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THE EUROPEAN SOURCEBOOK OF CRIME AND CRIMINAL JUSTICE STATISTICS: A NEW TOOL IN ASSESSING CRIME AND POLICY ISSUES IN COMPARATIVE AND EMPIRICAL PERSPECTIVE

ABSTRACT. Theories which suggest a relationship between crime or criminal justice variables on the one hand, and variables related to criminal justice policies on the other hand, cannot be tested without reference to historic or comparative data. Since international comparisons offer the most powerful test of such theories, policy-related research in Europe has suffered, so far, from a lack of valid comparative data. Whether crime data from different countries are comparable, has always been subject to controversies. In the case of the *European Sourcebook of Crime and Criminal Justice*, a network of specialists was established under the auspices of the Council of Europe in order to assess the validity of the data. Although some problems in cross-country level comparisons could not be settled, the European Sourcebook offers comparative data on 36 Member States of the Council of Europe on a variety of subjects (offences and offenders known to the police; prosecution, convictions, sentences, and corrections; survey data; and indications on manpower and budgets of police forces, prosecutors, and corrections).

KEY WORDS: comparative research, crime statistics, European sourcebook

Many criminological theories suggest that crime varies in response to policies. Such theories are particularly relevant because they tend to indicate how policy makers might be able to reduce the frequency of criminal acts, or the seriousness of their consequences for victims and society, or both. Such theories can only be tested if data can be used from contexts where crime and policies differ. Within Europe, policies and programmes have always varied to a large extent. Thus, there is a wide variety of relevant experience and differing approaches throughout the continent. Looking at experiences with foreign penal systems in designing new policies has been standard practice long before criminology had existed as an independent subject. It has been claimed that Solon (~640 – ~558 BC) travelled through the main Greek cities, Cyprus and Egypt to study the way in which justice was being done before preparing his Athenian laws (*nomoi*) in 594 BC. In 1831, shortly after Louis-Philippe d'Orléans became King of France, Tocqueville was sent to the United States to study their prison system. At that time, Quételet published his

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first works comparing some European penal systems, and de Candolle criticised international comparisons based on statistics, making a number of observations which are still valid today. Later in the nineteenth century, the Italian positivists (Lombroso and Ferri, among others) continued looking at crime in an international perspective.

So far, and despite the long tradition of international comparisons on crime and criminal justice issues, comparative research which has tried to respond to the challenge of different experiences within Europe, has been seriously handicapped by the lack of data. If international data were considered at all, the United States was the most often used point of reference in European research. This focus on America is more than unfortunate. It means that European policies tend to be assessed by reference to a country which, in the field of crime and criminal justice policies, is not necessarily a convincing model. Thus, most European countries would probably compare favourably against the United States when it comes to measuring their crime and criminal justice policies against widely accepted international standard. If European researchers tend to neglect their European neighbours in their research, the main reason may be the difficulties in locating and using such data appropriately, given the particular counting rules and caveats each user of statistical sources in this field has to bear in mind. Europe's linguistic fragmentation has, of course, increased the risks of frustration whenever a scholar tries his best to use such data. Of course, Interpol and the United Nations have been collecting and publishing data based on national penal statistics, and the Council of Europe publishes annual data on prison populations (SPACE project). These initiatives, however, relied upon official bodies within each individual country, and had to use official data without further validity checks, at least until recently.

This situation led the European Committee on Crime Problems (CDPC) of the Council of Europe to create, in 1993, a group of specialists on 'Trends in crime and criminal justice: statistics and other quantitative data'. The main task of this group was to study the feasibility of an European collection of more valid crime data.[1] In 1995, a pilot study was published (*Draft European Sourcebook of Crime and Criminal Justice Statistics*) which covered 12 European countries. Since this

[1]The members of the group were: Martin Killias (Switzerland), Chairman of the group, Gordon Barclay (UK), Hanns von Hofer (Sweden), Imre Kertesz (Hungary), Max Kommer (the Netherlands), Jörg-Martin Jehle (Germany), Chris Lewis (UK), Pierre Tournier (France). HEUNI was represented by an observer (Kristiina Kangaspunta). Secretary to the group: Wolfgang Rau, Council of Europe.

model demonstrated the feasibility of an European data collection, the experts' group was enlarged[2] and the project extended to the whole of Europe in 1996. The final document should represent an enlarged version of the existing Model Sourcebook covering, if possible, all Member States of the Council of Europe, as well as data on trends from 1990 to 1996. Given the many practical difficulties, it was decided from the beginning to concentrate on so-called traditional offences,[3] leaving the eventual inclusion of 'modern' crimes, such as money-laundering, corruption, and organised crime to a later edition. With respect to these new offences, definitional differences and difficulties would be even more formidable than with traditional 'street crimes'.

