



# GUIDELINES FOR THE PRODUCTION OF STATISTICAL DATA BY THE PROSECUTION SERVICE AND THE COURTS



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## Preface

In 2015, the United Nations Statistical Commission (UNSC) and the United Nations Commission on Crime Prevention and Criminal Justice (UN-CCPCJ) endorsed the International Classification of Crime for Statistical Purposes (ICCS). ICCS is the international standard for defining and classifying criminal offences to produce and disseminate statistical data on crime and criminal justice. When statistics are compiled and disseminated according to the comprehensive and standardized framework of ICCS, it is possible to produce higher quality statistics as well as more articulated analyses of crime trends and patterns, harmonized across the different steps of the criminal justice system and jurisdictions.

Building on the process to implement ICCS at a country level and the report on crime and criminal justice statistics authored by the United Nations Office on Drugs and Crime and the National Institute of Statistics and Geography of Mexico,<sup>1</sup> these guidelines aim to provide advice to the prosecution service and the courts on the collection, production and dissemination of high-quality statistical data that can assist them in performing and monitoring their core functions, improve the measurement of access to justice and promote the implementation of ICCS.

This document is part of a series of guidelines on the production of statistical data by criminal justice institutions. The series comprises specific guidance for the police, the prosecution service and the courts, and the prison system. In addition, guidance on how to develop an interoperable system of criminal justice statistics more broadly is forthcoming.

<sup>1</sup> E/CN.3/2022/14.

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## Abbreviations and acronyms

CEPEJ	European Commission for the Efficiency of Justice
GPS	Global Positioning System
ICCS	International Classification of Crime for Statistical Purposes
ID	Identifier
INEGI	National Institute of Statistics and Geography of Mexico
IT	information technology
OECD	Organisation for Economic Co-operation and Development
UN-CTS	United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems
UNODC	United Nations Office on Drugs and Crime

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## Overview

### **Aim of the present guidelines for the production of statistical data by the prosecution service and the courts**

The aim of the present guidelines is to support the prosecution service and the courts in the collection, production and dissemination of high-quality statistics based on administrative data relating to crime and criminal justice. Capturing such data has three key objectives:

- Provision of detailed aggregated information about the operations of the prosecution service and the courts that improves the manageability of their activities.
- Enhancement of public trust in the criminal justice system by fostering open data and a focus on facts, showing both policymakers and the general public what is happening and how the criminal justice system is operating.
- Creation of a coherent framework that ensures criminal justice system data become more consistent, more comparable and more transparent, both at national and international level.

Note that the present guidelines are general in nature and do not include qualitative data. As such, they are not meant as a tool to comprehensively assess the compliance of the prosecution service and the courts with national laws and international instruments.

### **Basis of the present guidelines for the production of statistical data by the prosecution service and the courts**

The two core functions of the prosecution service related to crime and criminal justice identified for the purpose of these guidelines are leading investigations and seeking justice. The two core functions identified for the courts are presiding over criminal proceedings and punishing violators of the law.

There are numerous international frameworks, standards and norms that relate to how prosecutors and judges should ideally carry out these functions. They include the Universal Declaration of Human Rights, the United Nations Guidelines on the Role of Prosecutors, the Bangalore Principles on Judicial Conduct, the Basic Principles on the Independence of the Judiciary, the Kyoto Declaration and the International Classification of Crime for Statistical Purposes, which together form the basis of the statistical framework proposed in the present guidelines for the production of statistical data.

### **Statistical framework of the present guidelines**

The present guidelines propose a statistical framework that brings together a variety of administrative information under a harmonized framework. The framework consists of 12 dimensions that are derived from the four core functions and international standards mentioned above and are supported by practical data examples from prosecution services and courts around the world. The framework is meant to be aspirational as many countries will not have comprehensive data for all of the dimensions at the outset. Organizational leaders should therefore aim to progressively increase the amount and broaden the spectrum of data collected in order to derive the maximum added value from the framework.

**Twelve dimensions of the statistical framework for the production of statistical data by the prosecution service and the courts**

<b>Resources</b>	<b>Human resources</b>	<b>Financial resources</b>	<b>Physical resources</b>	<b>Staff safety and well-being</b>
<b>Criminal justice statistics</b>	<b>Prosecution of criminal cases</b>	<b>Criminal trials</b>	<b>Pre-trial detention and non-custodial measures</b>	<b>Seizure operations</b>
<b>Other activities</b>	<b>Extradition and mutual legal assistance</b>	<b>Outreach</b>		
<b>Conduct</b>	<b>Professional conduct</b>	<b>Disqualification/recusal</b>		

**Use of data generated with the statistical framework**

Using the statistical framework to collect administrative data is only the first step. If useful insights are to be extracted, the data need to be translated into practical knowledge. Only then can the data be used to make decisions on the allocation of resources, monitoring of progress and the improvement of access to justice for all. Without going into statistical terminology, the data can be used as follows:

- To reveal what crimes occurred, where, when, how the criminal justice sector responded and who was involved. Even this relatively simple method of analysis offers the potential for powerful new insights and previously undetected patterns and trends to be discovered. Examples include the number of active prosecutors by sex, or the number of incoming criminal cases, hearings and sentences issued by courts in a particular year.
- To evaluate hypotheses and test relationships between multiple datapoints. This allows for more complex questions, such as whether, for example, judges punish certain categories of offenders more severely. This can provide invaluable insights that further improve effectiveness, consistency and fairness which improves the delivery of justice for society at large.

However, it is challenging to collect and analyse large amounts of data, and it requires significant resources. This is where data partnerships can play an important role. By partnering with other institutions – such as the national statistical office, criminological research institutes or international organizations like UNODC – internal knowledge and resource constraints can be overcome, which can improve statistical processes for the collection of data and enable more value to be extracted from the data.

**Use of complementary data**

Although the present guidelines for the production of statistical data rely on administrative data collected by the prosecution service and the courts, a wide variety of complementary data may be available that touch upon topics that could be of interest to these agencies. They include survey data on access to justice and user satisfaction, trust and confidence in the prosecution service and the courts, perceptions of corruption, engagement in community communication and more. Such

complementary data can provide additional insights into how the prosecution service and the courts are perceived by the public, which could be essential for improving their operational performance. Where possible and relevant, the use of complementary data is therefore recommended.

### **Managing data generated with the statistical framework**

The key to managing data well and ensuring interoperability across institutions is the development of a system – supported by an enabling regulatory framework for statistical purposes – with clearly defined roles and transparent procedures for data collection, production and dissemination. Without this, the process is likely to be disorganized given its inherent complexity. For example, it may be unclear how data are supposed to be collected, which definitions to use, how to format data or when to submit data to specific agencies.

When designing a public sector data governance framework, the consideration of three basic levels is recommended:

- **Strategic layer** – National data strategy that includes a definition of leadership roles, expectations and goals.
- **Tactical layer** – Focused on enhancing public sector capacity and alignment with data-related legislation and regulation.
- **Delivery layer** – Day-to-day implementation considerations, such as roles of different stakeholders in each stage of the data lifecycle and interconnection of data across different stages.

## PART I: BACKGROUND

The first chapter of part I provides the rationale for setting up a basic, internationally harmonized statistical system for the prosecution service and the courts based on administrative data related to crime and criminal justice. The purpose of collecting data is discussed, the main functions of the prosecution service and the courts in the context of the current guidelines are identified and guiding principles on the functioning and professional behaviour of prosecutors and judges are highlighted.

The second chapter of part I contains an explanation of the foundation of criminal justice data, the International Classification of Crime for Statistical Purposes (ICCS).<sup>2</sup> Developed by the United Nations Office on Drugs and Crime (UNODC), ICCS is a comprehensive framework of internationally agreed crime concepts and definitions aimed at enhancing the collection of statistical data on the characteristics of criminal acts, victims, offenders, motives and other essential data, and strengthening research and targeted crime prevention policies.

<sup>2</sup> United Nations publication, 2015.

# 1 Making the case for harmonized data

## 1.1 Why the prosecution service and the courts need to collect, produce and disseminate statistical data on crime and criminal justice

Measuring the performance, capacity, integrity, transparency and accountability of the prosecution service and the courts in criminal matters is essential to improve processes and support efforts to promote the fair, impartial and expeditious delivery of justice, ensuring safer communities and promoting integrity and coordination in the justice system. This goes beyond reporting basic statistics on the number of offenders prosecuted and convicted and requires both institutions to collect, produce and disseminate data on their activities and outputs related to crime and criminal justice, their use of resources and the professional conduct of their staff. The production of aggregated statistics can be used to help monitor results in the criminal justice system and sufficiently detailed data will allow for in-depth analysis using disaggregated data – enabling a more complete understanding of the functioning of the criminal justice system separated into its policy-relevant component parts.

The first principle of the Fundamental Principles of Official Statistics states that “official statistics provide an indispensable element in the information system of a democratic society, serving the government, the economy and the public (...). Official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.”<sup>3</sup>

The production of official crime and criminal justice statistics is thus a vital undertaking in the context of a national statistical system. While each component of the criminal justice system creates large quantities of data, this raw information needs to be transformed into usable statistical data if it is to be valuable in decision-making. Once the statistics have been generated, their use can be broadly divided into four different areas:<sup>4</sup>

- **Management** – For any organization to be managed effectively, it must be possible to monitor its current resources and activities. In general terms, management can be characterized as a process of organizing a set of resources to accomplish established goals and objectives. Effective management requires information to determine whether organizational priorities are being achieved effectively and efficiently. The appropriate statistics can measure whether and how well these priorities are being accomplished. This also facilitates the allocation of resources to the correct locations and programmes in order to maximize public value.
- **Planning** – Planning involves identifying ways to accomplish a given future goal. Problems can be identified, their consequences mapped and possible courses of action pinpointed (including their respective advantages and disadvantages). For example, a court administrator may wish to identify ways of reducing case processing time. Statistical data enable a more complete understanding of the current situation, differentiation between different options, setting objective selection criteria and monitoring implementation. Hence, each step of the planning process requires statistical data.

<sup>3</sup> A/RES/68/261.

<sup>4</sup> Based on *Manual for the Development of a System of Criminal Justice Statistics* (United Nations publication, 2003).

- **Research and analysis** – Policy analysts need access to reliable statistics to monitor objectives, analyse trends, determine the effects of changes in policy, law or procedures in the criminal justice system and understand whether justice is being delivered in a timely, fair, impartial and equal manner. Criminal justice analysts can identify trends and patterns and provide recommendations to optimize the criminal justice response. Personnel working for the prosecution service and the courts also benefit from this information as it enables them to deliver justice for all more effectively by having access to relevant information, such as case processing times, caseload distribution and sentencing. The same limitation applies for any research endeavour when attempting to formulate actionable recommendations: without high-quality statistics formulating effective policy is challenging.
- **Accountability** – The use of reliable criminal justice statistics is not limited to the prosecution service, the courts and other government agencies involved in the response to crime, as they also inform civil society and the general public on the performance of the criminal justice system and help foster trust and transparency. Making data publicly accessible increases accountability of the criminal justice system and allows for a public dialogue. Detailed information on the operations of the criminal justice system can, for example, help to ensure equity, encourage gender responsiveness and drive the fulfilment of the pledge to leave no one behind in implementing the 2030 Agenda for Sustainable Development.

An example from the United States of America of findings from a National Survey of State Prosecutors' Offices on data use in decision-making is presented in Box 1.1.

