

Reader for the Launch Workshop on Justice and Security Statistics GDDS II project

Compiled by Chris Lewis, University of Portsmouth, UK: World Bank Consultant

Background

1. Why have statistics on Justice and Security?

Having good statistics on Justice and Security is part of the framework of a modern state.

The government needs to know:

- what is happening in its society,
- how its law enforcement agencies are coping with current problems and
- what is likely to happen in the future.

Foreign governments also need to know the facts for the comfort of their diplomats, citizens and tourists.

The public and potential business investors need to be assured of the safety of themselves and their investments.

2. Why publish crime statistics

It is not only important to have statistics of Justice and Security but to ensure these are published and available for public commentary by the press and media. This point has been covered in detail by the UNODC, in its publication, Crime and development in Africa, available on http://www.unodc.org/pdf/African_report.pdf (main report) and <http://www.unodc.org/newsletter/200503/page005.html> (summary) This comes to the following broad conclusions that Africa:

- has high levels of income inequality and many societies are unequal
- is urbanizing at about twice the global rate;
- has a high share of unemployed youth in the population. Also 44 per cent of sub-Saharan Africans are under 15 years of age, which could lead to a fast rise in crime in the near future.
- has poorly resourced criminal justice systems and the world's lowest ratios of police and judges to population with consequently low conviction rates.

There are few books covering all justice statistics, the main ones being those on crime data, of which a good paperback example is Coleman, 1998, *Understanding Crime Data*

3. Statistical Outputs on Justice and Security

A great deal of material is available on justice and security statistics, both for individual countries and for groups of countries. This is especially true for Europe, America and Japan. The publications in this note give many examples of good coverage in statistical systems for justice and security: good practice in publishing statistics and how research and statistics can complement each other. Such publications will also be used as teaching examples during the symposium.

Outputs consist of tables and charts, but also of commentary and we shall look at all these examples. They also consist of details of the infrastructure of measuring a justice system: for example:

- Descriptions of the justice system of a country. This is often an important prerequisite to understand the processes that the statistics refer to. A good example here is found on the CD (Tak, P. *The Dutch Criminal Justice System*) Many countries now have good web sites that describe criminal justice processes in their country: eg the system in the UK can be found on the web sites of the Home Office and the Crown Prosecution Service (www.homeoffice.gov.uk) and (www.cps.gov.uk.)
- Accounts of the amount of money spent on the justice system. A useful example of this, which could act as a proforma to be copied by others can be found on the CD (Moolenaar, D. *Expenditure on Crime in the Netherlands*)
- Glossaries of terms used in crime and justice. There is a great deal of jargon used in criminal justice. One of the first things to do when structuring and collecting statistics is to produce a Glossary for your own country. A good example can be found on the CD for The Netherlands (Dutch Ministry of Justice, Appendix 3). The equivalent for England can be found on the Home Office Web site at appendices 1-6 of the annual Criminal Statistics to be found at www.homeoffice.gov.uk/rds/pdfs06/hosb1906.pdf. These appendices also contain examples of the offence classifications used by the English system, whereas those used by the Dutch system can be found on the CD (Dutch Ministry of Justice, Appendix 5)
- Many justice systems are not really systems at all but a loose joining together of different systems, such as the Police, Courts, Prisons, etc, and it is important to see the system in context. This requires looking at how the criminal justice process from crime discovered through to sentence. A good description of this can be found in van Tulder, F.J. *The criminal law chain in context*, on the CD.

4. Inputs to Statistical Systems of Justice and Security

There are few publications on inputs to Statistical systems on Justice and Security. The main publication, however, is an excellent one and should be regarded as a reference document to be consulted by all those interested in setting up or developing statistical systems in their own country.

This is the **UN Manual for the Development of A System of Criminal Justice Statistics**, produced by the UN Department of Economic and Social Affairs Statistics Division in their Studies I Methods Series F No. 89 (UN, 2004, ST/ESA/STAT/SER.F/89, downloadable from <http://unstats.un.org/unsd/pubs/gesgrid.asp?id=293>). This has been written by Canadian statisticians with developing countries in mind. Another useful document describing Dutch sources of statistics can be found on the CD (Dutch Ministry of Justice, Appendix 2.)

The UN also covers statistical structures and inputs necessary to collect the data: eg. the statistical forms, IT structures, definitions and counting rules, statistical process rules, problems about missing data, and so on. The UN volume on Computerization in criminal justice systems contains more information on IT systems, but is less useful than the Statistics manual because it has not been updated since 1992, when the author of this paper, oversaw its production by a sub-group. Moreover it is not available electronically. (<http://unstats.un.org/UNSD/Demographic/standmeth/handbooks/default.htm/crime>.)

5. Relevance of other countries' experience to African statistics

Most of the examples used in the seminar will be taken from countries and areas with which the author is familiar. However, it is not expected that the details should be copied directly by African countries:

- Most countries of Africa have an existing statistical system for justice and security which needs to evolve
- All European, American and Japanese systems differ extensively from each other, thus the solution for each African country is likely to be different, reflecting different societies, histories and political choices.
- Western systems have evolved over a long period, often making mistakes on the way, which others would not want to copy:
- Finally, like every arm of government, statistics are a choice for politicians to make, and the degree of openness that they adopt with justice and security statistics will be indicative of their more general attitude to openness.

Moreover, we are not starting with a blank sheet. Previous GDDS programmes have looked at crime and justice statistics. Among previous reviews, the author has looked at South African Crime Statistics in 1997: at Kenyan Judicial Statistics in 2004, and at Kenyan Police and Corrections Statistics in 2005 (Lewis, 2005 a,b,c) This experience will be useful when considering the way forward. The progress made after such reviews will be indicative of how fast it has been possible to modify systems, raise resources and train staff in the recommendations made. What can be achieved in GDDS 2007-2010 is limited. This paper and the reading list has intentionally been made extremely wide, so that it should be read as a directory of possible topics on which statistics should be kept rather than a list of essentials.

6. Availability of publications

The publications used in the symposium are mainly available from open web sites or will be made available on a CD after the symposium. Material is all in English. Experience of government statistics would be valuable in appreciating their content. Statistical qualifications from a high school or university would also be helpful, but the emphasis is on data collection and clarity of publication, rather than mathematical analysis or making estimates. The section on performance indicators refers to publications that are a little more complex. Sections 7-19 consider papers on the various categories of statistics on justice and security that could be chosen to examine, although many individual publications will cover statistics from different sections.

7. Statistics of Crime

a. Introduction

A useful introduction to crime statistics is set out in a module written by the author Lewis, C. (2006a). This explains what are police statistics, what are crime surveys, looks into other sources of data and draws conclusions about trends in Britain today. This will be used as a basis for talking about crime statistics. It also some references to other useful sources on crime statistics and to web sites as well as giving some hints about exercises that should enable the reader to get some better ideas about the basics of crime statistics.

b. Information from other countries

The UK Home Office (see www.homeoffice.gov.uk/rds) has a lot of information about crime statistics. It should be looked at routinely to see new material. But there are many other good places to find good crime statistics: another good European example is the web site of the Netherlands WODC that gives a lot of English translations of statistics and research. (see <http://www.wodc.nl/eng/>) The German Federal Police Agency the Bundes Kriminalamt also publishes English versions of their crime data (see http://www.bka.de/pks/pks2003ev/pcs_2003.pdf) as do the Japanese National Police Agency (see their annual white paper on *Crimes in Japan* on their web site <http://www.npa.go.jp/english/seisaku5/20061211.pdf>. These, and others are very comprehensive and give good examples of what can be collected and published.

c. Police Recorded Crime Statistics

The police are the gatekeepers of the justice system and often the first agency to learn about a crime. In all countries a system exists whereby the local police stations return counts of crime reported to them on a regular basis. In some cases the data is entered onto a computer system straight away: in others a paper form is returned at the end of, say, each month. Usually the data are broken down into the main offence categories. Typically these are as shown in Table 1, but countries do vary and a particular country may be interested in different offences, or a finer breakdown.

