

Report of the Expert Group on Crime Statistics

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Terms of Reference

The terms of reference of the Expert Group were to:

Crime Statistics

- (1)
 - (i) examine the collation of information relating to crimes reported to and recorded by An Garda Síochána, mindful of the capabilities of the PULSE system;
 - (ii) examine the 'Principal Offence' rule which is used by An Garda Síochána, which is 'incident focused' rather than 'victim focused', and other counting rules used by An Garda Síochána;
 - (iii) examine the distinctions currently made between offences classified as indictable and non-indictable, as contained in the Commissioner's Report, having regard to the seriousness of the crime committed, with a view to possible changes in the classification of offences; and
 - (iv) examine the collation of information relating to other crimes where An Garda Síochána is not the prosecuting authority, for example, 'white collar' crimes prosecuted by the Revenue Commissioners.
- (2) identify the needs of the key stakeholders within the criminal justice system and the wider research community to get appropriate information on crime statistics.
- (3) make recommendations on the necessary structures and resources to be provided to allow statistics compiled within the criminal justice system to be analysed, so that emerging trends can be identified and appropriate policy formulated by Government.

Alterations to the Annual Report of the Commissioner of An Garda Síochána

- (4) consider the appropriateness of the Commissioner's Report in future:
 - (i) describing the main 'counting rules' used to collate the statistics included in the Report;
 - (ii) describing changes in the recording, categorisation, description, etc. of offences as a result of the introduction of the PULSE system in the Report;
 - (iii) explaining subsequent changes in recording practice in the Report;
 - (iv) ensuring that the recording period of each Report is standardised;
 - (v) including, as an appendix to the Report, a list of all new legislation enacted since the last Report was published that has had an effect on the information contained in the Report and an explanation of the effect; and
 - (vi) producing a summary of the detailed Report for general distribution.

Research

- (5) consider the appropriateness of having, where possible and mindful of other considerations, data that contain information from which the crime statistics for the Commissioner's Report are derived made available by An Garda Síochána to the research community for research purposes, with the necessary precautions taken to guarantee confidentiality and anonymity.

Reporting

- (6) report on its deliberations to the Minister for Justice, Equality and Law Reform within 12 months of its establishment.

Summary of Recommendations

In order to improve the quality of the reporting of national crime statistics the Expert Group is proposing a number of recommendations. These are summarised below and outlined in more detail in the body of the text

The recommendations fall into two distinct categories. The first set proposes a number of changes to be made immediately to the current crime statistics produced by An Garda Síochána and based on the PULSE system. Most of these are capable of immediate implementation. The second set of recommendations contains changes to the compilation of national criminal justice statistics which the Group believes are capable of implementation in the medium term.

1. Recommendations for improvement to the current system

- 1.1 Pending future developments (see 2 below) crime statistics should continue to be produced by An Garda Síochána and issued by the Garda Commissioner. However, their publication should be separated from the Garda Commissioner's Annual Report to the Minister. **See Terms of Reference 1(i)**
- 1.2 The definitive annual crime statistics should be published no later than the end of the first quarter immediately following the reporting period. **See Terms of Reference 1(i)**
- 1.3 Quarterly crime statistics should be published within three months of the end of the quarter to which they refer. The Group acknowledges that progress has already been made in meeting this recommendation but notes that the relevant data currently cover headline crime only. **See Terms of Reference 1(i)**
- 1.4 Crime statistics should be released to a rigidly set timetable which is published well in advance by An Garda Síochána, with Ministerial comment clearly separated from publication of the statistics themselves. **See Terms of Reference 4(iv)**

- 1.5 Significant changes which occur in the reporting, categorisation or description of offences, either as a result of changes to Garda Síochána procedures or legislative changes, should be clearly explained. Where possible the effects of such changes on the crime figures should be indicated. **See Terms of Reference 4(ii)**
- 1.6 The annual and quarterly crime reports should contain all relevant information in relation to the methods of compilation, including the main counting rules in order to facilitate the interpretation of the data. **See Terms of Reference 4(iii), (v)**
- 1.7 Any significant future changes planned by An Garda Síochána in crime reports should be implemented only after consultation with major stakeholders. **See Terms of Reference 2**
- 1.8 Crime statistics should cover all non-headline offences known or reported to An Garda Síochána. At present non-headline crime statistics cover only those offences in which proceedings were taken. An undertaking was given in the 2000 annual report to provide this detail from 2002 onwards. **See Terms of Reference 1(i)**
- 1.9 Current Garda Síochána statistics are issued in the form of incident based tables. It is recommended that in addition victim and offender tables be produced as soon as possible. **See Terms of Reference 1(ii)**
- 1.10 Annual crime statistics should be provided by county and the necessary alterations made to the PULSE system with effect from 1 January, 2005. **See Terms of Reference 1(i)**
- 1.11 The Group recommends that within the constraints of security, data protection and freedom of information, all agencies in the criminal justice system should afford the maximum access possible to researchers. **See Terms of Reference 2 and 5**

- 1.12 It is recommended that An Garda Síochána ensure appropriate resources are provided to monitor the quality and consistency of the inputs to the PULSE system. In addition it is recommended that Garda management involve external professional advice, as offered by the Central Statistics Office, in their internal audit and quality review process and in data presentation. **See Terms of Reference 1(i)**
- 1.13 The Group recommends that a special research project be commissioned by the Department of Justice, Equality and Law Reform to examine comprehensively the collation of information relating to crime reported to and recorded by An Garda Síochána. The Group would be prepared to assist in drawing up detailed terms of reference if required. **See Terms of Reference 1(i)**

2. Recommendations for changes in reporting system

- 2.1 The Group recommends the establishment of a Central Crime Statistics Unit (CCSU) within the Department of Justice, Equality and Law Reform. This Unit should have professional independence and should compile and publish enhanced crime statistics based mainly on data derived from An Garda Síochána PULSE system. The Unit would also be responsible for overseeing the national crime victimisation survey and for the development of enhanced crime statistics and criminal justice statistics across the criminal justice system. The detailed functions proposed for this Unit are described in Chapter 9. **See Terms of Reference 3**
- 2.2 The CCSU should have an independent Advisory Board comprising of nominees from the various agencies within the criminal justice system (the Department of Justice, Equality and Law Reform, An Garda Síochána, the Courts Service, the Irish Prison Service and the Office of the Director of Public Prosecutions), the Central Statistics Office, the National Crime Council, the research community and from the general public. The Board should be chaired by a person independent of the criminal justice system. (See details in Chapter 9.) **See Terms of Reference 3**
- 2.3 The CCSU should, as soon as practical, take over from the Garda Commissioner responsibility for the publication of crime statistics. **See Terms of Reference 3**
- 2.4 The CCSU should draw on data from the developing IT systems in all criminal justice agencies such as An Garda Síochána, the Prisons Service, the Courts Service, the Office of the Director of Public Prosecutions and the Probation and Welfare Service. The Unit will require appropriate access to unit record data from all systems to enable it to carry out its functions. **See Terms of Reference 3**
- 2.5 In order to provide a more comprehensive review of crime statistics on a national basis, information on prosecutions and offence details from

Departments and prosecuting authorities in addition to An Garda Síochána should form part of the data made available on a regular basis by the CCSU.

See Terms of Reference 1(iv)

- 2.6 The CCSU should work with other Divisions of the Department of Justice, Equality and Law Reform and the criminal justice agencies to develop increased integration between the IT systems of the Prison Service, the Courts Service, the Office of the Director of Public Prosecutions, the Probation and Welfare Service and the Department of Justice, Equality and Law Reform itself leading to the development of an integrated criminal history repository system. **See Terms of Reference 3**
- 2.7 All agencies involved in the reporting of crime statistics should be encouraged to use internationally agreed definitions when categorising crime. **See Terms of Reference 2**
- 2.8 In order to address the significant gap between the number of crimes that are committed and the number that are recorded, the Expert Group strongly endorses the Government decision of July 2003 to conduct biennial national crime victimisation surveys. **See Terms of Reference 3**
- 2.9 The Expert Group recommends that all organisations with prosecuting authority appoint an officer who will have the responsibility of acting as a central point of contact on matters relating to crime statistics. **See Terms of Reference 1(iv)**

Membership of the Expert Group

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Position: Former Chief Executive of Aer Lingus

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Director, National Crime Council

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Name: Mr David Walker (Secretary from January 2003 to July 2003)
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Name: Mr Gerry Hayes (Secretary from July 2003 onwards)
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Chapter 1: Introduction

“Statistics, research and theoretical analysis clearly have limited value. In themselves they offer no solution to the underlying problem of crime. Furthermore there is no such commodity as infallible or even unproblematic statistical data or research findings. Nonetheless a system which does not prioritise the gathering of data on its own operations can never be truly rational or fully accountable. It is also highly unlikely to achieve its essential goals”.

Source: “Criminal Chaos” by Dr Paul O’Mahony

1.1 Importance of Quality Crime Statistics

It is generally accepted that the objective of any system of crime and criminal justice statistics is to assist in the formulation of policy and practice aimed at preventing, reducing and detecting crime and making more effective the courts, prisons and probation and welfare services. More broadly it should assist research into the criminal justice system and society more generally. To achieve those objectives relevant, up to date, accessible and comparable statistics are needed from across the various agencies of the criminal justice system. However, the collection of relevant data is but one part of the process; it is imperative that once the data are collected, they are analysed and published within a reasonable period of time.

The availability of good quality, relevant statistics is essential for planning the deployment of scarce resources within the criminal justice system for the short, medium and longer term. In the absence of a solid foundation, there is a danger that policy would be developed with a short term perspective, more in response to current situations in crisis than with a longer term perspective and a research and knowledge based focus. It is also important to have a system which enables valid international comparisons to be made, both of absolute levels and of trends in crime statistics in other countries.