For data to be comparable across different offices, agencies and jurisdictions, it is essential that there is agreement on and adherence to standardized concepts and definitions. If consistently applied by all relevant data providers, this also enables the measurement of flows and links between different stages and jurisdictions of the criminal justice system. This would enable, for example, the comparison of statistics between the police, the courts and the prison system, or among the different states within a federal system – providing a holistic picture of crime and its consequences. The adoption of a common framework thus allows for the comparison of criminal justice data over time, between different criminal justice institutions and, when statistical standards and concepts are harmonized internationally, even across countries.

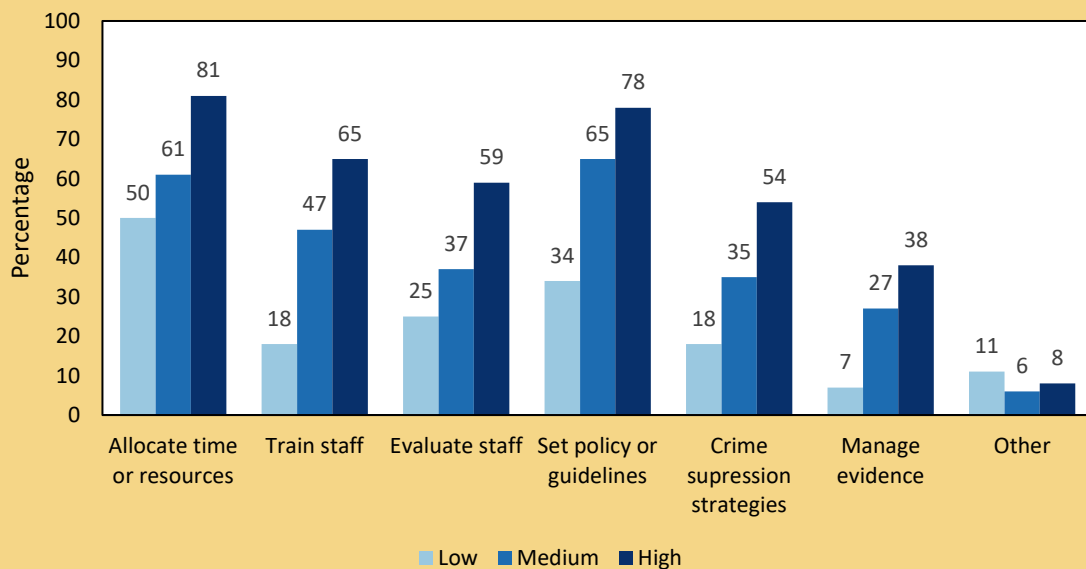
## Box 1.1

### Data for prosecutorial decision-making, United States

Prosecutorial data collection, data use and data-driven decision-making are subjects of emerging interest among prosecutors, other criminal justice stakeholders, advocates and policymakers. To understand how many data are collected and how they are used, the Urban Institute surveyed a wide range of prosecutors' offices across the United States in 2018. Selected prosecutors and staff members responded from 158 offices representing jurisdictions of all sizes, from sparsely populated rural areas to urban areas with more than a million residents.

The survey respondents were sorted into categories of low, medium or high data collectors based on their response to the 29 survey questions that directly addressed data collection. Low collectors collect 11 or fewer metrics, medium collectors collect between 12 and 18 metrics, and high collectors collect at least 19 metrics. Though low collectors tend to be smaller offices and high collectors tend to be larger ones, offices of all sizes are in every category. A higher level of collecting is associated with a greater reported general use of data in decision making. Data use is most likely for the allocation of time or resources, setting policy or guidelines, training and evaluating staff and formulating crime suppression strategies.

Figure 1.1 Proportion of offices that generally use data in selected decision making areas by collector status in the United States, 2018



Source: Robin Olsen and others, *Collecting and Using Data for Prosecutorial Decision-making: Findings from 2018 National Survey of State Prosecutors' Offices* (Urban Institute, 2018). Available at [www.urban.org/research/publication/collecting-and-using-data-prosecutorial-decisionmaking](http://www.urban.org/research/publication/collecting-and-using-data-prosecutorial-decisionmaking).



## 1.2 Why existing data collection, production and dissemination practices on crime and criminal justice need to be updated

In recent years, in the context of rapid social, institutional and technological change, there has been an increased worldwide demand for detailed and timely criminal justice sector data. Together with the so called “data revolution”,<sup>5</sup> the 2030 agenda has driven a renewed interest in promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

In many places around the world, the prosecution service and the courts already collect, produce and disseminate large volumes of administrative data. This can include data on the number of charges, dismissals and convictions, and information on physical, financial and human resources. Moreover, taking into consideration other important roles of prosecutors and judges in the realm of criminal justice, some national data collection practices can also include data on international assistance in criminal matters, outreach and engagement in community activities.

However, comparing these data and ensuring interoperability across institutions is not a straightforward task. There are widely different legal traditions and criminal justice systems that imply a different distribution of roles and responsibilities both across and within countries.<sup>6</sup> Moreover, countries differ in the way they count, classify, collect, process, analyse and present their statistics, including across different domestic jurisdictions. This may lead to data overlaps, erroneous interpretation of data or even the potential misuse of data; hence the data may not facilitate meaningful comparisons for policymaking initiatives. The main purpose of the present guidelines is to further the utilization of administrative data generated by the prosecution service and the courts for the production of policy-relevant statistical data. The distinction between administrative and statistical data sources, as distinguished by their intended purpose, is explained in Box 1.2.

Differences between national and international statistical definitions negatively impact the international comparability of data on crime and criminal justice. As a result, there is a lack of actionable information on how policymakers tackle similar problems in different criminal justice systems, jurisdictions or countries and the outcome of the approaches adopted. Therefore, it is vital to have a harmonized international data collection effort to produce comparable data that can serve as an evidence base for informed policymaking at both the national and the international level.

Applying the framework contained in the present guidelines contributes to the improvement of existing data systems by:

- Ensuring data in the criminal justice system becomes more consistent, more comparable and more transparent, both nationally and internationally, and support efforts to reduce transnational crime in line with international mandates.
- Providing more updated, detailed statistical information on prosecution and court operations, that can serve as an important basis for more effective, evidence-based decision-making, and facilitates the improved delivery of justice.

<sup>5</sup> Independent Expert Advisory Group on a Data Revolution for Sustainable Development (IEAG), *A World that Counts: Mobilising the Data Revolution for Sustainable Development* (2014).

<sup>6</sup> A legal tradition puts the legal system into a cultural perspective. It refers to deeply rooted and historically conditioned attitudes about things such as the nature of law, the role of law in society, how a legal system should be organized and operated, and the way the law is or should be made, applied or perfected. The four major legal traditions are the civil, common, Islamic and Eastern Asia legal traditions. Importantly, there are countries that have a mixture of different legal traditions. For more, see Philip Reichel, *Comparative Criminal Justice Systems: A Topical Approach*, 7<sup>th</sup> ed. (New York, Pearson, 2017).

- Fostering open data and a culture of data-based facts can enhance accountability and public trust among policymakers and the general public by focusing on what is actually happening and how the criminal justice system is responding.

Clearly, the statistical framework cannot be implemented overnight; neither is it an all-or-nothing exercise nor a panacea for all issues facing the criminal justice sector in general. However, even implementing a subset of the framework that is most relevant to a particular national context can offer valuable insights. This would enable experimentation with the coordination of data collection and the use of data – without immediately needing to collect numerous variables across many different agencies. This first step can pave the way for more and better data in line with the proposed statistical framework.

## Box 1.2

### Distinction between administrative and statistical data sources

The distinction between administrative and statistical data sources may not be immediately obvious. Especially since administrative data sources can also be used for the production and dissemination of official statistics, as promoted in the current guidelines. A technical distinction is made here between the intended purpose of the two different data sources.

Administrative data sources (also referred to as secondary data sources) are primarily collected by government agencies or other entities working on behalf of the Government in their day-to-day business. Administrative data sources not only include administrative registers of persons, customs data, social service records, but also criminal justice process records generated by specialized agencies. Unlike statistical data sources, administrative data sources are generated as part of a government function and not primarily in response to a need for statistical data. Administrative data sources can be used for statistical purposes if confidentiality is properly protected and data quality is ensured, while statistical data sources should not be used for administrative purposes.

Statistical data sources (also referred to as primary data sources), on the other hand, are primarily created for statistical purposes by government agencies or other entities working on behalf of the Government. Statistical data sources are typically obtained according to specified needs and predefined statistical needs and concepts. Sources generally include statistical sample surveys, censuses and statistical registers (which can themselves be based on administrative data sources). Some of the challenges associated with the production of statistical data sources are the high cost of production, the need for complex sampling designs and high respondent burden.

The use of administrative data sources for the production of statistics offers several advantages over the use of surveys, censuses and statistical registers. They include cost-effectiveness, reduction of respondent burden and improved timeliness and accuracy. Common challenges to the use of administrative data sources for statistical purposes, however, include a lack of cooperation between data providers, the use of statistical concepts and definitions that are not comparable, and difficulties in managing access. All of which demand a high level of statistical capacity from the institutions that manage administrative records, including criminal justice institutions. Furthermore, statistics derived from administrative data sources may not be of sufficient quality to meet the quality standards for official national statistics.

In short, administrative data collected by governments and service providers in the course of their day-to-day business is an increasingly important data source for the production of official statistics. The current guidelines aim to contribute to strengthening the capacity of the criminal justice system to leverage the use of administrative data for statistical purposes, in order to fill gaps in the data available to policymakers, monitor progress and address emerging challenges. When managed well,

the use of administrative data sources for the production of statistics on crime and criminal justice offers the potential for new insights through the use of highly disaggregated data that are generated close to real time.\*

\* For more information on leveraging administrative data for statistical purposes, please refer to the collaborative on the use of administrative data for statistics, convened by the United Nations Statistics Division and the Global Partnership for Sustainable Development Data. See <https://unstats.un.org/capacity-development/admin-data/>.

*Note:* This box is based on chapter 7 of the United Nations National Quality Assurance Frameworks Manual for Official Statistics (United Nations publication, 2019).

### 1.3 International demand for data on crime and criminal justice

The United Nations Economic and Social Council noted the importance of data for effective crime prevention, to promote community safety and to contribute to the sustainable development of countries.<sup>7</sup> It stressed identifying and addressing gaps in the knowledge base and establishing data systems to help to manage crime prevention more cost-effectively. Furthermore, it recommended promoting the application of these data to reduce repeat victimization and persistent offending.

More recently, in the 2021 Kyoto Declaration,<sup>8</sup> Member States reaffirmed their commitment to evidence-based crime prevention through collecting and analysing data using systematic and coherent criteria, keeping in mind ICCS. Through the Declaration, Member States highlighted the need to ensure the integrity and impartiality of all institutions comprising the criminal justice system and the fair, effective, accountable, transparent and appropriate administration and delivery of justice. Lastly, the declaration called for equal access to justice for all, including taking proper measures to ensure respectful treatment without any form of discrimination or bias.

The United Nations Convention Against Transnational Organized Crime and the Protocols Thereto<sup>9</sup> called for State Parties to enhance the effectiveness of international law enforcement, develop common definitions, standards and methodologies, and consider monitoring policies and actual measures to combat organized crime.