Offences recorded by the police do not usually cover all crime. This would be a very large burden and reduce their ability to actually solve crime: thus, minor crimes are often not counted in the police statistics: a list is given in Table 2. This lack of recording is different from what actually happens to the person who commits these minor crimes: in most countries the police still arrest him and punishment follows: in some countries other agencies will impose a penalty usually a fine: in one or two countries, such as Germany, some minor offences have been decriminalized completely.

Countries differ in how police record these figures. In some countries, such as the UK, police record a crime as soon as they learn about it, whether or not it is changed by later evidence: in other countries, police record a crime at the time they end it on to the prosecution service or their prosecution department: again this is a choice for the country to make but, of course, the two types of figures are different and not easily comparable.

Table 1 Main Offence Categories in use in crime statistics

- 1. Violence against the person**
- 2. Sexual offences**
- 3. Robbery**
- 4. Burglary**
- 5. Theft**
- 6. Fraud**
- 7. Criminal Damage**
- 8. Drugs offences**
- 9. Motoring offences**
- 10. Other offences**

Table 2 Types of crimes not included in police statistics

- 1. Most motoring offences: speeding, parking, disobeying signals, failing to maintain vehicles safely, disobeying licensing regulations, etc**
- 2. Minor assault against the person**
- 3. (In some countries) petty theft, below a particular level of financial loss.**
- 4. Offences against regulations (not paying licenses for TV ownership, animal ownership)**
- 5. Offences against the environment**
- 6. Minor trading offences, etc.**
- 7. Minor sexual offences such as those concerned with prostitution.**

d) Crime Surveys

Not all crime gets reported to the police. Even in countries where the police are well regarded, people have many reasons for not reporting a crime: they may know the criminal and not wish any action to be taken, or decide to take some action themselves: they may find it difficult to report: eg no telephone, or live a long way from a police station: they may feel the police do not want to be bothered about their offence, or are not resourced to deal with it. Whatever reason, there is much more crime in a country than the police know about. What is not reported is often called the 'dark figure of crime'.

More and more countries are trying to find out the extent of this dark figure. This is done by crime surveys. A household, or business survey, is carried out where an individual or a business is asked the types of crime that they have experienced in the previous, usually 12 months. Such a survey can be conducted in various ways, as listed in Table 3.

Table 3 Surveys of Crimes as reported by the public, business, etc
1. Household surveys: eg British Crime Survey (BCS)
2. Business Surveys: eg. British Survey of commercial properties
3. Comparative Surveys: eg International Crime Victimization Survey (ICVS, EUCVS))
4. Surveys where crime is one small part of a larger social survey: eg. Eurobarometer, conducted by EU Commission (Brussels): commercial surveys (eg MORI IPSOS in the UK

There is a large literature on these surveys. The Home Office web site has, since about the year 2000, published its police crime statistics in the same volume as the survey crime statistics. The most recent annual volume is for 2005/6 and can be found at <http://www.homeoffice.gov.uk/rds/crimeew0506.html>. This shows the difference between police figures and survey figures, both for an individual year and for a series of years. However, many countries do not conduct a crime survey each year and can only compare the survey figures with police figures on a less frequent basis. Moreover, the BCS is an expensive survey, reaching some 40,000 households a year.

Other countries rely on data from an internally comparable survey. The main example here is the European Crime and Safety Survey <http://www.europeansafetyobservatory.eu/> (EUICS) This gives results for most countries of Europe on a comparable basis, for various types of victimization, as well as public opinions about the police and then justice system. It was published very recently, in February 2007, but refers to the situation in 2004. Such a survey is expensive as a whole, but less expensive for individual countries, as the costs are shared out. It relies on a sample of some 1,500-2,000 in each country and an identical survey instrument is used in each country. Clearly, a possible development, if the funding could be found, could be a comparable survey for countries within Africa.

e) Methodology of Crime Surveys

The heart of the crime survey is the questionnaire. Examples can be found in the literature: The British Crime survey is covered in a range of references on the UK Home Office web site : eg follow the links from <http://www.homeoffice.gov.uk/rds/bcs1.html>. The more complex the questionnaire the more information can be gained from the survey, but, of course, the cost rises and the time to complete the questionnaire gets longer. The social and geographical environment of the country affects the types of crime survey that can be conducted. The experience of the EUICS of using a telephone survey lead to a better understanding of countries such as Finland, where land-lines are now used by a relatively low proportion of the population: this would be more applicable to Africa, where the use of mobile phones is rising much faster than the use of land lines. However, most international victim surveys have been carried out face to face, and this means that, in countries such as in Africa, the best results are obtained from surveys carried out in cities. Table 4 summarises the methodological problems. A briefing paper by the author on the possibility of a survey of governance in Kenya, is also useful. (Lewis, 2005c)

Table 4: Methodology of Crime Surveys	
Type of crime survey	Characteristics
Household Survey – by interview	Face to face: longish questionnaire possible. Interviewer can press for answers and check veracity with surroundings. Useful for cities in remote countries
Household Surveys – Land-line telephones	Useful where land-line ownership is high. Cheaper than interviews face to face but less chance to check veracity of surveys
Households Surveys – Mobile phones	Useful where mobile ownership is high. Same characteristics as land-line surveys
Commercial surveys	Picks up crime against commercial property, business, factories, public buildings such as schools, hospitals, and is thus complementary to household surveys.

8. Statistics of Security and Terrorism

A study by Dr Masamba Sita of the UN African Institute in Kampala in 2004 gave the results of a survey of African governments as to the crime and security issues that were regarded as priorities. These are listed in Table 5. see also <http://www.unafri.or.ug/>.

Table 5 AFRICA CRIME CONCERNS	
•	Trans-national organised crime
•	Violent crime
•	Corruption
•	Trafficking in firearms
•	Terrorism

- **Trafficking in women/children**
- **Money Laundering**
- **Cyber-crime**

(Dr Masamba Sita, UNAFRI. May 2004)

The production of statistics in this area is a very different and more difficult problem from that we have already discussed. Statistics of security, organized crime and terrorism are very new throughout the world. They are essentially by-products of the systems set up to monitor, investigate and prosecute those involved in such activities, and these systems will differ from country to country and from time to time: eg, in most countries suspected terrorists are held in different conditions from other criminals and may be tried in different courts, or perhaps under different laws. The best way known at the moment to collect such information is to introduce a new statistical data collection whenever a terrorist law is introduced or modified.

a. Organized crime

Statistics of organized crime are difficult to come by and, for some years at least a narrative description of the situation may be the best that can be done. On statistics, a good, if lengthy introduction to the situation in Europe can be found in the report on the project EUSTOC by Savona, Lewis and Vettori in 2004. This summarises the position in 14 European countries with regards to anti-OC procedures and measurement. For one individual country, the Netherlands, the Dutch research unit WODC produces a short English description of how they examine the figures for OC (see their web site at http://www.wodc.nl/eng/Images/FS06-18a_full_text_tcm12-141083.pdf.) An Organized Crime Threat Assessment is produced annually by the European Police Office EUROPOL. This can be found on their web site at: <http://www.europol.europa.eu/publications/OCTA/OCTA2006.pdf>.