In Ireland, and in other jurisdictions, the main source of data on crime is records compiled by police forces. These data are compiled primarily for operational purposes and consequently for a number of reasons have obvious limitations as a means of interpreting the general level of crime in society. There is a level of crime

which goes unreported, known to criminologists as the ‘dark figure’. For example, the 2000 British Crime Survey estimated that only 23% of crimes committed were represented in the recent official police statistics.

Criminal justice statistics generally (including in Ireland) have further shortcomings which go beyond the limitations of reliance on police records. For example, the Australian Bureau of Statistics in a recent report¹ listed a number of key issues for Australian criminal justice statistics which are not being addressed by currently available data.

These were:

- “An inability to distinguish characteristics of offenders (a lack of detailed offender information);
- An inability to track offenders through the criminal justice system;
- The lack of information of victim and offender ethnicity and indigenous status;
- The lack of information on drug, alcohol and firearm involvement in crime;
- The lack of adequate data to examine recidivism (including the lack of a standard definition of a recidivist);
- An inability to evaluate comprehensively programmes to reduce recidivism and other interventions/prevention programmes in order to determine accurately the type of strategies that are effective;
- The lack of collection of data for research and evaluation requirements, rather than just for operational needs;

¹ “The National Criminal Justice Statistical Framework” published by the Australian Bureau of Statistics, 2001

- The existence of many systems to store data but no integration of that data ;
- The lack of uniform standards in some parts of the crime and justice field;
- The need for geo-coded data for regional comparisons at small local area level;
- The lack of a substantial link between crime data and other data to help identify factors contributing to crime.”

Similar issues have been identified by commentators on the Irish scene either in official reports² or in the public consultation process undertaken by the Expert Group³ as being relevant in Ireland.

In addressing the limitations of the current crime statistics in Ireland, it is worth drawing attention to the view expressed in a National Crime Council Report²:

“A reasonable strategy is to fully acknowledge the limitations of the Commissioner’s report but nevertheless to use and analyse the information on recorded crime it presents, not least, because it is the most complete available. The data must however be interpreted in the light of what we know about how these statistics are put together, about what can be learned through international experience of crime surveys and by endeavouring to place the statistics in as broad a context as possible”.

It is recognised internationally that in endeavouring to move forward and to develop statistical systems which can be used to support policy making decisions, the focus needs to be much wider and to go well beyond the attempts to improve the routine statistics supplied in summary form by various police forces⁴.

Fortunately, recent technological advances are making it possible to chart a way forward. In the last few years in Ireland, it has been possible to move away from the

² “Crime in Ireland” published by the National Crime Council, 2001

“Statistical Potential of Administrative Records” published by the Central Statistics Office, 2003

³ Chapter 3 of this Report

⁴ “Manual for the Department of Criminal Justice Statistics” published by the United Nations 2002

paper based statistics systems which were common across the criminal justice network and to begin to use the power of modern technology to process and analyse data. It is therefore now possible to envisage the introduction of a much more sophisticated and comprehensive criminal justice statistics system.

1.2 Work Programme

The Expert Group first met in March 2003 and since then has met on a total of eighteen occasions. In addressing its terms of reference, the Expert Group commenced by endeavouring to identify the needs of the key stakeholders within the criminal justice system and the wider research community. It was decided to invite a number of interested bodies to make submissions and to conduct a public consultation process in which members of the general public were invited to express their views to the Group. This resulted in a total of 32 submissions being received (Chapter 3). These submissions were analysed to highlight the main issues giving rise to concern.

The Group received a detailed presentation from An Garda Síochána on PULSE, the Garda operational IT system, which acts as the source of data for the national crime statistics. A sub-group was then established to liaise with An Garda Síochána in order to understand better the details of its operation. The Group also researched the availability of data relating to other crimes where An Garda Síochána is not the prosecuting authority. An extremely varied picture emerged on the degree of availability of such data.

The Group's terms of reference required it to consider possible alterations to the Annual Report of the Garda Commissioner. The Group developed proposals in relation to this for review and evaluation by An Garda Síochána. It also developed a number of other recommendations for improvements in the content and timeliness of the Annual Report and of the quarterly crime statistics figures (the publication of which commenced subsequent to the establishment of the Group).

The Group was requested to make recommendations on the necessary structures and resources to be provided to allow statistics compiled within the criminal justice system to be analysed so that emerging trends could be identified and appropriate policy formulated by Government. It was decided by the Group to interpret this

requirement in a broad sense and to develop proposals for a framework which would enable improvements in criminal justice statistics to be introduced continually.

The Group also considered whether there were implications for its work arising from a number of current developments within both the Department of Justice, Equality and Law Reform and An Garda Síochána. These included the Garda Síochána Bill 2004, the work of the Expert Group to examine the possible changes to the codification of criminal law and the Garda Strategic Management Initiative process. It also discussed its initial conclusions with a senior official from the United Kingdom Home Office in order to obtain an external view.

Resulting from the above, the Expert Group is putting forward a set of recommendations both for immediate improvements in the present system and for changes to organisational structures intended to facilitate the development over time of a programme of systematic improvements to the criminal justice statistics system.

Chapter 2: Crime Statistics and their Uses in Ireland

2.1 Current Process for Production of Crime Statistics

At present the single most important source of statistical data on recorded crime is the Garda Síochána Annual Report. This Report is presented by the Garda Commissioner to the Minister for Justice, Equality and Law Reform and contains in addition to the Report proper a detailed breakdown of recorded crime on an annual basis. The information is presented in tabular format with explanatory notes highlighting areas of particular importance. The Annual Report is a public document available in hard copy format from the Government Publications Office and through the Garda Síochána website.

The basis of the statistical data is in the operational information recorded by members of An Garda Síochána on the PULSE IT system in the daily exercise of their duties. Each member is required to record operational information on specific activities and offences within defined timeframes set out by the Garda Commissioner. The data collected over the course of the year are collated and analysed to produce the tables of offences contained within the Garda Síochána Annual Report.

In addition to the Annual Report, since April 2003 An Garda Síochána have produced at the request of the Minister a summary document for the preceding quarter showing the incidence of headline crime under 24 separate headings and following the end of the year provisional annual figures.

Further information on crime can become available as a result of queries by elected national representatives, either in the Oireachtas or through direct communication with the Minister. The Garda Síochána provide the Minister's Department with any data required to assist the Minister respond to the query.

Any member of the public is also entitled to contact the Minister in relation to issues of concern to the citizen. Any material required to assist in providing a reply is requested from An Garda Síochána.

Because of the central role of the PULSE system in providing crime statistics today, it is discussed separately in more detail in Chapter 4. In addition to the data available to An Garda Síochána through the PULSE system, there are two other agencies in the criminal justice system, namely, the Courts Service and the Irish Prison Service, which are now beginning to produce statistics of relevance to various stakeholders. These developments are described briefly in Chapter 5. The Probation and Welfare Service now has an IT system which will in time produce statistics. The Office of the Director of Public Prosecutions also produces an annual report.

2.2 Stakeholder Needs

Crime statistics are used by a number of different stakeholders and in particular by the following:

An Garda Síochána

An Garda Síochána use statistics derived from the PULSE system as a valuable management information tool and for policy evaluation purposes. This includes all staff and sections involved in operational and strategic decision-making processes. Garda decision-making needs are serviced by the PULSE system, which provides managers with a monthly summary of crime (and non-crime) statistics. In particular, Garda Superintendents and officers of higher rank are provided with analyses at the levels of Garda District (headed by a Garda Superintendent), Garda Division (headed by a Garda Chief Superintendent), Garda Region (headed by a Garda Assistant Commissioner) and at the national level. Typically, the analyses show offences on a monthly basis, comparing the current year to date with the previous year.

The crime statistics are also used for the management and evaluation of specific Garda Síochána initiatives, such as the policing of public order. Dedicated search queries are designed and executed at appropriate intervals to monitor and evaluate the outcomes of such initiatives. These are regarded by An Garda Síochána to be a relatively small but important element of the operational policing requirements on PULSE crime data.

In addition to the monthly body of crime statistics generated to support strategic requirements, quarterly and annual crime statistics are generated by the PULSE

Management Information System. The most prominent among them are the various crime (and non-crime) statistics that feature in the published Annual Policing Plans and their subsequent evaluations (published as part of the Annual Report of An Garda Síochána in recent years). Typically, they relate to performance indicators in the crime area, such as crime incidence per head of population, measures of violent crimes, vehicle crimes and public order offences.

Thus, crime statistics are used in several quite different ways within An Garda Síochána. Some of the uses are, by their nature, relatively routine while others require statistics at short notice or on a once-off basis. An Garda Síochána have advised that there is no significant limitation to the capacity of the PULSE system to meet the needs of the internal Garda users. This arises from the fact that the system was designed as an operational one and the internal Garda needs were well understood at the time when the system was at the design stage. In contrast, the needs of external customers have been less well understood.

Minister for Justice, Equality and Law Reform and Government

Garda Síochána crime statistics are also of premium value to the Minister for Justice, Equality and Law Reform and, by extension, the Government in terms of criminal justice policy development. The Minister holds responsibility for the policies of, as well as being politically accountable for the criminal justice system, with the exception of the prosecution of offences.

For example, setting and monitoring key objectives for policing by An Garda Síochána form part of overall policy for the criminal justice system. The Minister consults with the Garda Commissioner on policing and legislative matters as part of his assessment of the overall goals and objectives of the criminal justice system. In turn, the Commissioner puts forward suggestions covering policing/security and other related elements of the criminal justice system. Garda Síochána crime statistics form an important quantitative bedrock for these interactions.