The UNODC and the National Institute of Statistics and Geography of Mexico (INEGI) have jointly developed a road map to improve the quality and availability of crime statistics at the national and international levels.<sup>10</sup> The road map underscores the need to produce, disseminate and analyse statistical data on crime in a way that is accurate, transparent and independent. Data should be relevant and timely in order to provide the basis for solid research, they should inform the public and they should be an operative tool for targeting policies and programmes in the areas of crime prevention, the rule of law and criminal justice reforms. The comparability of data across countries is also a particularly important element of crime statistics, given the increasingly transnational nature of crime.

<sup>7</sup> United Nations Economic and Social Council resolution 2002/13.

<sup>8</sup> *Kyoto Declaration: On Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development* (United Nations publication, 2021).

<sup>9</sup> A/RES/55/25.

<sup>10</sup> E/CN.3/2013/11.

Data are also required for monitoring progress on Sustainable Development Goal 16.<sup>11</sup> Targets of Goal 16 include reducing violent crime (16.1), corruption and bribery (16.5), and stress the importance of promoting the rule of law and ensuring equal access to justice for all (16.3), developing effective, accountable and transparent institutions (16.6) and ensuring public access to information (16.10). Lastly, one target compares the proportion of positions in the judiciary with the national distribution by sex, age, persons with disabilities and population groups (16.7.1) to ensure inclusive and representative decision-making.

## 1.4 International standards for the prosecution service and the courts

The organization and regulation of the prosecution service and the courts is a national prerogative with great variety in both the status and role of prosecutors and judges throughout the world.

In most systems, the two core functions of prosecutors are the decision to prosecute and represent the prosecution service in court. Core functions in some jurisdictions may also encompass, among others, investigating crime, supervising investigators' compliance with procedural rules, negotiating plea and sentence agreements, ensuring the protection of victims' rights and providing recommendations regarding sentencing. In many systems, prosecutors may also have the role of representing the public interest and protecting vulnerable people (such as children, persons with disabilities or older persons) in matters of civil or administrative law, and may have a wider role within the public service.<sup>12</sup>

A similar variety in the role and status of judges and courts exists throughout the world and each of the main legal traditions follows different criminal procedures. For example, civil law countries use an inquisitorial system while common law countries use an adversarial system. The inquisitorial process can be described as an official inquiry to ascertain the truth, whereas the adversarial system uses a competitive process between prosecution and defence to determine the facts. The inquisitorial process grants more power to the judge who oversees the process, whereas the judge in the adversarial system serves more as an arbiter between claims of the prosecution service and the defence.<sup>13</sup>

The core functions of the courts in criminal proceedings in most systems are to conduct hearings, keep records, preside over court meetings, protect the rights of individuals, analyse legal problems and provide timely decisions that appropriately punish the criminal conduct in question.

The degree of variety in the roles and responsibilities of prosecutors and judges across different legal systems illustrates the difficulty of identifying an exhaustive set of criminal justice functions. However, the following basic set of core functions for the prosecution service and the courts are generally applicable:

<sup>11</sup> Goal 16 promotes peaceful and inclusive societies for sustainable development, access to justice for all and effective, accountable and inclusive institutions at all levels.

<sup>12</sup> *The Status and Role of prosecutors: A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide* (United Nations publication, 2014).

<sup>13</sup> Philip Reichel, *Comparative Criminal Justice Systems: A Topical Approach*, 7<sup>th</sup> ed. (New York, Pearson, 2017).

## Prosecution service

- **Leading investigations** – Conducting impartial investigations using only evidence that was obtained through legal means and initiating prosecution if a charge is shown to be legitimate.
- **Seeking justice** – Holding offenders to account, deciding on alternatives to prosecution and protecting the fundamental rights of all individuals involved in the proceedings.

## Courts

- **Presiding over criminal proceedings** – Administering justice while protecting the fundamental rights of all individuals involved in the proceedings.
- **Punishing violators of the law** – Ensuring appropriate, equal treatment of offenders before the law and deterring future crime.

A number of United Nations instruments provide valuable guiding principles and positive obligations for the prosecution service and the courts. The Universal Declaration of Human Rights enshrines the principles of equality before the law, the presumption of innocence until proven guilty and the right to a fair and public hearing by an independent and impartial tribunal.<sup>14</sup> The International Covenant on Civil and Political Rights guarantees the right to be tried without undue delay, to be fully and promptly informed of the charges, to have adequate time to prepare a defence with counsel of choice, to have free assistance of an interpreter when required and not to be compelled to testify against oneself or confess guilt, and establishes that persons awaiting trial shall not be detained in custody as a general rule.<sup>15</sup>

The United Nations Convention against Corruption mentions the crucial role of the judiciary and the prosecution service in combating corruption.<sup>16</sup> Each State Party must take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary and the prosecution service.

In addition to binding instruments adopted by Member States, there are United Nations standards and norms in crime prevention and criminal justice covering a wide variety of issues such as access to justice and the treatment of offenders.<sup>17</sup> These standards and norms provide flexible guidance for reform that accounts for the differences in legal traditions, systems and structures while providing a collective vision of how criminal justice systems should be structured.

More specifically, the Basic Principles on the Independence of the Judiciary provide that the State shall guarantee the independence of the judiciary and the judiciary shall decide matters impartially.<sup>18</sup> The principles highlight the duty of each Member State to provide adequate resources to the judiciary, focusing on recruitment and stressing that individuals must be appropriately trained and be persons of integrity.

The Bangalore Principles of Judicial Conduct adopted by the United Nations Economic and Social Council were intended to establish standards for ethical conduct of judges and offer a framework for regulating judicial conduct. Its six principles are detailed in Box 1.3.

<sup>14</sup> A/RES/217(III).

<sup>15</sup> A/RES/2200(XXI), annex.

<sup>16</sup> A/RES/58/4.

<sup>17</sup> See *Compendium of United Nations standards and norms in crime prevention and criminal justice* (United Nations publication, 2016).

<sup>18</sup> Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985.

## Box 1.3

### The Bangalore Principles of Judicial Conduct

The Bangalore Principles of Judicial Conduct are comprised of the following six principles:

- **Judicial independence** is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.
- **Impartiality** is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.
- **Integrity** is essential to the proper discharge of the judicial office.
- **Propriety** and the appearance of propriety are essential to the performance of all of the activities of a judge.
- Ensuring **equality** of treatment to all before the courts is essential to the due performance of the judicial office.
- **Competence and diligence** are prerequisites to the due performance of judicial office.

In addition, the Bangalore Principles specify the application of the six principles in detail. This includes performing judicial duties independent of judicial colleagues, performing judicial duties without bias, not practising law while holding judicial office, and exercising the judicial function free of any extraneous influences, inducements or pressures, among others.

Source: United Nations Economic and Social Council resolution 2006/23, Annex.

The United Nations Guidelines on the Role of Prosecutors offer recommendations on the recruitment of prosecutors, their conditions of service, their role in criminal proceedings and how to conduct disciplinary proceedings against prosecutors.<sup>19</sup> The guidelines include that prosecutors shall be individuals of integrity and ability who are appropriately trained and maintain the honour of their profession as essential agents of the administration of justice. They must perform their duties fairly, consistently and expeditiously, with respect for human rights and dignity. Moreover, the guidelines stress the importance of cooperation between the prosecution service, the police, the courts, the legal profession, public defenders and other government agencies or institutions.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the United Nations General Assembly highlights the role of the judicial and administrative mechanisms to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible by taking different actions, including avoiding unnecessary delay in the disposition of cases, restoration of rights, restitution, compensation and assistance.<sup>20</sup>

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted by the United Nations General Assembly stress that proceedings should be conducive to the best interests of the juvenile.<sup>21</sup> Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Additionally, custodial measures shall be avoided to the greatest extent

<sup>19</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

<sup>20</sup> A/RES/40/34.

<sup>21</sup> A/RES/40/33.

possible by making a large variety of disposition measures available, such as probation, community service or financial penalties.

The United Nations Standard Minimum Rules for non-Custodial measures (The Tokyo Rules) adopted by the United Nations General Assembly underline that the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions.<sup>22</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the United Nations General Assembly call for gender-specific options for diversionary measures and pretrial and sentencing alternatives and clarify that providing for the distinctive needs of women is necessary to accomplish substantial gender equality.<sup>23</sup>

The United Nations Convention on the Rights of the Child adopted by the United Nations General Assembly states that in all decisions and actions that concern children, the best interests of the child shall be a primary consideration.<sup>24</sup> Every child accused of breaking the law should be presumed innocent until proven guilty, have the option of legal assistance and be given a fair hearing. The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime adopted by the United Nations Economic and Social Council call for a child-sensitive approach to child victims and witnesses of crime and violence and provide guidance on the individual treatment of child victims and witnesses of crime as well as the rights and safeguards to protect them when they are in contact with the justice system.<sup>25</sup>

The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems adopted by the United Nations General Assembly state that police officers, prosecutors, judicial officers and officials in any facility where persons are imprisoned or detained should inform unrepresented persons of their right to legal aid and of other procedural safeguards, and that States should introduce measures to ensure legal aid is promptly provided, to ensure that police and judicial authorities do not arbitrarily restrict the right or access to legal aid for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, in particular in police stations.

<sup>26</sup>

## 1.5 Scope of the present guidelines for the production of statistical data

The collection, production and dissemination of standardized statistical data by the criminal justice system is highly challenging, given that methods, standards and concepts can vary significantly between institutions, local jurisdictions and countries. Factors such as the level of digitalization, national standards, data governance arrangements, data quality frameworks and data dissemination practices vary widely. Ideally, statistical data should make it possible to improve the day-to-day activities of the prosecution service and the courts and enhance the delivery of equitable outcomes, as well as assess flows across the different stages of the criminal justice system as a whole. Given the aforementioned constraints, in practice this is highly challenging without internationally standardized guidance and suitable regulatory frameworks that establish roles and responsibilities as well as obligations for the collection, production and dissemination of data.

<sup>22</sup> A/RES/45/110.

<sup>23</sup> A/RES/65/229.

<sup>24</sup> A/RES/44/25.

<sup>25</sup> United Nations Economic and Social Council resolution 2005/20.

<sup>26</sup> A/RES/67/187.

The present guidelines provide an international framework that can serve as the foundation for identifying and addressing basic statistical needs for a system of crime and criminal justice statistics based on administrative data. The level of detail required can be determined in line with the level of development of a country's national statistical system, the ease of data collection and national priorities.

The international standards and norms discussed in the previous section highlight some dimensions for evaluation, such as details on the number of crimes committed according to their definition in ICCS and on the criminal justice process and outcomes. Furthermore, data can also be used to evaluate the human, financial and physical resources involved in the operation of the prosecution service and the courts.

It is important to note, however, that since the present guidelines are only aimed at offering a basic framework with key dimensions for improving standardized data collection, they are not exhaustive. The key dimensions identified in Part II offer solid ground for analysis of crime and criminal justice activities but cannot cover every possible area of interest and activity. The use of complementary data, such as public perception surveys on the functioning of the prosecution service and/or courts, is encouraged but goes beyond the use of administrative data discussed in the framework. Member States are encouraged to implement the framework and adapt it to their local needs; in line with the specific characteristics of their criminal justice system and the level of available resources. The UNODC is committed to supporting the implementation of the framework should Member States require support.



