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The evolution and standardization of Prison Statistics: SPACE and the European Sourcebook as case studies

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Standardization: Definitions

- Standardization requires a common **definition**
- In 1996, the European Sourcebook (**ESB**) introduced in its questionnaire
 - A « **standard** » definition
 - A series of items to include or exclude from it
- In 2015, the United Nations Office on Drugs and Crime (**UNODC**) introduced the International Classification of Crime for Statistical Purposes (**ICCS**)
 - The ICCS, which is also adopted by Eurostat, is partly based on the definitions from the European Sourcebook, but deviates from these definitions in some places.

The European Sourcebook (ESB) approach

The ESB approach: Excerpts from the questionnaire (1996-2018)

- The following definitions are **not** legal definitions. They merely serve to make international statistical comparisons as feasible as possible and to help you when providing the figures for the tables contained in this questionnaire.
- The general definition of each offence is complemented with a list of specific items, some of which you are requested to *include* in or to *exclude* from your figures. These *include and exclude rules* deal with specific forms of criminal behaviour for which it might be arguable whether they are subsumed under the standard definition.
- *Example:* In some countries, assault leading to death is included under the general category of homicide, while in others it is included under the general category of assault; but to make international comparisons possible all countries should count it under the same general category.

The ESB approach: 2018 questionnaire

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

The ESB approach: Results from the 5th edition (2014)

Countries deviating from <i>include</i> rules in Intentional Homicide	
<p>The following countries exclude assault leading to death [and usually include it under bodily injury]:</p> <ul style="list-style-type: none"> • Albania (conviction level) • Armenia • Belgium (police level) • Bulgaria • Czech Republic • Estonia • Finland (conviction level) • Hungary (conviction level) • Netherlands • Portugal (conviction level) • Slovenia 	<p>These countries <i>exclude</i> cases of euthanasia:</p> <ul style="list-style-type: none"> • Belgium (police level) • Estonia • Greece (conviction level) • Serbia (police level) • Slovenia • Spain (police level) • Switzerland • Ukraine • UK: England & Wales
<p>Infanticide is excluded in:</p> <ul style="list-style-type: none"> • Estonia • Greece (conviction level) • Serbia (police level) • Spain (police level) • Ukraine 	<p><i>Attempts</i> are excluded in:</p> <ul style="list-style-type: none"> • Ireland • Kosovo (UNR) (police level) • Malta (police level) • Portugal (police level) • Sweden (police level) • UK: England & Wales (police level)

The ESB approach: Results from the 5th edition (2014)

Countries deviating from <i>exclude</i> rules in Intentional Homicide	
Assistance with suicide is included only in <ul style="list-style-type: none">• Georgia• Hungary• Kosovo (UNR)• Russia (police level)• Switzerland (police level)• UK: England & Wales (police level)• UK: Scotland	Some countries even include negligent killings: <ul style="list-style-type: none">• Albania (police level; from 2007 to 2009)• Hungary (police level)• Kosovo (UNR) (conviction level)• Russia (police level)• UK: England & Wales• UK: Scotland
Only three countries <i>include abortion</i> : <ul style="list-style-type: none">• Hungary (conviction level)• Kosovo (UNR)• Netherlands	

The Council of Europe Annual Penal Statistics (SPACE) approach

The SPACE approach: Definitions and questionnaire (2016)

TOTAL NUMBER OF PRISONERS INCLUDED IN THE POPULATION OF PENAL INSTITUTIONS ON 1 ST SEPTEMBER: The total number of inmates (including pre-trial detainees) corresponds to the total number of persons effectively placed in prison			
Does your definition of "total number of inmates" matches the one provided above? If your answer is NO, please provide your definition in the comments			Yes / No
1.1.	Does your data for <u>this</u> questionnaire (item 1.0) include the following categories?		Yes No Not applicable If <u>yes</u> , how many?
1.1.1	Persons held in police stations or other <i>similar</i> types of investigative institutions before trial		
1.1.2	Persons held in <i>custodial</i> institutions/units for juvenile offenders		
	1.1.2.a	If the persons held in <i>custodial</i> institutions/units for juvenile offenders (1.1.2) are counted, please specify how many among them are 18 years and over	
1.1.3	Persons placed in <i>educational</i> institutions/units for juvenile offenders		
	1.1.3.a	If the persons held in <i>educational</i> institutions/units for juvenile offenders (1.1.3) are counted, please specify how many among them are 18 years and over	
1.1.4	Persons held in institutions for drug-addicted offenders outside penal institutions		
1.1.5	Persons with psychiatric disorders held in psychiatric institutions or hospitals outside penal institutions (please specify the contents of this category; e.g. persons considered as non-criminally liable by the court, persons under security measures, etc.).		
1.1.6	Asylum seekers or illegal aliens <u>held for administrative reasons</u>		
	1.1.6.a	If asylum seekers or illegal aliens <u>held for administrative reasons</u> (1.1.7) are counted, please specify how many of them are held in centres/sections especially design for this type of detention	
1.1.7	Persons held in private facilities (e.g. private prisons, detention centres, centres for the application of specific penal measures [e.g. centres for the treatment of psychiatric disorders, centres for the treatment of addictions etc.])		
1.1.8	Persons under electronic monitoring (please specify the type of surveillance applied; e.g. electronic bracelet)		

