

3.C TECHNICAL INFORMATION ON CHAPTER 3

The totals given in tables 3.B.3.1-3.B.3.12 do not always match the totals indicated in tables 3.B.4.1-3.B.4.9. As a rule, the Group agreed to only include differences of up to 10%.

3.C.0 Technical comments

1) What is recorded?

Conviction statistics usually contain decisions taken by the courts, or, as is the case in a minority of countries, by public prosecutors where defendants have accepted their guilt (e.g. German “Strafbefehl”). This type of decision comes close to the “guilty plea” in the American system. Such decisions are counted as convictions and are thus included in the conviction tables. This was the case in Denmark, Finland, Germany, Norway, Russia, Sweden, Switzerland and Turkey. No country considers sanctions imposed by the police or an administrative authority as convictions, at least not in connection with the categories of offences dealt with in the conviction tables.

2) Differences between Chapters 1 and 3 with regard to offence definitions

The offence definitions, which underlie Chapter 1 reflect the definitions which are used in national police statistics. They are usually inspired by a criminological point of view, i.e. they are based on concepts which come close to the everyday life experience of police officers and the public, such as “burglary”, “armed robbery”, or “motor vehicle theft”.

As regards *convictions*, the offence definitions used by the various countries obviously depend on their respective legal traditions and criminal codes. For this reason, “burglary” or “motor vehicle” theft may be punishable as “theft” in many countries, and thus appear in the conviction statistics under the heading “theft”, only because “burglary” or “motor vehicle theft” do not exist as specific legal concepts. Along the same lines, “assault leading to death” may, depending on the offender's intent, be counted as “assault” rather than as “homicide” (unlike in Chapter 1).

For these specific reasons (i.e. the non-existence of certain legal concepts in certain countries), several countries were not in a position to provide figures for all the tables/items in Chapter 3.

The following comments highlight specific differences between the *legal definitions* used in Chapter 3 and those used in police statistics (Chapter 1).

- **Albania:** Rape includes sexual intercourse with minors even without force.
- **Denmark:** Robbery does not include muggings (bag snatching) which is considered as theft. The figures also reflect acquittals.

- **Estonia:** In table 3.B.4.5 robbery does not include theft with minor violence or minor threats. In table 3.B.4.6 figures do not reflect the temporary use of a motor vehicle without authorisation.

- **France:** The definition of assault is broader than the one used in Chapter 1.

- **Greece:** Figures given in table 3.B.3.8. (Theft of motor vehicle) relate to the illegal “use” of a car (i.e. without the intent to keep) contrary to table 1.B.2.18 (police statistics).

- **Germany:** The figures given for burglary refer to “aggravated theft”. Armed robbery includes other forms of dangerous robbery, such as gang robbery.

- **Portugal:** Mugging (“bag-snatching”) is not in all cases considered as robbery.

- **Switzerland:** Robbery does not include mugging (“bag-snatching”).

- **England & Wales:** Drug offences include simple possession, cultivation and transportation of drugs, which are excluded from the police statistics.