## 2 Building on the International Classification of Crime for Statistical Purposes

In many countries around the world, there is no uniform catalogue of criminal offences that can be used for statistical purposes or there isn't a specifically developed crime classification. National classifications that do exist often have selective coverage and other methodological limitations. There is thus a lack of complete and internationally comparable information on crime victims, offenders and additional information for understanding the context and drivers of crime.

ICCS was developed by UNODC in 2015 in order to provide an internationally comparable tool to compile and systematize national crime and criminal justice statistics with a view of improving the utility and relevance of these statistics. The implementation of ICCS is part of the UNODC-INEGI road map to improve the quality and availability of crime statistics at the national and international levels, discussed in section 1.3, that comprises three pillars: i) the development of new methodological tools; ii) capacity-building activities; and iii) strengthening of international data collection and analysis.<sup>27</sup>

ICCS is a comprehensive framework of internationally agreed crime concepts and definitions aimed at enhancing the collection of statistical data on the characteristics of criminal acts, victims, offenders, motives and other essential data, and strengthening research and targeted policies to prevent crime. It contains an exhaustive list of criminal acts in a mutually exclusive, hierarchical structure and plays a fundamental role in improving the data quality of crime and criminal justice statistics systems within national criminal justice systems. ICCS is also the underlying frame used in the annual United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (UN-CTS) – which provides an overview of trends and interrelationships between various parts of the criminal justice system both nationally and internationally.

Since the adoption of ICCS by the United Nations Statistical Commission in 2015, the interest in aligning national crime statistics with ICCS has grown worldwide. Several countries have already made substantial progress in setting up ICCS implementation structures and mapping their national crime categories or criminal codes to ICCS. These efforts to align national crime statistics with ICCS are reflected in more comparable data at the national, regional and global levels. Hence, ICCS provides the foundation for the production of harmonized and interoperable statistics on the prosecution service and the courts.

### 2.1 How crime is defined in the International Classification of Crime for Statistical Purposes

Every legal framework includes definitions of crime from the perspective of activities that are both unlawful and punishable. But legal definitions are not always suitable for organizing crime statistics because they are not comparable across jurisdictions. Given that there is a great degree of legal heterogeneity across jurisdictions,<sup>28</sup> both within and between countries, definitions that are based on behavioural descriptions of acts rather than on legal premises are more suitable for classifying data on crime and criminal justice in a way that is comparable across jurisdictions.

ICCS utilizes a behavioural approach to define the elements that constitute crime statistics rather than strict legal specifications derived from criminal law. Crimes as defined in criminal law are typically

<sup>27</sup> E/CN.3/2013/11.

<sup>28</sup> For example, one country may require physical contact for an offence to be considered assault, while another may not.

associated with actions or behavioural and contextual attributes that are universally considered to be an offence (for example, wounding or injuring, or taking property without consent). This event-based approach avoids issues created by legal complexities, resulting in a simplified and globally applicable classification with fewer ambiguities. Put simply, it is easier to classify offences by behaviour and actions than by legal definitions and intent. In this way, ICCS is aimed to place all criminal acts in a single, specific category, which should improve the accuracy and the comparability of data, both within and between countries.

Practically speaking, offences are grouped into mutually exclusive categories at up to four different hierarchical levels. There are 11 level 1 categories designed to cover all offences within ICCS (see Table 2.1). Criminal offences at levels 2, 3 and 4 can be summed to provide observations at more aggregated levels.

Table 2.1 Level 1 ICCS categories

01	Acts leading to death or intending to cause death
02	Acts leading to harm or intending to cause harm
03	Injurious acts of a sexual nature
04	Acts against property involving violence or threat against a person
05	Acts against property only
06	Acts involving controlled psychoactive substances or other drugs
07	Acts involving fraud, deception or corruption
08	Acts against public order, authority and provisions of the State
09	Acts against public safety and state security
10	Acts against the natural environment
11	Other criminal acts not elsewhere classified

## 2.2 Benefits of the International Classification of Crime for Statistical Purposes

### ***Creation of a common terminology***

ICCS was created to organize and harmonize statistical data including all main types of criminal offences, and it constitutes a solid framework of definitions for producing national and international crime statistics. Centred on statistical concepts and definitions, ICCS enables policymakers to take a comprehensive long-term perspective when building or reviewing a national statistical system on crime as ICCS is not subject to changes in national legislation and regulatory frameworks. This standardization fosters data integration across criminal justice institutions (the police, the prosecution service, the courts and the prison system) and across different data sources, encompassing administrative records and statistical surveys. Using the common terminology of ICCS can unify institutional practices and facilitate the communication and exchange of information that effectively enables the understanding of the national crime situation.

### ***Provision of greater granularity and the potential for deeper insights***

ICCS allows for the collection of detailed data on victims and offenders as well as data on other event characteristics. Moreover, ICCS allows for data related to the criminal justice process – such as arrests, prosecutions, convictions and prison sentences – to be disaggregated by the different criminal offence categories. Furthermore, through the collection of disaggregating variables, ICCS highlights many facets of crime and thus responds to specific needs for crime information. The disaggregating variables and the variables that characterize the criminal event provide contextual information about criminal offences that supports more sophisticated, in-depth analysis of those offences, and the data are often critical to the understanding of crime trends that are relevant for policymakers. They can relate to the characteristics of an individual crime event or the characteristics of the victim or offender. For example, statistical data on intentional homicide are more valuable if they are disaggregated by the sex of the victim and offender, the use of a firearm, the motive for the killing and whether they happened in the context of organized crime.

### ***Standardization of international comparisons and understanding transnational crime***

At the international level, ICCS improves the comparability of crime data across countries by standardizing concepts and definitions, allowing for the systematic collection, analysis and dissemination of data. It also responds to the increasing demand for in-depth research and analysis on transnational crime.

## **2.3 How to use the International Classification of Crime for Statistical Purposes in practice**

### ***Harmonizing terminology across institutions***

In many instances, the prosecution service and the courts already produce criminal justice statistical reports that are used to inform policymakers and the general public about crime trends and criminal justice outcomes. However, as noted above, legal definitions of crime can differ even within a single country, and statistical outputs might be produced according to different categories or frameworks. These differences make it difficult for the prosecution service and the courts to monitor and understand crime trends and patterns in a broader local, national and international context. As noted, ICCS offers a behaviour-based harmonized categorization of crimes that is easier to use than systems that classify crimes by legal definitions. Adopting ICCS can result in the production of more accurate and more consistent crime statistics that are comparable across jurisdictions and throughout the criminal justice system – from the police to the prosecution service and the courts, and all the way to the prison system.

### ***Strengthening organizational management and performance monitoring***

The harmonization of crime data facilitates its use for strategic decision-making and operational purposes. Such data can be used to discuss the nature of emerging and ongoing problems in different jurisdictions and criminal justice sector agencies. Crimes can be tracked more accurately and consistently across the criminal justice sector and – when combined with the additional data suggested in these guidelines – different approaches to addressing crimes and criminal justice process can be compared. For example, a court could be suffering from a serious backlog of cases related to “counterfeiting means of cash payment” (ICCS Level-4 code 070211), prompting questions about whether this is a temporary trend or a more structural problem related to how these cases are managed by the court. The court could then consider comparing case processing times related to this

specific criminal offence category with other courts around the country and draw lessons from courts that manage such cases in a more timely manner. However, if counterfeiting means of cash payment is defined and reported differently by other courts or other law enforcement agencies in the country, this will be difficult to assess. Overall, the harmonization of data provides the opportunity to collect, produce and disseminate additional information on how effectively the prosecution service and the courts are managed.

### ***Codifying greater detail on crimes***

The disaggregating variables recommended in ICCS provide valuable information on both victims and offenders as well as additional details on the circumstances of criminal offences. These data are key to understanding crime and to improving criminal justice responses by both the prosecution service and the courts. Among other things, the variables provide insight into the basic demographic characteristics of victims and defendants (e.g., age, sex and citizenship), record information on the victim-offender relationship (e.g., intimate partner, blood relative, friend, colleague, etc.) and capture data on the circumstances of a criminal offence, such as the location, date and time, motive and the type of weapon used. These data can be used to produce statistics on specific trends and patterns in crime and criminal justice overall.

## PART II: GUIDELINES FOR THE PRODUCTION OF STATISTICAL DATA BY THE PROSECUTION SERVICE AND THE COURTS

Part I identified the core functions of the prosecution service and the courts and how they are performed. To enable the collection, production and dissemination of statistical data, the core functions have to be translated into separate dimensions that are linked to measurable variables. That is the focus of part II, which presents the statistical framework at the core of the current guidelines. The rationale is presented for each of the identified dimensions and a list of variables is proposed. The full framework with all proposed variables and their suggested (minimum) categories can be found in the annex to the present document.

## 3 Statistical framework for the production of data

### 3.1 Key dimensions of the framework

Based on the core functions and standards outlined in chapter 1, 12 key dimensions have been identified for the collection, production and dissemination of relevant statistical data that assist in monitoring the functioning of the prosecution service and the courts in the area of crime and criminal justice. Across four thematic areas – resources, criminal justice statistics, other activities and conduct – a range of issues can be assessed, including how effective and accountable the prosecution service and the courts are, whether sub-population groups are all equally treated with respect and without bias, how cost-effective the systems are and whether equal access to justice is ensured for all. The key dimensions identified are listed in Table 3.1 and are detailed in the annex to the present document. All dimensions are cross-cutting across the core functions of prosecutors and judges. The framework relies on the collection of event-based data rather than aggregate statistics to deliver the greatest added value for stakeholder in the criminal justice sector (see Box 3.1).

For offices that also handle non-criminal matters, it is important to clearly distinguish between data on criminal and non-criminal proceedings. If it is not possible to disentangle the data in question – such as data on funding or staff that are shared between functions – it is highly recommended to record exactly what the figures represent in a systematic way (i.e., using metadata; see chapter 5).

Table 3.1 Key dimensions of statistical framework for data production

Resources	<b>Human resources</b> Covers data that describes the workforce of an organization, its diversity and the key features of its organizational structure
	<b>Financial resources</b> Covers data on the available financial funds and their use by the prosecution service and the courts
	<b>Physical resources</b> Covers data on the tangible objects that are necessary for the prosecution service and the courts to function
	<b>Staff safety and well-being</b> Covers data on the safety and well-being of prosecution and court staff
Criminal justice statistics	<b>Prosecution of criminal cases*</b> Covers data on criminal cases charged, prosecuted and finalized, including information on offenders and victims
	<b>Criminal trials</b> Covers data on criminal cases examined by courts and their outcomes including information on defendants and victims
	<b>Pre-trial detention and non-custodial measures</b> Covers data on pre-trial detention and non-custodial measures applied by the prosecution service and the courts
	<b>Seizure operations</b> Covers data on seizure operations involving the prosecution service and the courts

<b>Other Activities</b>	<p><b>Extradition and mutual legal assistance</b> Covers data on prosecution and court activities related to extradition and mutual legal assistance in criminal matters</p> <p><b>Outreach</b> Covers outreach activities undertaken by the prosecution service and the courts to strengthen communities and enhance trust in justice</p>
<b>Conduct</b>	<p><b>Professional conduct</b> Covers data on violations of professional conduct by prosecution and court staff, including but not limited to misconduct, fraud, corruption and torture</p> <p><b>Disqualification/recusal</b> Covers data on the withdrawal of a judge or prosecutor due to a conflict of interest or lack of impartiality</p>

\* For prosecutors who have competencies as police officers, see Guidelines for the Production of Statistical Data by the Police (United Nations publication, 2022).

