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Offence Definitions and Imprisonment Rates in European Comparison

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

- „Crime statistics are a construct [...] very sensitive to the rules applied in the process of construction“ *von Hofer (2000)*
- Influenced by legal, statistical, substantial and criminal policy factors
- Therefore the ESB methodology is providing a short standard definition consisting of various subcategories
- On the contrary, SPACE I usually does not provide standardized definitions
 - For the SPACE I 2016 questionnaire, a special module on offence definitions was added, based on the ESB model
 - National correspondents were asked to indicate the in-/exclusion of the subcategories, but without giving a preference
 - Differently from ESB!
 - SPACE I definitions will usually reflect the (unadapted) legal and statistical situation of the countries
- These differences in data collection can be used to answer the following research questions:
 - Do legal definitions have an influence on imprisonment rates?
 - And if so, how is that influence exerted?

Definitions

ESB:

- Aim is to facilitate comparability among different countries for certain offences.
- Standard definitions accompanied by a list of items that should be included or excluded from the data reported are provided
- Although prison statistics give little room for adapting data to the definitions it can be assumed that the definitions are somewhat similar to the ones used on police and convictions level, since 17 of 21 countries that answered the question “Do the offence definitions [...] differ from those in the ‘Definitions’ part of the questionnaire?” indicated, that there were no differences.

Standard definition „intentional homicide“

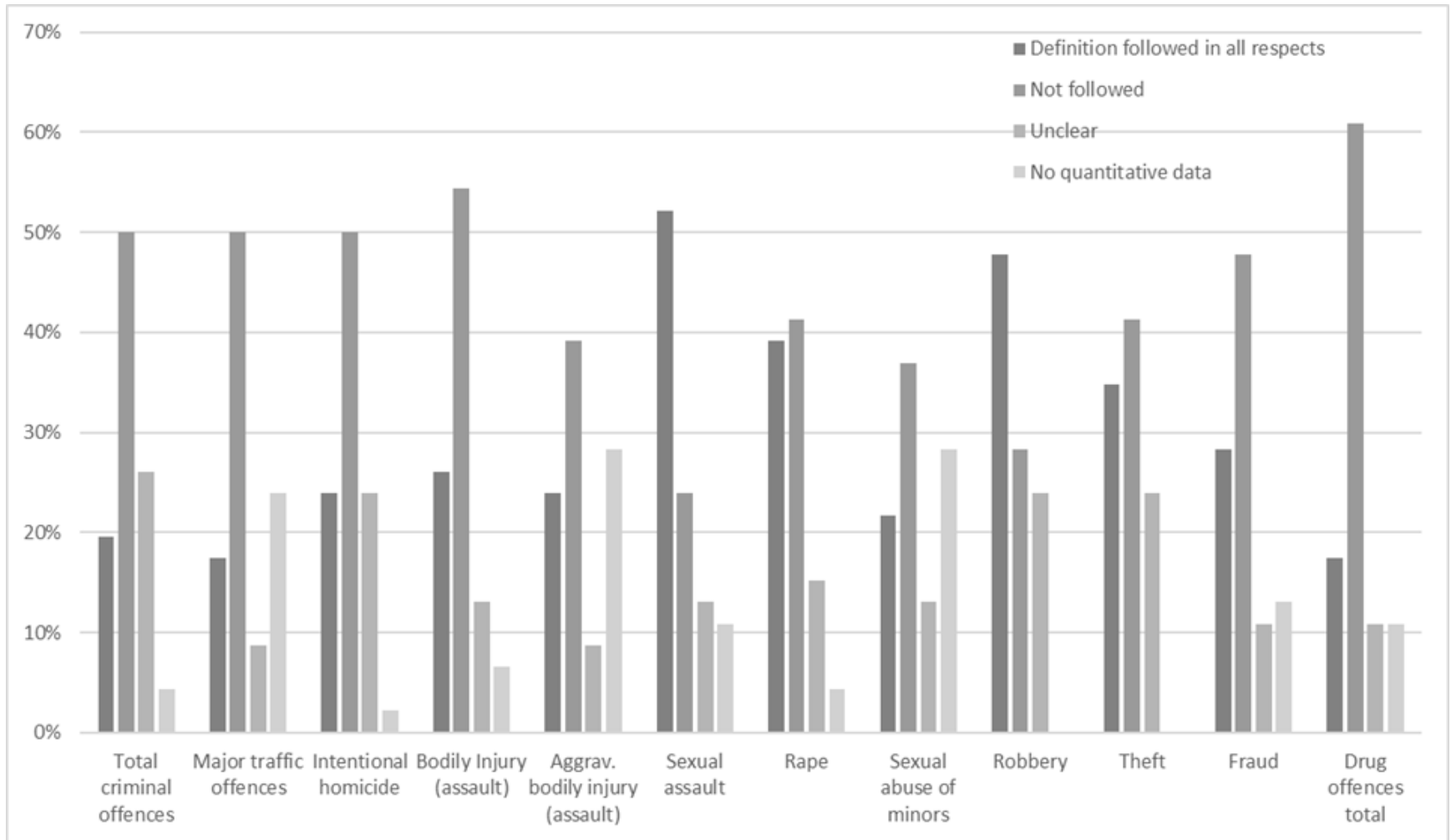
General remark for homicides: Please note that intentional homicide is a general category and that you will also be asked to provide data on the subcategory of completed intentional homicide.