The SPACE approach: Results from the 2016 report

	Police stations		Custodial institutions for juveniles			Educational institutions for juveniles			Institutions for drug-addicted offenders		Persons with psychiatric disorders placed outside prison		Asylum seekers			Private facilities		Electronic monitoring	
Country	Y/N	How many?	Y/N	How many?	How many ≤ 18	Y/N	1.1.3. How many?	How many ≤ 18	Y/N	How many?	Y/N	How many?	Y/N	How many?	In especial centers	Y/N	How many?	Y/N	How many?
Albania	NAP	***	Yes	64	No	NAP	***	No	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***
Andorra	NAP	***	NAP	***	No	NAP	***	No	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***
Armenia	No	***	Yes	8	NA	NAP	***	No	NAP	***	No	***	NAP	***	***	NAP	***	NAP	***
Austria	No	***	Yes	149	No	No	***	No	No	***	Yes	149	No	***	***	No	***	Yes	294
Azerbaijan	No	***	Yes	80	0	No	***	No	NAP	***	No	***	Yes	0	No	NAP	***	NAP	***
Belgium	No	***	No	***	***	No	***	***	No	***	Yes	193	Yes	1	0	No	***	Yes	838
BH: Rep. Srpska	NAP	***	Yes	10	7	NAP	***	No	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***
Bulgaria	No	***	No	22	12	No	***	No	No	***	No	***	No	***	***	No	***	No	***
Croatia	No	***	Yes	45	23	No	***	***	No	***	No	***	No	***	***	NAP	***	No	***
Cyprus	Yes	42	Yes	19	17	NAP	***	***	NAP	***	NAP	***	NAP	***	***	NAP	***	Yes	0
Czech Rep.	NAP	***	Yes	85	52	NAP	***	***	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***
Denmark	No	***	No	***	No	NAP	***	***	NAP	***	No	***	No	***	***	NAP	***	No	***
Estonia	No	***	Yes	78	60	NAP	***	No	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***
Finland	No	***	NAP	***	No	No	***	***	No	***	No	***	No	***	***	Yes	11	Yes	198
France	No	***	Yes	724	13	No	***	***	No	***	No	***	No	***	***	No	***	No	***
Georgia	Yes	1 112	Yes	20	3	NAP	***	***	NAP	***	Yes	71	NAP	***	***	NAP	***	Yes	10
Germany	No	***	Yes	5 535	4 728	No	***	***	No	***	No	***	Yes	38	NA	Yes	NA	No	***
Greece	No	***	Yes	189	178	NAP	***	***	NAP	***	NAP	***	NAP	***	***	NAP	***	Yes	3
Hungary	No	***	Yes	818	0	No	***	***	No	***	No	***	No	***	***	No	***	Yes	167
Iceland	No	***	NAP	***	***	NAP	***	***	No	***	No	***	No	***	***	No	***	No	***
Ireland	NAP	***	Yes	9	No				NAP	***	Yes	31	Yes	5	***	NAP	***	Yes	9
Italy	No	***	No	***	No	NAP	***	***	NAP	***	Yes	35	NAP	***	***	NAP	***	No	***
Latvia	No	***	Yes	36	8	No	***	***	NAP	***	No	***	NAP	***	***	NAP	***	Yes	13
Liechtenstein																			
Lithuania	No	***	Yes	112	44	No	***	***	No	***	No	***	No	***	***	NAP	***	NAP	***
Luxembourg	No	***	Yes	3	1	No	***	***	No	***	No	***	No	***	***	No	***	No	***
Malta	NAP	***	Yes	12	10	NAP	***	***	Yes	27	Yes	49	NAP	***	***	No	***	No	***
Moldova	No	***	Yes	26	7	No	***	***	No	***	No	***	No	***	***	No	***	No	***
Monaco	NAP	***	Yes	3	No	NAP	***	***	NAP	***	Yes	0	NAP	***	***	NAP	***	NAP	***
Montenegro	Yes	0	Yes	0	No	No	***	***	No	***	No	***	No	***	***	No	***	No	***
Netherlands	No	***	No	***	No	No	***	***	No	***	No	***	No	***	***	No	***	Yes	269
Norway	No	***	Yes	8		NAP	***	***	No	***	No	***	No	***	***	No	***	No	***
Poland	NAP	***	NAP	***	NAP	NAP	***	***	NAP	***	NAP	***	NAP	***	***	NAP	***	No	***
Portugal	NAP	***	Yes	183	178	NAP	***	***	NAP	***	Yes	266	NAP	***	***	NAP	***	NAP	***
Romania	NAP	***	Yes	519	348	Yes	314	161	NAP	***	NAP	***	NAP	***	***	NAP	***	NAP	***

