

2.C TECHNICAL INFORMATION ON TABLES 2.B.1.1 - 2.B.1.2

2.C.1 General remarks

In prosecution statistics, the counting unit is the “case”, which can imply more than one defendant, or more than one offence.

Seven countries (Denmark, Greece, Lithuania, Luxembourg, Northern Ireland, Sweden and Switzerland) were not able to provide data for these tables. They are not listed in this section.

Pending cases

The questionnaire did not establish any rule as to how cases pending at the end of a given year were to be counted. In their explanations some countries mentioned that they counted pending cases and explained how this can affect the total number of cases or the coherence between the total and the sum of the various disposals (Albania, Belgium, Bulgaria, Latvia, Lithuania, Norway, Romania, Turkey).

Unknown offenders

In many countries cases with unknown offenders were excluded. Some countries (such as France) included these cases in the category “proceedings dropped”. This led to a higher total of cases disposed of and a higher percentage of proceedings dropped. Slovenia included unknown offenders in the category “other disposals”.

Percentages of types of disposals (table 2.B.1.2)

Because of pending cases, unknown offenders or double counting in some countries the various types of disposals do not add up to 100% of the total number of cases disposed of (see the specific notes on tables 2.B.1.1 and 2.B.1.2).

2.C.2 Offences / cases handled by the prosecuting authorities

For most countries, figures on offences / cases handled by the prosecuting authorities *exclude*

- small traffic offences (e.g. speeding or parking offences)
- offences against police and administrative regulations
- less serious cases disposed of by the police under the responsibility of the prosecutor

The exceptions are presented in the following table.

Table 2.C.2 Offences / cases handled by the prosecuting authorities

	small traffic offences (e.g. speeding or parking offences)	offences against police and administrative regulations	less serious cases disposed of by the police under the responsibility of the prosecutor
	D2PAST	D2PAOP	D2PALS
Albania		Included	
Belgium	Included	Included	
Estonia			...
Hungary		*	
Ireland		Included	
Romania	Included		
Turkey	Included	Included	Included
United Kingdom: England & Wales		*	

* Notes on table 2.C.2

Hungary: Offences against police regulations are included, but not those against administrative regulations

England & Wales: The data given refer to defendants (not cases). Non-criminal proceedings are excluded. Excluded are also cases of police cautioning before the defendant was charged.

2.C.3 Reasons for dropping proceedings

For most countries, figures concerning the reasons for dropping proceedings *include*:

- transfer to foreign authority
- no criminal responsibility / suspect not guilty
- lack of evidence
- act not an offence
- no victim complaint where that is required to make prosecution possible
- no public interest (expediency principle)
- proceedings ended with a sanction/measure imposed by the prosecuting authority with/without admission of guilt by defendant

and *exclude*

- no competence / transfer to another domestic authority

The exceptions are presented in the following table.

Table 2.C.3 Prosecution statistics: concerning the reasons for dropping proceedings

	Transfer to foreign authority	No criminal responsibility / suspect not guilty	Lack of evidence	Act not an offence	No victim complaint where that is required to make prosecution possible	No public interest (expediency principle)	Proceedings ended with a sanction / measure imposed by the prosecuting authority with / without admission of guilt by the defendant	No competence / transfer to another domestic authority
	D2DPTF	D2DPNG	D2DPLE	D2DPNO	D2DPNV	D2DPNI	D2DPSP	D2DPNC
Austria	Excluded						N.A.	Included
Belgium	Excluded						Excluded	
Bulgaria					Excluded		N.A.	
Croatia							Excluded	
Cyprus							...	
Czech Republic							Excluded	
Estonia	Excluded					Excluded	...	...
Finland	...						Excluded	...
Germany							Excluded	
Hungary							Excluded	
Ireland	...	...	...	...	...	...	...	...
Italy	...	...	...	...	...	...	...	...
Latvia	Excluded				Excluded		Excluded	
Malta	...	...	...	...	...	...	...	...
Moldova	Excluded				Excluded		Excluded	
Netherlands							Excluded	
Norway	Excluded			Excluded			Excluded	
Poland							Excluded	
Portugal	Excluded						Excluded	
Romania	Excluded						Excluded	
Russia	Excluded				Excluded		Excluded	
Slovenia							Excluded	
Spain							Excluded	
The F.Y.R.O. Macedonia					Excluded	Excluded	Excluded	
Turkey							Excluded	Included
United Kingdom: England & Wales								Included
Scotland	Excluded				...			

N.A.: Not applicable

2.C.4 Data recording methods for Prosecution Statistics

Table 2.C.4 Description of data recording methods for Prosecution Statistics

Question	Are there written rules regulating the way in which the data shown in this table are recorded?	How is a case counted if more than one person is involved?	How are multiple offences counted?	How is a person counted who commits several offences in one year?	Do the police have separate powers to impose sanctions or measures themselves?	Have the data recording methods described above been substantially modified between 1990 and 1996?
<i>Possible answers</i>	1: Yes 2: No	1: As one case 2: As two or more cases 3: Uncertain	1: As one offence 2: As two or more offences 3: Uncertain	1: As one case 2: As two or more cases 3: Uncertain	1: Yes 2: No	1: Yes 2: No
	CT21A	CT21B	CT21C	CT21D	CT21EA	CT21GA
Albania*	1	1	1	3	2	1
Austria	1	1	3	3	2	1
Belgium	2	1	1	...	2	2
Bulgaria	1	1	1	2	2	2
Croatia	1	2	1	2	...	2
Cyprus	1	1	2	2	2	2
Czech Republic	1	2	1	2	2	2
Estonia	1	1	1	2	2	2
Finland*	...	2	3	2	1	1
France	1	3	...	2	2	2
Germany*	1	1	1	2	2	1
Greece	...	...	...	...	2	...
Hungary	1	1	...	2	1	2
Ireland	1	1	2	2	1	2
Italy	1	...	1	2	2	2
Latvia	1	1	1	1	2	2
Malta	...	...	...	2	2	2
Moldova	1	1	2	1	2	2
Netherlands*	1	2	1	2	1	2
Norway	1	1	1	2	1	2
Poland	1	1	3	2	2	2
Portugal	1	1	1	2	2	2
Romania	1	1	1	2	2	2
Russia	1	1	1	1	2	2
Slovenia	1	1	1	2	2	2
Spain	1	1	...	...	2	2
Turkey	2	2	1	2	2	2
The F.Y.R.O. Macedonia	1	1	...	...	2	2
United Kingdom:						
England & Wales	1	2	1	2	1	1
Scotland*	1	1	1	2	1	2

*See Remarks on table 2.C.4.

Remarks on table 2.C.4

Albania: The discretion of the prosecutor has been reduced as from August 1st, 1995.

Finland: Between 1993 and 1995, a computer-based crime reporting/recording system was gradually introduced. This may have led to more comprehensive counts and, thus, increased the numbers compared to the former manual system.

Germany: The figures for 1990 to 1992 refer to the former Federal Republic and West Berlin. The figures for 1993 and 1994 refer to the former Federal Republic including the whole of Berlin. The figures for 1995 and 1996 refer to the re-united Germany.

Netherlands: Police diversion (and transactions) is limited to juvenile offenders.

Scotland: From April 1st, 1993, police can issue conditional offers of fixed penalties or fines in minor road traffic offences