A.3.1 Intentional homicide ²					ICCS
Standard definition: intentional killing of a person					0101 0102 0105
					Indicate if included in or excluded from:
					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

Comments on the definition – see Introduction (paragraph 3)

² Differently from Anglo-American concepts and the International Classification of Crimes for Statistical Purposes, "homicide" here means both completed and attempted cases.

Conformity with offence definitions on police level for ESB data

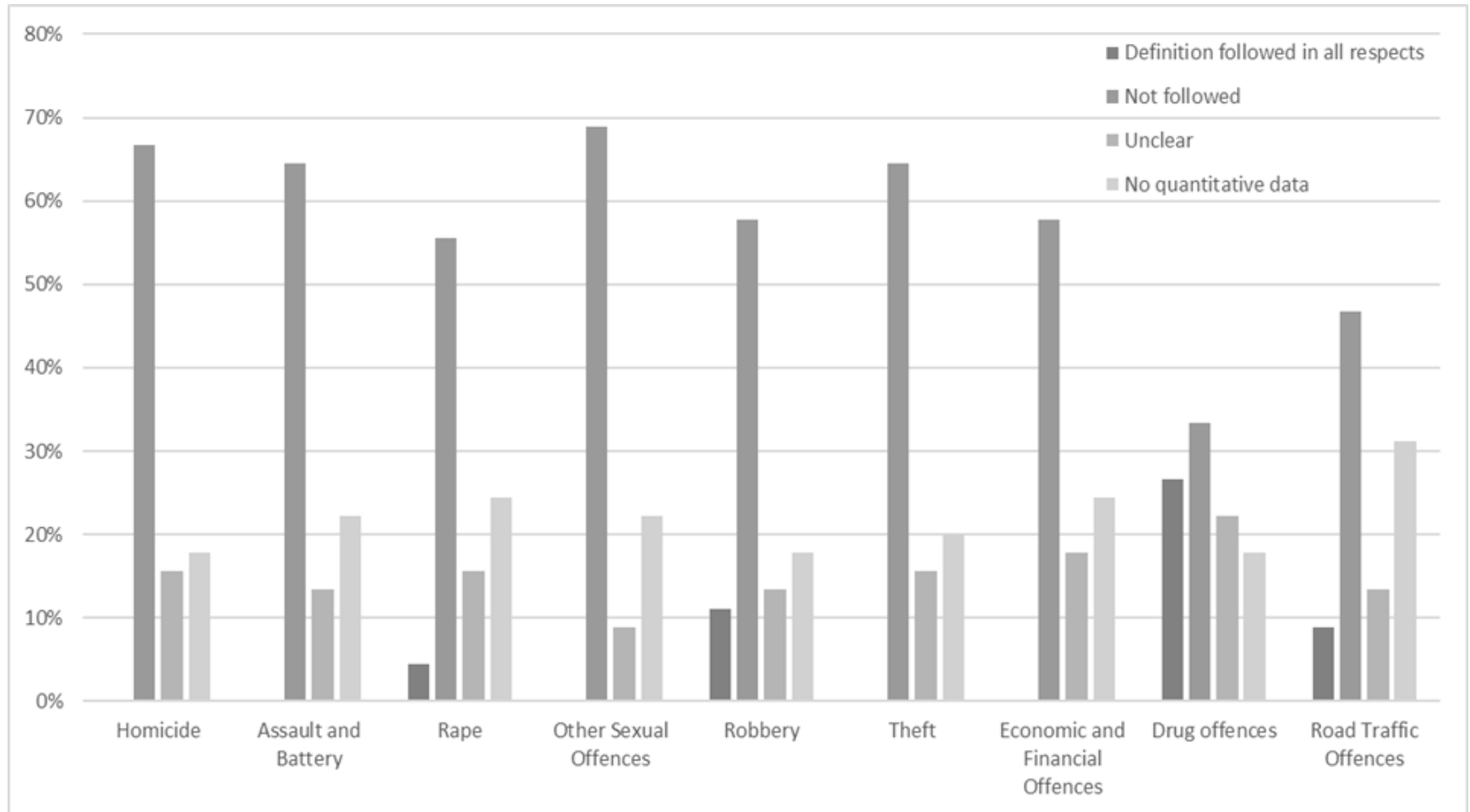


Definitions

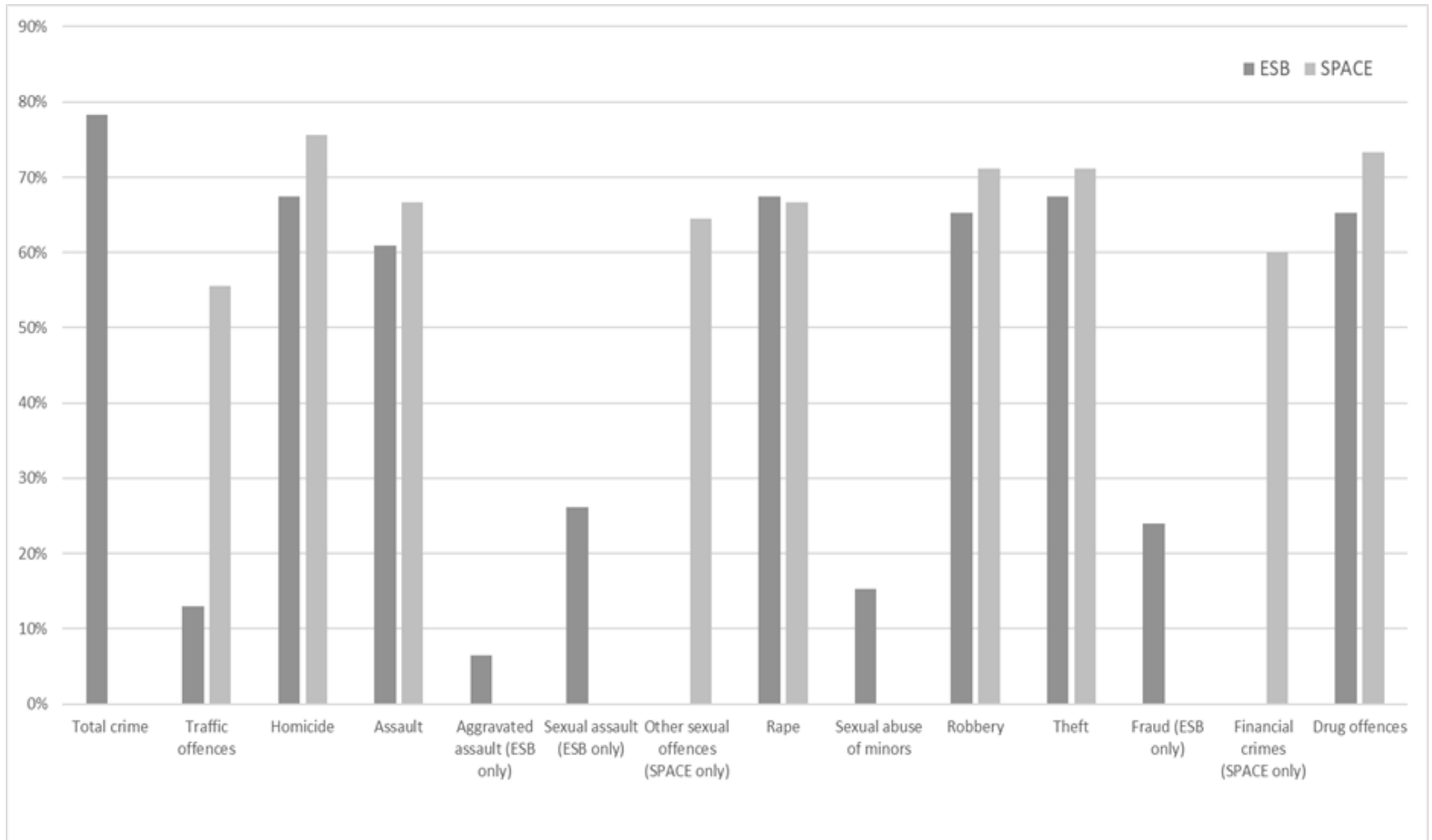