A comparison between the ESB and the SPACE approaches

- The ESB is produced by a group of experts
 - The group of experts are not tied by national legal definitions
 - They do not want to simply “reproduce” the national statistics
 - That is why their national correspondents usually do not belong to national institutes of statistics
 - They have freedom to innovate
 - The ESB tries to show data that fits a standard definition, but indicates the deviations from that standard definition in the existing national statistics
- The SPACE reports are conducted on behalf of the Council of Europe
 - SPACE reflects the national statistics, but indicates the deviations from a potential standard definition
 - The margin of freedom of the expert in charge of SPACE is reduced

Standardization: Data collection

- Even when definitions are similar, the data collected are not comparable if they are collected in a different way

When are the data in this table collected for the statistics?

- It is important to determine when the data collection takes place in the criminal justice process. For example, as regards police statistics, great differences exist depending on whether data are recorded when the offence is reported to the police (input) or at a later date, for example when the police have completed their investigation (output).

Is a principal offence (or principal sanction) rule applied?

- It is essential to know the counting system used in cases of simultaneous offences. For example, how do the statistics reflect the case of an offender who in the course of theft also causes damage to property? Where a principal offence rule is applied, the statistics will show one offence. Where there is no such rule, there will be a separate count for each offence. As regards Chapter 3.2, the recording of sanctions may be according to similar rules.

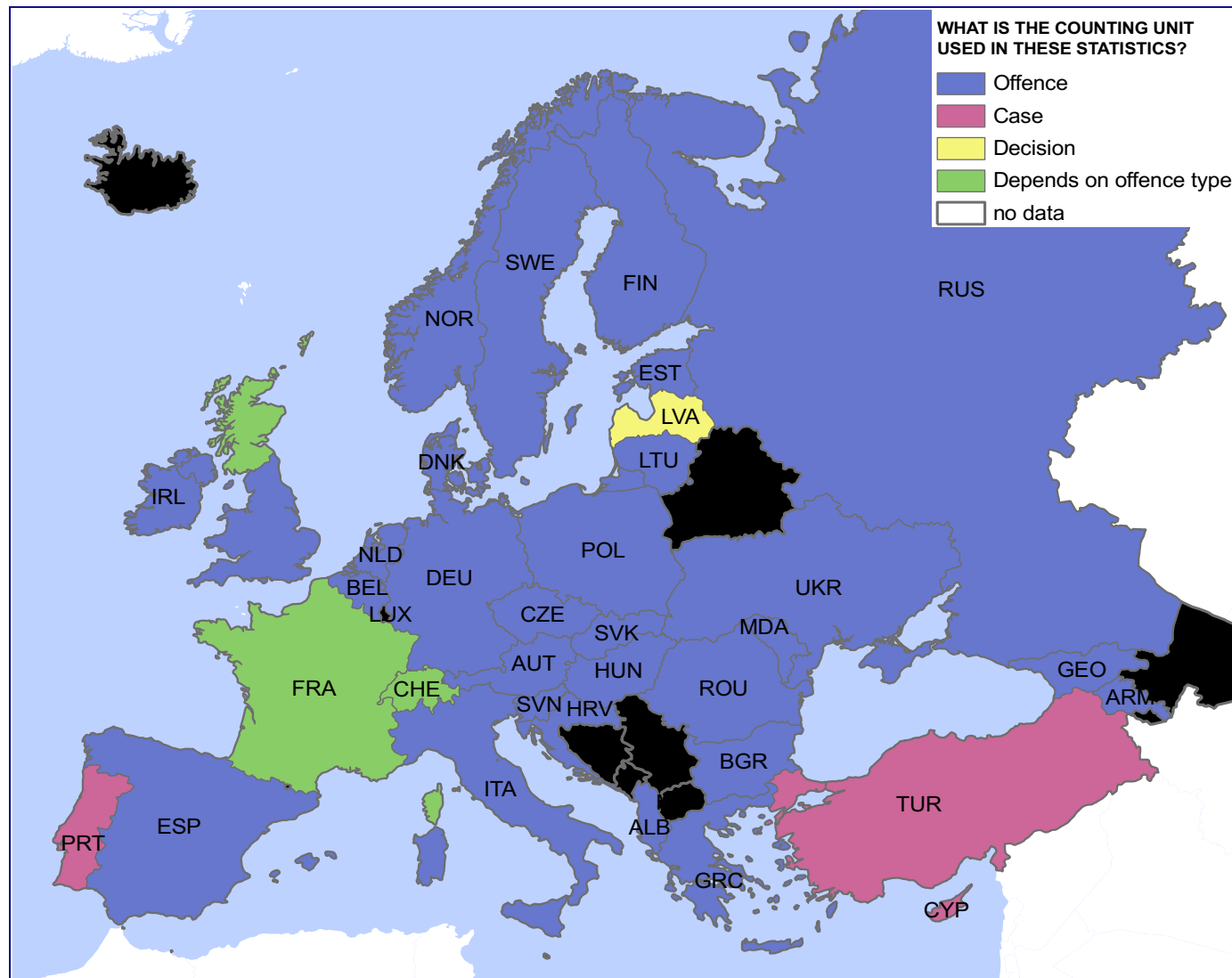
How is a person who is suspected or convicted for multiple offences of the same kind (often called serial offences) counted?