The Annual Report of An Garda Síochána is the medium used to publish crime statistics at present. The Report is presented by the Garda Commissioner to the Minister for Justice, Equality and Law Reform. On publication of the Report by the

Garda Commissioner, the Minister comments on the trends in crime statistics. The Minister is held accountable, in part, through debates and votes in the Oireachtas and also through replies to parliamentary questions and replies to correspondence from members of the Oireachtas and other bodies and members of the general public.

Oireachtas

The Oireachtas requires information to evaluate the Government's success in responding to crime and, in so doing, make accountable the Minister. Furthermore connections exist between crime and socio-economic factors. Policies are developed by Government to address these factors and the Oireachtas requires information to evaluate Government success.

Research Community

The Expert Group recognises that there are important security, data protection, privacy and anonymity considerations which must govern access to the various IT systems in the criminal justice area. At the same time, there are a number of bona fide researchers who do require access to data at a greater level of detail than that provided in the Annual Report. The general policy of the agencies involved is to try to facilitate such researchers. It is extremely important that access is enabled to the greatest extent possible in order to enable high quality research to be carried out and the Expert Group wishes to underline this fact. Meeting this requirement is an important objective if high quality criminology research is to be facilitated.

General Public

The general public is also vitally interested in the effectiveness of criminal justice policies. Furthermore, the release of readily understandable crime statistics can enable the public to understand and help manage the risk of criminal victimisation. One important means of managing the risk is such crime prevention initiatives as Neighbourhood Watch and Community Alert. In turn, this can be expected to promote a greater alignment between the actual risk of victimisation and the often exaggerated levels of fear of crime.

International Community

There is also a growing demand for detailed statistical information from, among others, the European Union, the Council of Europe and the United Nations. Information required by these bodies may be sought from any of the agencies within the criminal justice system.

2.3 Requirements for National Crime Statistics

In summary the principal requirements of the major stakeholders are for statistics:

- to inform Ministerial/Government policy and enable evidence-based decision making;
- to facilitate international comparisons ;
- to identify crime trends (including new and emerging patterns of criminal behaviour);
- to identify new and emerging criminal behaviour;
- to enable members of the public to understand and manage risks of crime;
- to stimulate informed public debate on crime;
- to allow evaluation of crime prevention programmes;
- to provide a measure of accountability through target setting; and
- to enable Garda performance to be evaluated

The extent to which the present criminal justice system meets (or fails to meet) these needs is considered later in this Report.

Chapter 3: Public Consultation Process

During the early stages of the work of the Expert Group, it was concluded that a process of public consultation would be helpful in informing the work of the Group. The opportunity afforded to individuals and organisations to contribute to the work of the Group was seen as an important step in addressing the concerns of those interested in and affected by crime statistics. The process which was followed encompassed two separate parts with (i) submissions being invited from seven named parties who would be likely to have a specific interest in the subject matter being considered by the Group (listed at Appendix I), and (ii) a more general invitation to the wider public to contribute to the work of the Expert Group. In order to facilitate the wider public, advertisements inviting submissions were placed in three national daily newspapers.

Arising from this process of public consultation a total of 32 submissions were received by the Expert Group (listed at Appendix II). In analysing the submissions it was noted that, while individual contributions expressed different points of view and concerns, a number of common themes were discernible. A substantial number of submissions attached significant importance to the ability to provide information on crime statistics on a geographical basis other than that currently available, namely Garda Divisions. Varying degrees of emphasis were placed by different organisations on the level of detailed breakdown required. A number of requests for a breakdown by county were received, but others expressed a wish for more detailed information to cover local authority and even electoral area boundaries. The rationale for these requests was partially a requirement by County Development Boards and local authorities to be in a position to allocate resources to where they are most needed but also to inform the public better at a local level on issues of importance in their own communities.

A further common theme emerging from the public consultation process was the expressed need for crime victimisation surveys as an aid to understanding the impact of crime on victims. The first of these surveys is planned for later this year.

Another theme found in a number of submissions was that of the interaction between the various elements of the criminal justice system with an expressed wish to see

some form of tracking of offenders within the criminal justice system and a more efficient sharing of information between criminal justice agencies. The exchange of information between agencies is a prerequisite for a co-ordinated criminal justice system where resources can be allocated most effectively based on the availability of a comprehensive data resource. This issue is addressed further in Chapters 8 and 9.

There were also a number of requests for a more detailed breakdown of crime statistics under a range of different headings, including information in relation to drug seizures/drug enforcement activities on a local basis, ethnic monitoring of victims and a request for greater range, depth and dissemination of domestic violence statistics.

Chapter 4: PULSE (Police Using Leading Systems Effectively)

4.1 The PULSE System

In view of the central role of the Garda Síochána system in generating national crime statistics, and in light of the Group's specific terms of reference in relation to PULSE, a significant amount of time was devoted to understanding various aspects of the system. A comprehensive presentation was made by An Garda Síochána to the entire Group and a sub-group was established to review the details of the operation. A series of meetings was held over time with An Garda Síochána and the system was viewed in operation at a major Dublin Garda Síochána station. The detailed operating manual for PULSE was provided and the counting rules (including detection criteria) which are being applied and which are set out in Appendix III were considered by the Group.

PULSE was first introduced by An Garda Síochána in 1999. Its aim was to replace previous Garda computer systems and many manual and paper based methods of operation with state of the art information processing tools. In effect, it creates a fast single central information database that provides comprehensive strategic and operational planning information for Garda Síochána management.

It was designed on the principle that the individual Garda member enters his/her own data. The data used to compile the crime statistics may therefore be entered by one or more Gardaí depending on the complexity of the case and other issues. Having regard to the counting rules, the Garda entering data selects the appropriate PULSE incident type to record the offence and proceedings arising from it. At various stages of the recording process, the record must be reviewed by a supervisor to ensure that the data are accurately recorded.

PULSE is currently accessible in 181 locations throughout the State and under this level of coverage, 85% of events are directly captured onto the system. Over 75% of all Garda Síochána personnel have direct access to PULSE terminals in their own stations. Where locations do not have direct access to the systems, procedures have been put in place to capture relevant data electronically. The system has been

implemented in a series of phases and releases over the past few years and continues to be upgraded

PULSE was designed primarily as a support for crime prevention and crime detection measures by An Garda Síochána. It is viewed by Garda management as having been particularly successful in this regard. It also provides a range of statistical data in the form of monthly summary statistics tables used to support operational and strategic decision making needs within An Garda Síochána. It is capable of generating data on a once-off basis to support particular initiatives in crime prevention and detection. In addition, it generates the statistics provided in the Garda Commissioner's Annual Report using a suite of data searches dedicated to that purpose. The headline offences recorded in the Annual Report have been generated by PULSE since 2000 and non-headline offences since 2002. Prior to its introduction, the vast majority of crime statistics were manually generated. An Garda Síochána management credit it with the achievement of significant improvements in accuracy and consistency.

4.2 Reported/Recorded Crime

It is stated in the PULSE guidelines that 'all incidents coming to the attention of a Garda will be recorded by that Member'. An incident is defined as 'any occurrence which requires follow up by a Garda once he/she becomes aware of it'. In practice each case requires the exercise of discretion. For serious incidents, or matters where a crime has unambiguously been committed, reports from the public will automatically result in the creation of a PULSE record. In other circumstances (e.g. a telephone call to a station which is not followed up or information received from a member of the public in circumstances where a statement is not taken) a PULSE record will not normally be created. As a general rule, the decision to record is based on two criteria: a reasonable probability that an offence took place and there is no credible evidence to the contrary. It is worth noting that no summons can be issued without a PULSE incident being recorded and signed off by a superior officer.

There are detailed guidelines setting out which incidents must be recorded within a tour of duty, which within 24 hours and which within 6 months. The record can be amended/updated at any time by any Garda and it is possible to check when changes

were made and by whom. This would happen, for example, when a suspect is apprehended, a crime detected or the court outcome known.

The detailed crime counting rules applied by An Garda Síochána are shown as Appendix III to this report; these include the criteria to be applied in determining whether or not a crime has been detected. A summary of the crime counting rules has been listed as an Appendix to the Garda Commissioner's Annual Report in recent years.

In general, any such counting rules can give rise to difficulties in interpretation. In particular there is limited information on the extent to which multiple offences may have been committed but only one counted as a result of the primary offence rule. For example, under the primary offence rule, two criminal offences are disclosed in the one episode when a person commits a burglary and kills a person in the building. The murder offence is the primary offence in this example. Consequently the episode counts as one murder in the crime statistics but not as a burglary although details of the two offences are recorded. In general some such consequences are inevitable. This does not invalidate the counting rules as such but detailed research may be needed to evaluate fully their impact.

At present the statistical output from PULSE focuses exclusively on 'incidents' as distinct from 'victims' or 'offenders'. The absence of victim and offender information was commented upon by a number of contributors to the public consultation process undertaken by the Group. However the data required to produce broad categories of 'victim' and 'offender' tables are already routinely collected by PULSE and the desirability of producing such tables is discussed further in Chapter 8.

As a general observation, the Expert Group regards the counting rules being applied by An Garda Síochána as a sensible and prudent statistical convention. Similar rules are applied by the police forces in England and Wales. The Group notes also that any significant changes in the counting rules may entail a redesign of the PULSE system and would create an undesirable new discontinuity in the various time series.

With regard to the detected criminal offences criteria, the Expert Group would also regard these as being generally sensible and in line with what it knows of practice elsewhere. There is an inevitable subjectivity in some instances resulting from a requirement by a Garda to exercise judgement, but it is noted that such judgements now have to be exercised at District Officer (Superintendent) level.

4.3 Collation of Data

Data on the PULSE system are validated on a quarterly basis. This entails the information analysis section within An Garda Síochána sending out a list of incomplete searches carried out on the database. These lists are issued to Divisions for distribution to the relevant Garda for completion. The purpose of the validation exercise is to minimise the number of missing values in specified fields. Examples are where a crime is recorded as detected but no details are given of the offender, or property is taken in a burglary but no value is specified.