### Box 3.1

#### Benefits of event-based data

Collecting event-based data, as proposed in the current guidelines, rather than simple summary statistics offers numerous advantages for stakeholders in the criminal justice sector. Such data stand to improve the overall quality and detail of crime and criminal justice data by capturing details on individual events, such as criminal offences (including details on the victim(s) and offender(s)), judicial processes, human resources and misconduct events. Additional details that are highlighted in these guidelines include contextual information such as the date of filing a criminal case with a court, whether legal aid was provided during a criminal case, or which court approved a request for pre-trial detention.

Such event-based data provide a more granular and detailed view of the activities of the prosecution service and the courts. Instead of using basic aggregated figures, it becomes possible to review detailed information on each of the 12 dimensions of their work captured in the proposed framework. Aggregated data may mask important nuances that can only be revealed in event-based data. This level of detail enables a more holistic understanding of the operations of the prosecution service and the courts, how justice is being delivered and can help improve fairness and equity in the criminal justice system.

To illustrate, event-based data can allow the courts to manage cases more effectively by better managing caseloads and ensuring that cases progress efficiently through the criminal justice process, potentially reducing delays and backlogs. The variables proposed in the framework include the filing and closing dates of each individual criminal case which, combined with the other variables, can reveal exactly which types of cases are taking longer to process and provide a better understanding of why this is the case. For example, an analysis might reveal that organized crime related charges take a significant amount of time due to their inherent complexity. A policy response might be to develop a dedicated training programme for judges or create a specialized court that deals exclusively with cases involving organized criminal groups.

The prosecution service can also use the event-based data proposed in the current guidelines to improve their operations. For example, event-based criminal offence data offer a wealth of information on the characteristics of both the victim(s) and offender(s), and provide details on the situational context in which the crime occurred (e.g., location, motive, type of weapon used). The

systematic collection and use of such data can be invaluable in building cases, preparing for trial and ensuring justice is delivered commensurate with the nature and circumstances of each case.

The collection and use of event-based data further stands to enhance accountability of the prosecution service and the courts. It allows supervisors and oversight bodies to review the handling of individual cases, ensuring that ethical and legal standards are met. For example, was the offender provided with interpretation upon request, did the offender have access to legal aid, was the victim provided with adequate protection measures and did the victim receive appropriate compensation from either the offender or the State. Data collected on professional conduct and disqualifications/recusals, as suggested in the framework, can further contribute to enhanced accountability and drive policy debates.

Furthermore, researchers in the criminal justice field can utilize detailed event-based data to conduct more in-depth studies and evaluations. Such research can identify legal trends – such as emerging types of criminal activity – and can inform evidence-based decision making and policy recommendations. The dimensions suggested in the current guidelines could also contribute to improved risk analyses and the prevention of wrongful convictions by reviewing past cases in detail and gaining a better understanding of the driving factors at play.

In sum, when compared to summary statistics, event-based data provide more detailed information, important contextual insights and greater analytical flexibility. These benefits imply event-based data can significantly contribute to the improved delivery of quality, fair and equitable justice by the prosecution service and the courts.

As noted, the annex to the present document contains an overview of which variables could be collected for each dimension. This framework should be interpreted as a “wish list” since many countries will not have comprehensive data for all dimensions at the outset. The list is meant to be aspirational and organizational leaders should aim to collect as many of these variables as possible to better track and understand the functioning of the prosecution service and the courts in the broadest possible sense.

It is important to emphasize that many of the dimensions feature proposed variables that are included to be able to identify individual records (e.g., case ID). These variables are meant to link separate records together for the purpose of creating more detailed statistics by combining different sets of data. They are not meant for publication since they link to individual records. Individual data records should be carefully protected in order to respect relevant privacy and confidentiality laws during the generation of statistics. For more on this, please refer to chapter 5.

Given that the prosecution service and the courts often operate with limited resources, Table 3.2 highlights four core dimensions that should receive the highest implementation priority. The prosecution service and the courts should focus on data collection for these core dimensions before moving on to other dimensions. This should not be taken to mean that the other dimensions of the framework are not relevant or important. It is merely meant to acknowledge the fact that gradual implementation is often more realistic than an all-or-nothing effort as noted in chapter 1.



Table 3.2 **Four core dimensions of the framework with highest implementation priority**

Dimension	Motivation
Resources/Human resources	Attracting, retaining and training a skilled and diverse workforce is essential for the efficient operation and management of both the prosecution service and the courts. These data are collected in the UN-CTS every other year.
CJ statistics/Prosecution of criminal cases	This dimension links back directly to outputs related to the two core functions of prosecutors, namely leading investigations and seeking justice. Additionally, data on the number of persons prosecuted are collected annually in the UN-CTS.
CJ Statistics/Criminal trials	This dimension links back directly to outputs related to the two core functions of courts, namely settling legal disputes and punishing violators of the law. Additionally, data on the number of persons convicted are collected annually in the UN-CTS.
Conduct/Professional conduct	The administration of justice requires that laws are administered fairly, rationally, predictably, consistently and impartially. This is further highlighted in both the Bangalore Principles of Judicial Conduct and the United Nations Guidelines on the Role of Prosecutors. The professional conduct of prosecution service and court staff is vital to the rule of law and should be monitored closely.

In addition to a set of variables to be measured, a suggested list of categories for most variables is provided in the annex to the present document. These categories represent the values that a given variable can take. Using a standardized list of categories will ensure that the data collected for specific variables is comparable. However, the suggested (minimum) categories may contain options that are not relevant given the national context or crucial categories may have been missed altogether given the context. It is therefore important to adjust the list of categories to the context, while taking care to ensure that all prosecution offices and courts within one particular country are using the same set. Moreover, when variables are to be used by other institutions in the criminal justice sector, such as the police or the prison system, alignment with those institutions should also be ensured.

Note that for a number of variables the national context will differ to such a degree across countries that no categories are suggested in these guidelines. The categories for such variables should be determined nationally in their entirety. The focus here is on improving national comparability rather than attempting to fit all countries into a single international categorization that risks irrelevance in many contexts.

The importance of collecting such disaggregated information is stressed in the 2030 Agenda in its call for sufficiently detailed data on the experience of individuals across multiple dimensions, including age, sex, disability, ethnicity, origin, religion, economic or another status. Such variables enable the coding of additional data, such as case, victim and offender descriptions (see also Box 3.2 on gender statistics in the criminal justice system). The variables also permit the assessment of the workforce composition and possible human resources biases within the prosecution service and the courts. Hence, the systematic collection of the disaggregating variables provides additional contextual information to support more sophisticated, in-depth analysis and more focused institutional responses.

## Box 3.2

### Gender statistics in the criminal justice system

A fair, effective and representative criminal justice system respects the fundamental rights of all women and men.<sup>29</sup> Such a system should also be gender responsive and aim to identify and address gender biases affecting the criminal justice system, to prevent gender-based crimes, to protect and assist victims/survivors and to encourage the active participation of women at all levels of the criminal justice system. At a minimum this requires data to be sex disaggregated to allow for the measurement of differences between women and men. The word “sex” refers to biological differences between women and men. “Gender”, meanwhile, refers to socially constructed differences in the attributes and opportunities associated with being female or male and to social interactions and relationships between women and men. When data on demographic characteristics are collected, it is typically the sex of a person that is recorded, as female (woman) or male (man), not the gender.

The framework outlined in this chapter includes a variable dedicated to recording such data whenever applicable. Such data can reveal, for example, the ratio of women to men working in the prosecution service or the number of female and male offenders by offence category. However, disaggregating data by sex is only a first step. As noted in the United Nations manual on *Integrating a Gender Perspective into Statistics*,<sup>30</sup> data should also reflect gender issues and be based on concepts and definitions that adequately reflect the diversity of women and men, and collection methods should consider stereotypes and social and cultural factors that may introduce gender bias in the data. In this way, sex-disaggregated data, when analysed, have the capacity to reveal differences in women’s and men’s lives that are the result of gender roles and expectations.

The framework outlined in this chapter includes a range of variables that could be used for this purpose. For example, courts are encouraged to record data on victim compensation. This data could be used to analyse whether women and men receive equal and fair compensation after having been victims of similar criminal offences. As another example, the variables that record the type of measures taken to protect the victim, whether the victim was provided with access to legal representation and whether interpretation was provided could also be used to better understand the different experiences of the criminal justice system for women and men. To illustrate, in cases that involve violence against women, it might be crucial to ensure adequate protective measures are taken to prevent secondary victimization and access to legal aid can be vital to ensure survivors have access to the legal system and the remedies to which they are entitled.<sup>31</sup>

By recording such details for each individual case, aggregate statistics can be produced that provide policymaker with a more comprehensive understanding of the different justice journeys of women and men. Such data would also reveal whether women or men are experiencing specific challenges or inequalities at different stages of the criminal justice system that should be addressed taking into account their gender specific needs. In short, an assessment of the criminal justice system or any of its components cannot be complete without a careful examination of how the system and the various sectors treat gender and the framework introduced in the current guidelines aims to positively contribute to this.

<sup>29</sup> *Gender in the criminal justice system assessment tool* (United Nations publication, 2010).

<sup>30</sup> United Nations publication, 2016.

<sup>31</sup> UN Women, *Handbook for Legislation on Violence Against Women* (New York, 2012).

Please further note that these guidelines are general in nature. The variables and their categories suggested here are not exhaustive but are meant to enable the collection, production and dissemination of basic statistics. Regardless of their inclusion in this framework, countries should continue to ensure all relevant procedural safeguards are in place and the fundamental rights of all individuals are protected in accordance with national law and international instruments. Moreover, when collecting data on vulnerable groups, especially children, existing (international) standards, norms and laws regarding data collection should be taken into account.

The remainder of this chapter discusses the details of each dimension, provides an overview of the proposed variables to be collected and highlights current data collection efforts related to the above key dimensions from different countries around the world. As these examples illustrate data collection efforts that are already underway, they do not always fully align with the proposed framework of the current guidelines.

## 3.2 Data on prosecution service and court resources

### 3.2.1 Human resources

Attracting, retaining and training a skilled and diverse workforce is essential for the efficient operation and management of the prosecution service and the courts. Human resources statistics permit the monitoring of aggregated indicators, such as the number of staff per court/prosecution office or the percentage of staff trained in a specific subject or research technique, number of support staff by office, staff turnover rate, the ratio of professional to non-professional judges, incoming/resolved/pending cases per prosecutor or judge and the distribution of positions by sex, age, disability status, etc.<sup>32</sup>

As noted in the *Gender in the criminal justice system assessment tool*,<sup>33</sup> issues of gender permeate the entire criminal justice system. It is important to have an understanding of the attitudes, perceptions and biases related to gender that can and do affect decision making at every level of the justice sector. The tool suggests collecting several statistics on gender related to human resources, such as the ratio of men and women at different seniority levels for prosecutors and judges. The variables proposed in the current guidelines can be used to calculate such indicators.

The proposed variables in Table 3.3 reflect the distribution of personnel according to organizational division, specific prosecution offices and courts, sex, age, rank, spoken language and more. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.3 **Proposed variables for the human resources dimension**  
(Core dimension)

STAFF DETAILS	
Unit of analysis	Description
Personnel	Individual staff member details employed by prosecutor’s offices and courts
Variable	Description
Staff ID	Unique identifier of staff member

<sup>32</sup> Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, indicator 16.7.1.

