Negligent homicide
Source	ESB		
Assault and battery	Inflicting bodily injury on another person intentionally	• Aggravated bodily injury • Minor bodily injury • Bodily injury of a public servant/official • Bodily injury in a domestic dispute • Attempts	• Assault leading to death • Assault only causing pain (e.g., slapping) • Threats • Sexual Assault • Negligent bodily injury
Source	ESB		
Rape	Sexual intercourse with a person against her/his will (per vaginam or other)	• Penetration other than vaginal (e.g., buggery) • Male victim • Violent intra-martial sexual intercourse • Sexual intercourse without force with a person incapable of giving consent • Sexual intercourse with force with a child • Attempts	• Sexual intercourse with a child without force
Source	ESB		
Other sexual offences	Any sexual aggression that is not considered as a rape	• Attempts • Sexual intercourse with a child without force	• Penetration other than vaginal (e.g., buggery) • Male victim • Violent intra-marital sexual intercourse • Sexual intercourse without force with a person incapable of giving consent • Sexual intercourse with force with a child
Source	no external source		

Offence	Definition	Include (according to ESB/ICCS)	Exclude (according to ESB/ICCS)
Robbery	Depriving a person of property with intent to keep it, using force or threat of force	• Muggings (bag-snatchings) • Theft immediately followed by force or threat of force used to keep hold of the stolen goods • Attempts	• Pickpocketing • Minor (e.g., small value) theft • Theft by means of burglary (i.e., by breaking and entering) • Other theft with force against property (e.g., breaking of an automated teller machine) • Theft of motor vehicles • Extortion • Blackmailing
Source	ESB		
Theft	Depriving a person or organisation of property with intent to keep it, excluding the cases of robbery	• Pickpocketing • Minor (e.g., small value) theft • Theft by means of burglary (i.e., by breaking and entering) • Other theft with force against property (e.g., breaking of an automated teller machine) • Theft of motor vehicles • Embezzlement (including theft by employees) • Attempts	• Muggings (bag-snatchings) • Theft immediately followed by force or threat of force used to keep hold of the stolen goods • Extortion • Blackmailing • Receiving/handling stolen goods
Source	ESB		
Economic and financial crimes	• Acts involving fraud, deception, or corruption	• Fraud • Money laundering • Corruption	

Offence	Definition	Include (according to ESB/ICCS)	Exclude (according to ESB/ICCS)
of which: fraud	Obtaining money or other benefit, or evading a liability through deceit or dishonest conduct	• Financial fraud • Identity theft • Impersonation • Attempts	• Tax and customs fraud • Social welfare fraud • Immigration fraud • Fraudulent insolvency • Breaching of trust/embezzlement • Counterfeiting documents • Counterfeiting products • Receiving, handling, disposing of, selling, or trafficking stolen goods
Source	ICCS		
of which: money laundering	Conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of such property	• Illicit acquisition, possession, or use of laundered property • Concealment or continued retention of the proceeds of crime • Conversion or transfer of property • Attempts	
Source	ICCS		
of which: corruption	Unlawful acts as defined in the United Nations Convention against Corruption and other national and international legal instruments against corruption	• Active corruption • Passive corruption • Corruption of domestic officials • Corruption of foreign officials and officials of public international organisations • Abuse of function • Treading in influence • Attempts	• Corruption in the private sector
Source	ESB/ICCS		

Offence	Definition	Include (according to ESB/ICCS)	Exclude (according to ESB/ICCS)
Traffic offences	Offences against the road traffic law	• Negligent homicide and negligent injury in road traffic • Dangerous/reckless driving • Seriously endangering road traffic in other ways • Driving under the influence of drugs or alcohol • Driving while impaired for other reasons • Driving while disqualified or licence suspended/revoked • Hit-and-run driving	• Parking violations • All other traffic offences
Source	ESB		
Drug offences	All illicit intentional acts in connection with narcotic drugs and psychotropic substances as defined in the international drug control conventions	• Possession for personal use • Purchase • Consumption • Production manufacture, extraction, and preparation • Possession not in connection with personal use • Production manufacture, extraction, and preparation • Offering and offering for sale • Distribution/dispatch • Sale • Transportation • Importation • Exportation • Attempts • Financing of drug operations	
Source	ESB		

Figure 1. Conformity with offence definitions at the police level for ESB data (N= 38), expressed as percentage of countries complying (or not) with the standard definition

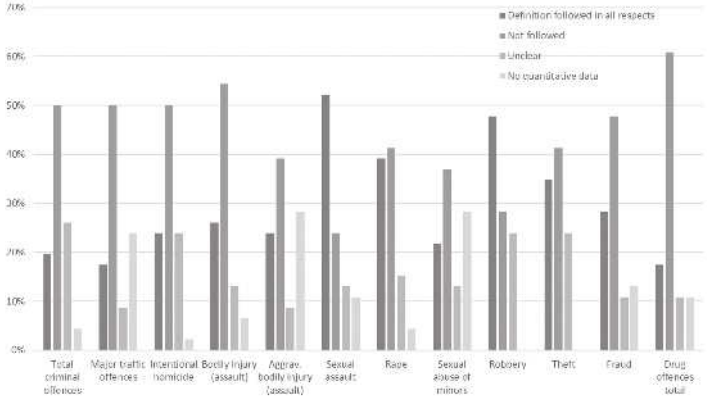


Figure 2. Conformity with offence definitions for SPACE I data (N=35), expressed as percentage of countries complying (or not) with a definition based on ESB/ICCS standards

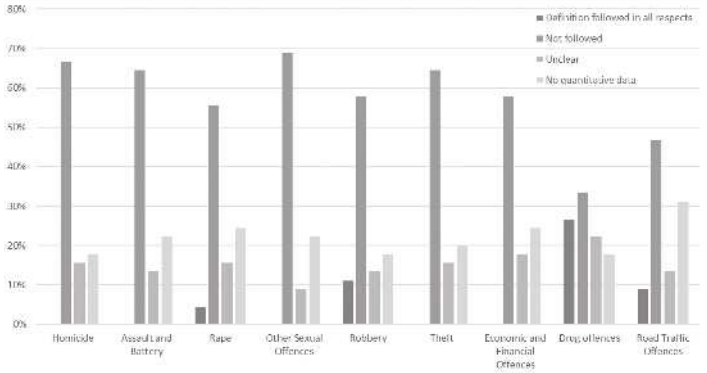


Figure 3. Percentage of countries providing imprisonment data by type of offence (all responding countries; ESB: N=38; SPACE: N=35)