The questionnaire was used for collecting data for each offence on which data was to be provided by national respondents, a general *criminological* definition, followed by a list of possible deviations from the common standard where the respondent was asked to indicate whether they apply for his/her country. This questionnaire covered the main indicators of crime, namely offences and offenders known to the police, cases prosecuted, persons convicted/sentenced and under the control of the correctional system, as well as data from the international crime surveys of 1989, 1992, and 1996. For the items on which trend data were considered as particularly desirable, such as offences and offenders known to the police and persons convicted, information was required from 1990 to 1996. On other variables which were likely to fluctuate less over time, such as proportions of minors, women and aliens among suspected or convicted offenders, or generally data on resources, only data for 1995 was collected. The experts also felt that the profound reshaping of criminal justice systems in Central and Eastern Europe would seriously complicate the collection of trend data, particularly for the early 1990s.

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[2]The new members of the Enlarged Group of Specialists were: Marcelo Aebi (Switzerland), Andri Ahven (Estonia), Uberto Gatti (Italy), Zdenek Karabec (Czech Republic), Vlado Kambovski (Former Yugoslav Republic of Macedonia), Alberto Laguia Arrazola (Spain) and Calliope Spinellis (Greece), Paul Smit (The Netherlands) and Bruno Aubusson de Cavarlay (France) joined the group in December 1997 and April 1998 respectively.

[3]The following offences were included: homicide (of which completed homicide); assault; rape; robbery (of which armed robbery); theft (of which theft of a motor vehicle, bicycle theft, burglary, and domestic burglary); drug offences (of which drug trafficking, and serious drug trafficking).

Contents of the European Sourcebook

The European Sourcebook presents numerical and narrative information for 36 European countries[4] on the following subjects.

- *Police statistics on crime, suspects and resources*. Most of the data is available as time series data for 1990–1996. The selected offences focus almost exclusively (except for drug offences) on so-called *traditional* crimes for the simple reason that for many countries only limited information was available on, for example, white collar crime or organised crime when the Sourcebook survey was carried out.
- *Prosecution statistics including resources*. The data concerns the outcome of procedures at public prosecutor's level (prosecutors/investigative judges) during the years 1990–1996. It also relates to the staff of the prosecuting authorities in 1995. Unlike most other tables in the Sourcebook, the prosecution tables are not limited to specific types of offences, but cover *all offences* dealt with by the prosecuting authorities.
- *Court statistics including sentencing*. The relevant tables concern persons who have been convicted, that is, found guilty, by law, of having committed one of the selected offences. Information is presented by offence (1990–1996); the sex, age group, and nationality of the offender (1995); the type of sanctions imposed as well as the duration of unsuspended custodial sentences (1995).
- *Correctional statistics including prisons, prison population, community sentences and resources*. The data presented stems both from the *Annual Penal Statistics of the Council of Europe* (SPACE)[5] and

[4]For practical reasons England and Wales, Northern Ireland and Scotland were treated as individual countries.

[5]The Council of Europe has been periodically collecting data on prison populations since the Sixth Conference of Directors of Prison Administration, which was held in Strasbourg in 1983. The statistics gathered have been published at regular intervals in the *Prison Information Bulletin of the Council of Europe* (as from December 1992: *Penological Information Bulletin*). In 1989 the collection system was given the name *Council of Europe Annual Penal Statistics* (SPACE). Since that date it has consisted of two parts which relate to prison populations (stock statistics, committal flows, length of imprisonment), incidents (deaths, in particular suicides, and escapes) and, since 1996, prison staff and community sanctions and measures. These statistics are being established by Pierre Tournier from CESDIP/CNRS, Ministry of Justice (France) on behalf of the Council of Europe.

from the Sourcebook questionnaire. In this context, a summary of information available on reconviction studies is also presented.

– *Data from the international crime surveys (victimisation data)*. The Sourcebook gives, for the countries included, the average rates (for the national level and urban and rural areas) for the three sweeps (1989, 1992, 1996, as far as available) of the International Crime Victims Survey (ICVS). It also contains detailed technical information on methods, definitions and procedures of the ICVS.

The Sourcebook also presents in a systematic way and, for the first time ever, technical information on relevant legal and statistical definitions, counting rules and statistical sources. In the general comments, which introduce each chapter, an attempt is made to identify interesting trends and give guidance to the reader/user regarding the adequate interpretation of the numerical data.