<sup>33</sup> United Nations publication, 2010.

Sex	Sex of staff member
Age	Age of staff member
Ethnicity	Ethnicity of staff member
Disability	(Self-reported) disability status of staff member
Languages	Languages spoken by staff member
Education	Highest level of completed education of staff member
Hiring date	Date when the staff member first joined the prosecution office or court
Position start	Date when staff member started working in current position
Appointment	Method of appointment for current position of staff member, if applicable
Employment status	Indicator of full-time, part-time employment or other status (determined nationally)
Rank	Hierarchical rank or role of staff member within the prosecution office or court (e.g. Professional judge, non-professional judge, jury, public prosecutor, person with similar duties to those of public prosecutor, rechtspfleger <sup>34</sup> , non-judge (registrars), non-prosecutor, administrative, technical or other)
Office ID	Identifier of prosecution office or court the staff member is currently assigned to
Division	Division the staff member is currently assigned to
Admin area	Administrative area of the country (level 1, 2, etc.) where the staff member is stationed
Retention date	Date when the staff member discontinued working in the office, if applicable
Retention reason	Reason why staff member discontinued working in the office, if applicable

### TRAINING DETAILS

Unit of analysis	Description
Trainings	Training records of each staff member
Variable	Description
Staff ID	Unique identifier of staff member
Sex	Sex of staff member
Age	Age of staff member
Ethnicity	Ethnicity of staff member
Experience	Years of experience of staff member
Rank	Rank of staff member
Training type	Training successfully completed by the staff member

<sup>34</sup> Independent judicial officer, performing the tasks assigned by law, who is not a judicial assistant but works within the court and may carry out legal tasks in various areas.

Training date	Date of completion of training
Certificate	Identifier of whether the staff member obtained a certificate
Expiry date	Expiry date of certificate
PERFORMANCE DETAILS	
Unit of analysis	Description
Performance	Performance records of each staff member
Variable	Description
Staff ID	Unique identifier of staff member
Sex	Sex of staff member
Age	Age of staff member
Ethnicity	Ethnicity of staff member
Experience	Years of experience of staff member
Rank	Rank of staff member
Rating	Performance rating given to staff member
Period	Period when staff member was evaluated

Sex, age and ethnicity are essential for assessing possible biases in human resources policies and addressing any potential lack of representation for particular groups. This is key to advancing human-rights based and gender-sensitive criminal justice as women, minorities and other groups are still underrepresented in the highest functions of the prosecution service and the courts in many places around the world (Box 3.3).

Hiring, retention and related data are relevant for different management and organizational purposes. High turnover, for example, may negatively affect productivity and result in a suboptimal use of resources. Data on experience and education can prove vital when comparing the behaviour of more experienced/more highly trained staff members with that of less experienced/less highly trained staff members. An example from Kenya on the collection of human resources data is presented in Box 3.4.

Data on training and staff performance are also included in the human resources dimension. By collecting the proposed data, the prosecution service and the courts can assess alignment with identified needs and the effects on improving staff competencies and behaviours in line with the guiding principles described in part I of the present document.

Overall, human resources data can deliver critical insights and have a significant impact on the quality of people-centred justice provided by the prosecution service and the courts.

### Box 3.3

#### Justice systems and gender equality

Gender equality obligations have been highlighted through a range of instruments issued by the United Nations and regional bodies, and are reflected, for example, in the Women, Peace and Security (WPS) Agenda of the United Nations Security Council.<sup>35</sup>

Gender balance and minority representation in justice systems are important factors in fairer justice system outcomes. This is due to a number of factors, including greater public trust in justice systems where justice sector workforces are visibly more diverse. In addition, workplace diversity can help to make justice sector practitioners more sensitive to different considerations for different groups, and thus overcome implicit bias and unconscious stereotyping. Even in States where there is gender parity among justice system actors, gender-based barriers to promotion and career advancement may persist, and ethnic minorities may remain underrepresented among justice system actors.<sup>36</sup>

United Nations General Assembly resolution 75/274 proclaimed 10 March as the International Day of Women Judges, given the relatively small number of women judges and women in senior judicial leadership positions or at all levels, and reaffirmed the commitment of Member States to develop and implement appropriate and effective national strategies and plans for the advancement of women in leadership, management and other levels of judicial systems and institutions.

Greater participation of women professionals in the criminal justice system, particularly at senior levels, can also help reduce gender stereotypes and increase women's willingness to claim their rights. This is reflected in provisions of United Nations standards and norms, which call for equitable representation of women in the agencies of the justice system, particularly at the decision-making and managerial levels, including to provide victims of violence with the right to speak to a female officer, whether it be the police or any other criminal justice official, or to ensure female lawyers are available to represent female defendants, accused and victims.<sup>37</sup>

Taking a closer look, for example, at the Council of Europe Member States reveals that for several years now, there have been more female than male judges and prosecutors but the glass ceiling phenomenon – namely the underrepresentation of women in the highest functions – persists. In 2020, 56 per cent of judges were women but only 38 per cent of court presidents were women. On the prosecution service side, 53 per cent of prosecutors were women but only 38 per cent of prosecution offices are led by women.<sup>38</sup>

This experience is repeated around the world. In Brazil, for example, approximately 45 per cent of first instance judges were women in 2018, while women were only 23 per cent of second instance judges and 16 per cent of judges appointed to higher courts.<sup>39</sup> In Argentina, none of the four judges currently serving on the Supreme Court are women.<sup>40</sup> However, there are also notable exceptions. In Kenya, for example, 54 per cent of superior court judges are women and on the Supreme court women occupy three out of seven seats.<sup>41</sup>

To achieve gender equality in the justice sector – both as an employer and provider of justice services – the judiciary needs to function and serve the public in a way that takes into account the different needs and circumstances of men and women. The judiciary should regularly conduct a

<sup>35</sup> See, for example, Security Council Resolution 1325.

<sup>36</sup> OSCE/ODIHR (2019) *Gender, diversity and justice: Overview and recommendations*.

<sup>37</sup> A/RES/65/228; and A/RES/67/187.

<sup>38</sup> CEPEJ, *European Judicial Systems*, Evaluation Report, 2022 Evaluation cycle (2020 data).

<sup>39</sup> *Gender-related Judicial Integrity Issues* (United Nations publication, 2019).

<sup>40</sup> Argentina, Corte Suprema de Justicia de la Nación, "Jueces". Available at [www.csjn.gov.ar/institucional/jueces](http://www.csjn.gov.ar/institucional/jueces).

<sup>41</sup> Kenya, Judiciary of Kenya, *State of the Judiciary and the Administration of Justice: Annual Report 2021–2022* (Nairobi, 2023).

thorough analysis of its own composition and operation, making sure that the data and information collected to this end address gender dimensions and implications.<sup>42</sup>

### Box 3.4

#### Human resources data, Office of the Director of Public Prosecutions, Kenya

The Office of the Director of Public Prosecutions is the national prosecution service in Kenya which has been mandated by the Constitution to prosecute all criminal cases. The Office has presence in all the 47 counties in Kenya. County offices are responsible for working with the courts and investigative agencies to provide prosecution services in their jurisdiction. The annual activity reports are available on the Office's web page. The data on human resources reflect staff in-post and establishments, and the distribution of staff by ethnicity, age, rank, highest level of education.

Table 3.4 provides data on distribution of staff by ethnicity as of 30 June 2021.

**Table 3.4 Human resources by ethnicity in the Kenyan Office of the Director of Public Prosecutions, 2020–2021**

<i>Ethnic Group</i>	<i>Number</i>	<i>Percentage</i>
Kikuyu	236	21.6
Luhya	148	13.5
Kalenjin	141	12.9
Kisii	118	10.8
Luo	122	11.1
Kamba	82	7.5
Meru	66	6.0
Embu	24	2.2
Masai	24	2.2
MijiKenda	24	2.2
Boran	20	1.8
Taita	13	1.2
Other*	77	7.0
<b>Total</b>	<b>1 095</b>	<b>100.0</b>

\* Other includes Bajun, Basuba, Gabra, Gureeh, Kenyan Arab, Kuria, Mbere, Njemps, Nubian, Orma, Pokomo, Pokot, Samburu, Somoli-So-State, Swahili Shirazi, Teso, Tharaka and Turkana.

Source: Kenya, Office of the Director of Public Prosecutions, *2020–2021 Annual Report: 21<sup>st</sup> Century Prosecution Service* (Nairobi, 2022).

<sup>42</sup> Organisation for Economic Co-operation and Development (OECD), *Toolkit for Mainstreaming and Implementing Gender Equality*, 2021. Available at [www.oecd.org/gender/governance/toolkit/judiciary/comprehensive-framework/clear-assessment](http://www.oecd.org/gender/governance/toolkit/judiciary/comprehensive-framework/clear-assessment).

### 3.2.2 Financial resources

Financial resources relate to the funding required to finance the operations of the prosecution service and the courts. Both amounts allocated and actual expenditure should be monitored as they can provide insight into how both institutions are managing their finances. This, in turn, can help decision makers understand how effectively money is being spent and identify areas that might require additional funding.

Guaranteeing equal access to justice for all citizens also requires the allocation of an adequate budget. In addition, sufficient and non-arbitrary financial means must be allocated to ensure compliance with the Basic Principles on the Independence of the Judiciary and United Nations Guidelines on the Role of Prosecutors, to ensure reasonable conditions of service, adequate remuneration and investments in capacity-building of prosecution service and court personnel.

The proposed financial resources variables relate to the funding allocated and expenditure of the prosecution service and the courts for their activities. Overall, financial resources data could be separated by budget lines such as salaries and other benefits, building maintenance, operating costs, training and education for court staff as well as for prosecution staff, and other expenses. Legal aid and victim assistance could be other distinct budget lines, along with all the guarantees necessary for the defence of anyone charged with a penal offence.<sup>43</sup>

It should be noted that the prosecution service and the courts are subject to national accounting rules and the structure of financial data is often predetermined and may differ from the structure proposed in Table 3.5. The table highlights the proposed variables for the dimension. Further details, suggested (minimum) categories and notes are contained in the annex.

Table 3.5 **Proposed variables for the financial resources dimension**

BUDGET ALLOCATION DETAILS	
Unit of analysis	Description
Allocation	Allocated funds per financial year
Variable	Description
Type	Allocation details by budget line (e.g., salaries, computerization, other expenses, buildings (maintenance, operating costs), investments in new buildings, training, etc.)
Specialization	Allocation details by specialization
Admin area	Allocation dedicated to the different administrative areas in the country (level 1, 2, 3, etc.)
Office	Allocation dedicated to the different prosecutor's offices or courts in the country
Source	Allocation by the different funding sources
EXPENDITURE DETAILS	
Unit of analysis	Description
Expenditure	Expenditure per financial year
Variable	Description

<sup>43</sup> A/RES/67/187.



Type	Expenditure details by budget line (e.g., salaries, computerization, other expenses, buildings (maintenance, operating costs), investments in new buildings, training, etc.)
Specialization	Expenditure details by specialization
Admin area	Expenditure by the different administrative areas in the country (level 1, 2, 3, etc.)
Office	Expenditure by the different prosecutor's offices or courts in the country
Source	Expenditure by the different funding sources

An example from Ireland on the collection of court expenditure and income data is presented in Box 3.5.