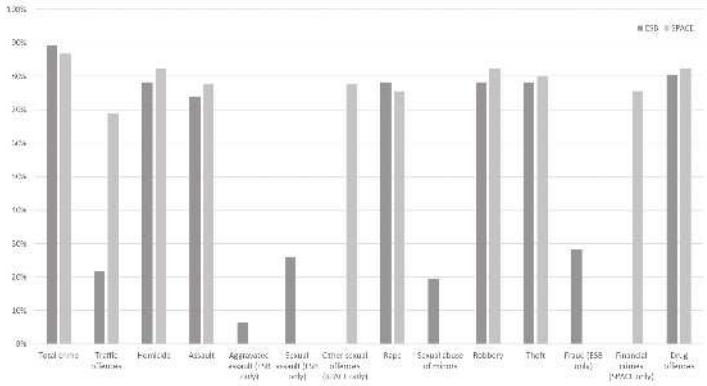
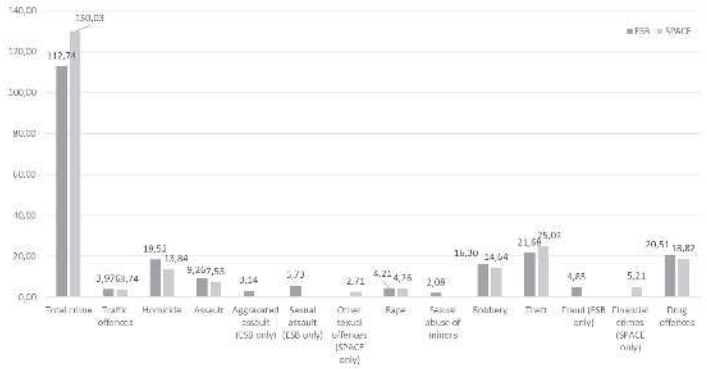


Figure 4. Average imprisonment rates by type of offence (all responding countries; reference date for ESB: 1 September 2015, for SPACE: 1 September 2016)



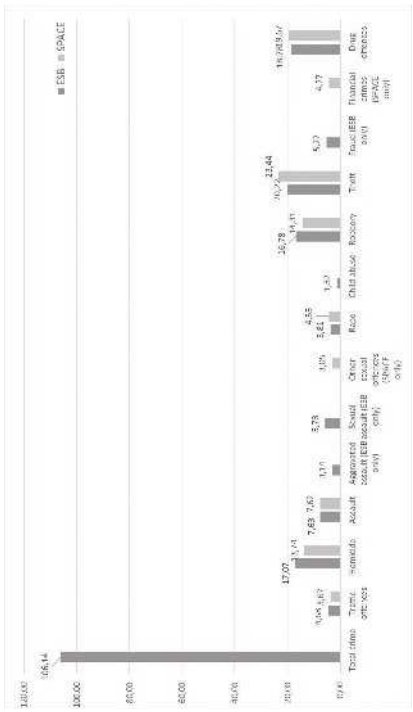


Figure 6. Average imprisonment rates by type of offence (only countries that also provided definitions; reference date for ESB: 1 September 2015, for SPACE: 1 September 2016)

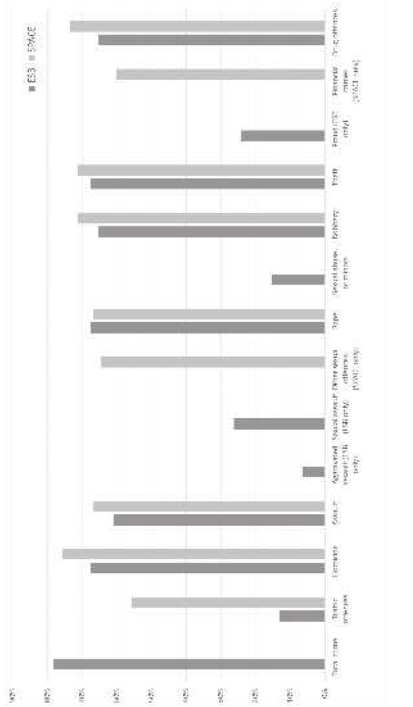


Figure 8:.Conformity of SPACE data with the broadest possible definition for each offence (N=35)

Figure 5. Percentage of countries providing imprisonment data by type of offence (only countries that also provided definitions; N= 38 countries for the ESB and 35 countries for SPACE)

Figure 7. Conformity with broad, "all-inclusive" offence definitions at the police level for ESB data (N=38)

Figure 9. Relation between unweighted item inclusion ratios and imprisonment rates for total crime (ESB)

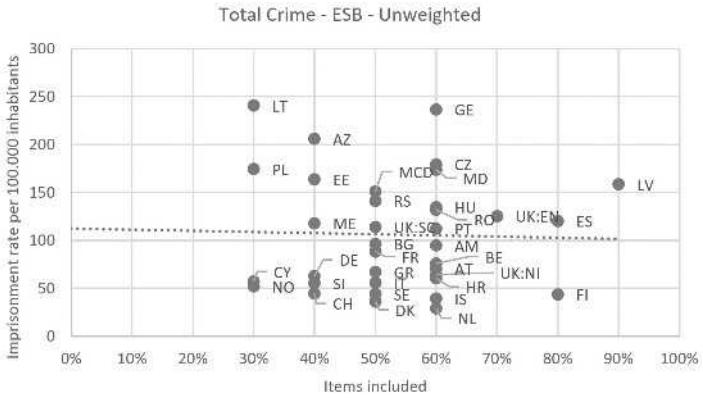


Figure 10. Relation between weighted item inclusion ratios and imprisonment rates for total crime (ESB)

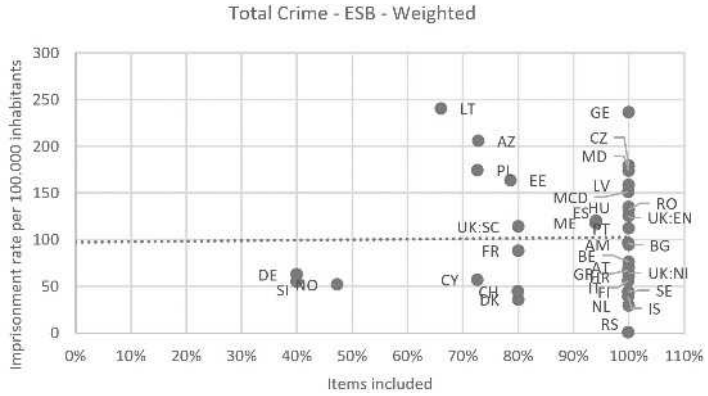


Figure 11. Relation between unweighted item inclusion ratios and imprisonment rates for traffic offences (ESB, N=6)