The importance of organized crime can be found by looking at the topics covered by this threat assessment. The main areas looked at within Europe are covered by Table 6 below. The information presented is collated from local and country teams whose remit is organized crime, in particular looking at the country situation for each known organized crime group. The position in Africa could follow the same structure although each country will have its own particular concerns: eg. The following areas might be added.

- The extent to which the country is a transit for certain types of organized crime
- The extent to which border disputes with neighboring countries affect OC.
- The extent of trafficking of people, guns, drugs, livestock, etc is important
- Whether the theft and export of religious or artistic artifacts is important
- Whether issues between communities within a country influence OC trends

Table 6: Organized crime Threat Assessment:

THE OC ENVIRONMENT IN THE EU

- **OC Groups in the EU**
- **Criminal Markets**

THE THREAT FROM OC

- **Key Indicators With Regards to OC Groups**
The International Dimension
OC Group Structures
Use of Legitimate Business Structures
Specialisation
Influence and Corruption
Violence
Counter-measures
- **Key Facilitating Factors With Regards to Criminal Markets**
Document Forgery and Identity Fraud
Technology
The Misuse of the Road Transport Sector
The Exploitation of the Financial Sector
Globalisation
Borders

The four main types of organized crime groups within Europe are shown in Table 7 .
These may have their parallels with similar groups in Africa.

Table 7: Four main categories of OC groups identified by Europol (with possible parallels in Africa)

- **Principally territorially based, indigenous OC groups, with extensive transnational activities; especially such with possibilities to shield their leadership and assets even inside the EU;**
- **Mainly ethnically homogeneous groups with their leadership and main assets abroad;**
- **Dynamic networks of perpetrators, whose organizational setup is less viable to attack from a law enforcement perspective than their communications and finances;**
- **Organized Crime groups based on strictly defined organizational principles with no ethnic component but with a large international presence.**

Earlier versions of this Europol Report, eg.for 2004, are more useful for individual countries to note, as they also have country profiles, in which the main characteristics of organized crime in each country of the EU are notes: see, for example:
<http://www.europol.europa.eu/publications/EUOrganisedCrimeSitRep/2004/EUOrganisedCrimeSitRep2004.pdf>

b. Money-Laundering

Statistics of money-laundering are, as yet, in an embryonic state and only rarely available. They are usually produced by the unit which has the law enforcement action against money-laundering, usually, in the European context, called, Financial Intelligence Units. Statistics are usually found within a more general annual report of the structures for combating money-laundering . An example of the German FIU can be found at http://www.bka.de/profil/zentralstellen/geldwaesche/pdf/fiu_germany_annual_report_2005.pdf.

c. Terrorism

These statistics are a by-product of the systems to investigate, prosecute and monitor terrorists. In the UK a form is completed for each terrorist detained by the local police under the various acts and completed when the details are known about how this suspected terrorist has been treated, imprisoned, deported or released without charge. In the UK, as well as in many countries, the conditions under which suspected terrorists are detained are harsher than for ordinary suspects, and thus human rights issues are under threat for the greater public good. In such cases, publishing statistics on how such suspected terrorists are treated is often regarded as a counter-balance to accusations that human rights of terrorists are suspect. In the UK from time to time statistics are produced on how terrorists are treated and these form part of the continuing dialogue as to whether the treatment of suspected terrorists is fair or discriminatory . Such UK material is at: <http://www.homeoffice.gov.uk/rds/pdfs/hosb1601.pdf>. Information on people stopped on suspicion of being a terrorist are also published in another statistical bulletin on the use of police powers in the UK which can be found at <http://www.homeoffice.gov.uk/rds/pdfs05/hosb2105.pdf>.

The UK has also appointed an anti-terror watchdog, who publishes an annual report on the working of the terrorist laws. This concentrates on individual anonymised cases and has few statistics.: see <http://www.timesonline.co.uk/tol/news/uk/article577744.ece>
It is likely that each country will need to collect terrorism statistics in its own way. A balance will need to be struck between publishing statistics which;

- Encourage public security by showing how tough the government is on terrorism
- Reflect the extent to which the terrorism law necessarily infringes human rights issues or acts differentially on different groups within the country.

d) Other Security issues

There is as yet no firm body of theory about how many security issues should be monitored or even what would constitute security issues. The following issues could well be worth covering (Table 8): no statistical theory exists but any figures would need to satisfy each country's needs to monitor the situation locally. This would usually involve compiling statistics from the details of each case that came to the notice of the authorities.

Table 8: Security issues that could be monitored to show openness of government

- Organized Crime
 - Human Trafficking
 - Trafficking in body parts
 - Livestock trafficking
 - Smuggling of religious or artistic artifacts
 - Trafficking or aiding sexual exploitation
 - Drug trafficking
 - Firearms trafficking
- Money Laundering
- Number of suspected terrorism incidents
- Incidence of political and business corruption
- Environmental crime
- Cross-border crime
- Incidents of genocide, and of forced labour.
- Cyber-crime

9. Statistics of Police actions and use of powers

In most countries, the police have extensive powers regarding public safety, crime, terrorism, etc. In various countries they can stop people, search, detain, arrest, detain in custody, seize assets, prosecute, give drug tests, make intimate searches, fingerprint and take DNA evidence, search property, tape record conversations, seize computer and phone records and conduct other surveillance activities. Depending on the law of the country involved, some of these actions are subject to control usually by giving a court some authority over the extent of the power to be exercised. In many countries, some of these actions are illegal.

Governments will need to decide for themselves the extent to which such actions should be monitored. This will depend on whether the powers of the police are governed by a particular law or code of practice. In some cases such as code will include within it the need to monitor such activities: in others, pressure from human rights groups has caused governments to monitor without such a code. One particular reason for such monitoring is that sometimes police are accused of discriminatory actions in which they concentrate their powers on particular groups within the community: eg the discussion in Europe today is that Police arrest many more Muslims that would be expected as suspected terrorists: but police actions could discriminate against people who are of a specific colour, age, foreign nationality, sexual orientation, tribe, religious persuasion or mode of dress. Table 9 below gives a list of examples of police actions that could be monitored by the statistics arm of the police authorities and published from time to time.

Table 9 Police actions that could be monitored

- Crime solved or cleared up
- Arrests or summonses issued

- Street stops
- Street searches
- House searches
- Vehicle searches
- Vehicles seized
- Other property seized
- Fingerprints taken
- DNA swabs taken
- Telephones tapped
- Telephone and other records (eg. bank transactions) seized
- CCTV cameras in action
- Other surveillance activities
- Police sanctions such as:
 - Warnings or reprimands (for juveniles)
 - Cautioning
 - Cautioning with a condition applied
 - Fixed penalty fine

10. Statistics of Prosecution Services, which in most of Europe are separate from the Police

It is probable that the police, in most parts of Africa, will conduct prosecutions themselves. In this case, police prosecutions will need to be monitored as part of the previous section, as another power of the police. However, in other jurisdictions, the prosecutions are carried out by a separate body. In most of the world, the prosecution service is, in fact the most powerful body within the justice system, and as such it is expected that such power needs to be monitored by the publication of statistics of the workload and decisions taken. Given the likely situation in the countries that are participating within GDDS 2007-2010, each country will need to be considered on its own but Table 11 below gives the possible areas where we would expect the number of prosecutions to be capable of being monitored and for statistics to be produced.

