

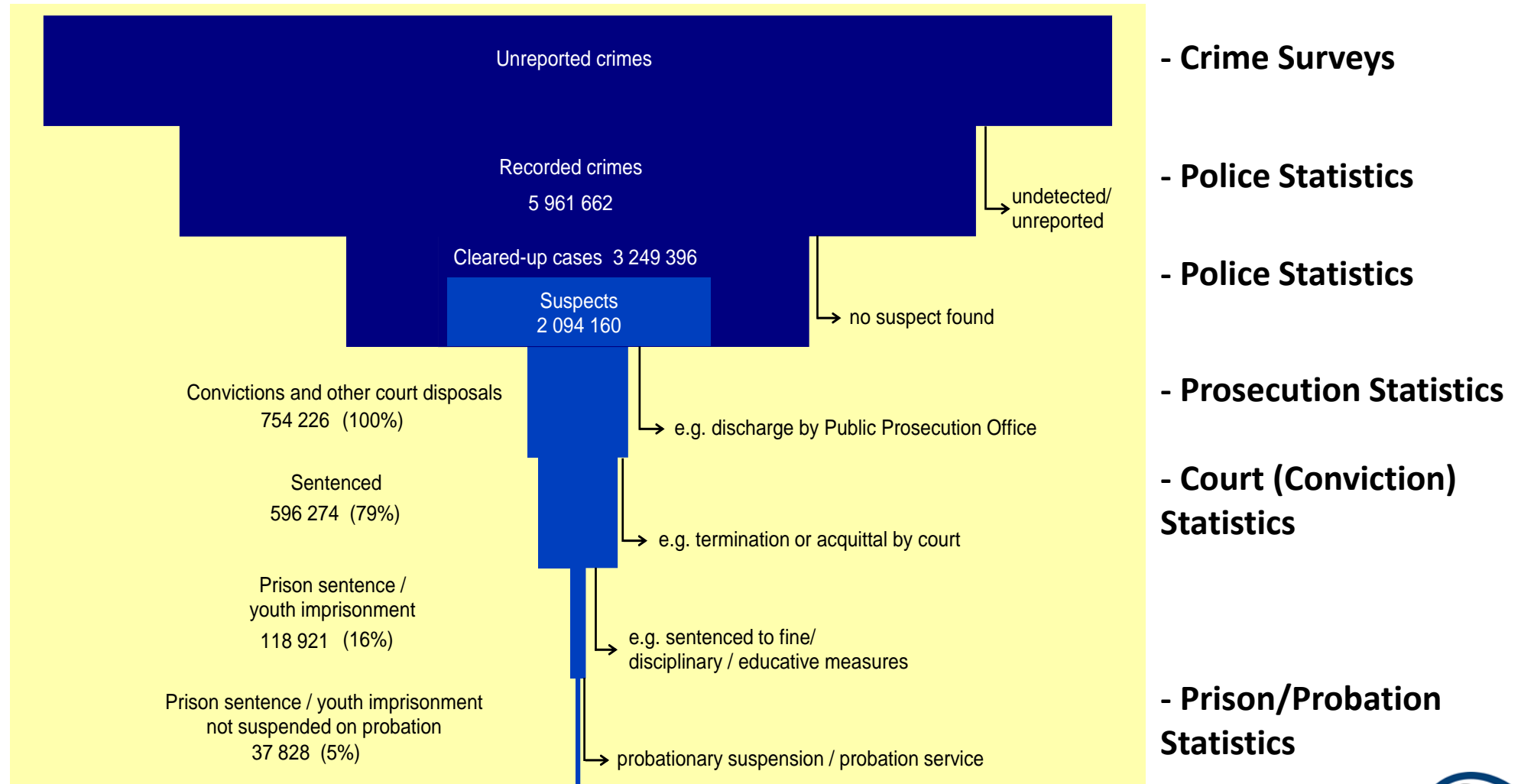
Council of Europe  
Meeting of Experts  
of the LINC'S Project  
Linking Prison Statistics to the Criminal Justice System  
Strasbourg April 16-17, 2018