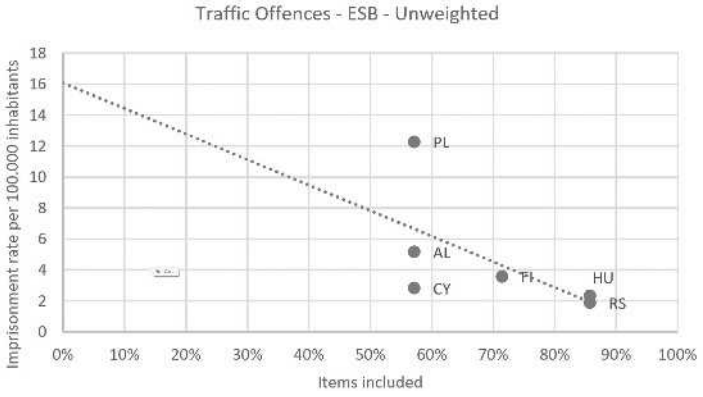
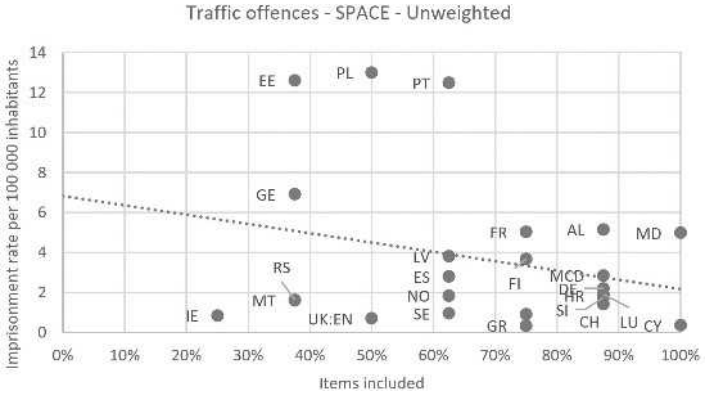


Figure 12. Relation between unweighted item inclusion ratios and imprisonment rates for traffic offences (SPACE, N=25)



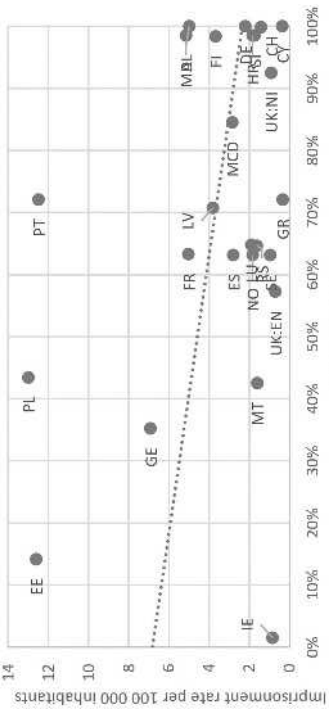


Figure 14. Relation between weighted item inclusion ratios and imprisonment rates for traffic offences (SPACE, N=25)

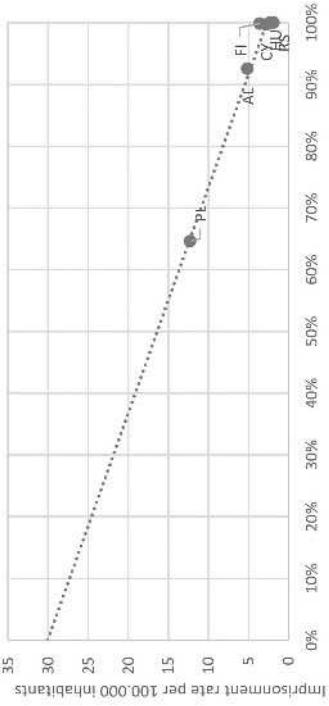


Figure 13. Relation between weighted item inclusion ratios and imprisonment rates for traffic offences (ESB, N=6)

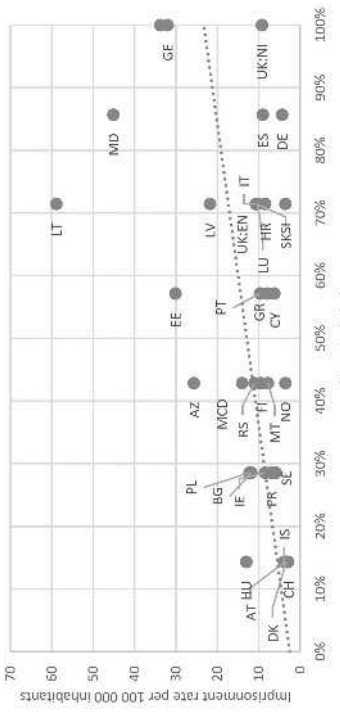


Figure 16. Relation between unweighted item inclusion ratios and imprisonment rates for homicide (SPACE)

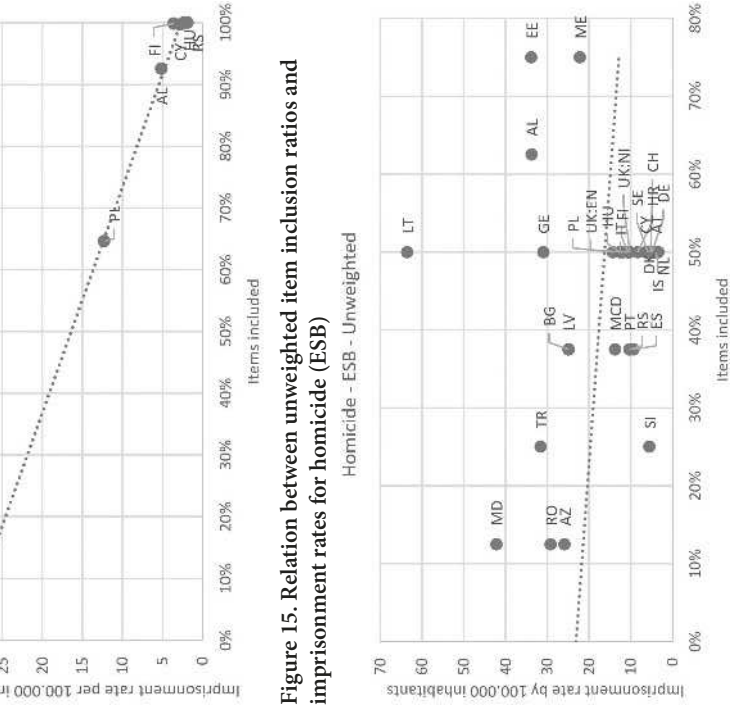


Figure 15. Relation between unweighted item inclusion ratios and imprisonment rates for homicide (ESB)