- Cases of multiple or serial offences can also pose problems. For example, if a woman reports to the police that her husband has beaten her ten times in the last year, is this recorded as one or as ten offences?

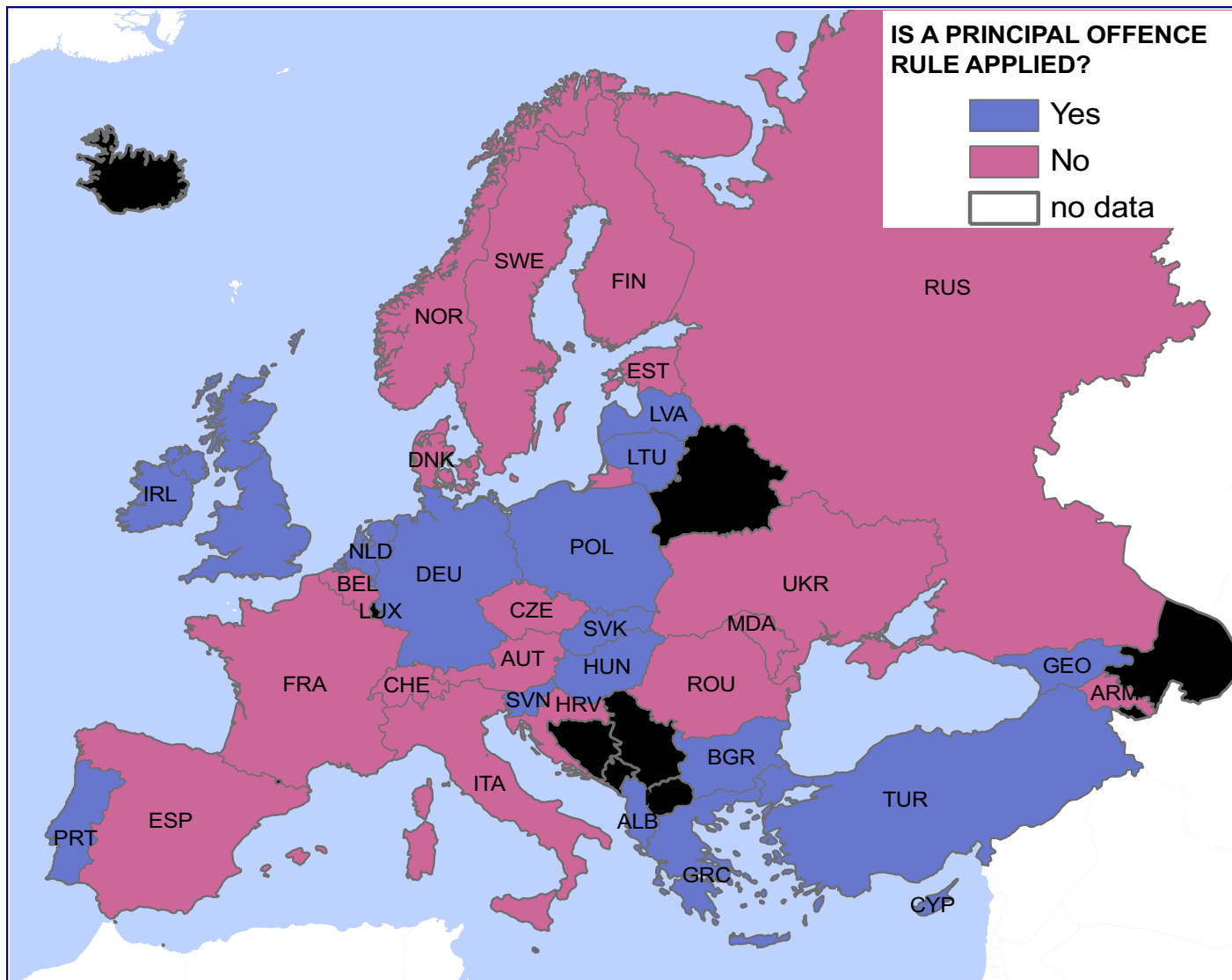
How is a person suspected of or convicted for more than one offence in the same year counted?