**Prosecution and Court Statistics**

Jörg-Martin Jehle

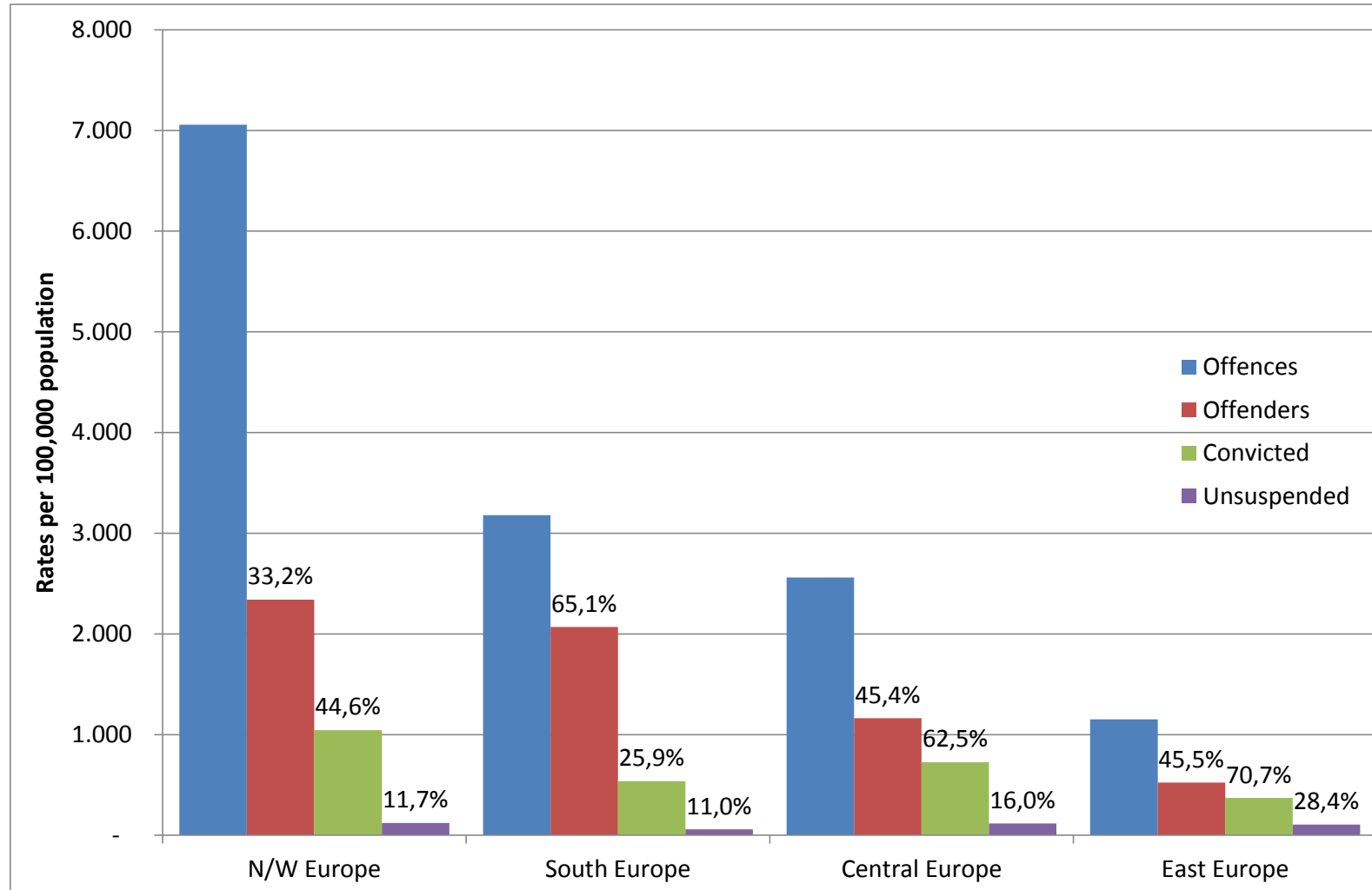
# Different Levels and Statistics of the Criminal Justice System

## The German Model



# Attrition between the Different Levels of CJS

## Cross-sectional data for 2010: Total crime



# Prosecution Statistics

What is the counting unit used?