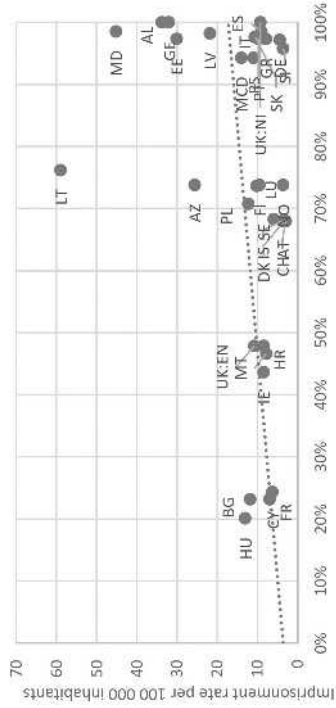


Figure 17. Relation between weighted item inclusion ratios and imprisonment rates for homicide (ESB)

Figure 18. Relation between weighted item inclusion ratios and imprisonment rates for homicide (SPACE)

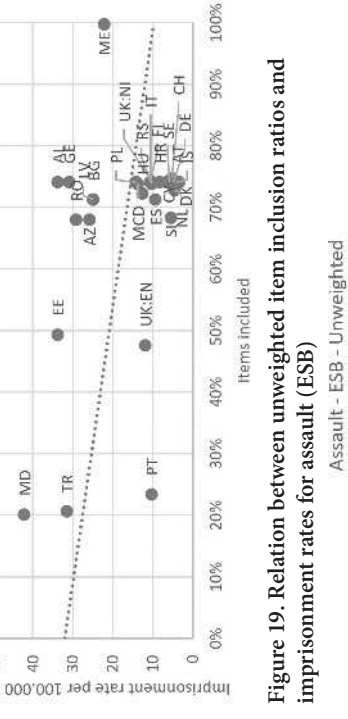


Figure 19. Relation between unweighted item inclusion ratios and imprisonment rates for assault (ESB)

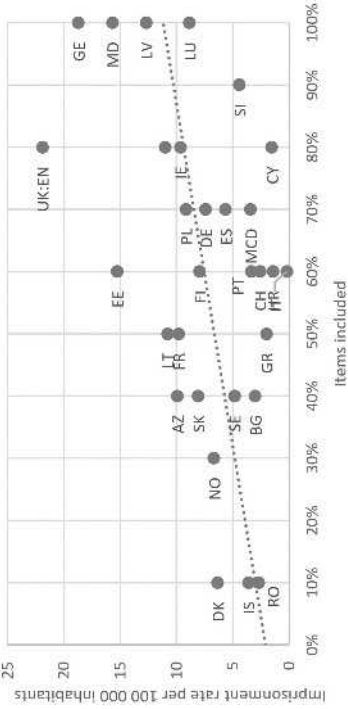


Figure 20. Relation between unweighted item inclusion ratios and imprisonment rates for assault (SPACE)

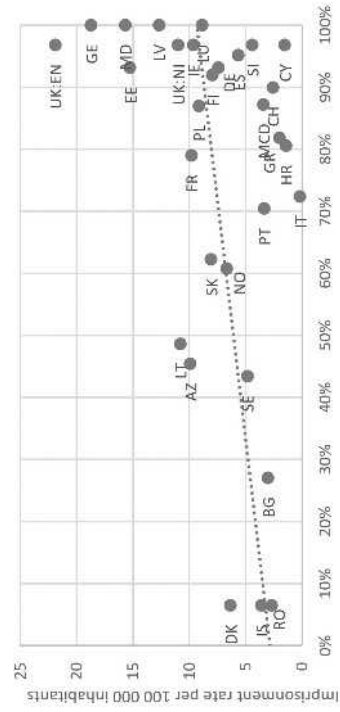


Figure 22. Relation between weighted item inclusion ratios and imprisonment rates for assault (SPACE)

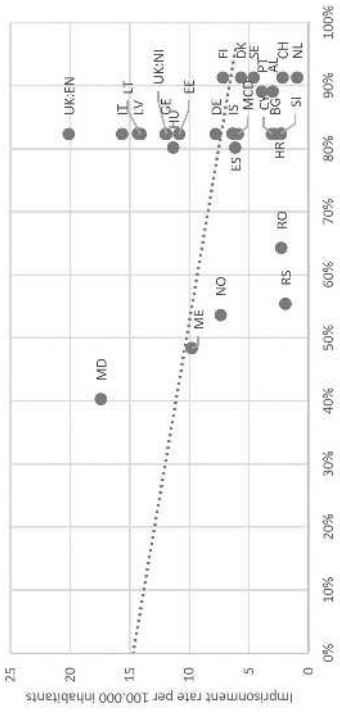


Figure 21. Relation between weighted item inclusion ratios and imprisonment rates for assault (ESB)

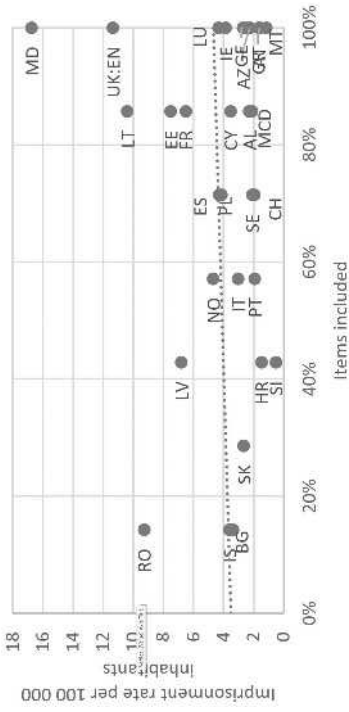


Figure 24. Relation between unweighted item inclusion ratios and imprisonment rates for rape (SPACE)

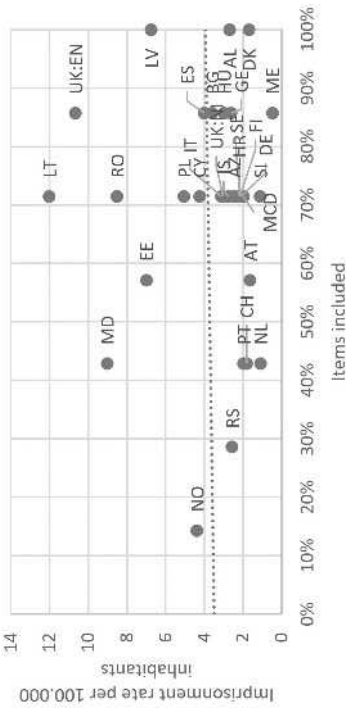


Figure 23. Relation between unweighted item inclusion ratios and imprisonment rates for rape (ESB)

Figure 25. Relation between weighted item inclusion ratios and imprisonment rates for rape (ESB)