Table 11 Statistics of prosecution actions

- Number of cases reported to the prosecution service/police department for prosecution
- Number not prosecuted for various reasons, including amnesties, non-prosecution of post-holders, etc.
- Number dealt with summarily by the police, by end result of action
- Number, if any, dealt with by the prosecution service, with the result of action
- Number of cases dropped for public interest reasons
- Number dropped for lack of evidence
- Delays in cases being decided by the prosecution authorities
- Whether prosecution decisions vary by age, sex, race, religion, tribe, region, etc.
- Number of cases where the court decides the case should not proceed because of insufficient evidence

- Number of private prosecutions, if any.
- Number of cases sent to social agencies for such actions as drug treatment, mental health treatment, or other hospitalisation.
- Number of cases where the court or a jury decides that the guilt of a defendant is not proved.
- Types of offences prosecuted
- Resources used in prosecution

11. Statistics of the Judiciary and the Courts

There is some resistance among judges and court staff to interference from administrative authorities, as this is easily confused with interference in the justice process. However, every country is faced with the problem that courts are overloaded and are looking for ways of reducing the costs of courts, either by diverting cases from the courts or by speeding up the actual court process itself. If a government is to get the most efficient courts then it needs to have good statistics about the court process itself.

a) Courts workload

The best example of information of Court proceedings is to be found in the English statistical volume 'Criminal Statistics 2005' accessible at Chapter 2 of the web site <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1906.pdf>. In any one country you will need to count the number of cases that come to court, by type of offence, type of defendant and the extent to which these cases are delayed, proceeded with expeditiously, or the reasons for the delay. The easiest way of collecting the data is by the statistical office obtaining a copy of the court register in some form, often by an account of cases completed being sent in on a daily, weekly or monthly basis. This form could readily be computerized for ease of processing, if the technology is available. However, such a method hides the fact that many cases come back to court time and time again, so a better way of collecting data would be for a longitudinal approach to the case: either there is a need for a court record to be linked to a previous occurrence of the same case, or the statistics are not sent to the centre until the case is completed. Either method has its advantages/disadvantages and these will be discussed in the symposium. It is also necessary to count appeals against court decisions to other courts, and the results of these appeals. If there is a problem of delays, then ways of counting these are also necessary: two ways are:

- How long each case takes to complete its process, from start to finish
- How large are the waiting lists of people whose case is still due to be completed.

b) Diversion from Court process

Some cases get diverted from the court process long before the court hears about them. Others can get diverted once they have got to court: this will depend on the legal situation

or the practical arrangements that have been set up in each country. Whatever the arrangements, these should be monitored. It is also probable that countries will find it necessary to try out some ways of diverting from the court process on an experimental basis and these will need careful monitoring to see if they are working or not. Examples of diversion are shown in Table 12.

Table 12 Diversion from the Court process

- | |
|--|
| <ul style="list-style-type: none">• Police or prosecutor issuing a warning or a caution instead of a court appearance• Police or prosecutor issuing an on-the-spot fine instead of a court appearance• Other agency issuing some other sanction, such as compensation for the victim or some other form of reparation instead of a court appearance. |
|--|

c) Speeding up of the court process

Many courts are faced with large numbers of cases, which are essentially the same. For example, a magistrates' court might have a whole day of cases of speeding of motor vehicles on a local highway. Some courts have discovered ways of bundling these cases together, so that the cases can be completed more speedily. Examples are courts set aside for motoring cases only, where most people will plead guilty and not wish to be present in court. Most such cases can be heard very quickly saving the time of the court for more serious cases which need to be heard fully. In some other jurisdictions the judge will ask for such cases to be heard by him in his office, rather than in court, as he knows that the actual need for evidence to be read in court is minimal. Provided the defendants are told about such arrangements, then justice is not affected, but the court process is speeded through greatly. Whatever the process for such speeding up of justice, this will need to be monitored:

- To show the extent to which it is happening
- Whether due process is being confounded
- Whether this is good practice that could be copied in other parts of the country
- Whether this is happening to certain types of defendant only:
- Whether cases which are speeded up are getting different penalties from others.

12. Statistics of Sentencing

a) Sanctions imposed

The imposition of sanctions is one of the key issues within the criminal justice system. The statistics on these can be gained in three ways:

- From the authorities who impose the sanction where it is non-court one: eg fixed penalties given by the police.
- From the courts, as a by-product of the process for finalizing a case.
- From the agencies tasked with the carrying out of the sentence: eg whatever agency collects the fines imposed: the agency that carries out any sentences served in the community and the prison service that holds sentenced prisoners.

One procedure is to ensure that a return is made by those in charge of courts' administration, showing the sentence that has been imposed. There are various ways this could be done. An individual return from each case is likely to involve more work but lead to a better set of statistics in the end. Other methods would include a regular (daily/weekly/monthly) return of case-ending decisions. Table 13 shows the parameters that might be collected from an individual return: a monthly return would simply give the counts of the total numbers of people sentenced by the courts in a particular period, analysed by the parameters in Table 13

Table 13 Individual return from courts of sentence imposed
<p>Information would be collected on:</p> <ul style="list-style-type: none"> • Region of the country • Name of the court • Demographic characteristics of the defendant <ul style="list-style-type: none"> ○ Sex ○ Age ○ Previous convictions (if known) ○ Tribe/nationality (if foreign) ○ Religion • Offence for which sentenced • Sentence imposed • Magnitude of sentence (amount of fine, length of prison sentence, length of supervision in the community, etc) • Conditions of sentence <ul style="list-style-type: none"> ○ Reparations to be made ○ Compensation to be made ○ Loss of privileges (voting, driving license) ○ Seizure of any assets as a result of the sentence ○ Programmes to be undergone (eg. or alcohol treatment) • Information on the court process <ul style="list-style-type: none"> ○ Length of process ○ Length of time defendant kept in custody ○ Was the defendant represented in court ○ Did he plead Guilty ○ Were there any mitigating circumstances for the sentence: age, illness, no previous record, co-operation with the police or the court. ○ Was this case heard at the same time as other cases: eg gang robbery.

b) Statistics published

Sentencing statistics can be published in a large amount of detail. Tables 14 (coverage) and 15 (list of publications) show the English situation.

Table 14: Statistics published by British authorities on sentencing and fixed penalties
<ul style="list-style-type: none"> • National, Criminal Justice Area and Court level statistics;

- Sentences by type of disposal such as custody, community, fine, breach and other;
- Main characteristics such as age and sex of offenders, custody / community / fine rates, length of sentence by offence group, offence, type of court
- Orders such as compensation, confiscation and forfeiture.
- Fixed penalties issued by police forces for each relevant offences and the outcomes of each notice by age and sex.

Table 15: Regular British publications on sentencing

Sentencing Statistics Quarterly Brief - This provides the latest trends in sentencing in England and Wales, based on provisional data and set in the context of patterns over five years. It gives number sentenced in magistrates' and the Crown Court, focussing on the use of fines, community sentences and custody.

<http://www.homeoffice.gov.uk/rds/pdfs06/sentq405.pdf>

Annual Sentencing Statistics (Home Office Statistical Bulletin) - This provides key statistics on sentencing of offenders.

<http://www.homeoffice.gov.uk/rds/pdfs07/hosb0307.pdf>

Penalty Notices for Disorder (PND) were introduced in 2002. The law allows police to issue penalty notices to offenders for a range of minor disorder offences. This is a new data collection and is just getting going.

<http://www.homeoffice.gov.uk/rds/pdfs05/rdsolr3505.pdf>

13. Statistics of offenders brought to justice

In some countries, the efficiency of the justice system is measured by the count of the **total number of offenders** dealt with in various ways: for example by adding up those dealt with by the police, the prosecutor and the courts. Table 14 gives an example from the UK, where the concept of 'offenders brought to justice' was introduced in 2002 as a performance indicator of the system as a whole and how the various agencies of the justice system work together. It has the advantage of showing a greater number of offenders dealt with than just those convicted at court.