<b>Case</b> ( <i>proceedings relating to one person only</i> )	<b>Proceedings</b>	<b>Person</b>	<b>Other</b> ( <i>please explain</i> )

**Definitions****Input cases:**

All cases of criminal offences which are passed to the prosecuting authority for disposal in the reference year

**Output cases:**

All disposals made by the prosecuting authority in the reference year

**Pending cases:**

All cases pending at the end of reference year

**Connection between input, output and pending cases:**

For each year: Output = pending of previous year + input - pending of current year

	<b>Input cases:</b>	<b>Output cases:</b>	<b>Pending cases:</b>
<b>At what stage cases are recorded:</b>			

Concerning the <u>criminal cases</u> handled by the prosecuting authority		
	Indicate whether <u>included</u> or <u>excluded</u> :	
	incl.	excl.
<b>Include</b> the following:		
<ul style="list-style-type: none"> <li>Cases reported to the prosecuting authority by other institutions (<i>e.g. customs, other non-police authorities</i>)</li> </ul>		
<ul style="list-style-type: none"> <li>Cases where the offender remained unknown (<i>if applicable, if not please specify</i>)</li> </ul>		
<b>Exclude</b> the following:		
<ul style="list-style-type: none"> <li>Cases dropped, conditionally disposed of or sanctioned by the police (<i>see below, question 2.2.J</i>)</li> </ul>		

<b>Disposal categories (output data)</b>			
	<b>For each concept known in your legal system, please indicate whether included in or excluded from the data. Otherwise, please tick “concept does not exist”.</b>		
	<b>Incl.</b>	<b>Excl.</b>	<b>Concept does not exist</b>
<b>Cases brought before a court</b> <i>(e.g. indictment, acte d'accusation, Anklageschrift)</i>			
<b>Sanctions and measures imposed by the prosecutor (or by the court, but on application of the prosecutor and without a formal court hearing) that lead to a formal verdict and count as a conviction</b> <i>(e.g. penal order, Strafbefehl)</i>			
<b>Conditional disposals by the prosecutor without formal verdict</b> <i>(i.e. the case is dropped when condition is met by the suspect)</i>			
<b>Proceedings dropped unconditionally due to lack of public interest or for efficiency reasons or because private prosecution is recommended</b>			
<b>Proceedings dropped for legal or factual reasons (without cases in which the offender is unknown)</b>			
<b>Proceedings dropped because offender remained unknown</b>			
<b>Other disposals</b>			

<b>Conditional disposals by the prosecutor without formal verdict</b> (i.e. the case is dropped when condition is met by the suspect)				
	<b>Include</b> the following conditions:			
	• Fine			
	• Restitution			
	• Victim-Offender-Mediation			
	• Community service			
	• Supervision			
	• Order to undergo a specific therapeutic treatment			
	• Other			
<b>Proceedings dropped for legal or factual reasons (without cases in which the offender is unknown)</b>				
	<b>Include</b> the following:			
	• Lack of evidence			
	• Act not an offence			
	• No criminal responsibility			
	• No complaint from victim (where this is required for a prosecution) or complaint withdrawn			
	• Ne bis in idem			
	• Statute of limitation			
	• Offender not available			
	<b>Exclude</b> the following:			
	• Offender unknown			



<b>Proceedings dropped because offender remained unknown</b>				
	<b>Include</b> the following:			
	• Offender unknown			
<b>Other disposals</b>				
	<b>Include</b> the following:			
	• No competence			
	• Transfer to another domestic authority			
	• Transfer to a foreign authority			

# Total criminal cases handled by the prosecuting authorities

<b>Cases pending on 31<sup>st</sup> December 2014</b>							
<b>Input cases for 2015</b>							
		<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Output cases</b>	<b>Total</b>						
	<b>Of which: Cases brought before a court</b>						

# Number of cases relating to minors, women and foreigners among all criminal cases handled by the prosecuting authorities in 2015

<i>Year of reference if other than 2015: _____</i>						
		Total	Minors	Women	Foreigners	
					Total	<i>of which: EU citizen</i>
<b>Output cases</b>	<b>Total</b>					
	<b><i>of which: Cases brought before a court</i></b>					

# Cases disposed of by the prosecuting authorities in 2015

Year of reference if other than 2015: _____		Total	Minors	
Output cases	<b>Total</b>			
	<b><i>of which:</i> Cases brought before a court</b>			
	<b><i>of which:</i> Sanctions and measures imposed by the prosecutor (or by the court, but on application of the prosecutor and without a formal court hearing) that lead to a formal verdict and count as a conviction</b>			
	<b><i>of which:</i> Conditional disposals by the prosecutor without formal verdict</b>			
		<i>of which:</i> Fine		
		<i>of which:</i> Other measures		
	<b><i>of which:</i> Proceedings dropped unconditionally due to lack of public interest or for efficiency reasons or because private prosecution is recommended</b>			
	<b><i>of which:</i> Proceedings dropped for legal or factual reasons (without cases in which the offender is unknown)</b>			
	<b><i>of which:</i> Proceedings dropped because offender remained unknown</b>			
	<b><i>of which:</i> Other disposals</b>			