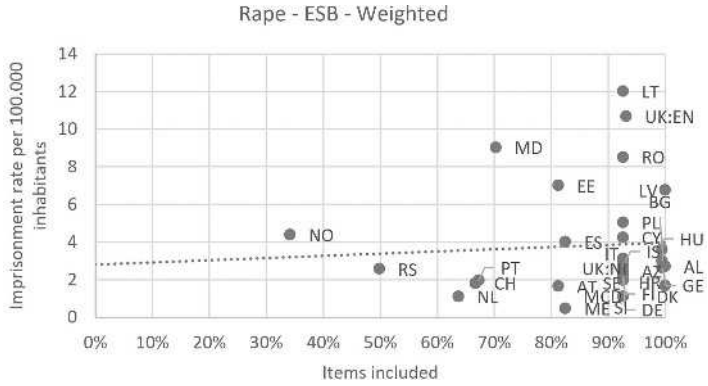


Figure 26. Relation between weighted item inclusion ratios and imprisonment rates for rape (SPACE)

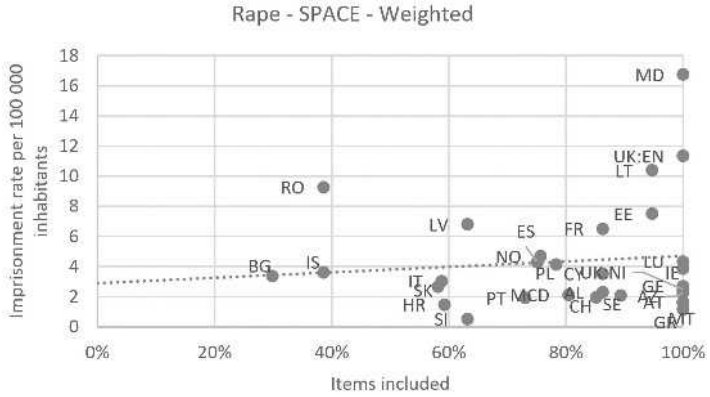


Figure 27. Relation between unweighted item inclusion ratios and imprisonment rates for sexual abuse of minors (ESB)

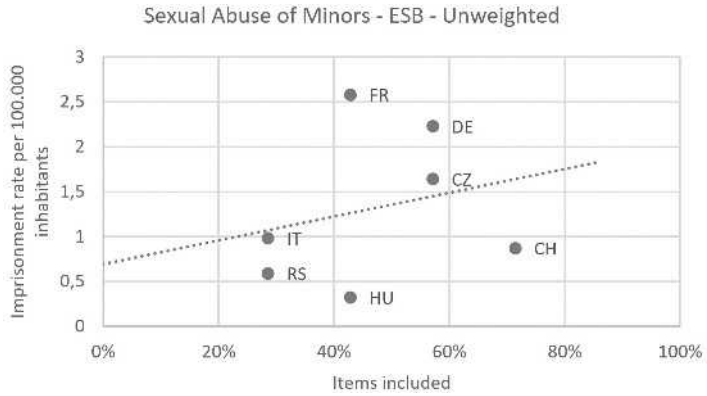
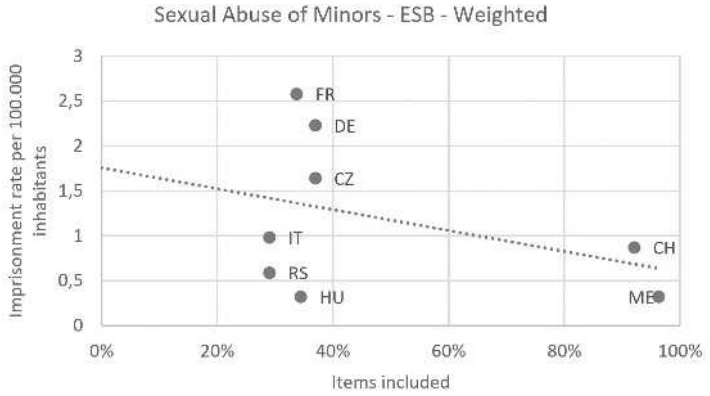


Figure 28. Relation between weighted item inclusion ratios and imprisonment rates for sexual abuse of minors (ESB)



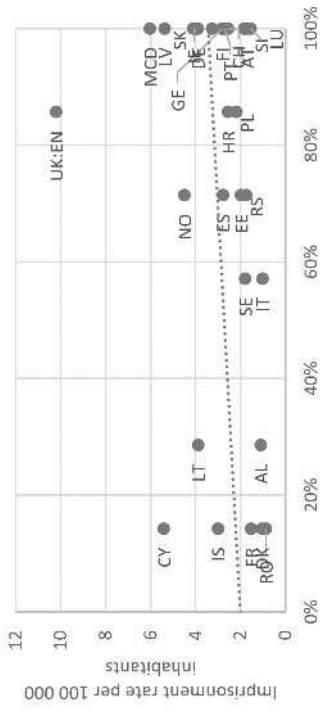


Figure 30:.Relation between unweighted item inclusion ratios and imprisonment rates for other sexual offences (SPACE)

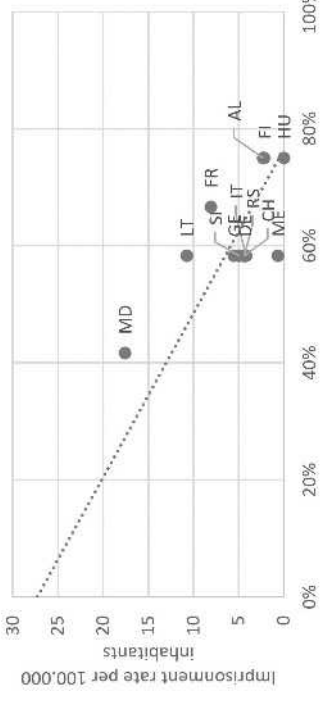


Figure 29. Relation between unweighted item inclusion ratios and imprisonment rates for sexual assault (ESB)

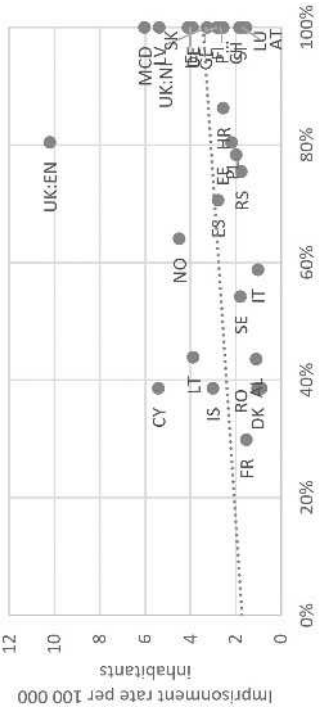


Figure 32. Relation between weighted item inclusion ratios and imprisonment rates for other sexual offences (SPACE)