This leads to the production of weekly and monthly management information system reports which are scrutinised at senior management level and unusual patterns in the data identified at an early stage. The information currently contained in the Commissioner's Annual Report is based on the aggregated data supplied by the information analysis section.

4.4 Quality of Data

Inevitably in Ireland, as in other jurisdictions, media and public scepticism has been expressed from time to time about the inherent accuracy of figures produced by An Garda Síochána. This surfaced in the Waterford report published by An Garda Síochána in October 2002 following the appointment by the Garda Commissioner of a Chief Superintendent to carry out an audit of crime recorded and detected in the Waterford Garda District in 2001. While the review led to a reduction in the recorded detection rates from 64% to 59%, the Report found no evidence of any abuse of procedures in recording crime, that all decisions were made in good faith and the majority of the errors detected would have been identified and corrected at the review stage.

The Expert Group requested Garda management to advise whether all recommendations resulting from the inquiry had been implemented. Confirmation was received that this was the case. In particular the Group noted that a Quality Assurance Board has been established internally within An Garda Síochána to bring forward and implement quality assurance measures in respect of PULSE data. This Board is currently compiling a number of proposals including continuous measurement and improvement cycles with a view to fulfilling its remit. In addition, the latest release of PULSE (Release 2) in November 2003 has addressed an array of issues for which fixes or supports were required.

An Garda Síochána have acknowledged the importance of making continuous efforts to address quality issues in PULSE. The Annual Policing Plan 2004, published by An Garda Síochána refers to the need to add ‘increased importance to the need for a proactive data quality management and measurement strategy’.

The Expert Group noted also the existence of extensive training programmes for Garda officers in the operation of PULSE as well as the existence of detailed protocols for its operation contained in the PULSE manual.

4.5 Overview

Notwithstanding the amount of work which has been devoted by the Expert Group to understand the operation of PULSE and the responses provided by Garda management as outlined above, the Group is not in a position to provide a blanket endorsement of all aspects of its operation. To do so would require a detailed audit investigation at an operational level carried out over an extended period of time, at a range of stations throughout the country. The Group believes therefore that to address more fully the collation of information relating to crimes reported to and recorded by An Garda Síochána would entail a significant full-time research project and would require a further stage of investigation (see Chapter 9). However the Group does note and endorses strongly the evident serious intent of An Garda Síochána to strive continuously to improve the quality of the statistical data.

At the same time there are a number of issues relating to national crime statistics which emerged during this phase of the Group’s work which showed that the current

output from PULSE is not fully meeting the requirements of the various stakeholders. These are discussed further in Chapter 8.

Chapter 5: IT Developments elsewhere in the Criminal Justice System

While the Garda PULSE system is the largest and most sophisticated IT system within the criminal justice area, other important developments have been taking place and new systems are being implemented, most notably within the Courts Service and the Irish Prison Service and also within the Office of the Director of Public Prosecutions. While each of these developments were designed to satisfy the specific needs of the individual agencies, it was recognised at an early stage that the design in each case should allow for a substantial level of system integration to enable information to be exchanged electronically between the various systems.

5.1 The Courts Service - Criminal Case Tracking System (CCTS)

CCTS is currently in operation in the Dublin Metropolitan District Courts and both Cavan and Limerick District Court offices. CCTS is currently in operation in the Dublin Metropolitan District Courts and in eight provincial District Court offices. It will be extended to all District Court offices in 2004 and subsequently to Circuit Courts. CCTS is one of the Courts Service's main strategic applications. It will provide the Courts Service with the capability to collect and store data on criminal cases in a centralised database while ensuring that the system has the flexibility and functionality to grow and evolve to meet present and future processing requirements.

One advantage that a centralised database provides is the ability to collect statistics through the use of automated queries. At present, most statistics in the Courts Service are compiled and collated manually. CCTS will provide more detailed statistics than it is presently possible to collect through a manual system, and this information will be available to throw light on the work carried out by the Courts Service. The extension of CCTS to all District Courts this year will greatly enhance the tracking of criminal cases throughout the courts system.

Future developments will allow the transfer of select data electronically between the Courts Service and An Garda Síochána. Electronic transfer of data from CCTS to the Department of the Environment, Heritage and Local Government has already commenced. This new feature will facilitate the introduction of the full road traffic penalty points system on a nationwide basis. Electronic interfacing of CCTS with the

external customers of the Courts Service has been set as IT policy and the CCTS team will implement this model in future developments and in doing so remove in so far as possible the need to enter data manually.

While it is planned that CCTS will ultimately track all criminal cases throughout the courts system, the focus has so far been on offences prosecuted by An Garda Síochána. The CCTS application provides for the processing, scheduling, enforcement and reporting of all criminal cases by way of summons application or charge sheet.

The CCTS project represents a major step towards the Courts Service's strategic objective of using IT to promote increased efficiency and improved customer services. It will also provide a platform for increased integration with computer systems of other agencies.

5.2 Irish Prison Service - Prison Records Information Service (PRIS)

A computerised prison record system has long been identified as a key business requirement for the Irish Prison Service. Until recently information held on prisoners had almost entirely been paper based with the result that the exchange of information was haphazard and unreliable. The lack of accessible data impacted negatively upon the capacity for statistics-based policy making. Work commenced on PRIS in late 1998. The first site went live in August 2000 and all prisons were fully online by February 2001.

The possibility of capturing historical data was considered but rejected on grounds of effort and cost effectiveness. The approach that was taken instead was that any prisoner in the system would have a fully computerised record. Sites which had gone live in 2000 recorded all persons in custody at the time but did not take on records of previously released prisoners. Accordingly, there are no three year records on the system as yet and it will be some time before a full data bank covering all prisons is in place to allow multi-year analyses.

5.3 The Office of the Director of Public Prosecutions

Over the last few years, the Office of the Director of Public Prosecutions has

initiated and developed an IT system to record the receipt, management and result, by reference to offence, suspect and complainant, of files referred to the Office by An Garda Síochána and other investigative agencies for directions as to prosecution. Following the recommendations of the Nally Report, and the consequent expansion and development of the Office, by the transfer of the Criminal Division of the Chief State Solicitor's Office to form the Chief Prosecution Solicitor Division, a project has been initiated to introduce a new IT system to cover both divisions and to replace the system currently in use. This development provides an opportunity for increased integration with the systems developed by the other agencies within the criminal justice system.

5.4 Integration of Data

When IT developments were being planned within the Department of Justice, Equality and Law Reform during the mid-1990s, it was recognised that even though distinct operational agencies were being established with their own IT requirements, nevertheless there would continue to be a high degree of interdependence between the Department and its offices and agencies. It was decided therefore that in order to allow organisations to concentrate on the delivery of services within their own business areas yet have timely access to the information required to make decisions, information systems across the organisations in the criminal justice sector would have to be integrated. Accordingly, a Justice Co-ordination Programme was established. This programme was intended to be in line with the organisation of the sector and was based on the following principles:

- Each component of the criminal justice system should operate effectively in its own right;
- The overall criminal justice system should
 - avoid failure in handovers and communication;
 - avoid unreasonable duplication of effort and excessive manual effort;
 - support policy making and research (i.e. statistics);
 - support tracking of events for convicted individuals.

The three operational systems (PULSE, CCTS and PRIS) were planned to form the pillars of the Co-ordination Programme. These three systems are now live and

generally close to completion. Developments are also in hand for IT systems in the Probation and Welfare Service. Some work has been done on the development of a common data model and interfaces between the various systems identified. Interfaces are currently in the course of implementation between Courts Service and Garda systems, and further interfaces are planned for the future. While the integration strategy has been impacted to some extent by resource limitations, nevertheless the fundamental strategy is still intact, and work is continuing on it.

The ultimate objective is the building of a criminal history repository to provide comprehensive data across the system. The significance of this work is that it would address directly some of the fundamental information needs for policy formulation which are not available at present. Such shortcomings include the inability to track offenders through the criminal justice system, lack of information on recidivism rates and lack of information on the impact of differing sentencing policies. Completion of the planned integration strategy has major positive implications for the future of the Irish criminal justice statistics system.

Chapter 6: Non-Garda Síochána Prosecuting Bodies

6.1 Background

A specific requirement within the Terms of Reference of the Expert Group was to examine the collation of information relating to other crimes where the Garda Síochána is not the prosecuting authority (Terms of Reference 1 (iv)). At present a number of bodies are empowered under legislation to undertake prosecutions for offences without having recourse to the Garda Síochána.

The number of offences which are prosecuted annually, and more detailed information on these offences, are not generally reported on through the Garda Síochána PULSE system and as such are not reflected in the statistics contained within the Garda Síochána Annual Report. The Courts Service is developing its Criminal Case Tracking System (CCTS) in order to include the tracking of a range of non-Garda offences prosecuted in the District Court, but such statistical data will be limited to events and outcomes within the courts system.

A comprehensive and structured analysis of all bodies which have the legislative authority to prosecute for breaches of legislation in their own right would be a task beyond the resources available to the Group. The Expert Group decided that a review of those bodies most likely to impact upon the crime figures would be the most effective course of action. A list of bodies an examination of whose activities would most likely to inform the work of the Group was drawn up, based in part on the number of offences prosecuted by those bodies annually and in part on the perceived gravity of the offences. The list included a range of Government Departments, semi-state agencies and several of the larger local authorities.

Each of these bodies was contacted initially by telephone by the Secretary to the Group to ensue consistency in the information that was being requested from each of the selected bodies. This also assisted in helping form a more general view as to how the generation of statistics is handled within organisations, particularly when enquiries are being made from outside the organisation.

