

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (Official Journal L87 of 31 March 2009).

Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No. 311/76 on the compilation of statistics on foreign workers (Official Journal L199, 31 July 2007).



**Work Package 2**  
State of the art:  
Crime trends

## 2.3

### *Policy relevance of existing crime data*

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## INTRODUCTION

### Setting the scene

In recent years, several EU documents, e.g. the Stockholm Programme, have been calling for evidence-based criminal policy. At present, there are many datasets on crime and criminal justice at the EU level and worldwide that could provide evidence for developing criminal policy. FIDUCIA research has analysed the most representative datasets and has observed that most of them suffer from certain flaws, especially, those based on official statistics on recorded crime. In addition, it was found that datasets based on victimisation surveys provide more reliable data to be used by policymakers and scholars.

Overall, FIDUCIA research has shown that current use of the existing crime data within policymaking in criminal matters at the EU level is very limited. FIDUCIA has also investigated the reasons why existing crime data have such limited policy relevance and has suggested some recommendations for further improvement.

## KEY OBSERVATIONS

### Developing evidence-based policy requires the existence of reliable data on crime

Developing evidence-based criminal policy requires, first of all, the existence of reliable data on crime. Therefore, **the first question of the FIDUCIA research was whether the existing datasets on crime offer reliable information.**

The findings show that many of the **available datasets have limitations, especially those using official statistics on recorded crime**, as is explained below.

### Flaws of the existing datasets on crime

#### a) Difficulties in making comparisons

Comparisons provide real opportunities for countries to challenge themselves and learn from others. However, the main tool currently used in making comparisons between countries or within a country over time — the official statistics on recorded crime — suffers from some shortcomings. Specifically, certain statistical, legal and substantive factors influence the outcome of such official statistics.

*Statistical factors* include the following: **a) The point at which the data are collected.** On the basis of the moment at which data are collected, countries can be divided into three groups: countries using input statistics, countries using intermediate statistics, and countries using output statistics. In countries using input statistics, data are recorded for statistical purposes when the offence is reported to the police (or when police officers observe or discover an offence). In countries using output statistics, on the contrary, data are recorded when the police have completed the investigation. Finally, some countries record data at an intermediate stage in the process. The point at which data are collected can have a significant effect on the statistics. For instance, countries using input statistics present higher crime rates than those using intermediate statistics, and the latter present higher crime rates than those using output statistics. **b) The manner in which offences are counted.** For instance, particular problems appear when a criminal event includes more than one offence or when more than one person was involved in the event. **c) The moment to which the statistics refer.** For example, statistics may refer to the year when the offence was committed or to the year when the offence was reported. **d) Changes in statistical routines.** If a country modifies its statistical routines, it will be difficult to know whether subsequent changes in the statistics reflect a modification in the actual crime levels or if these changes

are simply a consequence of the modification of the statistical routines.

*Legal factors* include the following: **a) The differences in the legal definitions.** Although definitions of some types of crime are relatively clear (e.g. homicide), for other types of crime (e.g. computer crime, corruption) it is difficult to define what type of activities fit into them. **b) The effect of the legal process.** Statistics may be affected by the role attributed to the victim in the prosecution of the crime. For instance, there are crimes which are prosecuted only if the victim is prepared to press charges, and so if the victim is not prepared to do so, the criminal event may not be registered as a crime. **c) The ‘legality principle’ as opposed to the ‘expediency principle’.** In systems governed by the ‘legality principle’, the police and the prosecution authorities are required to prosecute all offences of which they become aware. This can lead to the more frequent registration of offences as compared to systems ruled by the ‘expediency principle’, where prosecution is within the discretion of prosecutors and where the classification of offences is negotiable.

*Substantive factors* include the following: **a) The propensity of the population to report offences.** This may depend on several factors, such as the level of confidence that the public has in the police and judicial authorities, on the taboos associated with some offences in some countries (e.g. rape), on having access to a telephone or on the seriousness of the crime. Such factors can make it appear as though these countries have higher actual crime rates, although in fact the people only have a stronger propensity to report crimes. **b) The propensity of the police to register offences.** For example, sometimes, political pressure may encourage the police to record all individual incidents in serial offence cases, even if their number needs to be extrapolated, which leads to the appearance of higher crime rates.