Whether such a concept is useful in any countries of Africa depends on whether their justice systems have additional ways than convictions of dealing with offenders. This will vary from country to country and, even though it does not exist at present, pressure on court and prison numbers may well lead to a similar sort of development in the future. The statistics collated for offenders brought to justice are simply the sums of the totals for each of the components. It is very important that the statistical groups in each part of the system are closely linked with each other so that data that is needed to be added together is available at around the same time and for similar breakdowns: eg the concept is particularly useful at the local level where different police/court areas/regions can be

compared: and analysed by sex, age , tribe/race. More detail of the English system can be found on www.homeoffice.gov.uk/rds/pdfs06/hosb1906.pdf.

Table 16 Offenders brought to justice in England and Wales

This concept is the sum of the following actions carried out by various different agencies that summed to 1,280,000 in the calendar year 2005.
--

- | |
|---|
| <ul style="list-style-type: none">• Those cautioned by the police (312,000)• Those convicted by the courts (698,000)• The number of offences taken into consideration by the courts when sentencing for offences for which they have been convicted (114,000)• Those given fixed penalty notices for public disorder offences such as harassment, alarm or distress, destroying or damaging property under 200 pounds in value: retail theft under 500 pounds in value. (99,000)• Formal warnings for the possession of cannabis. (58,000) |
|---|

14. Statistics of Corrections

a) Those in custody

The government needs to account for those it imprisons, either while waiting for an investigation to be completed or a trial to be held, after the sentence, or following the sentence if the prisoner cannot be released for some reason. At very least a count is needed of the following populations (Table 17)

Table 17 Prison populations that should be counted

- | |
|--|
| <ul style="list-style-type: none">• Total population by age, sex, offence, length of sentence, race/tribe, religion, and other demographic characteristics• Total sick population by type of illness• Total population whose conditions are not up to the standard announced by the authorities (eg. Overcrowded: poor clothing, sanitation, etc)• Total population by each individual prison, compared with the possible population if agreed standards are met.• Total population on remand by length of time since entry to prison• Total population awaiting charge or a trial date• Total population awaiting trial• Total sentenced population analysed by length of sentence• Total population involved in legitimate activity: eg work/education/farming/fishing• Total population of foreigners, including those to be deported after sentence.• Those on unusual sentences, by length of time since detention: eg those sentenced |
|--|

to death: terrorists under a control order but not yet brought to trial: those on indeterminate sentences.

This record should be compiled within each prison and sent to the central authorities on a routine basis, perhaps monthly.

There is also value, if resources are available, in making returns of the total numbers of prisoners who have been received into prison as well as the numbers who have been released or moved to another prison, on a routine basis. This could be rather less detail than the population counts noted in Table 17.

If the IT system is available a single record for each prisoner, which could incorporate administrative as well as statistical data could be created, but this is a sophisticated operation and may not be introduced once a more straightforward counting system had been introduced and run effectively for some time.

Other aspects of the prison population can be monitored, as can be seen from Table 18

Table 18: Other aspects to be monitored about prisons	
<ul style="list-style-type: none"> • Breaches of prison discipline • Penalties such as added days, deprivation of privileges • Time served by prisoners released from both determinate and indeterminate sentenced. • Number of escapes from prison and recaptures • Number of temporary releases and failure to return. • Those released on parole, to Home Detention, on Life Licence, on temporary licence or any other form of conditional release (and failures to return) 	

There is a lot of data on prison populations: The situation in England can be found in www.homeoffice.gov.uk/rds/pdfs06/hosb1806.pdf, Chapters 7 to 10, which covers most of the measures mentioned above. Information on international comparisons of prison populations for nearly all the countries in the world can be found on www.kcl.ac.uk/depsta/rel/icps/world-prison-population-list-2005.pdf. This web site contains the most comprehensive account of comparative statistics for any part of the justice system. Most African countries have an entry, as can be seen from Table 19.

Table 19: Prison Population rates for Africa: World Prison Population List 2005.				
North Africa	(Country)	(Number)	(Date)	(Rate per 100,000 pop)
	Algeria	38,868	1/1/04	121
	Egypt	80,000	/98	121
	Libya	11,790	31/7/04	207
	Morocco	54,200	6/04	174
	Sudan	12,000	3/03	36
	Tunisia	23,165	/12/96	252
West Africa	(Country)	(Number)	(Date)	(Rate per 100,000 pop)
	Benin	4,961	30/9/00	81
	Burkina Faso	2,800	9/02	23

	Cape Verde	755	12/99	178
	Côte d'Ivoire	10,355	8/3/02	62
	Gambia	450	9/02	32
	Ghana	11,379	26/12/03	54
	Mali	4,040	2/02	34
	Mauritania	1,185	9/03	41
	Niger	6,000	mid-02	52
	Nigeria	39,153	29/2/04	31
	Senegal	5,360	9/02	54
	Togo	3,200	8/03	65
Central Africa	(Country)	(Number)	(Date)	(Rate per 100,000 pop)
	Angola	6,008	4/4/03	44
	Cameroon	20,000	6/03	125
	Central African Rep.	4,168	/01	110
	Chad	3,883	mid-02	46
	Congo (Brazzaville)	918	/93	38
	Dem. Repub. Congo	30,000	1/04	57
	Sao Tome e Principe	130	4/02	79
Eastern Africa	(Country)	(Number)	(Date)	(Rate per 100,000)
	Burundi	7,914	/03	116
	Comoros	200	/98	30
	Djibouti	384	16/12/99	61
	Ethiopia	65,000	mid-03	92
	Kenya	55,000	9/04	169
	Madagascar	19,000	/03	109
	Malawi	8,566	20/11/03	70
	Mauritius	2,565	4/03	214
	Mozambique	8,812	31/12/99	50
	Rwanda	112,000	mid-02 (includes 103,000 suspected of genocide)	
	Seychelles	149	/03	186
	Tanzania	43,244	1/5/04	116
	Uganda	21,900	5/02	89
	Zambia	13,200	12/03	122
	Zimbabwe	20,000	31/12/03	155
Southern Africa	(Country)	(Number)	(Date)	(Rate per 100,000)
	Botswana	6,105	3/12/04	339
	Lesotho	3,000	mid-02	143
	Namibia	4,814	31/12/01	267
	South Africa	186,739	31/8/04	413
	Swaziland	3,245	31/12/02	324

b) Those under the supervision of the probation or similar services

Most African countries do not have a probation service, so the first task is to discover whether there is community supervision of offenders within a particular country and which organisations are responsible for this supervision. The types of supervision that are possible are listed in Table 20.

Table 20: Types of community supervision

- Probation
- Community Service
- Electronic tagging
- Curfew
- Intensive supervision

- After-care following release from prison
- Supervision instead of imprisonment
- Supervision as part of suspended imprisonment
- Attending offender programmes as a condition of supervision
 - Drug Treatment
 - Anger management
 - Sex offender
 - Domestic violence
 - Problem driving
 - Other offender programmes
- Combination of the above.

Information will need to be collected, perhaps every month, from each probation and after-care office, or equivalent agency, as the number of people who are under supervision, under each type of supervision. This could be analysed by sex, age, tribe, etc, when their supervision is due to end and whether it has been ended successfully.