6.2 The Organisations

It is possible to divide the organisations which were contacted during the research phase into separate groupings based upon the sector within which they operate. Essentially three groups emerge from this process: (i) the State Sector, (ii) the semi-State sector and local government and (iii) the private sector. Examples taken from each sector are as follows:

the State Sector

Revenue Commissioners, Department of Social and Family Affairs, Department of Communications, Marine and Natural Resources, Department of the Environment, Heritage and Local Government, the Health and Safety Authority, the Environmental Protection Agency

the Semi-State sector and Local Government

Dublin Bus, Bus Éireann, Iarnród Éireann, An Post, local authorities

the Private Sector

telecommunications companies.

6.3 Types of Offences

Certain bodies, for example local authorities and the Health and Safety Authority, have a statutory right to prosecute offences in the District Court. These offences would be of a minor nature. Where the behaviour is more serious, the offences will be prosecuted in the Circuit Court. The body, in such a case, must refer the file to the Director of Public Prosecutions. Only the Director of Public Prosecution can, in general, prosecute in the Circuit Court.

Behaviour constituting an offence may be prescribed by a statute or by a statutory instrument. An example of the former would be building without planning permission. An example of the latter would be failure to pay a bus fare. A Statutory Instrument is issued by the relevant Minister. Where the behaviour is prescribed in a Statute, it may only be amended by the Oireachtas.

It is important to highlight the fact that any case which is successfully brought before the courts and results in a criminal conviction should form part of the body of data encompassing crime statistics. While some offences prosecuted by non-Garda bodies are serious, others, for example convictions for smoking on public transport, or failure

to be in possession of a current television licence, are important in the overall context of crime statistics even though the public perception might be that they are significantly less serious than most cases instituted through the courts following the intervention of the Garda Síochána. An example of the former would be a breach of the Planning Acts or of the Road Traffic Acts and of the latter would be assault causing harm, being a breach of section 3 Non-fatal Offences against the Person Act 1997. The analysis of all offences, in their totality, contributes to the development of public policy and assist in the allocation and targeting of resources.

6.4 General Findings from Data Collection Exercise

Following the data collection phase, it is possible to make some general observations, not only on the data themselves, but also on the manner in which organisations deal with statistical data. It is important to recognise that a limited number of individual organisations were contacted and the nature of the contact itself was limited. It is also worth noting that all organisations contacted collect statistical information primarily for use as a management tool. As such the level of detail held varies from organisation to organisation.

Access to Information

In a number of cases it was only with some degree of difficulty that that it was possible to identify an individual within an organisation with significant knowledge on the level and extent of prosecutions undertaken by that organisation. This appeared to be primarily due to the fact that, generally, organisations did not assign responsibility for the collection of data to a particular officer. In some cases it lay with the office responsible for the production of the organisation's Annual Report, while with others the responsibility lay with their legal affairs section.

Publication of Data

Based on the research carried out, details of prosecutions undertaken are not always published in the Annual Report of organisations. The reason most often cited for this was that the information was retained for internal management purposes. In addition to this it was suggested on occasion that, in some cases, details of offences may be regarded as constituting information of a commercially sensitive nature, or

information the release of which may be prejudicial to the good standing of the organisation in the minds of the public.

The point was also made that the focus of the organisations contacted during the data collection exercise is primarily that of service delivery to the public. While prosecutions may form part of the work of the organisations they are not the primary focus of the organisation.

Perception within Organisations of Criminal Prosecutions

There was a perception within some organisations that prosecutions for what might be regarded as administrative crime were not of themselves necessarily of primary importance. It is fair to say that this perception would also be true among the general public where the seriousness of an assault would not equate with the seriousness of failing to have a television licence. In cases where the Probation Act is not applied as part of sentencing, convictions for an offence can result in a criminal record.

6.5 Quality of Data Held

In addition to the above findings, considerable variation among organisations was reported in the level of data that are held on prosecutions. In general, organisations hold information consistent with their own legal reporting requirements and internal management requirements. For some organisations a request to provide disaggregated information on a geographical basis, for example, would require a manual review of individual cases.

In tandem with the finding above is the fact that the data collection process itself tends to be informal. In general, there does not appear to be any strict methodology governing the gathering of statistical information relating to prosecutions. This is reinforced by the fact that none of the organisations contacted during the data collection phase used professional statistical packages to record or interpret data. The most common method of recording data was to use a simple spreadsheet.

Recommendations for improvements in the statistical reporting for non-Garda prosecuting bodies have been made in Chapter 9.

Chapter 7: Other Current Developments

A number of other developments are currently taking place within the Department of Justice, Equality and Law Reform and An Garda Síochána. These were reviewed briefly by the Expert Group in order to consider whether they are likely to have any impact on its recommendations. Three main issues considered were:

- Garda Síochána Bill 2004
- Review of Codification of the Criminal Law
- An Garda Síochána Strategic Management Initiative

7.1 The Garda Síochána Bill 2004

The Garda Síochána Bill 2004 is currently being considered by the Seanad, and the Group has briefly reviewed its contents. From a statistical perspective, the main impact would appear to be that it will place a number of current procedures and policies on a statutory basis. In particular,

- There will be a requirement for the Garda Commissioner to produce a three year policing plan. This will require a statistical input both in terms of material pertinent to the discussion of the plan and in relation to the basis upon which any such plan can be reviewed or analysed;
- In conjunction with this requirement, an annual policing plan must be prepared before the start of each year. This again will require statistical input which may in turn require a greater in-depth analysis of existing statistical data to facilitate optimal allocation of resources;
- The Bill requires the Garda Commissioner to ensure that statistical information concerning offences, criminal proceedings and the state of crime in the State is compiled and stored and to make that information available to the Minister at the times and in the manner that the Minister may require;
- Provision is made for the creation of local policing committees. This is likely to lead to a requirement for crime statistics to be disaggregated by local authority boundaries as soon as possible.

7.2 Review of Codification of the Criminal Law

An Expert Group has recently completed a scoping study to advise on possible approaches to codification of substantive criminal law. This is a long term exercise in terms of reorganisation and reform of the criminal law. It is difficult to anticipate the precise format a codified instrument will take. In the longer term, this instrument is likely to impact on the reporting arrangements for crime statistics, in that offences may be re-categorised or rationalised. New offences may also be created as part of the ongoing programme of law reform occurring in tandem with codification.

7.3 Garda Síochána Strategic Management Initiative (SMI)

The Group queried An Garda Síochána management as to whether the implementation of the SMI process might have implications for the Group's work. The response was that at this stage the SMI work is directed to identifying structural requirements in the force and will then move on to reorganisation requirements. Accordingly, the work of An Garda Síochána committee working on SMI has not touched on or dealt with any topics of interest to the Expert Group

Chapter 8: Shortcomings of the Present System

The Expert Group has concluded that there a number of ways in which the present system is not adequately addressing the needs of its stakeholders and where improvements are possible. It has identified a number of issues relating to the crime statistics emanating from the Garda Síochána PULSE system as well as other issues of a broader nature relating to the overall criminal justice system. Recommendations to address these issues are set out in Chapter 9.

8.1 Crime Statistics derived from PULSE

The issues relating to the Garda Síochána PULSE system are as follows:

- Timeliness/Timing of release
- Continuity
- Offence categorisation
- Non-headline offences
- Additional information
- Presentation.

Timeliness/Timing of release

Up to date statistics facilitate policy formulation by ensuring that available quantitative data have immediate relevance. Historically however, the publication of An Garda Síochána Annual Reports has occurred well after the end of the reporting period resulting in time delays of up to one year. Given the sophistication of the PULSE system, the statistical element of An Garda Síochána Annual Reports should be capable of being prepared, submitted to the Minister and published no later than the end of the first quarter immediately following the reporting period.

The Minister has already made a commitment to publish quarterly provisional headline crime figures. Since the first quarter of 2003 these figures have been issued without delay at the end of each quarter. The Expert Group regards this as a significant enhancement to the process. It has been possible to make comparisons of the data uninfluenced by seasonal factors since five successive quarterly reports have been issued.

The absence of a clear time frame in which crime statistics are released – and the historical varying of this time frame – might allow perceptions to arise that the timing may have been motivated by political or other extraneous factors.

Continuity

Although crime statistics are of greatest value when considered over time, it sometimes happens that a data series is broken. This may be the result of a legislative change or a shift in reporting or recording practice including the consequences of introducing new technology such as PULSE. For example, An Garda Síochána Annual Report for 2000 substituted ten crime categories for the traditional four and the indictable and non-indictable distinction was replaced with a breakdown into headline and non-headline crimes. These changes were described in very broad terms but the rationale for deciding which offences are headline and which non-headline was not clearly set out.

The reason given by An Garda Síochána for these changes was that the previous headings did not adequately reflect the range and complexity of the modern criminal legal environment. The specific changes were decided upon by an internal Garda Síochána group and reflected their best judgement as to what was appropriate. The Group understands the rationale for this approach, but would point out that the changes in recording may make it impossible to differentiate between genuine shifts in criminal behaviour as distinct from changes in recording or classification procedures. Without full understanding of the causes and consequences of offence classification, a proper discussion of what the statistics ‘mean’ is difficult and this can lead to a lack of confidence in the data. This is particularly likely to be the case if as has happened here changes are introduced without any consultation with the main users of the statistics.

Offence Categorisation

There is no single simple form of categorising of offences accepted as international best practice, and opinions vary widely as to the most appropriate formulation. Again however, the Expert Group believes that the absence of consultation with the users of

these statistics has given rise to a number of apparent difficulties. These have been drawn to the attention of An Garda Síochána.