In addition to these flaws, by definition official statistics only reflect recorded crime, and ignore the dark figure of crime. This fact notoriously hinders performing comparisons since the real crime levels are unknown.

Furthermore, official statistics do not offer contextual information on other factors that may influence the commission of a crime.

However, **efforts have been made in recent years to overcome the aforementioned problems.** One example is the European Sourcebook of Crime and Criminal Justice Statistics (ESB). Among its advantages are, for instance, the methodology for data collection and presentation (aimed at ensuring maximum information accuracy by introducing standard definitions of offences and providing detailed country-by-country explanations of what is actually reported), the opportunities (although subject to significant limitations) for comparative analysis, and the broad scope in terms of geographical coverage and types of offences (in particular with the inclusion of the new categories of offences in the most recent edition).

But official statistics on recorded crime are not the only existing tool to measure crime. For decades, data on crime are also collected through **victimisation surveys** such as the International Crime Victim Survey (ICVS) or the European Union International Crime and Safety Survey (EU ICS). Such instruments **offer more reliable data** than datasets based on official statistics. Therefore, they are widely accepted among scholars as one of the most important tools to measure and compare crime across countries.

In addition, other EU efforts to harmonise crime data deserve to be mentioned, such as the forthcoming European Crime Report, which is undertaken by RAND, and the work of TRANSCRIME (Joint Research Centre on Transnational Crime) with respect to the development of an EU survey on crime against business.

#### b) The inaccuracy of data

The inaccuracy of data is usually related to the capability (experience and expertise) of those responsible for validating the data.

### c) The form in which crime data is presented to policymakers

Crime data are generally not produced in a form that policymakers can understand and use. An example of this is the ESB. The abundance of footnotes and explanatory remarks makes it very difficult for policymakers to read it.

### d) Lack of data on ‘emerging crimes’

Typically, data sources on crime show figures on conventional crimes such as homicide, rape, burglary or theft, but they usually do not show figures on non-conventional offences such as corruption, terrorism or trafficking in human beings.

This fact seems to be due to the difficulty in formulating clear and widely accepted definitions of such crimes, which are usually composed of more than one single action, and which are usually committed by groups of persons. In addition, such crimes are usually considered victimless crimes (except terrorism and trafficking in human beings), meaning that they do not harm an individual person but harm collective interests. Thus, people do not feel individually damaged by them and hence such crimes do not appear either in official statistics on recorded crime or in the findings of victimisation surveys carried out among households.

It is especially necessary to point out here the **absence of comprehensive data on Eurocrimes**. Our research has shown that the main existing datasets on crime do not contain any data on some of the offences mentioned in Article 83.1 TFEU, such as sexual exploitation of women and children, and illicit arms trafficking. Regarding the remaining offences (trafficking in human beings, illicit drug trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime), some data exist within the ICVS, the EU ICS, the ESB, the United Nation Survey on Crime Trend and Criminal Justice Systems (UN CTS) and the Eurostat Crime Statistics (Statistics in focus), but they are not very comprehensive.

### e) The lack of a place on the Internet where the most representative datasets are put together

Although there are currently many datasets on crime trends at the European level and worldwide, there are however few places for interested parties to go where the information is brought together. Likewise, there is no place where stakeholders can access other useful information that helps in understanding the crimes, such as information on the national legal systems and counting rules, and on contextual factors from each country that influence the crime rates.

## Use of existing data for developing criminal policy

FIDUCIA research has shown that European **policymakers make little use of existing data on crime when developing criminal policy**. Some of the reasons for this fact may be the following:

### a) The disconnection between policymakers and researchers

A key role of research is to inform policymaking. However, getting research to influence practice is not an easy task due to the traditional disconnection between policymakers and researchers. Policymakers are not usually involved in research projects. Thus, researchers often have to imagine what policymakers need to know in designing policies, and they have to carry out their research without knowing whether this research will be useful for the policymakers.

### b) Policymaking timing versus research timing

The pace of policymaking is clearly faster than that of scientific research. Policymak-

ers usually have very little time to study an issue. In comparison, the results of scientific research may not be available until after years of research. This is the case with some of the existing datasets on crime trends. For instance, the European Sourcebook of Crime and Criminal Justice Statistics and the results of the ICVS are published every three or four years — which amounts to an eternity in policy formulation.

In addition, the rapid pace of policymaking prevents them from having the necessary time to understand the limitations of research and the limits on how data can be used.