- Problems may finally occur for persons who have multiple contacts with the system in the same year, e.g. a person being suspected or convicted for theft in March and then again for bodily injury in October. Is such a person counted twice or once only?

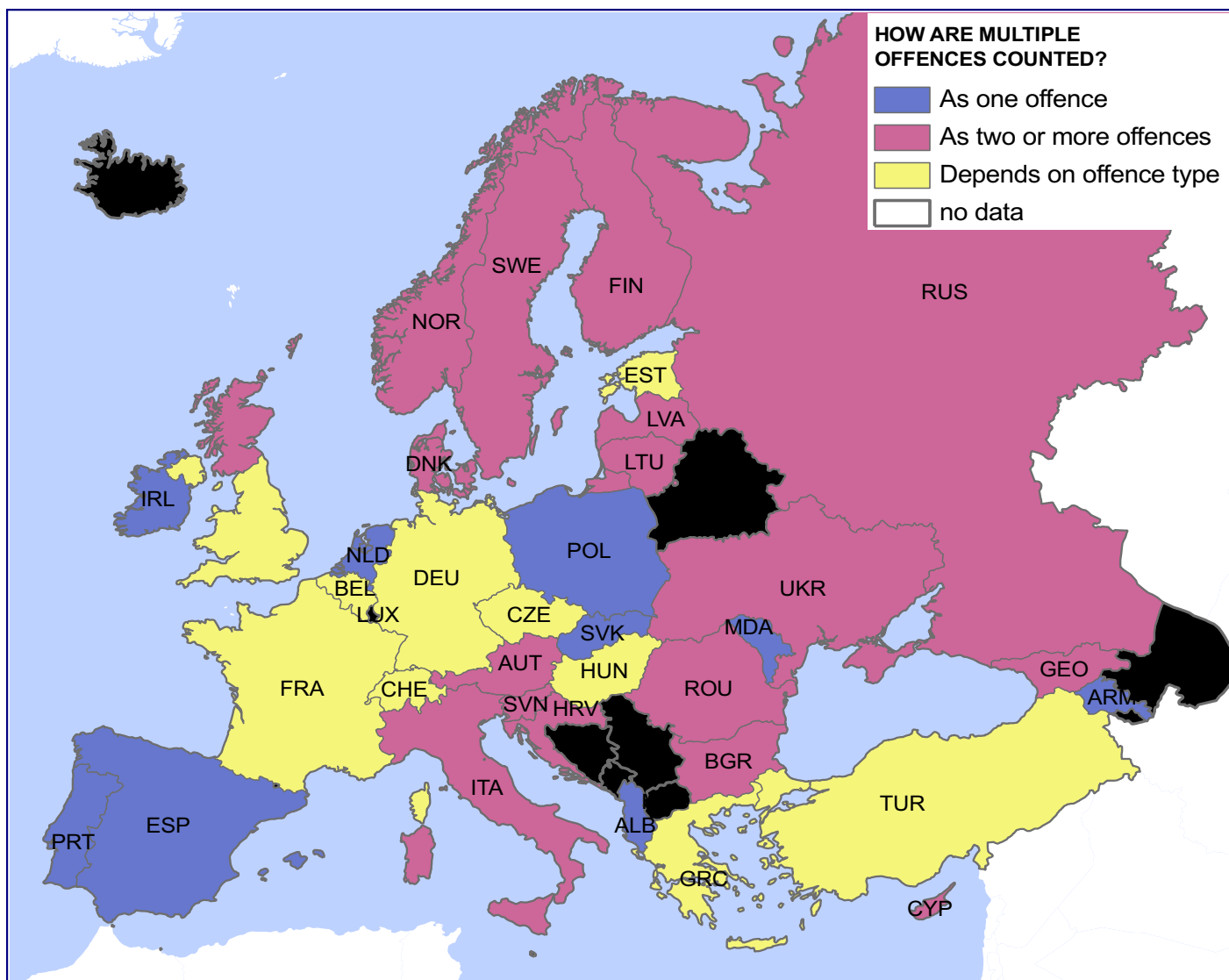
What is the counting unit used in the statistics? (Source: Aebi, 2010)