An alternate method is to have a record for each person, with each event recorded on this record, so that statistics can be produced, as well as a database on offenders supervised being available for consultation. Although theoretically possible for this to be paper based, it is clearly much more effective when it is placed on a computer system, but this raises IT issues of computer training and refreshment of hardware and software. A good example of this way of collecting statistics on probation and after care can be found in the analysis carried out for the Kenya Probation and After Care Service in 2005. (see Lewis 2005a) This includes a recognition that, in 2005, the IT system had run into considerable difficulties that made it difficult to be used effectively and shows clearly the need for an IT system to have continuing investment.

Published information on the workload of the probation or similar services is not always available in the public domain. However, the English Probation Service routinely publishes statistics on Offender management Caseload and statistics on offenders managed in the community are found in Chapters 1 to 6.

(see <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1806.pdf>)

c) Those under other supervision: eg private companies.

If private companies carry out any law enforcement duties, then these need to be monitored effectively and the collection of statistics should be integrated into their contract. This is a relatively new phenomenon in Europe and may well not have become at all widespread in Africa. However, it is likely that private justice will spread to Africa in the medium term, as it is often a way of saving money. The most likely place to find private companies is in those who could be running private prisons, or caring out supervisory duties involving the fitting of electronic tags to criminals, either in home detention or allowed to be in the community on a limited curfew basis.

This is an area where countries that have gone down this road have a very poor record for statistics. In some cases, eg private prisons, the statistics are incorporated into the standard prison figures: in others: eg. Electronic monitoring by private companies, statistics are more difficult to come by. African countries will need to set up their own systems, as there is little standard good practice to assist them. The types of supervision that are possible is the same as in table 20.

15. Statistics of resources and outcomes:

a) Statistics of resources

This would include statistics on the numbers employed within the justice system, analysed by age, sex, race/tribe, full/part time, and so on. The information would be collected from central recruitment agencies if these exist or from local offices. The purpose of this data collection would be to show the government and the public how many people were employed in security and justice, whether this number was increasing or falling and how productive each person was: eg how many arrests were made by the police, cases heard by judges or prisoners supervised by the probation or the prison service. Also needed to be counted are those employed by the police service who are on law enforcement duties but do not have the full police powers, for example, community service officers; traffic wardens, game wardens, border police, etc. Salary scales, including any payments in kind, could be included to show how well rewarded they were compared to the general population.

Publication of this data would probably be on an annual basis, although in some jurisdictions, the interest is such that publication is more frequent: eg the UK government has promised to keep police numbers at a high level and publishes these quarterly (see <http://www.homeoffice.gov.uk/rds/pdfs07/hosb0407.pdf>.)

b) Performance indicators

These measure outcomes of the security and justice process. A list of typical indicators is given in Table 21. These are usually the product of more sophisticated statistical analysis, based upon the statistics collected more routinely and would involve some research and possibly some more data collection.

Table 21 Performance indicators for the justice system

- Reconviction rates (the proportion of offenders who are reconvicted within, say 2 years of their leaving prison or of finishing probation supervision)
- (see http://www.wodc.nl/eng/Images/FS06-11_volledige_tekst_tcm12-133907.pdf for a discussion of projects of this type in Europe and <http://www.homeoffice.gov.uk/rds/pdfs04/hors291.pdf> for a general examination of how one can analyse the effect of corrections programmes on reoffending.
- Waiting times (how long people have to wait for their case to come to court)
- Waiting lists (how big is the waiting list for a particular process at any one time)
- Inactive cases (how many cases in each court are no longer active: eg because the

- defendant has died or the complainant withdrawn the complaint)
- How consistent is justice across the country (are conviction rates and lengths of prison sentence similar)
 - How consistent is justice across different communities, tribes or races.
 - What is the effectiveness of different attempts to work with offenders to reduce their offending: eg intensive supervision: hard labour: drug programmes. (see <http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr0707.pdf> for a report on how well drug interventions work with young people)
 - Which justice interventions give best value for money: eg. Is imprisonment more cost-effective than probation?
 - How does one country compare with another on crime and justice? (see <http://www.europeansourcebook.org/> for a good example of how the European Countries have set up a system for collecting data from most European states)

16. Statistics of diversity

a) Statistics by race and justice

If a country has a large number of different communities: eg indigenous tribes/races, or more recent immigrants, then there is often interest in whether crime is more likely to be committed by certain communities or foreigners, whether the justice system treats all communities fairly, including giving chances for their employment. In such a case there is an interest in producing a selection of statistics analysed by these differences. This would need to be a decision by each individual country. Most countries in fact have very few such statistics but the UK has introduced legislation against such discrimination and hence needs to have the statistics to back up this legislation. Statistics on race and Justice are published annually under a 1993 Act and can be found on (summary overview) <http://www.homeoffice.gov.uk/rds/pdfs06/s95overview0405.pdf> or <http://www.homeoffice.gov.uk/rds/pdfs06/s95race05.pdf> (full statistics.)

b) Statistics of women and justice

Most statistics of criminal justice include an analysis by gender, but there is a case for putting together the information for women to see whether there is any discrimination in their treatment as offenders, victims or employees of the system. This is done for various countries but an example of the British system where discrimination against women is covered by the same act as is discrimination by Race can be found on: <http://www.homeoffice.gov.uk/rds/pdfs06/s95women0405.pdf>. (full statistics.)

c) Statistics by other measures of diversity

This would need to be discussed within each state, but some countries: eg Northern Ireland have very strong laws where discrimination in justice is illegal against almost any minority: eg. foreigners, gender, age, sexual orientation, religion, travelers without a fixed home, etc. Again, statistics would be needed to monitor such laws.

17. Collections of Statistics

Many countries publish collections of statistics on crime and justice. Sometimes this is part of the remit of the Central Bureau of Statistics, as was the case when I looked into Criminal Justice Statistics in Kenya (Lewis, 2004, 2005.) In other cases this has been carried out by a university or other institute studying crime and justice. A good example of a popular digest of information can be found at the UK Home Office web site on <http://www.homeoffice.gov.uk/rds/digest41.html> although this has since then been discontinued because of shortage of resources. More often countries publish a general, discursive volume containing information about all crime and the measures taken to counter it. A good example here can be found at http://www.bka.de/lageberichte/ps/psb_kurzfassung_eng.pdf that describes the situation in Germany.

There are several international collections of statistics, as can be seen from Table 22. I do not know of a comprehensive collection of statistics maintained for Africa alone.

Table 22: International collections of statistics
<ul style="list-style-type: none">○ Interpol Police recorded crime statistics, although these have recently been discontinued (see http://www.interpol.int/)○ UN Crime and Justice surveys (see http://www.uncjin.org/Statistics/WCTS/wcts.html for a detailed description of what statistics are available)○ European Sourcebook of Crime and Justice Statistics – this is a well-organised group of European statistics whose work is described in detail at http://www.europeansourcebook.org/ and linked pages, with full access to the data for over 30 countries of Europe.