SPACE:

- Definitions used are based on the 5th edition of the ESB
 - Therefore a few subcategories or offences are not included
 - Yet the definitions remain broadly similar
- A standard definition with a list of marginal cases is provided, but without rules for inclusion or exclusion of the items on that list.
 - Reported data will be less comparable but national differences will be more pronounced
 - As mentioned before, SPACE I definitions will usually correspond to the legal definitions in a certain country

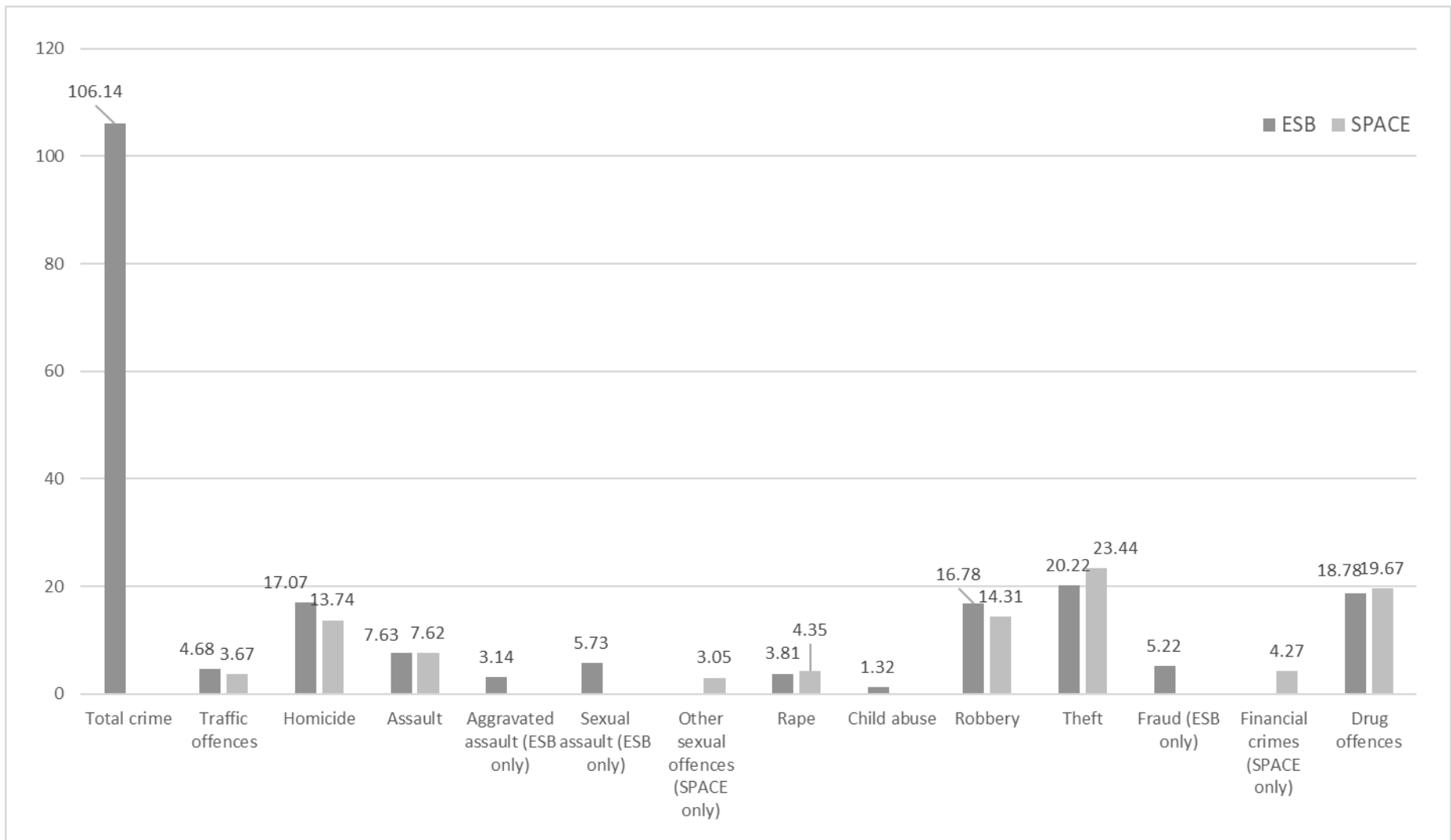
Conformity with ESB offence definitions for SPACE I data



