WHAT AND HOW DO POLICE STATISTICS COUNT ?

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The police statistics published annually by the French ministry of the Interior are often commented in terms of trends in crime. Now that other sources, such as victimization surveys and statistics on the work of public prosecutors' offices, are available, it has become clear that these figures cover only a fraction of the offences susceptible of being recorded, and at the same time, that the specific counting methods used for police statistics make it difficult to compare them with other sources. The present article offers an overview of how these counts are developed and interpreted, rather than a detailed analysis of the statistics produced.

What is counted ?

The old quarrels over the dark figure of crime - the expression designates the portion of offences unknown to law enforcement agencies - have gradually been replaced by comparisons of different ways of measuring criminal activity. For acts involving individual victims, questionnaire surveys of private individuals show the proportion of acts reported to the police to vary considerably with the type of offence. It has always been relatively clear that statistical findings for victimless offences depend to a large extent on the intensity of law enforcement activity. In these other areas too, however, comparison with other sources should put police statistics in proper perspective, showing, not that the figures are unrelated to crime, but that what they measure is police action on crime.

Moreover, the restricted domain in which the ministry of the Interior organizes data-collection must be kept in mind. The departments in charge of such data-collection are attached to the State police and *gendarmerie*. Offences reported by other services with criminal investigations competence (internal revenue, customs, labour inspectorate, environment, etc.) are not included. As a result of this *de facto* exclusion, the rule applied is that all offences of this type are to be eliminated from the statistics, even if the police or *gendarmerie* come to be cognizant of them. The same is true of motoring offences, even when they are *délits*[1]. Thus, unintentional homicide and injury connected with traffic accidents and drunken driving are excluded from the statistics. All in all, over 20 million motoring offences are recorded by some agency and counted by another department of the Interior ministry, whereas the alleged crime statistics indicate some 3.7 million "recorded acts".

These restrictions are acceptable inasmuch as there is no pretension to measure all recorded crime, but only certain types of offences. The fact that the counts exclude *contraventions* further strengthens these restrictions. For the most part, *contraventions* are excluded because of the field involved (motoring, internal revenue, customs, labour, etc.). But at the same time, this also eliminates violent offences judged by the *tribunaux de police*. In the absence of police figures regarding these violent acts entailing less than one week of total incapacity to work (*incapacité totale de travail,* abreviated as *ITT*) and devoid of aggravating circumstances, we find that alongside the 25 000 convictions for *délits* of assault and battery (ITT of one week or more or aggravating circumstances), the courts pronounced 15 000 sentences for fifth class *contraventions*, not to mention simple assaults in the fourth class category.

The sum of these restrictions of the field covered by the statistics account for the difference between evaluations by the police (3.7 million acts recorded) and by the judicial authorities (5 million cases recorded by the public prosecutors' offices). But they are not the only explanation, since some cases may be recorded directly by the public prosecutors' office and dismissed, without any recourse to an investigating police unit. Such instances are probably now a minority in the realm of those offences bound to enter police statistics, but such was not the case when the prosecutors offices were submerged with complaints for bad cheques. The opposite situation, of an offence known to the police but not formally notified to the public prosecutor's office is by no means exceptional, on the other hand. What is known as recording on the police docket, or police dismissal of a case that might have been handed over to the public prosecutor, normally leaves no trace in the so-called "recorded crime" statistics, and which are therefore not very well named. They would be better termed "crime notified to the public prosecutors by police services", since that is actually the rule, which requires that the statistics only consider acts mentioned in a case file handed over to the public prosecutor, except in cases of shoplifting, where the police docket is included. In terms of flow, what is counted is exits from the police services, rather than entries. This should be kept in mind when surveys of victims are used to evaluate the scope of police accounting. All of what the victims claim to have told the police ("entries") does not necessarily appear in the counts of "exits".