18. Structures for statistics

In all countries the statistics collected and published on justice and security will need to fit in with the statistical structures of the country concerned. Thus, if a Central Statistics Bureau exists with powers to collect and public statistics, this will need to be borne in mind. If this Bureau is independent of the government, even to some extent, then the statistics on justice and security will need to reflect that independence. As criminals pass from one part of the justice system to another, whatever statistical agencies exist, much more importance needs to be given to closer statistical co-operation between agencies.

a) Statistical co-operation between agencies

Based upon my past experience, including looking at Kenya Justice and Security Statistics in 2004 and 2005, I feel that benefit could be gained for African justice systems as a whole by more co-operation between the different statistical agencies. This would need to be taken forward by the statistical structures within each country but could mean creating an inter-agency group with the following agenda:

Table 23 IDEAS FOR BETTER STATISTICAL CO-OPERATION ACROSS JUSTICE AGENCIES

- **Discussions between agencies to improve statistical collaboration**
- **Harmonized definitions, classifications and counting rules should be developed**
- **Statistics informing policy cutting across departments to be discussed jointly.**
- **Efficiency gains from common practices: eg. shared equipment in rural areas, etc: common training: common development and use of statistical IT packages.**
- **Different agencies to be linked: eg local police, courts , probation, and prisons by Internet, to maintain close statistical co-operation**
- **Statistics should be shared between the justice agencies on a regular basis.**
- **Agencies should publish more material at least annually.**
- **Information on Justice published in reports of the central statistics bureau.**

b) Statistics for policy development

Statistics also help in policy development. Priority should be given to statistics in areas where the expenditure would give best value for money in costing and evaluating solutions of particular problems with which African Justice systems are faced.

Table 24: Where Statistics can assist in policy on what affects crime:

1. **Effect of age distribution and future changes**
2. **Trends in different types of crime**
3. **Effect of unemployment: poverty: drugs on crime**
4. **Variation across country: Province, urban, rural**
5. **Effect of lack of CJ resources on crime**
6. **Make predictions of future crime levels: Prison numbers**

Table 25: Where Statistics can affect policy on extending police discretion

1. **Police have discretion in Traffic cases where warnings given for first offences**
2. **The local OIC has some discretion in crime cases. Little is known about how often and in what circumstances this is exercised, or the extent to which more use of police discretion would be publicly acceptable. Similar discretion in the British Police Force lead to much diversion from the justice system in the 1970s and 1980s, leading to a great saving of money within the CJS.**
3. **If police could give warnings, this could save money on remand**

Table 26 : Where statistics can assist in charging

1. See what other countries do:
 - **Germany Administrative crime: many offences sent to a special non-criminal agency who will fine people**
 - **Netherlands: Prosecutor who will give a fine, etc for small crimes**
 - **England: prosecutor decides whether to charge or issue a warning/caution: Inspector will issue caution. Charge will be made for second offence**
 - **Scotland: Procurator Fiscal can drop charges in the public interest or**
 - **Refer to non-CJ agency.**
2. **Economic analysis could predict how much could be saved by changes to procedures.**

Table 27: Where Statistics can assist on remand populations

1. **High remand population leads to wastage of resources:**
2. **Prison costs in feeding prisoners most of whom do not get a prison sentence**
3. **Prison costs in extra population due to remand period not counting against sentence (this would require a change in the law)**
4. **Transport costs in taking cases to court, especially for capital cases that take a long time to finalize.**
5. **Long remand periods when prison service not able to start rehabilitation and prisoners get no chance to work or gain skills**
6. **How many prisoners on remand have legal understanding**

Table 28: Where Statistics can assist on sentencing policy

1. **Are sentences effective. What is reconviction rate?**
2. **Money can be saved by reducing sentences. Statistics can estimate this.**
3. **Sentences could be similar to those in other countries.**
4. **Sentencing guidelines could be issued for magistrates and judges**
5. **Remand time served could count against sentence to save prison numbers**

Table 29: Where Statistics can assist in re-structuring justice agencies:

1. **Many countries are carrying out re-structuring of their CJ agencies so that justice can be delivered more cost-effectively. A statistics and research group can look into what has worked in other countries and avoid mistakes.**
2. **The 2005 draft Constitution for Kenya discussed the idea of there being a Director of Corrections, covering the work of Probation, Prisons and After Care. Statistics and Research can help in setting up such a structure: eg looking at experiences in Uganda: Sweden and England & Wales in going along these lines.**

3. Many countries have separated the prosecution system from the police, saving money in more efficient use of the courts and remand prisons.

c) Position of the Central Bureau of Statistics

The CBS is usually the most important statistics agency in a country, and knows the value of statistics and how to collect and publish them most efficiently. If GDDS is going to lead to better statistics on Crime and Justice then the CBS could well need to have a more important role in these statistics:

Table 30: Possible expansion of CBS activity

- **To be active in harmonizing codes and statistics across the various justice agencies**
- **Demonstrate how statistics across the agencies can help to answer more fundamental questions of criminal justice policy.**
- **Work up the need for and then organize a crime victimization and confidence survey**
- **Find out what is happening in other countries in Africa, America and Europe through study visits, Internet access, training.**
- **Organize training of staff in justice ministries.**
- **Convene a group of external stakeholders to take forward statistical ideas**
 - **Researchers in universities, polytechnics and other institutes**
 - **Market Research organizations that carry out surveys in related areas.**
 - **NGOs and parastatals and those from other African countries with similar problems and some new solutions**

18. List of relevant publications not available on the internet (Those starred will be on the CD)

Coleman, C. (1998) **Understanding crime data** Open University Press, UK

*Dutch Ministry of Justice, Appendix 2 **Sources of information (on CJS)**
*Dutch Ministry of Justice, Appendix 3 **(CJS) Terms and definitions**
*Dutch Ministry of Justice, Appendix 5. **Standard classification of criminal offences**

*Lewis, C. (2004) **GDDS: Report on Kenya Judicial Statistics**, World Bank, May 2004.

*Lewis, C. (2005a) **GDDS: Provision of Technical Assistance in Prisons, Police and Probation Statistics to Kenya**, World Bank, June 2005.

*Lewis, C. (2005b) **GDDS: Provision of Technical Assistance in Prisons, Police and Probation Statistics to Kenya, Annex C, Implementation Plan**, World Bank, June 2005

*Lewis, C. (2005c) **GDDS: Report on Kenya Criminal Justice Statistics Briefing Note 1: Need for a major survey of Governance**, World Bank, June 2005.

*Lewis, C. (2006a) **Crime Statistics for England and Wales**, University of Portsmouth Students' module

*Moolenaar, D. **Expenditure on Crime in the Netherlands.**, WODC, Ministry of Justice, The Netherlands (www.wodc.nl)

*Tak, P. (2000) **The Dutch Criminal Justice System**, WODC, Ministry of Justice, The Netherlands (www.wodc.nl)

*UNODC Report on Africa (2005) http://www.unodc.org/pdf/African_report.pdf (main report) and <http://www.unodc.org/newsletter/200503/page005.html> (summary)

*UN Crime Statistics manual (2003) <http://unstats.un.org/unsd/pubs/gesgrid.asp?id=293>.

ANNEX Extract from UNODC Report on African Data Issues, 2005

Quantitative comparison of crime between countries is hinged on two data sources: police generated statistics (such as those compiled by Interpol and the United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems [CTS]) and victim surveys (such as those performed under the aegis of the United Nations International Crime Victim Surveys [ICVS] and other surveys). Data from these sources are sparse for African countries. The Table below summarises the available information – the shaded rows represent countries for which no data at all are available. Thirteen victimisation surveys in African countries have been run as part of the ICVS project but these also occurred in different years across a decade.

In most cases, these surveys were not nationally representative, and were conducted in only one major city of each country. Some victim surveys have been done by the Institute of Security Studies in South Africa, while a few more were conducted within the framework of the UN Habitat Safer Cities Programme. Finally, the second round of multi-purpose surveys done by the Afrobarometer in 15 countries included two items on victimisation (burglary and personal attacks). Although a specialised victim survey would provide a more accurate measure, crime-related items in multipurpose surveys (which usually involve larger samples than specialised surveys) may provide some information on public sensitivity to crime.