Percentages of countries providing prison data by offence type (only countries that also provided definitions)



Mean imprisonment rates by offence type (only countries that also provided definitions)

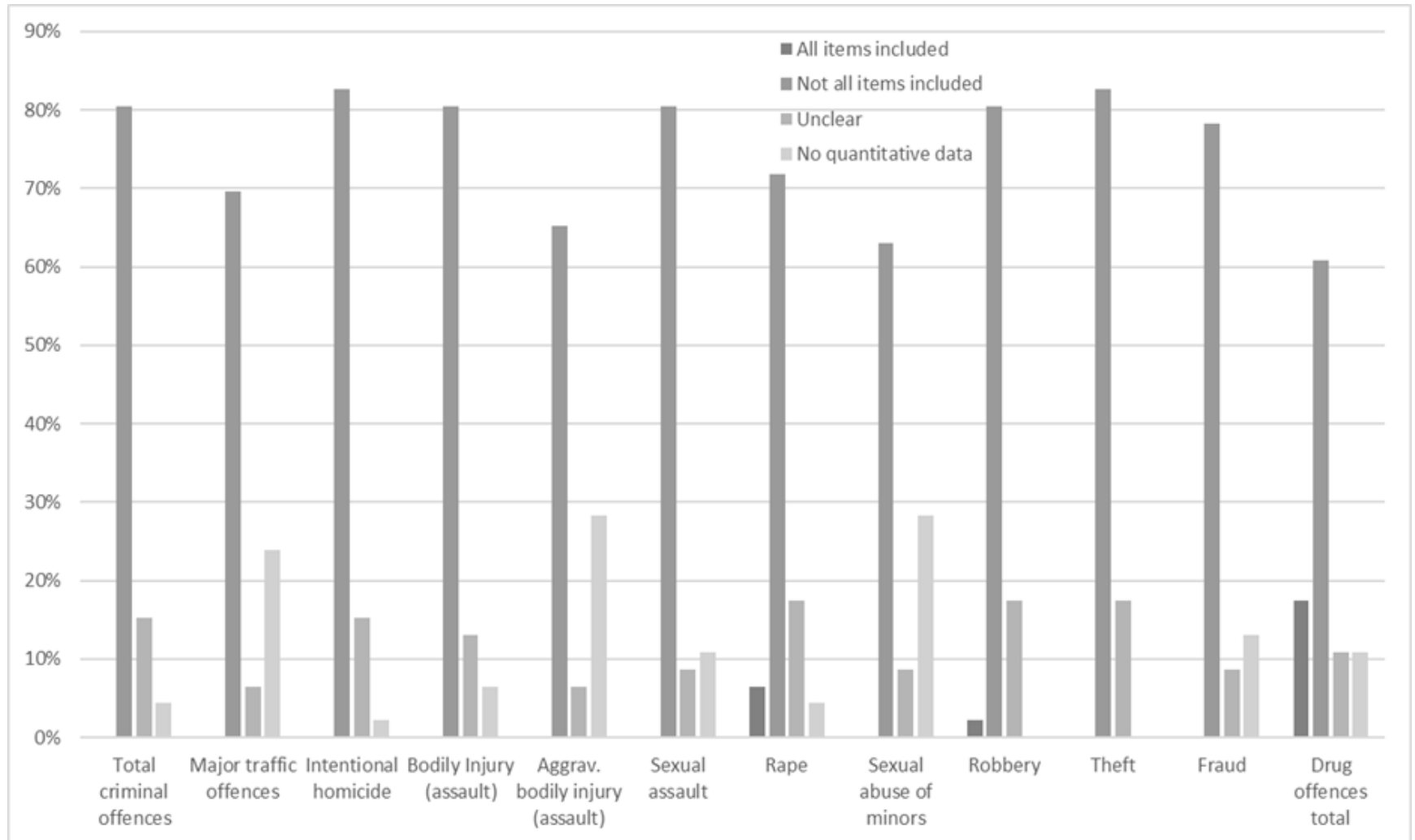


Correlations between definitions and imprisonment rates

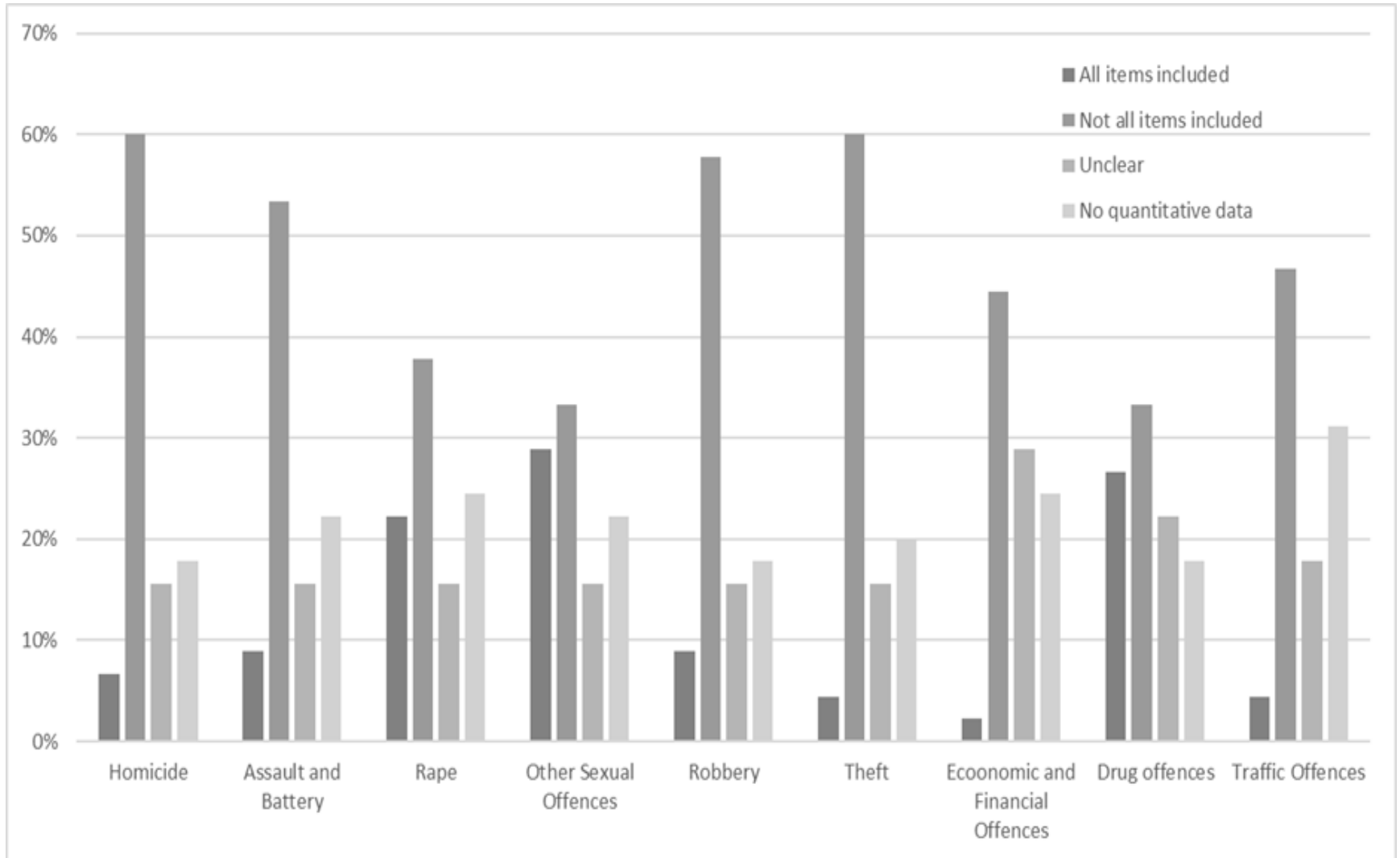
Methodology:

- General hypothesis: broader definition → more cases falling under definition
→ higher imprisonment rate
- 1st step: scale to measure broadness of definition
 - More items included = broader definition
 - The total ratio of subcategories **included** was calculated as a percentage of **all** subcategories.
 - Regardless of the original preferences (to include or exclude the item) of the ESB standard definition!