### Box 3.5

#### Court budget (expenditure and income) data, Ireland

In accordance with the Courts Service Act of 1998, the Irish Courts Service is responsible for the management and administration of the courts and the provision of support services for judges. It is in this capacity that the Courts Service has a role in the management and investment of court funds, which are held in trust by the courts. Judges actively participate in the decisions on resource allocation through their membership on the Judicial Appointments Advisory Board and through membership of committees and project boards.

The annual court budget statements are available on Irish Court's Service web page.

Table 3.6 on the 2020–21 budget shows the court's expenditure on day-to-day activities for the delivery of services to court users and their work in partnership with the judiciary and others.

Table 3.6 **Court budget, Ireland, 2020–21**

(Thousands of euros)

<i>Expenditure and income</i>	2021	2020
Current expenditure		
Salaries and wages	59 425	57 556
Travel and subsistence	2 433	2 291
Staff and judicial training	769	799
Incidental/miscellaneous costs	8 052	4 472
Digital audio recording and other fees	2 477	2 374
Legal services	716	646
Postal services	1 927	1 604
Telecommunications	1 481	1 329
Photocopying materials and equipment	194	240
Office equipment and materials	373	408
Courthouse maintenance	7 122	6 454
Heat, light and fuel costs	2 634	2 698

Furniture and fittings	328	739
General premises	2 308	1 881
Leases	6 043	4 851
Consultancy (non-IT related)	167	217
<b>Subtotal current expenditure</b>	<b>96 451</b>	<b>88 558</b>
Capital expenditure		
Computer and telecommunications systems	14 628	15 240
Courthouses and other buildings	6 058	12 895
Public Private Partnership – Court of Criminal Justice unitary payments	21 269	23 904
Public Private Partnership – Regional unitary payments	15 687	14 032
<b>Subtotal capital expenditure</b>	<b>57 641</b>	<b>66 070</b>
<b>Total gross expenditure</b>	<b>154 092</b>	<b>154 628</b>
Income (appropriations-in-aid)		
Fees	24 770	24 613
Miscellaneous	658	1 024
Pension levy	1 583	1 498
Dormant funds	-	5 500
<b>Total income</b>	<b>27 011</b>	<b>32 635</b>
<b>Total net expenditure</b>	<b>127 081</b>	<b>121 994</b>

Source: Ireland, Courts Service, *Courts Service Annual Report 2021* (Dublin, 2022). Available at <https://www.courts.ie/annual-report>.

### 3.2.3 Physical resources

Physical resources include data on the tangible assets needed for an organization to function. They include the buildings from which prosecutors and judges operate and the equipment that supports them in doing their jobs. Data collected for this dimension reveal the facilities available to staff and to system users, the size of the community they serve and whether all staff members are adequately equipped to execute their functions successfully. Given the administrative complexity of monitoring every piece of equipment, Member States can opt to record the data on information technology (IT) equipment at the aggregate level rather than at the individual unit level.

Table 3.7 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.7 **Proposed variables for physical resources dimension**

<b>BUILDING DETAILS</b>	
<b>Unit of analysis</b>	<b>Description</b>
Buildings	Individual buildings in use by prosecutor’s offices and courts
<b>Variable</b>	<b>Description</b>
Building ID	Unique identifier of building
Building function	Function of building (e.g., court or prosecution office, general or specialized office, etc.)
Construction date	Year building was completed
Staff capacity	Staff capacity of building
Staff assigned	Number of staff assigned to building
Community	Size of community served by building
Building size	The available floorspace in the building (in square meters) across all floors
Cells	Total capacity of cells for detainees in building
Cell utilities	Indicator of whether cells are equipped with basic utilities (e.g., light, water, toilet)
Accessibility	Presence of accessibility features throughout building (e.g., ramps, elevators and widened doorways)
Building facilities	Additional facilities available in building
Energy efficiency	Energy efficiency rating of the building
Admin area	Administrative area of the country (level 1, 2, etc.) in which building is located
Office ID	Identifier of prosecutor’s office or court to which building is assigned
<b>IT EQUIPMENT DETAILS</b>	
<b>Unit of analysis</b>	<b>Description</b>
IT equipment	IT equipment in use by prosecutor’s offices and courts
<b>Variable</b>	<b>Description</b>
IT ID	Unique identifier of IT equipment
IT equipment type	IT equipment specified by type
IT equipment operation	Date IT equipment came into operation
Admin area	Administrative area of the country (level 1, 2, etc.) to which IT equipment is assigned
Office ID	Identifier of prosecutor’s office or court that IT equipment is assigned to

An example from Mexico on the collection of data on physical resources is presented in Box 3.6.

## Box 3.6

### Physical resources data, Mexico

The Mexican National Census of State Procurement of Justice has the objective to generate statistical and geographical information on the management and performance of the Attorney General's Office of each state, specifically in functions of government, procurement of justice, justice for adolescents and alternative dispute resolution mechanisms. The data has been collected annually since 2011 to inform government work on the design, implementation, monitoring and evaluation of public policies.

Table 3.8 highlights the real estate used by the Office of the Attorney General or the Office of the Prosecutor General. It highlights the number of buildings per state while also differentiating by type of ownership. In Jalisco, for example, the majority of buildings are rented, while in Mexico City most of the buildings are owned.

**Table 3.8 Number of buildings used by Attorney General's Office or Prosecutor General's Office by state and type of ownership, 2020**

<i>State</i>	<i>Total</i>	<i>Owned</i>	<i>Rented</i>	<i>Other</i>
<b>Mexico</b>	<b>2 458</b>	<b>659</b>	<b>1 135</b>	<b>664</b>
Aguascalientes	22	1	4	17
Baja California	86	54	32	0
Baja California Sur	32	16	16	0
Campeche	60	13	5	42
Coahuila de Zaragoza	64	27	24	13
Colima	18	0	4	14
Chiapas	144	32	100	12
Chihuahua	147	51	68	28
Ciudad de México	127	93	3	31
Durango	31	8	23	0
Guanajuato	105	37	55	13
Guerrero	81	0	64	17
Hidalgo	86	14	34	38
Jalisco	179	12	166	1
México	131	72	25	34
Michoacán de Ocampo	50	13	29	8
Morelos	27	4	11	12
Nayarit	55	15	35	5
Nuevo León	96	6	52	38
Oaxaca	56	3	37	16
Puebla	165	23	17	125

Querétaro	38	2	2	34
Quintana Roo	39	0	9	30
San Luis Potosí	88	0	39	49
Sinaloa	59	23	24	12
Sonora	121	16	75	30
Tabasco	51	26	25	0
Tamaulipas	86	28	46	12
Tlaxcala	25	4	4	17
Veracruz de Ignacio de la Llave	133	26	107	0
Yucatán	31	15	0	16
Zacatecas	25	25	0	0

Source: Mexico, National Institute of Statistics and Geography (INEGI), *National Census of state Procurement of Justice 2021*. Available at <https://en.www.inegi.org.mx/programas/cnpjje/2021/>.

### 3.2.4 Staff safety and well-being

The day-to-day involvement of the prosecution service and the courts in public hearings and investigation activities may expose staff to dangerous situations that could lead to personal injury. It is imperative that they can do their jobs safely and under decent working conditions in order to maintain their physical and mental well-being in connection with their duties. It is recommended to record any incidents that either threaten or inflict (serious) bodily harm to prosecution and court staff. These offences can be classified under ICCS (0201 Assault and threats) and can potentially lead to minor or serious bodily injury. The data should include the location, situational context and outcome of the incident. Such information can help better understand the driving factors of such incidents and contribute to the prevention of future incidents.

Additionally, data on leave taken by staff are key to monitoring the well-being of staff members as a high rate of absenteeism can, for example, be an indication of numerous types of problems within offices and the state of the prevailing working conditions. An adequate level of remuneration of judicial and prosecution staff corresponding to their level of responsibilities also contributes to ensuring professional independence in their duties. Data on staff remuneration further increase transparency and can serve to support trust in these public institutions.

Table 3.9 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

**Table 3.9 Proposed variables for staff safety and well-being dimension**

SAFETY INCIDENT DETAILS	
Unit of analysis	Description
Safety incident	Individual safety incidents that threaten or inflict (serious) bodily harm upon staff member(s)
Variable	Description

Incident ID	Unique identifier of incident
Staff ID	Unique identifier of staff member(s)
Date and time	Date and time of incident
Admin area	Administrative area of the country (level 1, 2, etc.) where the incident took place
Location	Location of incident (e.g., address or GPS coordinates)
Context	Description of situational context
Threats	Identifier of whether threats were included in the incident
Severity	Severity of bodily injury inflicted upon staff member
Lethal	Identifier of whether the inflicted bodily harm was lethal or non-lethal
Criminal	Identifier of whether criminal charges were filed as a result of incident

### STAFF REMUNERATION DETAILS

Unit of analysis	Description
Remuneration	Remuneration details of staff member

Variable	Description
Staff ID	Unique identifier of staff member
Sex	Sex of staff member
Age	Age of staff member
Ethnicity	Ethnicity of staff member
Experience	Years of experience of staff member
Rank	Rank of staff member
Remuneration	Annual remuneration of staff member in local currency

### LEAVE DETAILS

Unit of analysis	Description
Leave	Leave records of staff member

Variable	Description
Staff ID	Unique identifier of staff member
Sex	Sex of staff member
Age	Age of staff member
Ethnicity	Ethnicity of staff member
Experience	Years of experience of staff member
Rank	Rank of staff member
Leave type	Type of leave taken by staff member
Start date	Start date of leave
End date	End date of leave
Amount	Number of working days in leave period

An example from Australia on the collection of data on the safety of court staff is presented in Box 3.7.

### Box 3.7

#### Court security incidents data, Australia

The 2020–21 Annual Report of the Court Services Victoria, Australia features a range of data on its operations. This includes information on its governance and operational structure, a host of performance measures and a financial summary.

Importantly, the report also features data on performance against occupational health and safety measures. During the 2021–22 year, there were a total of 136 reported incidents – 104 of which were reported by Court Services employees and 32 incidents were lodged by court users (table 3.10). These exclude any incidents related to COVID-19. The number is up slightly from the previous year, which can partially be attributed to the fact that employees are returning to the workplace after the pandemic. Employees are encouraged to lodge incident reports for potential hazards, near misses and accidents to inform a proactive approach to health, safety and risk management.

Court Services Victoria continues to promote the importance of reporting health and safety issues and potential hazards to assist in minimising the risks to employees and court users. Proactive reporting of health and safety issues is an effective method of identifying risks at the earliest opportunity to enable an active approach to health, safety and well-being.

Table 3.10 Performance against occupational health and safety measures

Type	2019–20	2020–21	2021–22
Number of incidents	251	110	136
Number of incidents requiring first aid and/or further medical treatment	119	58	57

Source: Australia, Court Services Victoria, *Delivering Excellence in Court and Tribunal Administration: Annual Report 2021–22* (Melbourne, 2022). Available at <https://courts.vic.gov.au/publications/court-services-victoria-annual-report-2021-22>.

### 3.3 Data on criminal justice statistics

As introduced in the previous chapter, ICCS provides a comprehensive international framework for producing statistics on crime and criminal justice. The statistical framework proposed in these guidelines closely follows ICCS. It allows for the harmonization of data across domestic criminal justice institutions (the police, the prosecution service, the courts and the prison system), across territorial units within the same country and between countries.