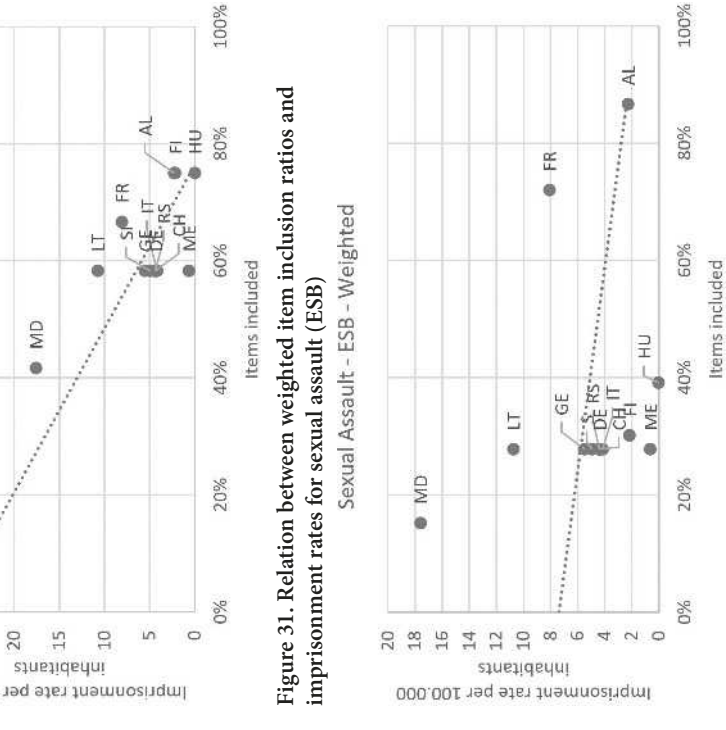


Figure 31. Relation between weighted item inclusion ratios and imprisonment rates for sexual assault (ESB)

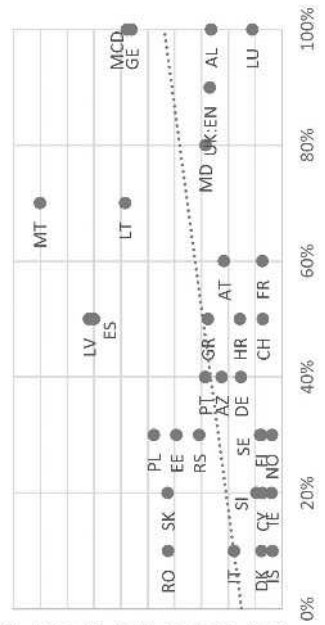


Figure 34. Relation between unweighted item inclusion ratios and imprisonment rates for robbery (SPACE)

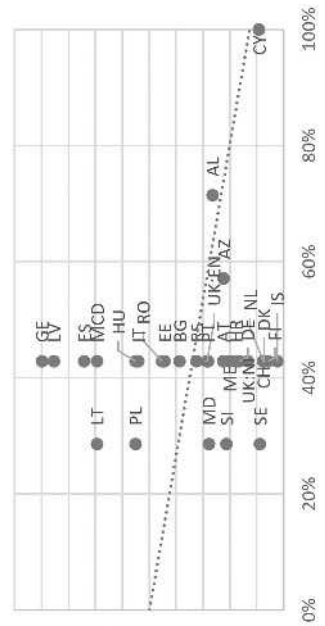


Figure 33. Relation between unweighted item inclusion ratios and imprisonment rates for robbery (ESB)

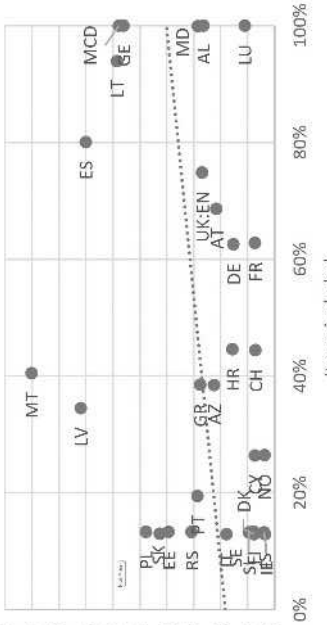


Figure 36. Relation between weighted item inclusion ratios and imprisonment rates for robbery (SPACE)

Figure 35. Relation between weighted item inclusion ratios and imprisonment rates for robbery (ESB)

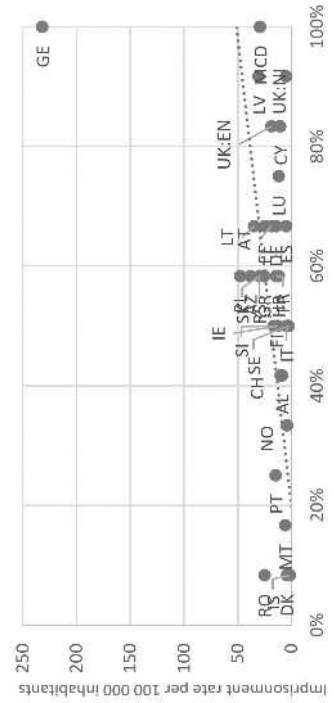


Figure 38. Relation between unweighted item inclusion ratios and imprisonment rates for theft (SPACE)

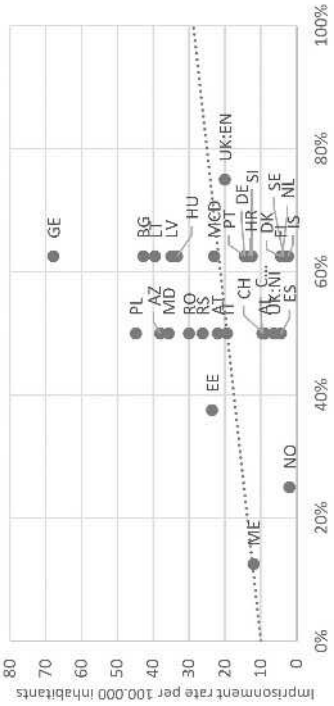


Figure 37. Relation between unweighted item inclusion ratios and imprisonment rates for theft (ESB)

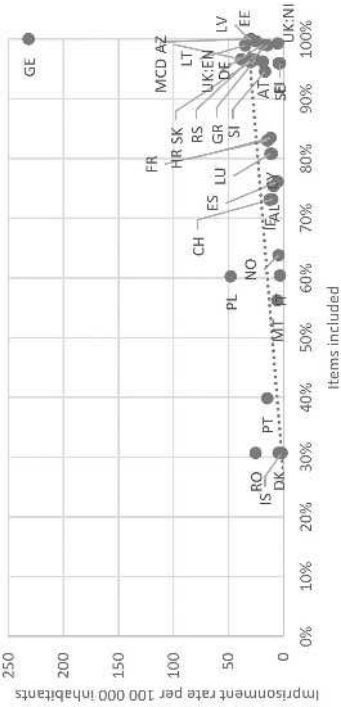


Figure 40. Relation between weighted item inclusion ratios and imprisonment rates for theft (SPACE)