The Procedure in Collecting and Validating Data

The task of completing the questionnaire was expected to be rather difficult. In order to avoid the pitfalls of former data collection initiatives which operated through official channels, a specialist for each country was selected as a national correspondent, with the agreement of the country's official delegation. The national correspondents were invited to complete the questionnaire by collapsing national statistical concepts to the common standard, eventually by searching the information collected in other sources, and to add comments which might help in assessing the validity of the data. In order to assist national correspondents in their task, a network of regional co-ordinators was established throughout Europe, that is, every member of the experts' group acted not only as national correspondent for his/her own country, but also as a regional co-ordinator for three to four more countries and their respective correspondents. In this way, each national correspondent was in contact with at least one member of the experts' group, and received the support necessary in assessing practical questions.

The data provided by the questionnaires were recorded by students of the School of Forensic Science and Criminology at the University of Lausanne. With regard to data validation, the group produced a series of check tables in order to:

– find out whether individual cells added up to the totals given in the tables;
– compare figures and ensure that they were consistent throughout the replies to the Sourcebook questionnaire;
– calculate rates per 100,000 population for the key items and to check for 'outliers' – extreme values which are difficult, if not impossible, to explain;
– look at the attrition process of recorded offences, suspects, convictions and imprisonment; to re-check 'outliers' assuming that, starting with recorded crime (on an offence basis), the number of suspects (person's basis) will be lower and the number of convictions leading to an unsuspended custodial sentence will be lower still;
– compare the proportion of juveniles, women and aliens in the tables for the number of suspects and convictions. Did these proportions make sense (80% juvenile suspects would seem out of proportion) and were they consistent with other relevant figures?

This verification procedure resulted in the need to go back to many national correspondents for clarification and additional cross-checking.

Several extreme scores turned out to be due to simple errors of copying or computation of rates and could, thus, easily be amended. In some other cases, extreme scores could be explained by the specificity of the data collection process; in these cases, a footnote was added in order to give the reader the appropriate information. However, not all inconsistencies could be solved or explained in this way. In the more serious cases, the group decided to exclude questionable data so that only reasonably reliable information has been included in the published Sourcebook. Interested readers can, however, obtain copies of the full information collected at the Secretariat of the Council of Europe.[6]

There can be no doubt that the network of national correspondents and regional co-ordinators represented an infrastructure which was capable of tackling the often painstaking task of collating data from various sources (police, prosecution, courts, prison administrations etcetera). In addition, it generated valuable information on the very basis

[6]Available from: Dr Wolfgang Rau, Directorate of Legal Affairs, Council of Europe, F-67075 Strasbourg, Cedex, France.

of this data, such as definitions of relevant legal and statistical concepts (e.g. "What does 'completed homicide' mean in the various national statistical systems?") and the statistical rules used (e.g. "How are offences counted which have been committed by more than one person?"). Last, but not least, both national correspondents and regional co-ordinators played an essential role in identifying and illuminating a number of errors and inconsistencies in the data, as referred to above, and thus producing useful crime and criminal justice statistics at European level.

The American and the European Sourcebook Compared

Overall, the *European Sourcebook of Crime and Criminal Justice Statistics* follows in many respects the American *Sourcebook of Criminal Justice Statistics* which, from the beginning, served as an important model. Comparing it with its American counterpart, it becomes obvious that it has less to offer on police recorded crime and on surveys of all kinds, reflecting the far longer tradition of standardised data collection by the FBI, and the larger use of such data collections throughout the United States. On the other hand, the American Sourcebook is less complete on convictions and sentences, since national data collection is less developed in the USA on these issues than in Europe. Beyond these practical aspects, the American Sourcebook has also been a valuable source of optimism to the experts' group whenever the difficulties of the task seemed insurmountable. Indeed, legal definitions of offences and procedures vary between the 50 American States as much as they do in Europe. If the United States have succeeded in standardising data collection procedures in a way to provide the American Sourcebook with a wide compilation of data, it did not seem reasonable to assume that a similar project in Europe would necessarily be doomed to fail. If the current (first) edition of the European Sourcebook does not manage to resolve all the problems, it can at least help to identify those which remain to be addressed in future editions, as well as at national levels, by adapting counting rules to more widely used standard procedures.

Remaining Problems

Despite all efforts at data validation, many problems remain to be solved, some of which may not even have been identified by the experts' group. Several illustrations of the difficulties which arise are given in this issue.