### c) The pressure from interest groups

Policymakers are usually under pressure from a number of different interest groups. Many of these interest groups will be brandishing their own data to support their position. There is no reason for the policymakers to assume that researchers are impartial, and that the data they show have not been skewed by the researchers to serve the researchers' own worldview. Given that statistics can be misleading, the scepticism that surrounds the matter is to some extent understandable.

Furthermore, policymakers may also be under pressure from the public at large which appears to demand quick and punitivist responses against a particularly serious offence, even though the data do not show an increase in the rate of such crime.

## RECOMMENDATIONS

### Improving the quality of existing crime data

*In order to improve the comparability of data, it is necessary:*

- to adopt standard definitions of the types of offences to be used in the international datasets, especially, on emerging crimes;
- to adopt common standards on counting rules;
- to use victimisation surveys based on a commonly agreed methodology in combination with official data on recorded crime;
- to collect information on contextual factors that influence the crime rates.

*In order to address the lack of accuracy or mistrust in the data, it is required:*

- that the authors of a crime dataset supply information about the limitations of the data and analysis, and give indications of how the data can be interpreted.
- In order to improve the way in which crime data are presented to policymakers, it is desirable:
- to present the data in an understandable form by using a uniform format; for instance, readily comprehensible pieces of information with visual representations showing changes in crime rates over a certain period of time.

*In order to overcome the lack of data on emerging crimes, it is necessary:*

- to collect data on such crimes, especially on Eurocrimes.
- Furthermore, it would be useful to create the possibility to access existing crime datasets on a website through which users could have access not only to crime data, but also to other crucial information such as information on the national legal systems and counting rules, and on contextual factors from each country that influence the commission of a crime.

### Encouraging the use of existing data for developing criminal policy

*In order to encourage the use of existing data in policymaking in criminal matters, the following measures are needed:*

- It is advisable to promote **cooperation between policymakers and researchers**

in order to improve the transfer of knowledge. Policymakers should be involved in research projects from the outset in order to discuss with the researchers what they would like to know and when.

- **High frequency statistics** would be necessary to allow policymakers the possibility of rapid intervention on certain issues.
- Policymakers do not need enormous amounts of data, but they need **analysis of the information**. Therefore, researchers should be encouraged to analyse the data using scientific methods and provide politicians with specific policy suggestions.

#### Key message for policymakers

Several EU documents at present demand evidence-based criminal policy. The starting point of that is certainly the existence of reliable data. Despite the existence of a large list of datasets on crime, FIDUCIA research has shown that they have some limitations. However, there may still be room for optimism. The recommendations suggested here will contribute to improve the reliability of the existing data. Whenever reliable data on such crimes will be available, it will be necessary to fill the gap between policymaking and research in order to undertake evidence-based crime policies which take into account such data. To achieve this, we have already presented some recommendations.

The EU is moving in this direction and this trend has to continue. Over the last decade a mechanism has been developed with the aim of incorporating the use of data in the decision-making process: the impact assessment of policies. However, FIDUCIA research indicates that only five impact assessments in criminal matters have been undertaken to date — a very small number. Only three of them (in the fields of protection of the environment through criminal law, employers of illegally staying third-country nationals and trafficking in human beings) mention data on crime trends.

To improve the current situation and encourage the use of data in the decision-making process at the European level, as demanded by several EU initiatives, our final recommendation is that **impact assessments showing reliable crime data accompany every EU directive on criminal issues**. This would be the best tool for developing evidence-based policy which takes into account the actual crime levels.

#### RESEARCH PARAMETERS

##### Objectives of the research

The objective of this research was to find out the reasons why available crime data are usually not used at the policy level and to provide a list of recommendations designed to encourage their use in the future.

##### Methodology

The findings presented in this policy brief are based on the review of available literature on crime trends in Europe, as well as on the analysis of the existing instruments to measure crime at the European level and worldwide (official statistics on recorded crime and survey-based data).

In addition, a survey on the shortcomings of the existing datasets on crime was directed at the members of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which is responsible for most of the legislation linked to the area of freedom, security and justice. However, only one response was received. This fact complicated the development of the FIDUCIA research, since it had to be based only on the existing literature.



**Work Package 3**  
State of the art:  
Policies

# 3.1

## *The intended and unintended consequences of deterrence & inclusive crime control strategies*

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