Table: Availability of crime data from African countries, 1990-2004 (Blank means no published data found)

Country	UNODC CTS	Interpol (no longer collected)	National Statistics	ICVS	Other victim surveys
Algeria		2003			
Angola		2000			
Benin		1998			
Botswana	1990	1996		City, 2000	AfroB, 2002
Burkina Faso		1998			
Cameroon		1998			
Cape Verde					AfroB, 2002
Cote d'Ivoire	2000	2002			
Djibouti	1998				
Egypt	1994			City, 1992	
Eritrea		1999			
Ethiopia	1990	2000			
Gabon		1996			
Ghana		2001			AfroB, 2002

Kenya					Habitat, 2002, AfroB, 2002
Lesotho	1997	1999		City, 1998	AfroB, 2002
Libya		2003			
Madagascar	1994	1996			
Malawi					ISS, 2003, AfroB, 2002
Mali		1999			AfroB, 2002
Mauritania		1999			
Mauritius	2000	1996			
Morocco	2002				
Mozambique		1999		4 provs, 2002	AfroB, 2002
Namibia	2002	1999		City, 2000	AfroB, 2002
Niger		1998			
Nigeria	1994			City, 1998	AfroB, 2002 DfID, 2003
Rwanda	1990	1999			
Senegal		2003			AfroB, 2002
Seychelles	2000	1996			
S Africa	2002	2001	2003/4	City, 2000	ISS, 2003, AfroB, 2002
Sudan	1994				
Swaziland	2000	2003		City, 2000	
Tanzania	1997	2003		City, 1992	ISS, 2003, AfroB, 2002
Tunisia	2002	2002		City, 2002	
Uganda	1997	2003		City, 2000	AfroB, 2002
Zambia	2000	2001		City, 2000	AfroB, 2002
Zimbabwe	2000	2001		City, 1996	

Unreliable official statistics

One might expect that crime statistics would be as available as many other social indicators. Unfortunately, this is not the case. Even when they are available, they cannot be used for comparisons across countries. This is because definitions of crime differ between countries. In addition, the rate at which crimes are reported to the police varies depending on a range of factors, including access to justice and attitudes towards the police. Under-reporting is particularly acute in Africa, as will be discussed below.

There are great differences between the ways crime is defined by local laws, even when the crime carries the same name. For example, a “burglary” may require forced entry or the taking of property in some areas, but in other areas these are not required. Similarly, the term “rape” may be applied to different types of conduct across jurisdictions, with some using other terms to describe non-penetrative forced sex, sex with minors, male rape, and spousal rape. While international consensus on what constitutes a crime is growing through human rights awareness campaigns, developing countries may be expected to lag behind in modernising their definitions of crime, if for no other reason than the presence of more pressing items on the legislative agenda.

Even within a single legal system, police statistics may bear little resemblance to the real crime situation. This is because they are generally based on crimes recorded by the police. In order for most types of crime to be recorded, a report must first be made by a member of the public, and then the police must deem this report worthy of recording. As will be discussed below, survey work shows that only a share of crimes experienced by victims are reported to the police. The rate at which the public reports crime varies tremendously between crime types, between countries, and even between regions, ethnic groups, or genders within a country. Any comparison based on police statistics will be inaccurate to the degree of under-reporting. In many countries for many crime types, less than half the offences that do occur are reported. In Africa, less than a 50% overall reporting rate is the norm, with many countries showing much lower rates.

These rates are also subject to change as the political climate shifts. For example, reporting rates in Uganda decreased from a third in 1992, to under a quarter (23%) in 1996, to under a fifth (17%) in 2000, according to ICVS figures. It makes little sense to compare police crime figures between countries under these circumstances, particularly if data on reporting rates are from a different year than the crime figures concerned. It is also impossible to calculate trend data for Africa based on the recorded crime levels, because while half the countries have reported at some stage, very few give detailed information over time. South Africa is one notable exception, but the peculiarities of the South African political situation, which involved the enfranchisement of some 90% of the population in the last decade, prevent strong statements being made about real crime trends in that country.

There are a range of reasons why people fail to report. People who do not trust the criminal justice system to deliver a positive outcome may decide not to report. Reasons for this mistrust may include: belief that the police or courts are ineffective; belief that the police or courts are corrupt; a feeling that the system does not work in the interest of members of the victim’s gender, ethnic or regional group; fear of “secondary victimisation” by the criminal justice system; and fear that the system will not be able to protect the victims from reprisals from the criminals involved. Access to the justice system may also be an issue. Those who do not have access to transportation or communication technology may find reporting very burdensome. The same applies to those whose family or professional responsibilities do not allow for time to be taken off to participate in the criminal justice process.

There are a contrasting number of incentives for reporting that may skew the accuracy of police statistics. For example, property insurance can provide a major incentive for the reporting of vehicle thefts, burglaries, and even robberies. In addition, some wealthy countries can afford to provide a comprehensive suite of services for victims of crime, including health care and even financial compensation, which provide strong incentives for reporting. ICVS data show that reporting rates for developing regions are much lower than those in developed regions, and that Africa has some of the lowest reporting rates in the world.

Both within and between countries, there are reporting rate differences between crime types. In most countries, for example, vehicular theft is almost universally reported, either because the complainant hopes to recover such a valuable piece of property, or because reporting is required for an insurance claim to be honoured. On the other hand, sexual offences and certain types of assault (such as domestic violence and child abuse) are almost always under-reported, although the extent to which this is true is dependent on cultural and legal approaches to these issues, as well as the capacity of the state to insure that complainants will be well treated.

In addition, for some types of crime a law enforcement official is almost always the person reporting. These include corruption, drug offences, prostitution, some firearms offences, and immigration offences. The levels at which these crimes are reported are dependent on police priorities. Thus, these crime figures are more a reflection of enforcement capacity and priorities than they are of the true underlying situation.

Finally, a not insignificant influence on police figures is the discretionary power of the police to decide if and how a crime is to be recorded. The police would not serve the public interest if they recorded every crime as the offence alleged by the complainant, but the way in which an incident is classified is influenced by a number of factors, such as political pressure to show low crime levels. The degree to which reported offences are recorded by the police varies from area to area.

For these reasons, police crime figures should not be used on their own to make comparisons between countries, and this is particularly true in the context of developing countries. Given the weaker institutional capacity of the criminal justice systems of developing countries to record crime, they are more likely to under-count the number of offences that occur. This will clearly include crimes reliant on the police for detection, such as drug offences. Low capacity may also dissuade victims from reporting, because they cannot expect the same levels of protection of their rights as would be found in states with more resources. In addition, members of the public in these areas may lack the time or the technology to report crimes. Further, given that many developing countries share a past dominated by colonial and authoritarian regimes, there may be historic reasons why segments of the public may distrust the police in some countries. Finally, the perception that the criminal justice system is corrupt, which may be linked to governance problems, may also undermine trust in the system.

The benefits of victim surveys

Probably the best supplement to police crime figures are victim surveys. These usually involve polling a representative sample of the population in their homes about their experiences of crime. They also probe the rate of non-reporting and the reasons behind it. This allows the police crime statistics to be interpreted more intelligently. Victim surveys also allow definitions of crime to be standardised, which allows international comparison that would otherwise be impossible.

While they are a vital supplement to police statistics, victim surveys are expensive to do properly, especially on a nationally representative level. For this reason, victim surveys are rarely done in developing countries, and surveys conducted under the ICVS have usually focused on a single urban area, rather than attempting to cover the whole country. Since urban areas are typically more crime prone than rural areas of the country, it is difficult to generalize to the country as a whole on the basis of this information, but comparisons can meaningfully be done between urban areas internationally.