Non-headline Offences

The Group has also been advised by An Garda Síochána that they have encountered significant difficulties in providing the same level of statistical detail for non-headline offences as for headline offences. For the year 2002, non-headline offences covered those offences for which proceedings were initiated, whereas in the case of headline offences the figures include offences known to the Gardaí (a wider category than the category of offences where proceedings were initiated). The original plan was to do so in the 2002 Annual Report. However, as non-headline incidents were included on the PULSE system only from October 2001, the full extent of the volume and complexity of giving a full year's set of data was not appreciated at the time. In the preparation of the 2002 Annual Report, the reliability of the information contained in the headline table could not be replicated in respect of non-headline incidents. This matter is still under consideration by the Garda Quality Assurance Board to establish whether it is feasible, without spending a disproportionate amount of effort and resources, to provide the level of detail indicated at the non-headline incident level.

Additional Information

A number of requests for additional information and a breakdown of existing crime statistics emerged during the work of the Expert Group (see Chapter 3, Public Consultation Process). The Expert Group would regard the following two as particularly high priority issues:

- More detailed information on the geographical distribution of crime and, as a first step, a breakdown by county;
- More information on the characteristics of victims and perpetrators (and the relationship between them).

Other matters which were raised in the public consultation process are also important and have been drawn to the attention of An Garda Síochána for their consideration, for example, information on drug seizures/drug enforcement, ethnic monitoring of victims and domestic violence statistics.

Presentation

The Expert Group believes that there is considerable scope for improvement in the presentation of the data in the Annual Report. In particular it believes that the layout of tables could benefit from professional statistical advice.

8.2 Shortcomings in Criminal Justice Statistics System more generally

The Expert Group has identified a number of other shortcomings in the availability of statistics for the broader criminal justice system in the following areas:

- Linkages
- Non-Garda Síochána reported crime
- Non-reporting of crime
- Enhancement of criminal justice statistics.

Linkages

Crime statistics are an important quantitative aid to criminal justice policy but they constitute only one component of the range of information needed to develop a sound understanding of the operation of the entire criminal justice system. Criminal justice agencies other than An Garda Síochána (e.g. the Irish Prison Service, the Probation and Welfare Service, the Courts Service, the Office of the Director of Public Prosecutions) produce their own statistics but, as noted, at present there is no integration or linkage of data between those statistics.

As a consequence some relatively straightforward but very important questions cannot currently be addressed. For example, it is not possible to track offenders through the criminal justice system or to determine rates of re-offending generally by crime type or by type of criminal justice sanction. Similarly, the proportion of offenders who receive custodial sentences is currently unquantifiable, as is the probability of custody for particular offence categories and whether average sentence lengths have been rising or falling.

Non-Garda Síochána reported crime

There is a considerable body of crime outside of that recorded by the PULSE system which is not published in a systematic fashion at present. Failure to include such categories of crime in national crime statistics is evidently providing an extremely incomplete picture. As has already been identified, the availability of statistics from the various prosecuting bodies (and their interest in providing them) varies considerably and the Expert Group believes that this needs to be addressed systematically.

Non-Reporting of crime

It is widely recognised internationally that a sizeable proportion of criminal events are not reported to the police and that certain types of information relative to crime and criminal justice are not readily available from the criminal justice system. Accordingly, not all criminal justice statistics needs can be met through administrative and operational information systems. The gap between the number of crimes that are committed and the number that are recorded is known as the “the dark figure” of crime and it has been estimated in the UK that this amounts to some 77% of total crime⁵. Accordingly, until this is addressed, there will remain a large gap in the national crime statistical system.

Enhancement of criminal justice statistics

The Expert Group recognises that An Garda Síochána has been working systematically since the introduction of PULSE to improve the quality and scope of the data provided. Nevertheless, it is conscious that, at present, there is no formal mechanism to ensure that continuous and enhancements can be achieved, not just to the quality of the statistical output from An Garda Síochána, but from the other agencies in the criminal justice system and also various other bodies with responsibilities for prosecuting crime. In the absence of such a body, the Expert Group believes that it is unlikely that systematic and sustained improvements in the quality of crime statistics, especially as an aid to Government policy formulation, can be realised.

⁵ British Crime Survey 2000

The Group is aware that the Government has requested the Central Statistics Office (CSO) to take a lead role in the development of the statistical potential of administrative data across Government Departments and agencies and has also decided that a formal data/statistics strategy be developed within each Department as part of its information strategy. Arising from this, the CSO is on record in stating that it is willing to provide relevant professional assistance to An Garda Síochána, and other agencies, if requested to do so, in a number of areas⁶. This matter is addressed further in Chapter 9.

⁶ “Statistical Potential of Administrative Records Working Group” published by the Central Statistics Office 2003

Chapter 9: Conclusions and Recommendations

In addressing the various shortcomings outlined in the previous chapter, the Expert Group concluded that a number of these could be improved immediately within the context of the current system of statistical reporting. This would entail a number of changes which could be made immediately to the current crime statistics produced by An Garda Síochána and based on the PULSE system. Other shortcomings however, in the view of the Expert Group, could only be overcome in the context of a more radical overhaul of the current system which the Group believes is capable of implementation in the medium term. This would entail the establishment of a Central Crime Statistics Unit (CCSU), the transfer to it of responsibility for the regular publication of crime statistics from An Garda Síochána and the inclusion in published criminal justice statistics of data drawn from other agencies within the criminal justice system and other agencies with a prosecutorial function.

9.1 Improvements in Current System of Reporting: PULSE System

The shortcomings set out under the heading Timeliness/Timing of Reports in Chapter 8 are mainly caused by the fact that, historically, publication of An Garda Síochána annual crime statistics had to await publication of the Garda Commissioner's Annual Report which could be up to twelve months after the end of the year to which it relates. Given that most of the information acquired for the annual crime statistics is based on the PULSE system, the linkage between the Annual Report and the statistics should be separated. The annual crime statistics should be produced separately from the Commissioner's Report and published no later than the end of the first quarter immediately following the reporting period (**Recommendations 1.1 and 1.2**).

A welcome development since the establishment of the Expert Group has been the publication of summary quarterly statistics immediately after the end of the relevant quarter. The Expert Group strongly endorses this initiative (**Recommendation 1.3**). It recommends that the fourth quarterly report not be published separately from the annual figures but that the fourth quarterly report be incorporated in the Annual Report.

The Group also recommends that crime statistics should be released to a rigidly set timetable which is published well in advance, with Ministerial comment clearly separated from publication of the statistics themselves (**Recommendation 1.4**).

Difficulties relating to the lack of continuity in published data have been outlined in the previous chapter. A number of these relate to the transition from a manual system to a computer system with an inevitable break in the time series; others arise from changes in An Garda Síochána procedures. Nevertheless there are a number of other issues which, if addressed appropriately in the future, should reduce significantly the level of discontinuities which occur and the problems which they create for analysts and commentators.

Specifically the Expert Group recommends the following changes which can be regarded as ‘best practice’ in statistical reporting.

- Significant changes which occur in the reporting, categorisation or description of offences either as a result of changes to An Garda Síochána procedures or legislative changes should be clearly explained. Where possible the effects of such changes on the crime level should be indicated (**Recommendation 1.5**).
- The annual and quarterly crime reports should contain as much methodological information as possible to facilitate interpretation and analysis of data such as details of counting rules and the method of compilation of detection rates (**Recommendation 1.6**).

An Garda Síochána have explained that the recent changes in offence categorisation from four to ten groups and the replacement of indictable/non-indictable offences with headline/non-headline offences were an attempt to introduce a system of categorisation which would be more related to current legislation and social behaviour. Although there are moves by such bodies as the United Nations and the Council of Europe to move towards internationally agreed definitions (and these developments should be kept under review), the Expert Group acknowledges that at

present there are no uniformly agreed methods and that different approaches can be argued to be equally valid (**Recommendation 1.13**).

At the same time, the Group believes that it would have been helpful for consultations to have taken place with the main stakeholders before undertaking such radical changes. In future significant changes should take place only after appropriate consultation has occurred (**Recommendation 1.7**).

The Group has been advised by An Garda Síochána of the practical problems which they encountered in endeavouring to provide detailed information on all offences known (including non-headline crime) in the 2002 report. At present, non-headline crime statistics cover only those offences in which proceedings were taken. The Expert Group notes the ongoing efforts of An Garda Síochána to correct this limitation (**Recommendation 1.8**).

The Expert Group has concluded that within the framework of the present reporting systems the absence of information on victims and offenders is an important shortcoming which can and should be addressed by An Garda Síochána. As already noted (Chapter 4) the data required to provide broad categories of victim and offender tables are already being routinely collected by the PULSE system and the provision of tabular information on victims and offenders does not have significant resource implications. Possible templates for consideration by An Garda Síochána on the level of data required in the Annual Report have been provided by the Group to An Garda Síochána (**Recommendation 1.9**)⁷.

The Expert Group was impressed by the strength of the representations made to it in the public consultation process particularly by City and County Development Boards and local authorities for the production of crime statistics at a local level. It notes also that provision has been made within the Garda Síochána Bill 2004 for the creation of local policing committees. This will lead to a demand for crime statistics to be

⁷ Subsequent to the completion of this report a response was received from An Garda Síochána. They advised that a certain amount of what was proposed can currently be supported from within existing functionality, for example the sex of injured parties and victims of assault, homicide and sexual offences. The remaining proposals will require new functionality but can be facilitated in time and in tandem with other functionality upgrades. These developments should not prove too difficult but the earliest possible implementation date for these changes would be mid-2005.

disaggregated by local authority boundary and for these statistics to be made available to the members of each committee. The Expert Group has concluded that as a first step towards achieving this objective the annual statistics should be disaggregated on a county basis. The Group understands that this will require some modifications to the PULSE system but that these do not have major resource implications. It is recommended therefore that the necessary alterations be made to the PULSE system with effect from 1 January 2005 (**Recommendation 1.10**).