# Cases brought before a court by offence group in 2015

<i>Year of reference if other than 2015: _____</i>			Total output	Cases brought before a court
Type of offence				
<b>Total Criminal offences</b>				
<b>Major criminal road traffic offences</b>				
<b>Intentional homicide</b>	<b>Total</b>			
	<i>of which: Completed</i>			
<b>Bodily injury (assault)</b>	<b>Total</b>			
	<i>of which: Aggravated bodily injury</i>			
<b>Sexual assault</b>	<b>Total</b>			
	<i>of which: Rape</i>			
	<i>of which: Sexual abuse of a child</i>			
<b>Robbery</b>				
<b>Theft</b>	<b>Total</b>			
	<i>of which: Aggravated theft</i>			
		<i>of which: Theft of a motor vehicle</i>		
		<i>of which: Theft by means of burglary</i>		
		<i>of which: Theft by means of domestic burglary</i>		
<b>Fraud</b>	<b>Total</b>			
	<i>of which: Cyber fraud</i>			
<b>Forgery of documents</b>				
<b>Money laundering</b>				
<b>Corruption</b>				
<b>Drug offences</b>	<b>Total</b>			
	<i>of which: Drug trafficking</i>			

# Persons whose freedom of movement was restricted in 2015

Year of reference if other than 2015: _____	
Persons sent to police custody	
Persons sent to pre-trial detention (ordered by the court)	

# Staff of the prosecuting authority

			2012	2013	2014	2015	2016
Number of employees	Total						
	<i>of which:</i> Number of prosecutors						
		<i>of which:</i> women					

# Prosecution Statistics - Summary

- Counting unit: Case = proceedings relating to one person only
- Output cases
- No cases handled by police only
- Longitudinal data (2011-2016): Total of cases and cases brought before a court
- Data referring to 2015: Breakdown of total and cases brought before a court by minors, women, foreigners
- Breakdown of the total and cases brought before a court by type of disposals
- Breakdown of the total and cases brought before a court by offence group
- Police custody/pretrial detention
- Staff



# Conviction statistics

Persons convicted		
	Indicate whether included or excluded:	
	incl.	excl.
<b>Include</b> the following:		
• court convictions		
• sanctions imposed by the prosecutor (or by the court, but on application of the prosecutor and without a formal court hearing) that lead to a formal verdict and count as a conviction (e.g. <i>penal order, Strafbefehl</i> )		
• convictions of minors in regular criminal proceedings (see <i>Definitions, question C.2</i> )		
• convictions of minors in juvenile criminal proceedings (see <i>Definitions, question C.2</i> )		

<b>Exclude</b> the following:		
• acquittals		
• discontinuation of proceedings by the court		
• sanctions/measures imposed by the prosecutor that <b>do not lead</b> to a formal verdict and <b>do not count</b> as a conviction (e.g. conditional disposals)		
• sanctions / measures imposed by the police		
• sanctions / measures imposed by other state bodies (e.g. road traffic fines imposed through automatic surveillance equipment)		
• reactions on criminal or deviant behaviour of minors imposed in family court or youth welfare proceedings ( <i>see Definitions, question C.2</i> )		

# Total number of persons convicted

Type of offence		2012	2013	2014	2015	2016
<b>Total Criminal offences</b>						
<b>Major criminal road traffic offences</b>						
Intentional homicide	Total					
	<i>of which: Completed</i>					
Bodily injury (assault)	Total					
	<i>of which: Aggravated bodily injury</i>					
Sexual assault	Total					
	<i>of which: Rape</i>					
	<i>of which: Sexual abuse of a child</i>					
<b>Robbery</b>						
Theft	Total					
	<i>of which: Aggravated theft</i>					
		<i>of which: Theft of a motor vehicle</i>				
		<i>of which: Theft by means of burglary</i>				
		<i>of which: Theft by means of domestic burglary</i>				
Fraud	Total					
	<i>of which: Cyber fraud</i>					
<b>Forgery of documents</b>						
<b>Money laundering</b>						
<b>Corruption</b>						
Drug offences	Total					
	<i>of which: Drug trafficking</i>					