Is a principal offence rule applied? (Source: Aebi, 2010)

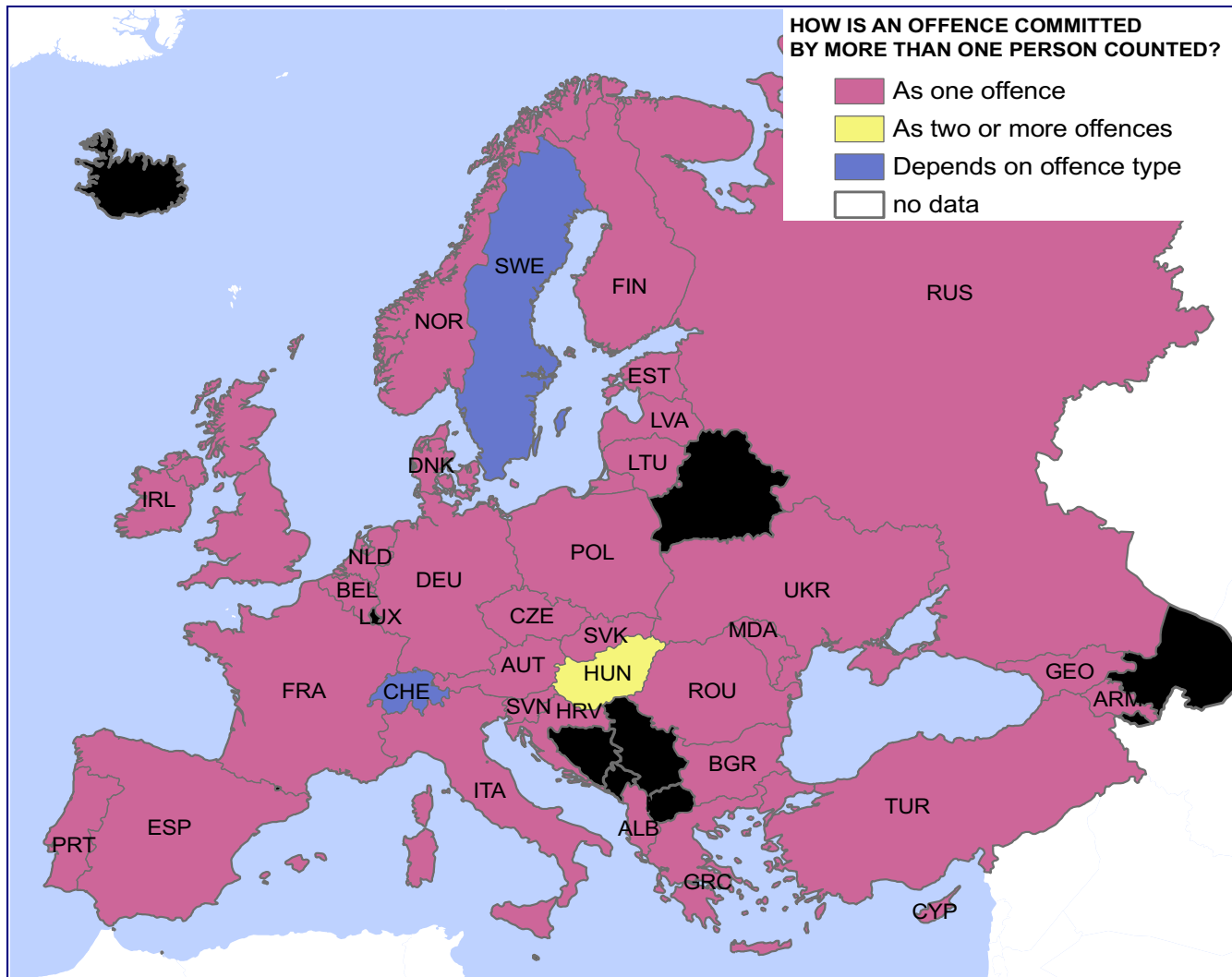


How are multiple offences counted? (Source: Aebi, 2010)