Reference has already been made to the needs of the research community. The Group recommends that within the constraints of security, data protection and freedom of information, all agencies in the criminal justice system should afford the maximum access possible to researchers. It is worth noting that there was no suggestion from the public consultation process or elsewhere that there is at present any problem in this respect (**Recommendation 1.11**).

The Expert Group has been advised by Garda management of the efforts which it is making to ensure the reliability and consistency of the PULSE data. It endorses this work and recommends that adequate resources be applied in the areas of internal audit and quality review. It also recommends that the Central Statistics Office be invited to participate in this work and also to provide advice on data presentation (**Recommendation 1.12**).

As noted in Chapter 4, the Expert Group's review of PULSE did not extend into detailed field research on the operation of PULSE at the level of individual stations. If therefore it is deemed necessary to address more comprehensively the requirement to examine the collation of information relating to crime reported to and recorded by An Garda Síochána, the Group recommends that a special research project be commissioned by the Department of Justice, Equality and Law Reform to undertake this assignment. The Group would be prepared to assist in drawing up detailed terms of reference if required (**Recommendation 1.13**).

9.2 Recommendations for Changes in Reporting System

The set of recommendations in Chapter 9.1 addressed issues related to shortcomings in the present reporting system for An Garda Síochána crime statistics. These

recommendations are important and should, when implemented, address the quality of the output and increase confidence in the crime statistics, both by the general public and by specialist users. The provision of county data should be of particular assistance to local authorities and various social services.

However, their recommendations do not address the other shortcomings identified by the Expert Group. Indeed it is the considered view of the Expert Group that these other shortcomings are not capable of being addressed within the present system. The Expert Group has concluded that shortcomings such as the absence of linkages between the different components of the criminal justice system, the unavailability of any data related to crimes prosecuted by authorities other than An Garda Síochána, the absence of a criminal history repository to provide comprehensive data right across the system, the need to link crime victimisation surveys to other statistical data and most importantly the absence of any mechanism to improve the quality and scope of the statistical systems can only be addressed by the development of a system of criminal justice statistics (as distinct from An Garda Síochána crime statistics). The present statistical system relying exclusively on PULSE clearly provides data useful to An Garda Síochána for operational purposes and in particular for crime detection and internal allocation resources. However, their value as an aid to policy development is not being adequately exploited

Recent reports by a number of Government bodies and decisions by Government itself have emphasised the need for improved data/statistical information to support policy formulation. For example, the National Statistics Board has recommended⁸ moving the public service from departmentally centred thinking to whole system thinking in regard to statistical information, especially as important policy issues increasingly cut across traditional lines. It also recommended that structured mechanisms be put into place to facilitate collaborative discussions between data producers and data users.

⁸ “Strategy for Statistics 2003-2008” published in 2003

A subsequent working report published by the Central Statistics Office (CSO)⁹ recommended that sections in Departments and agencies administering data sources, should, as a matter of course, seek advice from the Central Statistics Office on good practice in the statistical management of data holdings. The draft National Action Plan against Racism circulated for observations to a number of Government Departments in January 2004 recommended the development of data/statistical strategies by all bodies involved in the administration of justice, consistent with the recommendations of the National Statistics Board.

It is clear that the development of a central system for criminal justice statistics is a substantial task which requires considerable planning and co-ordination. The Expert Group does not envisage it as a panacea to cure all ills; rather it envisages it as a systematic programme which over time will help to improve the quality of criminal justice statistics and address the gaps in the present system. Its considered view is that progress in this area will demand central direction from a new dedicated entity with strong support from the CSO.

The absence of such an entity, in the view of the Expert Group, is leaving a gap in the capacity of the Department to develop evidence based policies. The relevant organisations (including the Department of Justice, Equality and Law Reform, An Garda Síochána, the Courts Service, the Irish Prison Service, the Office of the Director of Public Prosecutions and the Probation and Welfare Service) produce a large number of returns and statistics independently of each other which do not fit into the sort of data strategy being required by increasing demands from public services to act in a joined up fashion.

The Expert Group's considered view is therefore that a Central Crime Statistics Unit (CCSU) should be established to assume responsibility for the development of enhanced crime statistics and for the development of criminal justice statistics across the criminal justice system (**Recommendation 2.1**).

⁹ "Statistical Potential of Administrative Records Working Report" published by Central Statistics Office 2003

Such entities are already in place or envisaged in a number of jurisdictions as described in a recent UN publication¹⁰. While the Group did not carry out a detailed review of the current state of developments elsewhere, evidence suggests that Ireland lags behind other developed countries in the quality of its criminal justice statistics system.

The Expert Group envisages the CCSU carrying out the following functions:

- Reviewing the quality of the primary sources of all statistics produced;
- Reviewing in consultation with An Garda Síochána enhancements to the scope and quality of the current quarterly crime statistics;
- Assisting the Department of Justice, Equality and Law Reform to establish priorities for developments in the PULSE, the IT systems of the Office of the Director of Public Prosecutions, CCTS (Courts Criminal Case Tracking System) and PRIS (IT system for Prisons Services), together with the Probation and Welfare Service, with a view to enabling linkages to be developed for the tracking of offenders through the system and with the ultimate objective of developing a criminal history repository;
- Publishing the quarterly and annual criminal justice statistics, based initially on the Garda Síochána PULSE data and extending into other areas of the criminal justice system as data become available;
- Developing statistical recording systems for inclusion of data in the quarterly and annual reports on the principal crimes prosecuted by non-Garda Síochána agencies;
- Providing data to assist policy formulation within the Department of Justice, Equality and Law Reform;
- Disseminating criminal justice statistics to users at an international, national and local level.

¹⁰ “Manual for the Department of Criminal Justice Statistics” published by the United Nations 2002

It is envisaged that this Unit will become the pre-eminent producer of all crime and criminal justice statistics in the State.

The Expert Group considered three possible models for the location of this unit: (a) an independent agency; (b) the Department of Justice, Equality and Law Reform; and (c) the Central Statistics Office. On balance the Group concluded that the most appropriate location would be within the Department. The creation of a separate agency would lead to the creation of a new bureaucracy and the potential for duplication and overlap in the use of the resources. It would also be a step removed from the various agencies with whom it would be working and might have difficulty in establishing the type of relationships which would be essential for its success.

There are attractions in locating the unit in the CSO which has an established reputation for professionalism and independence in statistical matters. However there could be some disadvantages in its relative remoteness from the various agencies with which it would be dealing. Furthermore, the Statistics Act 1993 which defines the institutional framework for national statistics explicitly excludes the CSO from having an automatic right of access for statistical purposes to 'records pertaining to a Court, An Garda Síochána or the prison administration', although this does not preclude these agencies from granting the relevant access. There would therefore be no legal underpinning to a role by the CSO unless the legislation was changed. Nevertheless, the Expert Group believes that, in order to underline the professional independence of the Unit, there should be a strong professional link between it and the CSO to ensure compliance with professional statistical standards in the compilation and publication of crime statistics.

The third option of locating the Unit within the Department itself has some disadvantages but is on balance the one most favoured by the Group. The main disadvantage is that the credibility and objectivity of the Unit might be open to question and the analysis and interpretation of results could be argued as being influenced either by vested interests or perhaps political interests. The Expert Group believes that this difficulty can be overcome by the establishment of an independent Advisory Board comprising representatives of the main users of crime statistics and the main suppliers (the Department, the National Crime Council, An Garda Síochána,

the Courts Service, the Irish Prison Service, the Probation and Welfare Service, the Office of the Director of Public Prosecutions), the research community and the general public. The CSO would also be represented on this Advisory Board. The independent Advisory Board, which would be chaired by a person independent of the criminal justice agencies, would review the work programme of the Unit, help to determine priorities and in particular would ensure that it operated to the highest possible professional statistical standards (**Recommendation 2.2**).

The Expert Group also believes that such a Unit must be of a certain minimum size or critical mass if it is to make an impact on the substantial work programme which is envisaged. The Group suggests that as a starting point, a Unit of five people should be established and the Unit should contain within its numbers high level professional statistical skills and IT expertise. The Group also believes that the Unit's initial work would be greatly facilitated by the secondment of members of An Garda Síochána with experience in the PULSE system and that as soon as practical it should take over from the Garda Commissioner responsibility for the publication of annual and quarterly crime statistics (**Recommendation 2.3**).

In addition to the above, the Expert Group recommends that the CCSU should also participate in the design of the biennial National Crime Victimization surveys. The Expert Group strongly endorses the Government decision to conduct these surveys which it considers to be essential to achieve proper understanding of the impact of crime on society. It also believes that the CSO should be involved in the planning and design of the survey (**Recommendation 2.8**).

The CCSU should in due course publish, as part of its regular statistical reports, data drawn from the developing IT systems in criminal justice agencies (other than An Garda Síochána) such as the Prison Service, the Courts Service, the Office of the Director of Public Prosecutions and the Probation and Welfare Service. The Unit will require appropriate access to unit record data from all systems to enable them to carry out their functions (**Recommendation 2.4**).

In order to provide a more comprehensive review of crime statistics on a national basis, information on prosecution and offence details from Departments and

prosecuting agencies other than An Garda Síochána should form part of the data made available on a regular basis by the CCSU (**Recommendation 2.5**).

It is the recommendation of the Expert Group that each of these organisations appoint an officer who will act as the central point of contact for all statistical matters. The allocation of such responsibility to an identifiable officer is important from the point of view of being able to assist organisations in meeting their reporting obligations through the development of in-house expertise. Appointment of a statistical officer will also permit organisations to participate in the development of standard statistical definitions in an informed manner (**Recommendation 2.9**).