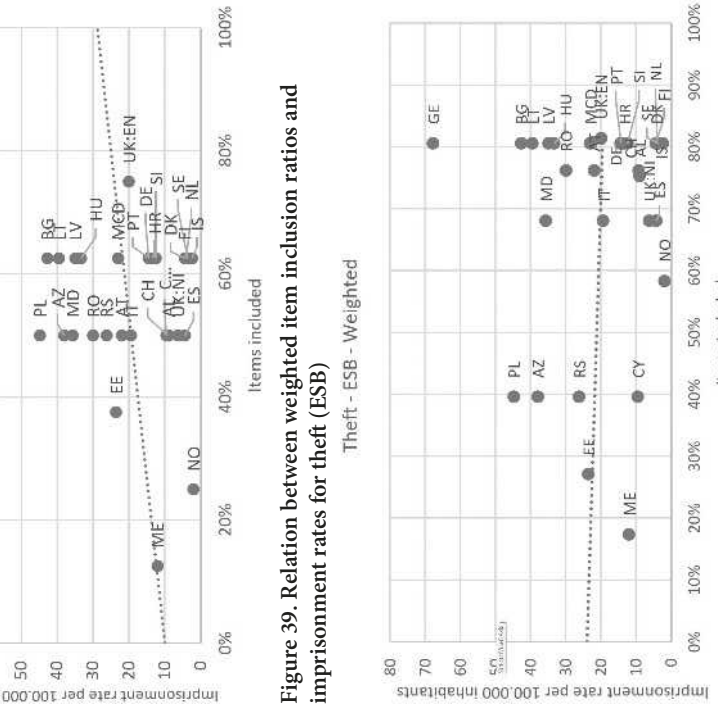


Figure 39. Relation between weighted item inclusion ratios and imprisonment rates for theft (ESB)

Figure 41. Relation between unweighted item inclusion ratios and imprisonment rates for fraud (ESB)

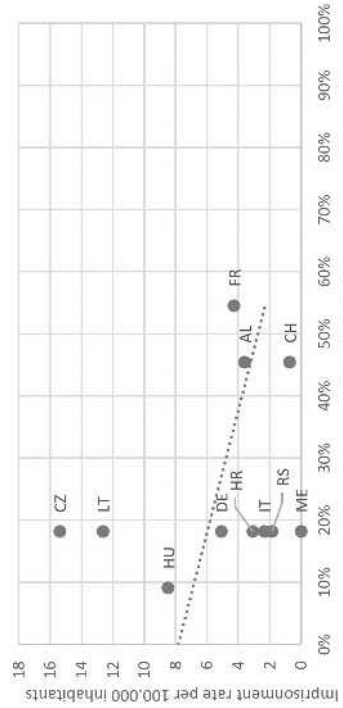


Figure 42. Relation between unweighted item inclusion ratios and imprisonment rates for economic and financial crimes (SPACE)

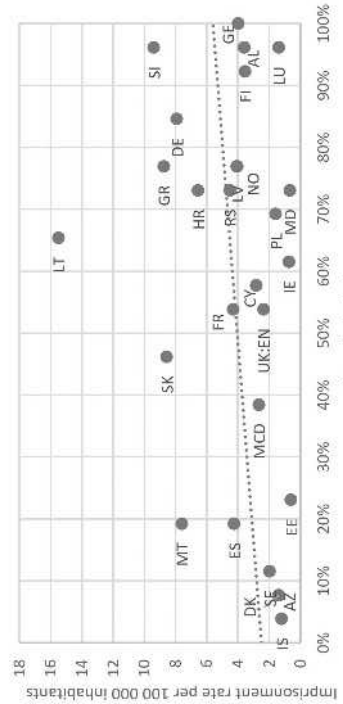


Figure 43. Relation between weighted item inclusion ratios and imprisonment rates for fraud (ESB)

Figure 44. Relation between unweighted item inclusion ratios and imprisonment rates for drug offences (ESB)

Figure 45. Relation between unweighted item inclusion ratios and imprisonment rates for drug offences (SPACE)

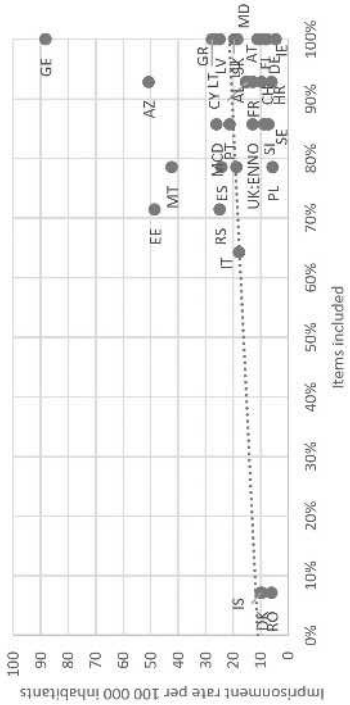


Table 3. Weights applied for the weighting of offence definition subcategories

Offence name	Subcategory	Weight*
Total crime (ESB only)	Minor theft and other minor property offences	21.3%
	Minor assault and other minor violent offences	5.9%
	Criminal offences committed by minors	12.6%
	Crimes according to a military penal code	0.1%
	Traffic offences, if they are subject to criminal proceedings	20.0%
	All other criminal offences subject to criminal proceedings	40.1%
	All traffic offences subject to proceedings outside the criminal justice system	N/A
	All traffic offences sanctioned by fines issued automatically by a technical system	N/A
	Administrative offences subject to proceedings outside the criminal justice system	N/A
	Minor offences subject to proceedings outside the criminal justice system	N/A
Major road traffic offences (ESB)	Negligent homicide and negligent injury in road traffic	0.2%
	Dangerous/reckless driving	7.3%
	Seriously endangering road traffic in other ways	35.2%
	Driving under the influence of drugs or alcohol	28.0%
	All other traffic offences subject to criminal proceedings	29.2%
	Offences committed outside road traffic (e.g. involving trains, airplanes, ships or boats)	0.1%
	All traffic offences subject to proceedings outside the criminal justice system	N/A
Major road traffic offences (SPACE)	Negligent homicide and negligent injury in road traffic	0.2%
	Dangerous/reckless driving	7.3%
	Seriously endangering road traffic in other ways	35.2%
	Driving under the influence of drugs or alcohol	14.0%
	Driving while impaired for other reasons	14.0%
	Driving while disqualified or licence suspended/revoked	N/A
	Hit and run driving	27.8%
	Parking violations	N/A
	All other traffic offences	1.5%
Intentional homicide	Cases unassigned to a subcategory**	17.3%
	Assault leading to death	2.8%
	Euthanasia	0.3%
	Infanticide	3.0%
	Attempts	50.7%
	Assistance with suicide	0.9%
	Abortion	1.5%
	Negligent killing	23.5%
	War crimes genocide, crimes against humanity	0.0%