# Number of women, minors and foreigners among persons convicted in 2015

<i>Year of reference if other than 2015: _____</i>		Total	Number of women	Number of minors	Number of foreigners	
Type of offence					Total	of which: EU citizen
<b>Total Criminal offences</b>						
<b>Major criminal road traffic offences</b>						
<b>Intentional homicide</b>	<b>Total</b>					
	<i>of which: Completed</i>					
<b>Bodily injury (assault)</b>	<b>Total</b>					
	<i>of which: Aggravated bodily injury</i>					
<b>Sexual assault</b>	<b>Total</b>					
	<i>of which: Rape</i>					
	<i>of which: Sexual abuse of a child</i>					
<b>Robbery</b>						
<b>Theft</b>	<b>Total</b>					
	<i>of which: Aggravated theft</i>					
		<i>of which: Theft of a motor vehicle</i>				
		<i>of which: Theft by means of burglary</i>				
	<i>of which: Theft by means of domestic burglary</i>					
<b>Fraud</b>	<b>Total</b>					
	<i>of which: Cyber fraud</i>					
<b>Forgery of documents</b>						
<b>Money laundering</b>						
<b>Corruption</b>						
<b>Drug offences</b>	<b>Total</b>					
	<i>of which: Drug trafficking</i>					

# Sanctions and measures imposed

<b>Sanctioning categories</b> (please also consider the definitions for Table 3.1)			
	For each concept known in your legal system, please indicate whether included in or excluded from the data. Otherwise, please tick "concept does not exist".		
	Incl.	Excl.	Concept does not exist
<b>Verdict / admonition only</b>			
<b>Include</b> the following:			
A conviction accompanied only by a simple warning without any further sanction.			
<b>Exclude</b> the following:			
Discontinuation of main proceedings by the court (without a formal verdict)			
Formal verdict, where a fine or a prison sentence is fixed, but their execution is suspended			
Waivers			

<b>Fines</b>			
<b>Include</b> the following:			
Fines following a formal verdict and counting as a conviction			
Fines partially or fully suspended by the court			
Fines imposed by a public prosecutor that lead to a formal verdict			
	Are these fines included in the data you provided in chapter 2 (prosecution statistics)?		
<b>Exclude</b> the following:			
Orders to pay a sum of money as a condition of the discontinuation of proceedings			



<b>Non-custodial sanctions and measures (Total)</b>			
<b>Include</b> the following:			
Probation as a sanction in its own right			
Community sanctions and measures, e.g. community service, as a non-custodial sanction in its own right (not in combination with a suspended prison sentence),			
Educational measures referring to minors imposed by a criminal (juvenile) court			
<b>Exclude</b> the following:			
Non-custodial sanctions and measures as a condition of the discontinuation of proceedings (diversion)			

<b>Non-custodial sanctions and measures - of which: Community service</b>			
<b>Include</b> the following:			
Unpaid labour for the benefit of the community organised by probation agencies (or other)			
<b>Suspended custodial sanctions and measures (Total)</b>			
<b>Include</b> the following:			
Prison sentence which are fully suspended (with or without a condition)			
<b>Exclude</b> the following:			
Prison sentence which is partially suspended and partially unsuspended			
Probation as a sanction in its own right			





<b>Suspended custodial sanctions and measures - of which: with community service</b>			
<b>Include</b> the following:			
Unpaid labour for the benefit of the community organised by probation agencies (or other) as a condition of the suspension of a prison sentence			
<b>Unsuspended custodial sanctions and measures (Total)</b>			
<b>Include</b> the following:			
Prison sentence which is fully unsuspended or partially unsuspended (including youth imprisonment)			
<b>Exclude</b> the following:			
Other inpatient penal measures like psychiatric hospital order.			
(short) youth detention			
Inpatient educational measures referring to minors			

<b>Unsuspected custodial sanctions and measures - of which: Partially suspended</b>			
<b>Include</b> the following:			
Prison sentence which is partially suspended and partially unsuspected (initially imposed like this by the criminal court)			
<b>Exclude</b> the following:			
conditional release			
<b>Other measures</b>			
<b>Include</b> the following:			
All other inpatient or outpatient penal measures ordered by a criminal court which are not included in the other categories.			
<b>Exclude</b> the following:			
Conditional measures combined with a discontinuation of proceedings			