Full item inclusion ratios for ESB data



Item inclusion ratios for SPACE I data



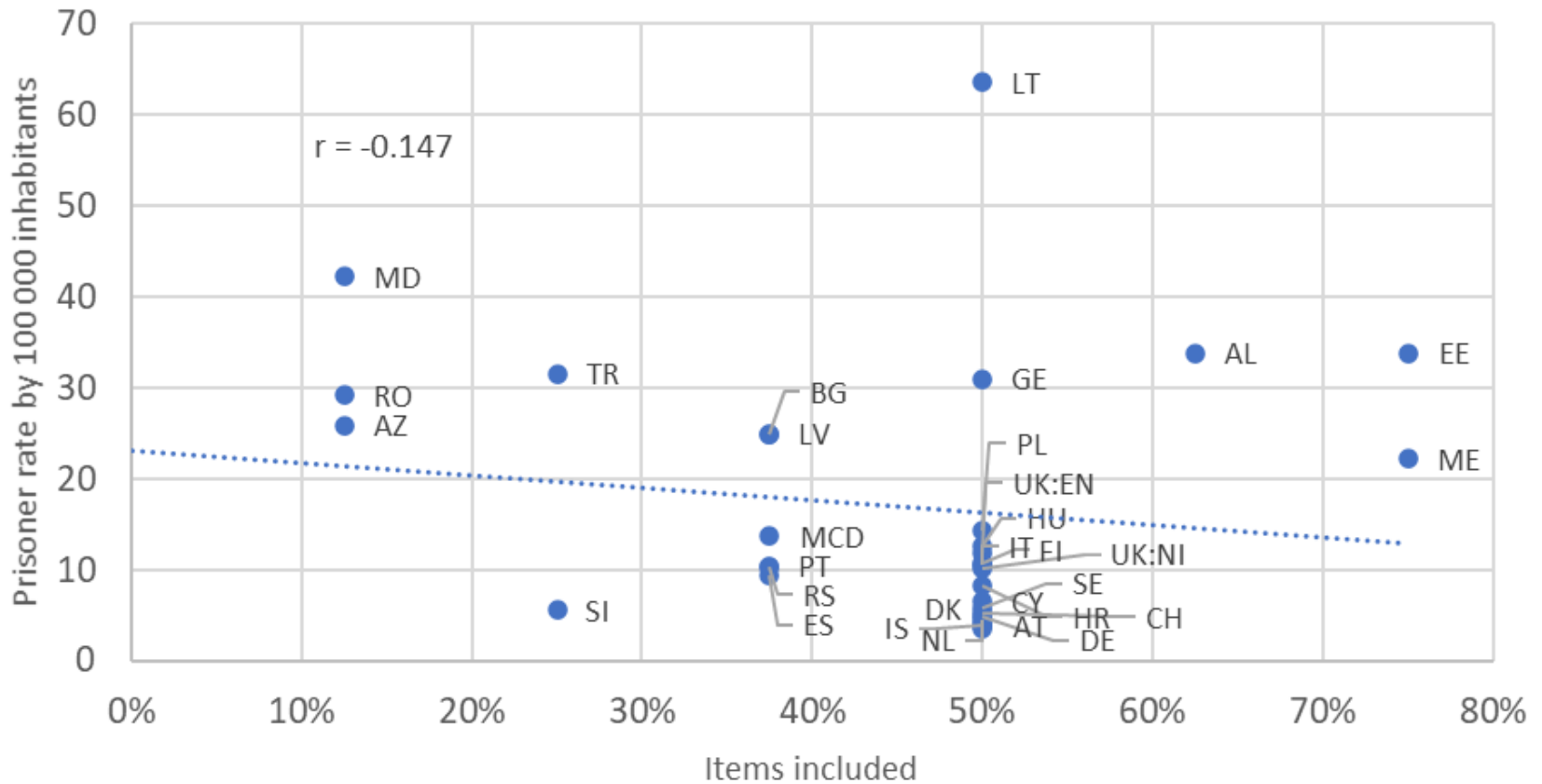
Correlations between definitions and imprisonment rates

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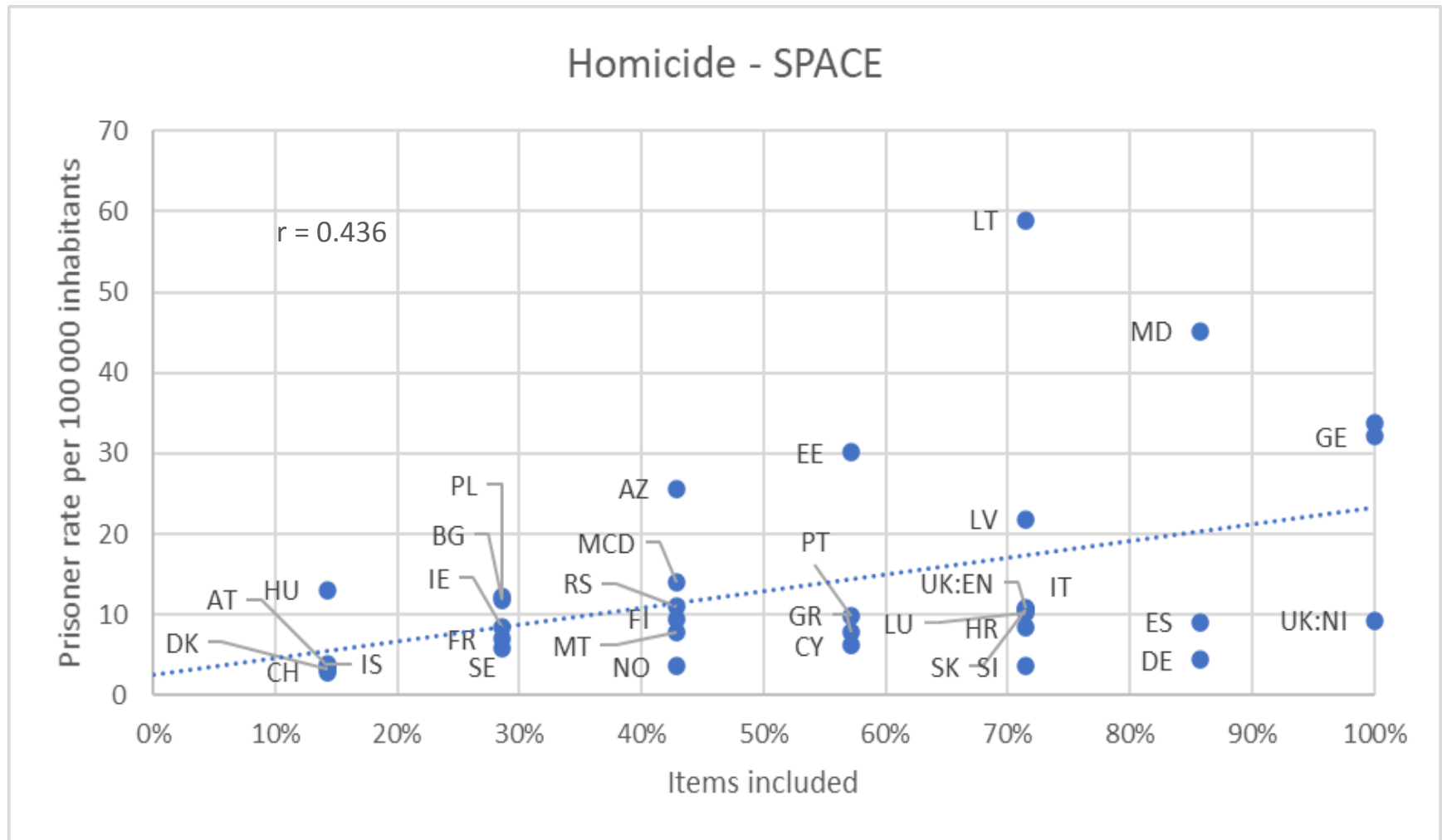
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- 2nd step: considering the relevance of subcategories (weighting)
 - E.g.: the inclusion of assault leading to death has a larger impact on homicide than on bodily injury
 - Police data were used to estimate the relevance, as they provide the most detailed information on the different subcategories.
 - Where even police statistics didn't provide data, other estimates were used.