Offence name	Subcategory	Weight*
Bodily injury (ESB)/assault and battery (SPACE)	Minor bodily injury	38.4%
	Aggravated bodily injury	14.2%
	Bodily injury of a public servant/official	2.0%
	Bodily injury in a domestic dispute	22.8%
	Attempts	6.4%
	Assault leading to death	0.0%
	Threats	1.7%
	Assault only causing pain (e.g. slapping)	8.2%
	Sexual assault	3.2%
	Negligent bodily injury	3.2%
Sexual assault (ESB only)	Any sexual acts committed with violence or threat of violence	0.3%
	Any sexual acts committed with abuse of authority or undue pressure	0.8%
	Any sexual acts committed against a helpless person	1.6%
	Any sexual acts committed against a marital partner against her/his will	3.1%
	Acts considered as rape	9.4%
	Acts considered as physical sexual abuse of a child	8.8%
	Attempts	3.8%
	Any verbal or any other form of non-physical molestation	44.2%
	Pornography	14.6%
	Pimping	0.3%
	Buying / offering paid sex	2.0%
	Exhibitionism	11.0%
Rape (ESB)	Cases unassigned to a subcategory	20.3%
	Penetration other than vaginal (e.g. buggery)	8.4%
	Forced intra-marital sexual intercourse	21.1%
	Sexual intercourse without force with a helpless person	17.5%
	Sexual intercourse of an adult with a child or any other person who cannot validly consent	11.4%
	Attempts	13.9%
	Sexual intercourse between children, if factually (i.e. regardless of legal validity) consented by both partners	0.5%
	Sexual intercourse between a child and a juvenile, if factually (i.e. regardless of legal validity) consented by both partners and the age difference is not larger than three years	6.9%

Offence name	Subcategory	Weight*
Rape (SPACE)	Cases unassigned to a subcategory	24.9%
	Penetration other than vaginal (e.g. buggery)	9.8%
	Male victim	5.0%
	Violent intra-martial sexual intercourse	19.6%
	Sexual intercourse without force with a person incapable of giving consent	16.3%
	Attempts	13.7%
	Sexual intercourse with force with a child	5.3%
	Sexual intercourse with a child without force	5.3%
Sexual abuse of a child	Cases unassigned to a subcategory	8.0%
	Any form of physical sexual contact not amounting to (statutory) rape	17.3%
	Attempts	3.7%
	Verbal or any other form of non-physical molestation (e.g. via the internet)	22.7%
	Distribution and possession of child pornography	35.7%
	Acts considered as rape	4.7%
	Sexual acts between children, if factually (i.e. regardless of legal validity) consented by both partners	2.5%
	Sexual acts between a child and a juvenile, if factually (i.e. regardless of legal validity) consented by both partners and the age difference is not larger than three years	5.4%
Other sexual offences (SPACE only)	Cases unassigned to a subcategory	24.9%
	Penetration other than vaginal (e.g. buggery)	9.8%
	Male victim	5.0%
	Violent intra-martial sexual intercourse	19.6%
	Sexual intercourse without force with a person incapable of giving consent	16.3%
	Attempts	13.7%
	Sexual intercourse with force with a child	5.3%
	Sexual intercourse with a child without force	5.3%
Robbery (ESB)	Cases unassigned to a subcategory	2.4%
	Muggings (bag-snatchings)	0.2%
	Theft immediately followed by force or threat of force against a person used to keep hold of the stolen goods	0.8%
	Attempts	17.0%
	Pick-pocketing	15.2%
	Extortion	0.1%
	Blackmailing	0.1%
	Theft with force against property only	64.1%

Offence name	Subcategory	Weight*
Robbery (SPACE)	Cases unassigned to a subcategory	0.9%
	Muggings (bag-snatchings)	0.1%
	Theft immediately followed by force or threat of force used to keep hold of the stolen goods	0.3%
	Pick-pocketing	6.0%
	Minor (e.g. small value) theft	47.4%
	Theft by means of burglary (i.e. by breaking and entering)	6.2%
	Other theft with force against property (e.g. breaking of an automated teller machine)	25.1%
	Theft of motor vehicles	1.9%
	Extortion	0.1%
	Blackmailing	0.1%
	Attempts	12.0%
Theft (ESB)	Cases unassigned to a subcategory	15.7%
	Minor (e.g. small value) theft	41.0%
	Theft committed by means of burglary (i.e. by breaking and entering)	5.3%
	Theft of motor vehicles	1.6%
	Theft by employees	4.4%
	Attempts	12.5%
	Robbery	1.1%
	Fraud	17.4%
	Receiving/handling stolen goods	0.8%
Theft (SPACE)	Cases unassigned to a subcategory	17.5%
	Muggings (bag-snatchings)	0.1%
	Theft immediately followed by force or threat of force used to keep hold of the stolen goods	0.2%
	Pick-pocketing	4.5%
	Minor (e.g. small value) theft	35.7%
	Theft by means of burglary (i.e. by breaking and entering)	4.6%
	Other theft with force against property (e.g. breaking of an automated teller machine)	18.9%
	Theft of motor vehicles	1.4%
	Extortion	0.04%
	Blackmailing	0.04%
	Embezzlement (including theft by employees)	3.0%
	Receiving/handling stolen goods	0.7%
	Attempts	13.2%

Offence name	Subcategory	Weight*
Fraud (ESB only)	Cases unassigned to a subcategory	34.6%
	Cyber fraud (i.e. fraud committed by means of computer-mediated communication, e.g. via the internet)	12.4%
	Attempts	7.7%
	Receiving/handling stolen property	2.2%
	Forgery of documents	3.7%
	Tax and customs offences	2.1%
	Subsidy fraud	0.04%
	Fraud involving welfare payments	1.4%
	Money laundering	0.7%
	Forgery of money or payment instruments	0.4%
	Consuming goods or services without the intent to pay (e.g. fare dodging)	23.5%
	Breaching of trust/embezzlement	11.1%

For an explanation of the weighting procedure, see in the text under Section 4.

* Percentages calculated based on German Police Crime Statistics for 2015, except for traffic offences, for which the Swedish Police Crime Statistics of the same year were used. For categories listed with "N/A", no weights could be calculated (also see explaining text in the report under Section 4). Values in italics are based on estimates.

** Not all definitions feature an exhaustive list of subcategories, hence for some of the offences, cases unassigned to a subcategory also needed to be taken into account.