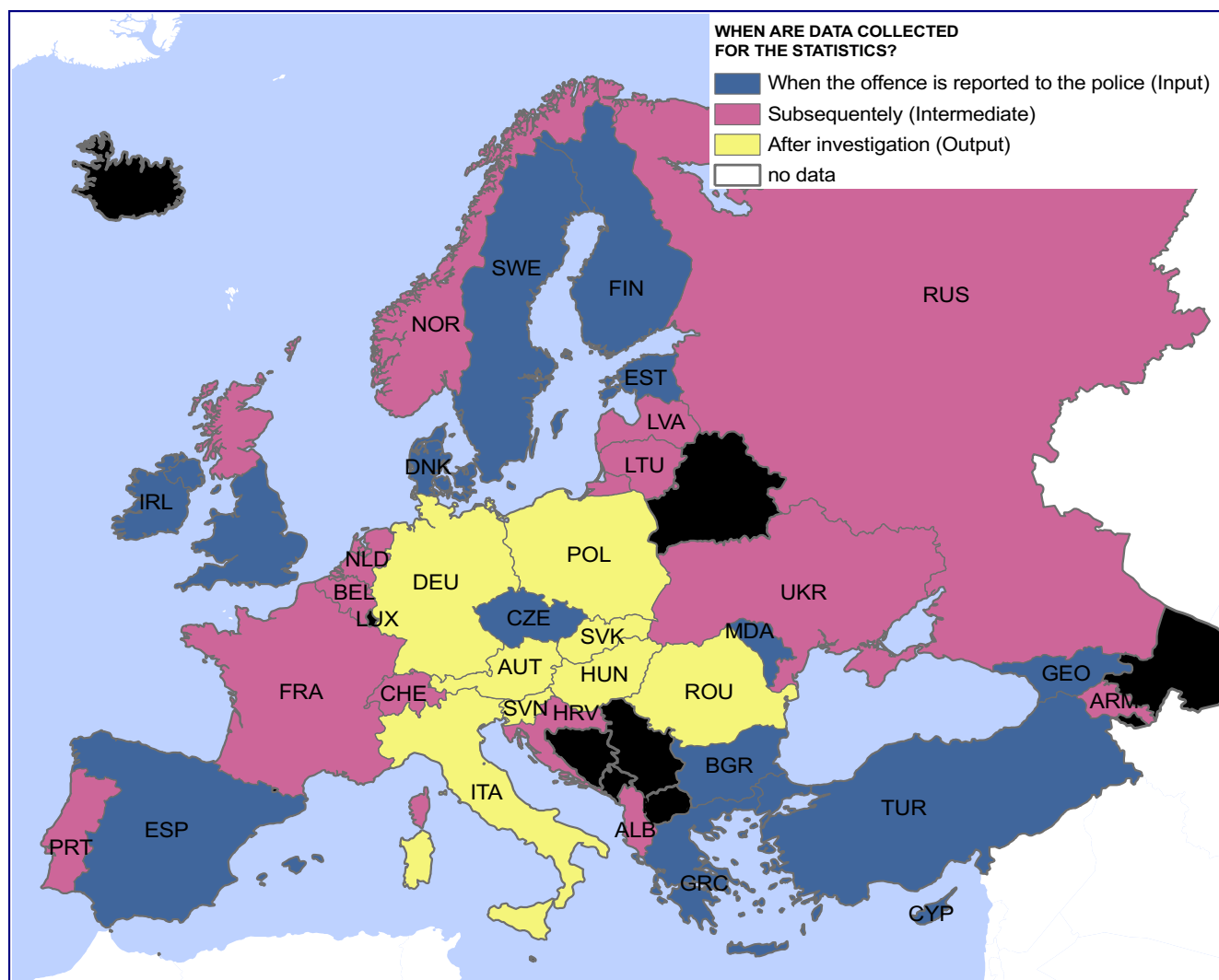


How is an offence committed by more than one person counted?