Notwithstanding the relatively backward position in which this country finds itself with regard to criminal justice statistics at present, the Expert Group believes that a major step forward is possible. Ireland has the advantage of a single unified police force, which greatly aids the task of data gathering and collation. In addition, technological advances and in particular the major investments in IT systems for An Garda Síochána, the Prison Service and the Courts Service make it possible to create the infrastructure on which a modern criminal justice system can be established. Such an impetus requires to be directed and driven from the centre and the Expert Group believes that implementation of the recommendations outlined above will enable this to be achieved with modest resource implications and significant benefits particularly in improved policy formulation.

Appendix 1

Bodies Contacted Directly by the Expert Group

Victim Support

The Equality Authority

The National Consultative Committee on Racism and Interculturalism

Muintir na Tíre

The Combat Poverty Agency

The National Drugs Strategy Team (Department of Community, Rural and Gaeltacht Affairs)

The Environmental Protection Agency

Appendix II

Other Organisations and Individuals who Submitted Material

Anonymous

Community Alert (Muintir na Tíre)

Cork City Development Board

D Clancy

Director of Corporate Enforcement

Donegal County Development Board

Dr Kevin Denny, Institute for the Study of Social Change, UCD

Dublin City Development Board

Dublin Neighbourhood Watch Representative Committee

Fingal Development Board

Galway City Development Board

Kerry County Development Board

Limerick City Development Board

Mr Anthony Green

Mr Con Doherty

Mr Darius Whelan, PhD, BL, Lecturer in Law, UCC

Mr Joseph Connolly, Health Research Board

Mr Joseph Yeomans

Mr Matthias Howley

Ms Elizabeth Cullen

Ms Julianne Griffin

National Children's Office

National Disability Authority

National Domestic Violence Intervention Agency

Pavee Point

Sligo County Development Board

South Eastern Mountain Rescue Association

Waterford City Development Board

Waterford County Development Board

Wicklow County Development Board

Women's Aid

Appendix III

AN GARDA SÍOCHÁNA CRIME COUNTING RULES

1.0 RECORDING CRIMINAL OFFENCES

- 1.1 A criminal offence is recorded when there is a reasonable probability that a criminal offence took place and there is no credible evidence to the contrary. The test is that of a reasonable probability - whether it is more likely than not that a criminal offence took place.
- 1.2 A criminal offence is recorded by recording an appropriate PULSE Crime Incident subject to the rules below.
- 1.3 If the criteria to record are satisfied (reasonable probability and no credible evidence to the contrary) and the victim does not want the matter taken any further, a criminal offence should be recorded.
- 1.4 The following rule applies to criminal offences where victim confirmation is required to complete the offence e.g. assault and fraud. Where the alleged victim (or a person reasonably assumed to be acting on his/her behalf) declines to confirm that a criminal offence took place, or cannot be traced, a criminal offence should not be recorded unless there is evidence to suggest that there is a reasonable probability that the criminal offence took place.
- 1.5 If a person reports that he/she has been the victim of a criminal offence and subsequently withdraws the report by stating that the criminal act did not take place, the criminal offence should be marked invalid on PULSE, unless there is evidence to suggest that there is a reasonable probability that the criminal offence took place.
- 1.6 A criminal offence should be recorded (and counted) against the Garda Síochána Sub-district in which the particular offence was committed. Where the place of commission can not be determined the offence should be recorded

against the Garda Síochána Sub-district in which it was reported. Criminal offences under Irish law that are committed abroad (such as those under the Sexual Offences (Jurisdiction) Act, 1996) should be recorded against the Garda Síochána Sub-district in which they were reported.

- 1.7 If a criminal offence has been recorded and a Garda Síochána investigation subsequently determines that a criminal offence did not take place the criminal offence should be marked invalid on PULSE.

2.0 GENERAL COUNTING RULES

- 2.1 **Headline Offence Rule:** The Headline Offence Rule is the first counting rule to be applied in cases where Headline and Non-Headline criminal offences are disclosed in a single episode. The Headline Criminal Offence(s) is/are counted. For example, a person who commits a serious assault while drunk and disorderly results in the commission of two offences, an Assault Causing Harm (Headline) Offence and a Public Order (Non-Headline) Offence. The episode counts as one Assault Causing Harm (Headline) Offence in the crime statistics even though the details of the two offences are recorded.

- 2.2 **Primary Offence Rule:** Where two or more criminal offences are disclosed in a single episode it is the primary criminal offence that is counted, subject to the Headline Offence Rule. The primary offence is that offence to which the greater penalty may apply. (Where offences have similar penalties, offences against the person take precedence over offences against property for the purpose of determining the primary offence.) For example, two criminal offences are disclosed in the one episode where a person commits a burglary and kills a person in the building. The murder offence is the primary offence in this example. Consequently, the episode counts as one murder in the crime statistics even though details of the two offences are recorded.

- 2.3 **One Offence Counts per Victim:** One offence counts per victim involved subject to the relatively small number of exceptions below. For example, one sexual offender who offends against two (or more) different victims counts as two (or more) offences in the crime statistics. (Regardless of the number of

offenders involved, one offence counts per victim. For example, two persons acting together in a bank robbery count as one robbery offence in the crime statistics.)

There are two exceptions to the rule of one offence counting per victim. The exceptions relate to cheque/credit card fraud and burglary. In some situations the cheque/credit card exceptions require that a series of these offences count as one offence in the crime statistics. This applies, for example, to the uttering/handling of cheques within the value of the banks' cheque guarantee scheme: one offence of uttering/handling is counted because the originating bank ultimately suffers the loss. Where cheques are fraudulently encashed in amounts exceeding the guaranteed limits, a separate offence counts for each victim sustaining financial loss.

The burglary exception requires that one burglary offence is counted where property belonging to two or more victims is taken (or damaged) in the course of a single burglary. For example, a house burglary may result in the theft of property belonging to several members of a family. In such a situation one burglary offence is counted in the crime statistics. However, where offices or flats in the one complex are broken into, each office or flat entered counts as a separate burglary offence when each office or flat is owned or occupied by different tenants.

- 2.4 Continuous Series Involving the Same Victim and Same Offender:** A continuous series of offences against the same victim involving the same offender counts as one offence. For example, a continuous series of offences involving an employee who steals on two or more occasions from his or her employer is counted as one theft in the crime statistics.

3.0 RECLASSIFICATION OF CRIMINAL OFFENCES

- 3.1** A criminal offence is classified at the time when it is entered on PULSE. Reclassification is only required within or to homicide offences. A reclassification within homicide occurs where a murder is reclassified to manslaughter when a charge of manslaughter commences or when a murder

charge results in a conviction for manslaughter. A reclassification to a homicide offence (murder, manslaughter or infanticide) occurs when, for example a serious assault has been recorded and, some time later, the victim dies as a consequence of the assault.

- 3.2 Homicide offences apart, reclassification is not required when a lesser charge than the offence classification is directed or when a conviction for a lesser offence is obtained.

4.0 DETECTED CRIMINAL OFFENCES

- 4.1 A criminal offence incident can only be classified as detected for An Garda Síochána statistical purposes using one of the following three criteria at 4.2, 4.3 or 4.4
- 4.2 A criminal offence may be classified as detected when criminal proceedings have been commenced against at least one person for the criminal offence.

The commencement of proceedings must be based on sufficient admissible evidence to charge which, if given in court, would have a reasonable probability of resulting in a conviction. Sufficient admissible evidence to charge means that the evidence supporting the case must be such that if given in court there is a reasonable probability of conviction. It must be contained within signed written statements or in other satisfactory documentary, technical or forensic form. When this is not the case, the crime incident will remain undetected.

If the person is subsequently not convicted of the criminal offence, the relevant District Officer will conduct a full review of all of the circumstances. If he/she is satisfied that there was a reasonable probability, based on sufficient evidence, that the person charged committed the criminal offence, then the detection status will remain as 'Detected'.

- 4.3 Approval has been granted for a child (as defined under the Children Act, 2001) to be dealt with by An Garda Síochána in accordance with the Diversion Programme, as provided for in the Children Act, 2001.
- 4.4 A decision not to prosecute has been taken for one of the following reasons:
- (a) There would be sufficient admissible evidence to charge (as defined at 4.2) but the victim or an essential witness refuses* or is permanently unable[#] or, if a juvenile, is not permitted to give evidence by parents, guardians, or other person in loco parentis ;
 - (b) The offender dies before proceedings could be initiated or completed;
 - (c) The offender is ill and is unlikely to recover or is too senile or too mentally disturbed for proceedings to be taken. The question of whether or not a criminal offence has been committed in these cases should be considered;
 - (d) The complainant or an essential witness is dead and the proceedings cannot be pursued;
 - (e) It is ascertained that a criminal offence has been committed by a child under the age of criminal responsibility. The question of whether or not a criminal offence has been committed in these cases should be considered;
 - (f) There is sufficient admissible evidence (as defined at 4.2) to charge the offender but the Director of Public Prosecutions or relevant District Officer decides that the public interest would not be well served by proceeding with the charge. This would include instances where the criminal offence was committed years previously and a prosecution would be an abuse of process, or where the attendance of a victim or an essential witness at court is considered inappropriate;
 - (g) There is sufficient admissible evidence (as defined at 4.2) to charge the offender with a criminal offence in respect of which a time limit for the

commencement of criminal proceedings applies, but that time limit has expired, and the relevant District Officer approves.

* 'Victim/essential witness refuses' means a refusal to give evidence at any time during the investigation or subsequent court proceedings is sufficient. The refusal will normally be recorded by a signed witness statement or signed notebook entry, but in exceptional circumstances a note by the Garda Member in their notebook or other official record will be sufficient when a victim refuses to do either of the former.

'Permanently unable' means the victim or essential witness may be permanently unable to give evidence by reason of death, permanent illness, mental/physical incapacity, being overseas and not likely to return in the near future or being not traced.