Another rule connected with "exit" counting demands that counting be done by the first agency involved. While investigating police units may be viewed as being upstream of the public prosecutor's office on the whole, in practice the agencies transfer cases to each other, and a simple rule avoiding counting cases twice is required. The "handbook of statistical methodology" still begins with a warning that "statistics of recorded criminal activity and offending [...] should by no means be confused with statistics pertaining to the activity of agencies", thus indicating that it remains quite tempting to interpret the rule in a way that flatters assessment, if not of activity, at least of the demand addressed to the agency, irrespective of whether or not it was the first to handle the case. Contrary to what is alleged by facile denunciations of manipulated figures, the difficulty resides mainly in the fact that

[1] French law divides offences into three categories, on the basis of increasing seriousness :
- *contraventions* which are judged by *tribunaux de police* ; those are themselves broken down into five categories of increasing seriousness.
- *délits*, which are judged by *tribunaux correctionnels ;*
- *crimes*, which are judged by *cours d'assises*, in which a jury sits.

when an agency has cognizance of an act it does not know whether the latter has not already been counted by another agency. This essentially affects counts of "elucidated acts", as will be seen.

But the different sources of data would not reach the same conclusions even if such variations in the field covered did not exist. The definition of units of reckoning remains a crucial phase in data-collection.

How are acts counted ?

Since statistical reckoning is conditioned by the existence of police criminal investigation case file, one might expect the unit of reckoning to be the case file or the case. But this solution is rejected, in an attempt to individuate the acts recorded in a same case, when several such acts exist. This may derive from the repetition of a same offence (an individual is arrested on a parking lot after having committed several auto larcenies - that is, thefts from motor vehicles) or from the accumulation of offences either within a given act (auto larceny is generally tied to deterioration of the vehicle) or within the case file (when arrested, the thief may commit the offence of insulting a police officer or rebellion).

Over and beyond these broad categories of multiplicity within a same case file (several identical offences, several offences combined in a single event, distinct offences dealt with in a same case file), the notion of the recorded act is diluted in a great variety of rules corresponding to each of the indices in the nomenclature of offences, with its 103 headings as of 1995. The index determines whether the reckoning will be as a case file (41 headings), offence (22), object (vehicles in 5 headings and cheques, forged or stolen), victim (12 headings), victim interrogated (6), claimant (12) or offender (4). In addition, there is the possibility of using a combination within a given case. If there are several offences with different indices, for instance, the reckoning may be : one case file, one claimant and two objects. Without overly exaggerating, it may be stated that application of these rules would yield the following distribution of the 3 665 320 acts recorded in 1995 : 1 198 765 vehicles and 140 532 cheques involving an offence, 662 515 victims, 669 522 claimants, 98 344 offenders, 321 902 case files and 573 740 offences.

This multiplicity of units of reckoning responds to the desire to avoid establishing an equivalency between police case files for different numbers of "acts". This amounts to ponderating each case file by a factor reflecting the multiplicity of acts, on the basis of the complex rules described above. So far, it is truly the conventions governing reckoning that are involved. Assessment of the results requires stability within these conventions, a point on which accurate information is lacking. Counting of case files would yield a valuable element for checking.

In 1988, an attempt was made to achieve a clear definition of these complex conventions through rather extensive restructuring of both the conventions governing reckoning and the nomenclature of offences. As of 1st January 1995, another, more modest reform translated the new criminal code by readjusting the nomenclature. It also introduced a few modifications in the units of reckoning, producing substantial shuffling between some headings. For instance, those headings pertaining to white collar crime were partially merged, resulting in the disappearance of "misappropriation of corporate assets" and "other corporate offences", now assimilated to bankruptcy. Furthermore, for those same headings, reckoning is now done on a case file basis, whereas reckoning by type of offence was recommended previously. The effect of these modifications is visible, as will be seen.

Clearance rates

Police statistics are required to count elucidated acts and suspects, as well as recorded acts. The two units of reckoning are linked : an act is viewed as elucidated if it is ascribed to a suspected individual, who must have been interrogated to achieve this statistical status.

Utilisers of the series of elucidated acts, generally translated into clearance rates calculated as a percentage of recorded acts, are often puzzled by the figures exceeding 100 % for some headings. In 1995, 29 headings were in this category, and produced a "surplus" of about 35 000 elucidated acts as compared to the recorded acts in the same columns, thus representing an increment in overall clearance of about one point, or again, about 1 % of all recorded acts.