Hanns von Hofer addresses the problems involved in comparisons between countries on the sole basis of police recorded offences. Benefiting from the much more complete data available in Sweden, he shows that as far as rape is concerned legislative changes, as well as changes in the handling and counting of rape offences, greatly affect national levels of any given offence in crime statistics, leading, in this particular case, to Sweden being placed far above all other countries represented in the Sourcebook, and about three times above the European average. This means that, for international comparisons of *levels* of crime, victimisation surveys offer a far more accurate picture. Police data may, however, remain reasonably valid as indicators of trends, at least as long as possible changes in definitions and counting rules are taken into account, or as long as the European average trend is being considered, as in the article by Killias and Aebi (in this issue).

Interestingly, conviction and sentencing data are about as difficult to interpret in international comparisons as police data. *Gordon Barclay* offers a detailed overview of the kind of problems that arise when trying to make such data comparable. The concept of 'conviction' is indeed less clear than one might expect, given the new forms of disposals of cases by prosecutors, such as the payment of 'fines' without recognition of guilt. Sentences may, even if the same word is used, eventually have very different meanings under different criminal justice systems. These difficulties explain why the computation of rates of 'certainty of conviction' or 'punishment' is far less straightforward than expected. Interestingly, differences in counting rules are, all in all, rather more important than differences in legal definitions whenever the comparison of conviction data or data on police recorded offences proves difficult or impossible.

Prosecution data are probably the most unsatisfactory part of the current Sourcebook, as illustrated by the many open questions raised by *Jörg-Martin Jehle* in his contribution. The experts' group was fully aware of this, but felt that it might be helpful to let experts in the countries involved realise to what extent improvement in data collections at this – decisive – stage of the criminal process, would be desirable.

The Future of the European Sourcebook Project

The European Committee on Crime Problems (CDPC) agreed, in principle, and subject to the provision of appropriate funding in the year 2000, to the group's proposal to review and update the present data collection for the years since 1996. This task presupposes a reconsideration of the existing Sourcebook questionnaire with a view

to improving the quality and completeness of data for certain items (e.g. in the area of prosecution statistics; sentencing). This reconsideration should also allow for the solution of certain terminological problems, which became apparent in the course of the data collection process for the first edition of the Sourcebook. If appropriate, additional items could be included in the questionnaire, such as the length of criminal proceedings, the use of pre-trial detention or offences not yet covered by the first edition of the Sourcebook.

The group also proposed drawing up recommendations for the setting-up and development of effective systems of national crime and criminal justice statistics, taking into account other relevant international initiatives in this area. This task would involve a thorough analysis of the technical information gathered and the problems encountered during the group's work on the European Sourcebook; identification of core items and indicators which national statistical systems should cover in order to facilitate international comparisons and provide useful information on the operation of the criminal justice system (e.g. more precise information on the handling of cases by the prosecuting authorities: 'cases pending' during a given year; main grounds for discontinuing prosecution). The task of preparing recommendations in this area is deliberately less ambitious than the attempt to 'harmonise' crime and criminal justice statistics throughout Europe. However, given the heterogeneity of criminal justice institutions and legal traditions of Council of Europe Member States, it represents a constructive and attainable objective.

Potentials for Future Analyses

Even if problems remain for the time being, it would seem excessively pessimistic to conclude that comparative work is leading to nowhere (as Gordon Barclay ironically asks), or to nothing other than a long list of unresolved problems. Two articles in this issue try to show in what way the Sourcebook data might contribute to crime and criminal justice research.

Marcelo F. Aebi and André Kuhn have taken a new look at international detention rates. Such analyses have been made over many years; so far, however, they have not been able to resolve the problem of whether it is the level of (serious) crime, the frequency of use of immediate custodial sentences (rather than community sanctions), or the length of imprisonment which determines the size of national prison populations. The Sourcebook offers, given the lack of complete data

on convictions and sentencing in America, a new opportunity to introduce these three variables into a comparative analysis of detention rates. As often occurs when theories are tested against empirical data, the reality is more complex than expected, but it seems that, overall, the use of imprisonment (and the length of sentences) have a much greater impact on detention rates than offences or offenders known to the police. In other words, it is more important what we do with people than with how many we have to deal with.

Martin Killias and Marcello F. Aebi look at European (average) crime trends over the period 1990–1996, a period of substantially decreasing crime trends in America. They find a lot of discrepancies not only between the empirical experiences on the two sides of the Atlantic Ocean, but also with respect to theoretical explanations of recent crime trends in America. These two contributions illustrate how much European (and even American) research has to gain through better knowledge of data on trends and developments in other countries, and how much a document such as the Sourcebook has to offer in this regard.

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