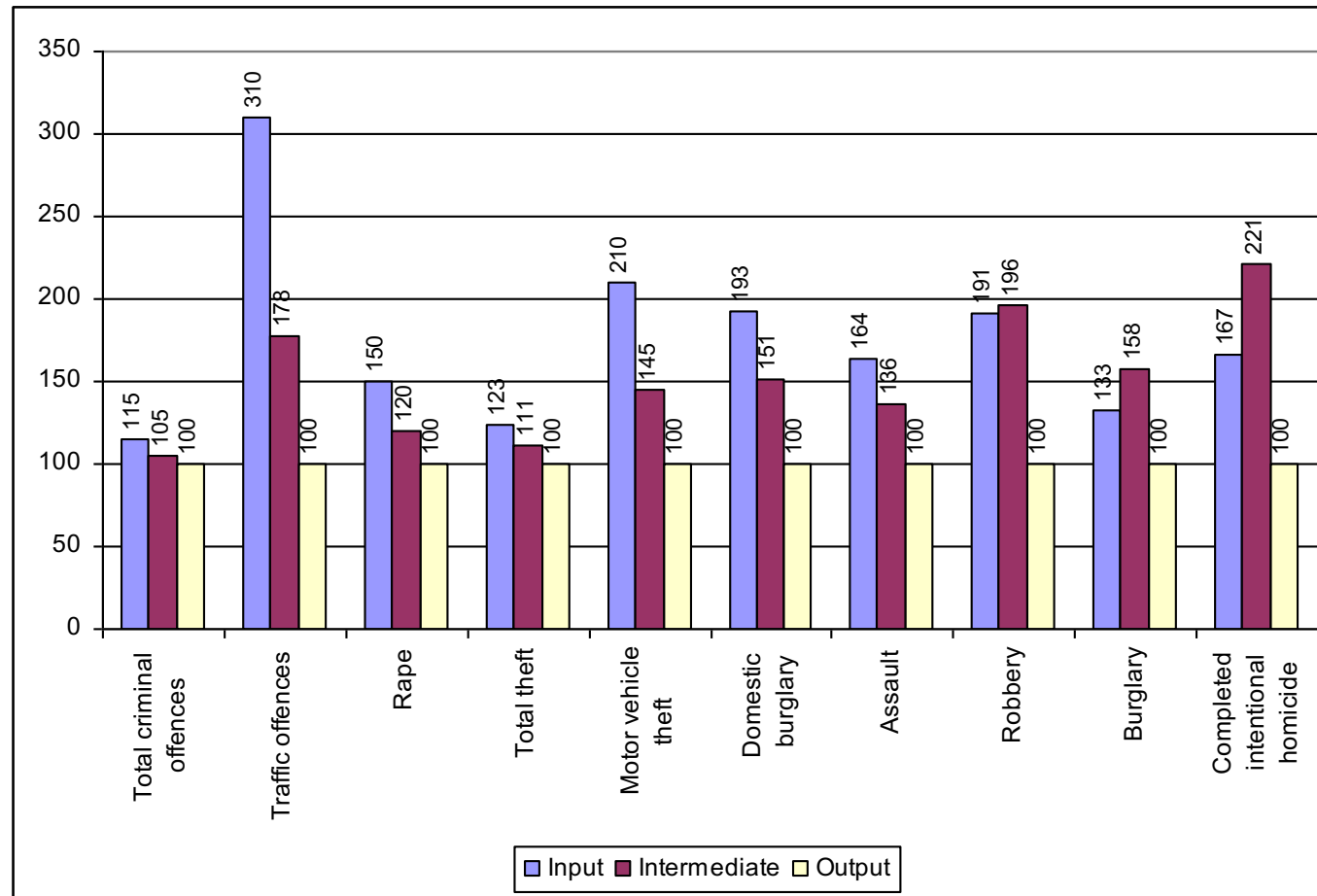
(Source: Aebi, 2010)



When are the data collected for the statistics? (Source: Aebi, 2010)



Police recorded crime rates according to statistical counting rules in 37 European countries (Source: Aebi, 2010)



Conclusions

- Standardization requires
 - A common definition
 - A common methodology for collecting the data
- From an empirical point of view
 - It is not necessary to change (unify) the legal **definitions**: Countries must only **accept** that **comparative** statistics do not reflect **national** statistics
 - It is not necessary to change (unify) completely the **methodology**: Countries must only **introduce** the concepts that are required for making cross-national comparisons possible
 - Thus the country can have a national collection that reflects its legal system and some extra data that allows international comparisons

Thank you for your attention

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