The reason alleged by the ministry of the Interior publication does not afford an adequate explanation of this anomaly. The possible time gap between recording and clearance does mean that acts elucidated during a given year are not a strict sub-group of recorded acts for that same year. But this does not explain the existence of a permanent surplus of elucidated acts. A more comprehensive explanation is required : all of the acts counted as elucidated were not initially counted as recorded. There are several reasons behind this state of affairs. The rules designed to avoid double counting by different agencies may have been applied too severely, when one agency elucidates acts, the recording of which it wrongly attributes to another agency. Or again, the earlier reckoning conventions may not have been interpreted in exactly the same way for recorded acts and elucidated acts : the question then is whether this bias, documented for some headings, always goes in the same direction.

Be this as it may, the difficulty in counting elucidated acts does not simply affect the clearance rate. It affects all recorded acts as well, which by definition include elucidated acts, even when the latter come to light through the investigation, when the offender is arrested. It should be noted, in passing, that this convention may cause discrepancies between statistics from different countries.

Suspects

Doubtless, it is less difficult to establish a unit of reckoning for individuals suspected of having committed elucidated offences. For a given case file, irrespective of the number of offences, a suspect is only counted once, in the heading corresponding to the "main offence". When there are a number of offences, it may be somewhat difficult to determine which offence is the main one, but this does not affect the total number of suspects.

Interestingly enough, the short and long-term evolution of the number of suspects does not necessarily coincide with the trend for recorded acts. Between 1974 and 1985, the number of suspects rose more slowly than the number of recorded acts, and even of elucidated acts. There is a structural effect

here, with the more rapid increment primarily affecting offences with a low clearance rate (thefts involving a motor vehicle, housebreaking). However, there is also an increase, during the same period, of the ratio of elucidated acts/suspects, for most types of offences. After 1985, recorded acts and elucidated acts show a series of ups and downs, of several years each. This trend is much less evident for suspects, whose numbers rise much more regularly. These two counts - acts and individuals - diverge much more clearly since 1993. The stagnation, followed by the drop in recorded acts (- 6.5 % in 1995) and elucidated acts (- 12.9 %) is attended by an increase in the number of suspects (+ 2,.3 %). In 1995, there were essentially three divergent points :

- ♦ Recorded acts pertaining to auto larceny or theft of auto accessories declined by 9.3 % and the corresponding elucidated acts dropped in similar proportions, but the number of suspects only decreased by 4 %. Since the clearance rate is very low for this category (under 8 % in 1995), this drop has a considerable effect on recorded acts and hardly affects suspects. The outcome, then, is a definite drop in the number of elucidated acts per suspect. The results coming under this heading should be regarded with particular caution, since recording habits may also have been affected by a modification, according to which the theft of car radios was shifted from the auto larceny category to theft of auto accessories.
- ♦ The gap is greatest in the field of white collar crime. In 1995, recorded acts dropped by 34.3 %, elucidated acts by 40.7 % and suspects by only 2 %. This is the obvious consequence of the generalization of the "case file" as unit of reckoning for this type of offence. The neighboring series, fraud, breach of trust and embezzlement shows somewhat the same discordant pattern between a sharp drop in acts counted and a slighter drop in suspects. One supposes that this is partially due to the reduced number of recorded elucidated acts (the clearance rate went from 102 % in 1994 to 96 % in 1995) and to the fact that fraud, breach of trust, misappropriation and swindling now all come under the same heading. Operations of this sort, which affected seven of the sixteen headings pertaining to white collar crime in 1995, may of course have effects on the units of reckoning. When the nomenclature merges these headings, the number of recorded offences of the different types decreases ! A case cumulating breach of trust, fraud and embezzlement contains three recorded acts before the merger. Afterward, the rule implies that only one act is counted. In the last analysis, we come up against the difficulty entailed by the interdependent relationship between the "act" as unit of reckoning and the typology of offences ; this is an additional argument favoring a more stable unit of reckoning, such as the case file.
- ♦ The last flagrant hiatus between the short-term evolution as measured by recorded acts or by suspects has to do with the subgroup of juvenile suspects. For offences as a whole, the number of adult suspects hardly varied between 1994 and 1995, whereas the number of juveniles increased by 15.5 %. This difference is not the same for all types of offences, and this is not the place to go into a detailed analysis of the findings. Suffice it to point out two elements.