Relation between unweighted item inclusion ratios and imprisonment rates

Homicide - ESB

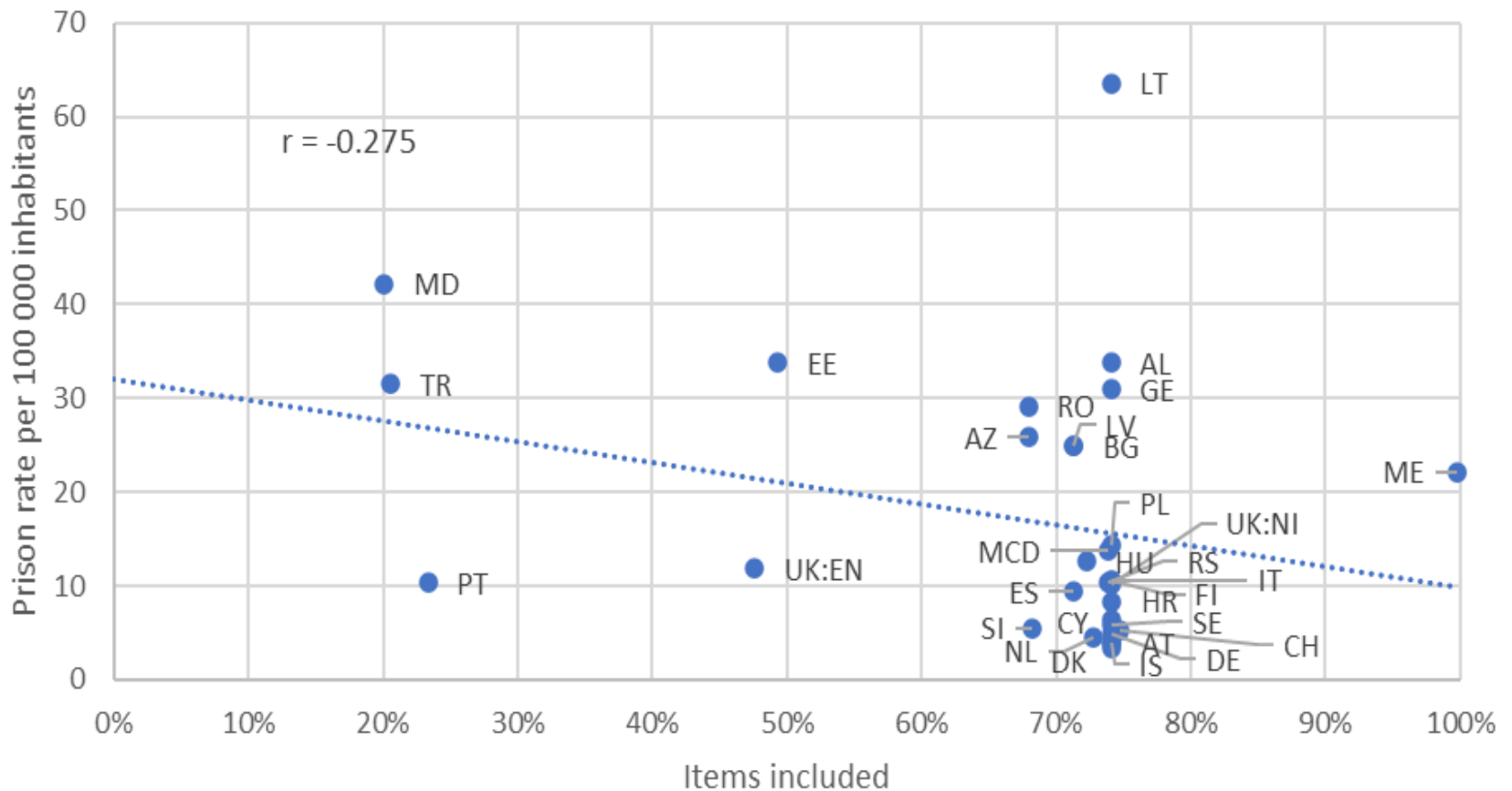


Relation between unweighted item inclusion ratios and imprisonment rates

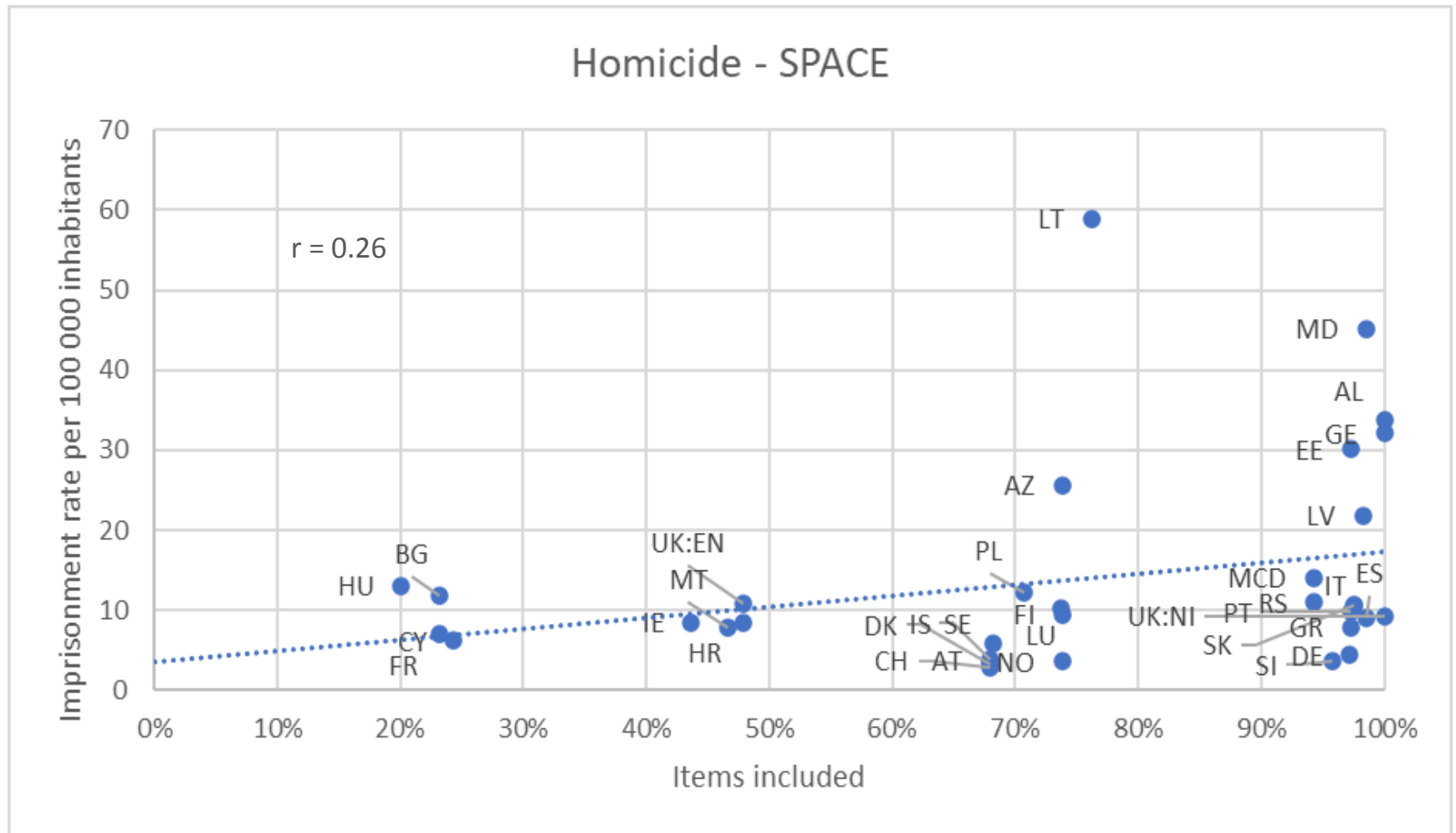


Relation between weighted item inclusion ratios and imprisonment rates

Homicide - ESB



Relation between weighted item inclusion ratios and imprisonment rates



Correlations between definitions and imprisonment rates

- Throughout all the offences analysed, SPACE data showed positive correlations between (un)weighted item inclusion ratios and the imprisonment rate for that offence.

 - SPACE data support the hypothesis that broader definitions lead to higher imprisonment rates for that offence

- As expected, ESB data differ, as most countries tried to follow the standard definitions as close as possible, making it hard to find correlations in any direction due to the overall high conformity with definitions.

Conclusions

- Use of national legal definitions decreases the validity of international comparison of crime rates.
- Certain level of homogenization of the data collected through the use of standard definitions
 - Public officials should therefore be encouraged to report data that is not identical to the one published in national statistics, but adapted to the standard definitions
- Positive influence of the broadness of definitions on imprisonment rates.
- Value of prescriptive offence definitions for an enhanced data comparability is shown.

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Thank you for your attention!

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