# Total persons receiving sanctions/measures in 2015

		Year of reference if other than 2015: _____										
Type of offence		Total sanctions and measures	Verdict / admonition only	Fines	Non-custodial sanctions and measures		Suspended custodial sanctions and measures			Unsus-pended custodial sanctions and measures		Other measures (please specify in comments)
					Total	of which: Community service	Total	Of which: with supervision	of which: with community service	Total	of which: Partially suspended	
<b>Total Criminal offences</b>												
<b>Major criminal road traffic offences</b>												
Intentional homicide	<b>Total</b>											
	<i>of which: Completed</i>											
Bodily injury (assault)	<b>Total</b>											
	<i>of which: Aggravated bodily injury</i>											
Sexual assault	<b>Total</b>											

Etc.

# Minors receiving sanctions/measures in 2015

		Year of reference if other than 2015: _____										
Type of offence		Total sanctions and measures	Verdict / admonition only	Fines	Non-custodial sanctions and measures		Suspended custodial sanctions and measures			Unsus-pended custodial sanctions and measures		Other measures (please specify in comments)
					Total	of which: Community service	Total	Of which: with supervision	of which: with community service	Total	of which: Partially suspended	
<b>Total Criminal offences</b>												
<b>Major criminal road traffic offences</b>												
Intentional homicide	<b>Total</b>											
	<b>of which: Completed</b>											
Bodily injury (assault)	<b>Total</b>											
	<b>of which: Aggravated bodily injury</b>											
Sexual assault	<b>Total</b>											

Etc.

# Persons convicted by length of unsuspended custodial sanctions and measures imposed in 2015

Year of reference if other than 2015: _____		Total unsuspended custodial sanctions	Under 6 months	6 months and less than 12 months	12 months and less than 24 months	24 months and less than 60 months	60 months and less than 120 months	120 months and over	Average length of custodial sanction / measure (in months)	Life	Indeterminate sanctions / measures
<b>Type of offence</b>											
<b>Other sentence lengths</b> <i>(if unable to use the ones above)</i>											
<b>Total Criminal offences</b>											
<b>Major criminal road traffic offences</b>											
<b>Intentional homicide</b>	<b>Total</b>										
	<i>of which: Completed</i>										
<b>Bodily injury (assault)</b>	<b>Total</b>										
	<i>of which: Aggravated bodily injury</i>										
<b>Sexual assault</b>	<b>Total</b>										
	<i>of which: Rape</i>										
	<i>of which: Sexual abuse of a child</i>										
<b>Robbery</b>											
<b>Theft</b>	<b>Total</b>										
	<i>of which: Aggravated theft</i>										
		<i>of which: Theft of a motor vehicle</i>									

**Etc.**

# Persons held in pre-trial detention (at least temporarily) among persons convicted in 2015

<i>Year of reference if other than 2015: _____</i>		
<b>Type of offence</b>	<b>Total number of persons convicted</b>	<b><i>of which: held in pre-trial detention (at least temporarily)</i></b>
<b>Criminal offences total</b>		

# Judges in (criminal) courts

			2015
<b>Continental law countries</b>	<b>Number of professional judges</b>	<b>Total</b>	
		<i><b>of which: criminal court judges</b></i>	
	<b>Number of lay judges (in criminal courts)</b>		
<b>Common law countries</b>	<b>Number of professional judges</b>	<b>Total</b>	
		<i><b>of which: criminal court judges</b></i>	

# Court Statistics - Summary

- Counting unit: the person convicted
- Convictions: Court convictions plus sanctions imposed by the prosecutor leading to a formal verdict
- No conditional disposals
- Longitudinal data (2011-2016)  
Total of persons convicted  
Breakdown by offence groups
- Data referring to 2015.  
Total of persons convicted, women, minors, foreigners  
Breakdown by offence groups
- Total of persons convicted by type of sanctions and measures  
Breakdown by offence groups
- Total of minors convicted by type of sanctions and measures  
Breakdown by offence groups
- Total of persons convicted by length of unsuspended custodial sentences  
Breakdown by offence groups
- Persons held in pretrial detention
- Numbers of judges