First, it should be recalled that juveniles are only recorded as suspects when a judicial case file is constituted. Any reluctance to deal with cases at the police docket level immediately results in an increment in the corresponding number of suspects. Cases involving juveniles may well belong in this category. The sudden increase in the proportion of juveniles suspected of shoplifting or drug use, offences for which police dismissal is frequent (see *Penal Issues* n° 7, p.16), is probably a good example here. This does not mean that the situation with which the law enforcement agencies are faced is not getting worse. But if such worsening does exist, its measurement is considerably influenced by a definite change in criminal justice policies regarding juveniles. One effect of recommendations, followed by legislative modifications, encouraging more explicit reactions to juvenile delinquency is to increase the number of juvenile suspects in the statistics. It is difficult, then, to justify the reinforcement of such policies by numerical achievements, without creating a dangerous vicious circle...

Secondly, it should be recalled that these figures, somewhat hastily assumed to measure crime committed by juveniles, only reflect the age, as well as the sex and nationality (French or alien) - also shown in these statistics - of offenders when the acts have been elucidated. This is practically always the case for acts recorded upon police initiative (drug abuse and drug trafficking, and disturbing the peace, in particular) : the characteristics of suspects then depend partially on the orientation of policing towards certain categories of individuals. When a victim files a complaint, the offender's age is only known if the case is elucidated. Now, it is a fact that juvenile offenders are probably not as good as their elders at playing cops and robbers...

Police custody, handing over to the prosecutor's office (*défèrement*)

In addition to information on suspects, indications on the use of policy custody and committal following police action are most useful in the present context, characterized by the great poverty of judicial statistics on the pre-trial phase. In fact, given the state of the definitions and methods adopted by police and judicial statistics, the only feasible point of comparison between the two is constituted by the individuals involved. Thus, in 1993, for approximately comparable fields, we may estimate that offenders sentenced for a *crime* or *délit* represented slightly less than half of the suspects in police statistics. But this rough comparison establishes an equivalency between pure and simple dismissal of a case by the prosecutor's office and the non-prosecution of accomplices interrogated by the police and released while the main offenders are placed in police custody and handed over to the prosecutor's office. Information on police custody and committal before trial reflects the selection of prosecuted individuals among suspects. It indicates orders of magnitude : for instance, the order of magnitude for police custody is half that of suspects, and indicates very much the same ratio as between the convicted and suspects. "Committals" involve less than one suspect out of ten, probably because of reduced recourse to pre-trial detention.

It is difficult to be more specific, however. Police custody, reckoned in terms of decisions taken, does not apply to suspects only. Witnesses may also be held : in practice, these people are generally arrested, placed in police custody then released without being considered or counted as suspects. The definition of this statistic as the outgoing flow from investigating police agencies toward the prosecutor's office is contradicted

here. To be coherent, police custody should only be counted when suspects are involved, or conversely, every individual taken in should be counted and ventilated according to the outcome of the procedure. While the case of committals does not raise this particular problem (we definitely have a subdivision of suspects, here, but not of instances of police custody !), the result is biased, since in Paris, the suspects committed before presentation to the prosecutor's office are counted, whereas elsewhere this category refers to individuals incarcerated following presentation to the prosecutor's office. With the legal complications that have been inserted in the procedure for pretrial detention, it may in fact be preferable to align the rest of the country on the Paris example, and to leave it up to a renovated version of judicial statistics to determine, afterward, the outcomes for different *déférés*.

These methodological remarks may seem overly critical of a statistical apparatus that has definitely been improved, and the findings of which are absolutely necessary for any study of the criminal justice system. The criticism, if any, is primarily aimed at the uses to which these statistics are put, and which occasionally overlook the limits imposed by this technique. Secondarily, a better understanding of those limits may also encourage further improvement of the tool.

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For further information, the reader is referred to :

AUBUSSON de CAVARLAY (B.), Les statistiques de police : méthodes de production et conditions d'interprétation, *Mathématiques Informatiques Sciences Humaines*, 134, 1996, pp. 39-61.

AUBUSSON de CAVARLAY (B.), Les dimensions spatiales de la délinquance enregistrée, *in* PUMAIN (D.), GODARD (F.) Eds, *Données urbaines*, Paris, Economica-Anthropos, 1996, pp. 135-143.