The suggested variables under this thematic area are essential for efficient workload management and for the appropriate handling of the different categories of offences, but also to respect the procedural rights of victims and perpetrators such as access to a lawyer or interpretation.

### 3.3.1 Prosecution of criminal cases

The main functions of prosecutors in criminal proceedings are to lead investigations and seek justice. In practice, this refers to their role in conducting impartial investigations, initiating prosecution and holding offenders to account. The variables suggested under this dimension also distinguish other functions of prosecutors in criminal proceedings outlined by the United Nations Guidelines on the Role of Prosecutors. Where authorized by law or consistent with local practice, this can include supervision over the legality of investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest.

The suggested variables provide data on the proceedings and outcomes of investigations led by prosecutors and include details at the level of the case, charge and person.<sup>44</sup> Also included are the ICCS recommended minimum disaggregating variables for the victim and the offender. The variables for victims and offenders include further detail such as whether specific arrangements for children were applied, the presence of a lawyer or interpreter and any pre-trial detention measures taken.

Charge-related variables, such as the charge ID and type as well as disposal date and type, are essential to record in order to track information on the outcomes assigned to each charge and offender. Variables such as the filing and closing dates are essential for the time management of criminal proceedings.<sup>45</sup> This information can be used to guide the efforts of prosecutors in avoiding delays in criminal proceedings. The information should ideally also be made available to the public in aggregate form.

As noted in the *Gender in the criminal justice system assessment tool*,<sup>46</sup> issues of gender permeate the entire criminal justice system. It is important to have an understanding of the attitudes, perceptions and biases related to gender that can and do affect decision making at every level of the justice sector. The tool suggests collecting several statistics on gender related to the prosecution service, such as the number of cases of violence against women that result in prosecution. The variables proposed in the current guidelines can be used to calculate such indicators.

To generate relevant statistics at the level of the case, charge and person, it is important to be able to link data between all three levels. Within a single case, there can be multiple charges and one or more victims and offenders. The role of the unique identifier variable – included in the case, charge, victim and offender details – is to create links and enable prosecutor's offices to generate statistics using a variety of units of analysis; whether they are based on the case, charge or person. For example, in a case with two victims, the unique case ID is included in the information of both victims. If the data set is filtered by the relevant case ID, details on both victims would be available. In short, data should be recorded separately for each case, charge, victim and offender – with the unique identifiers providing the means to link the relevant data and generate aggregate statistics.

Table 3.11 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

<sup>44</sup> Note that a number of variables overlap with the "Criminal trials" dimension. If the prosecution service and the courts share a single data recording system, the data for the overlapping variables would only have to be entered once into the common system. However, if the prosecution service and the courts have separate data recording systems, these variables would have to be recorded separately by each institution.

<sup>45</sup> European Commission for the Efficiency of Justice, "Revised SATURN Guidelines for Judicial Time Management", CEPEJ(2021)13 (Strasbourg, Council of Europe, 2021).

<sup>46</sup> United Nations publication, 2010.



Table 3.11 **Proposed variables for prosecution of criminal cases dimension**  
(Core dimension)

CRIMINAL CASE DETAILS	
Unit of analysis	Description
Case	Individual criminal case registered by prosecution offices
Variable	Description
Case ID	Unique identifier of registered criminal case
Case status	Current status of the case (e.g., unprocessed, pending, disposed, appeal)
Instance	Current instance level (e.g., first instance, appeal, final appeal)
Registration date	Date the case is initially registered by prosecution
Court date	Date case is brought to court
Close date	Date of final disposal for the case
Jury	Identifier of whether the trial is assisted by jury
Staff ID	Unique identifier of staff member leading the case
Sex	Sex of staff member leading the case
Age	Age of staff member leading the case
Ethnicity	Ethnicity of staff member leading the case
Experience	Years of experience of staff member leading the case
Rank	Rank of staff member leading the case
Prosecution office ID	Office identifier of staff member leading the case
CRIMINAL CHARGE DETAILS	
Unit of analysis	Description
Charge	Individual charge(s) within a single criminal case
Variable	Description
Case ID	Unique identifier of registered criminal case
Charge ID	Unique identifier of initiated charge
Charge type	Charge by ICCS offence category (or national crime classification)
Date & time	Date and time the criminal offence occurred
Admin area	Administrative area of the country (level 1, 2, etc.) where the criminal offence occurred
Location type	Location type of criminal offence
Completed	Identifier of whether criminal offence was attempted or completed
Weapon	Type of weapon used
Context	Situational context of criminal offence
Motive	Motive behind criminal offence

cy	Identifier of cybercrime-related offence
Charge date	Date charge is filed
Disposal date	Date charge receives disposal
Disposal final	Identifier of whether disposal is final (i.e., disposal is either not appealed or the possibility to appeal has been exhausted)
Disposal type	Type of disposal (e.g., diverted, discontinued, dismissed, acquitted, convicted)
Disposal subtype	Further details on type of disposal
Guilty plea	Identifier of whether a guilty plea takes place and whether it is granted

### VICTIM DETAILS

Unit of analysis	Description
Victim	Individual victim(s) within a single criminal case
Variable	Description
Case ID	Unique identifier of registered criminal case
Victim ID	Unique identifier of victim
Sex victim	Sex of victim
Age victim	Age of victim
Ethnicity victim	Ethnicity of victim
Relationship	Victim's relationship with offender
Citizenship victim	Citizenship of victim
Legal status victim	Legal status of victim
Intoxicated victim	Identifier of whether victim was intoxicated with controlled drugs or other psychoactive substances
Sector	Economic sector (if applicable)
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)
Protective measures	Types of measures taken to protect the victim
Legal representation	Identifier of whether victim was provided with access to legal representation, including free legal aid
Interpretation	Identifier of whether interpretation was requested and provided for victim

### OFFENDER DETAILS

Unit of analysis	Description
Offender	Individual offender(s) within a single criminal case
Variable	Description

Case ID	Unique identifier of registered criminal case
Offender ID	Unique identifier of offender
Sex offender	Sex of offender
Age offender	Age of offender
Ethnicity offender	Ethnicity of offender
Relationship	Offender's relationship with victim
Citizenship offender	Citizenship of offender
Legal status offender	Legal status of offender
Intoxicated offender	Identifier of whether offender was intoxicated with controlled drugs or other psychoactive substances
Economic status offender	Economic status of offender
Caregiver status	Determines whether the offender has any dependent children or other caretaking responsibilities
Recidivist	Recidivist status of offender
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)
Legal representation	Identifier of whether Offender was provided with access to legal representation, including free legal aid
Interpretation	Identifier of whether interpretation was requested and provided for offender
Pre-trial detention	Identifier of whether offender is placed in pre-trial detention

An example of the collection of prosecution of criminal cases data from the European Commission for the Efficiency of Justice is presented in Box 3.8.

### Box 3.8

#### Prosecution of criminal cases data on criminal proceedings in Council of Europe Member States and some observer States

The European Commission for the Efficiency of Justice (CEPEJ) was set up by the Committee of Ministers of the Council of Europe in September 2002. Its main goals include promoting the implementation of existing Council of Europe instruments for organizing justice, ensuring public policies for courts consider justice system users and contributing to the prevention of violations of Article 6 of the European Convention on Human Rights (the right to a fair trial).

In order to fulfil these tasks, since 2004 CEPEJ undertakes a regular evaluation of the justice systems in Council of Europe Member States and some observer States. As a result, every two years, CEPEJ publishes an evaluation report, including specific data on the efficiency and quality of justice in Europe. Table 3.12 presents a common set of variables and data on criminal proceedings collected

by CEPEJ and produced by prosecution services in selected countries. For an overview that includes all countries included in the CEPEJ analysis, please refer to the report. These data not only illustrate the benefits of establishing a harmonized framework for data collection but also highlight the added value such data can provide on an international level.

**Table 3.12 Cases handled by public prosecutors per 100 inhabitants, selected countries, 2020**

<i>State</i>	<i>Received</i>	<i>Processed</i>	<i>Discontinued</i>	<i>Charged before court</i>	<i>Processed, as percentage of received</i>
Armenia	1.01	0.89	0.27	0.12	89
Belgium	5.58	5.21	2.97	0.41	93
Croatia	0.99	0.84	0.36	0.46	85
Denmark	3.83	7.20	3.55	2.83	188
France	6.12	3.94	2.45	0.79	64
Greece	NA	NA	NA	NA	NA
Ireland	0.25	NA	0.08	NA	NA
Lithuania	1.66	1.82	0.88	0.93	110
Moldova	1.04	1.17	0.39	0.50	112
Netherlands	1.06	1.03	0.32	0.43	97
Poland	2.77	2.84	1.01	0.72	103
Serbia	NA	NA	NA	NA	NA
Spain	3.89	NAP	NA	NA	NAP
Türkiye	4.48	4.30	2.55	1.10	96
Kazakhstan	0.15		0.00	0.14	92

*Notes:* NA, data not available; NAP, not applicable. The final column will exceed 100 per cent when the number of processed cases is larger than the number of newly received cases in a given year.

*Source:* Council of Europe, *European Judicial Systems CEPEJ Evaluation Report: 2022 Evaluation cycle (2020 data)* (Strasbourg, 2022). Available at <https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279>.

### 3.3.2 Criminal trials

The courts have jurisdiction over all issues of a judicial nature and exclusive authority to decide whether a submitted issue is within their competence as defined by law. Taking into account the duty to settle legal disputes and punish violators of law as core functions of judges, a prompt disposition of cases, timely case management and accurate record-keeping are core tasks of judges.<sup>47</sup>

By systematically tracking and analysing the suggested basic set of data, courts can focus on specific measures to expedite their core activities and increase their efficiency while preserving the highest legal standards and quality of their proceedings. The suggested variables distinguish between the flow and outcomes of criminal proceedings during the criminal process and include details at the level of the case, charge and person.<sup>48</sup>

The suggested variables include ICCS recommended disaggregating variables for both victims and offenders. The variables for victims and offenders also include such details as special arrangements for children and pre-trial detention length. These are important conditions related to the criminal justice process and to the procedural rights of victims and offenders. Variables recording the initial filing and closing dates are essential for the time management of criminal proceedings. This information can be used to guide the work of court administrators, judges and the central authorities responsible for the administration of justice.

Publication of court decisions, attendance during court hearings and reasons for postponement of court hearings are other variables meant to guarantee the respect of the general principle of a fair trial reflected in the International Covenant on Civil and Political Rights. Charge-related variables, such as the charge ID and type as well as the disposal date and type, are essential to record in order to track information on outcomes assigned to each charge and defendant.

As noted in the *Gender in the criminal justice system assessment tool*,<sup>49</sup> issues of gender permeate the entire criminal justice system. It is important to have an understanding of the attitudes, perceptions and biases related to gender that can and do affect decision making at every level of the justice sector. The tool suggests collecting several statistics on gender related to the courts, such as case disposition rates for offenders in cases against women. The variables proposed in the current guidelines can be used to calculate such indicators.

In order to be able to generate relevant statistics at the level of the case, charge and person, it is important to be able to link data between all three levels. Within a single case, there can be multiple charges and one or more victims and offenders. The role of the unique identifier variable – included in the case, charge, victim and offender details – is to create these links and enable courts to generate statistics using a variety of units of analysis; whether at the level of the case, charge or person. For example, in a case with two defendants, the unique case ID is included in the information of both defendants. If the data is filtered by the relevant case ID, details on both defendants would be available. In short, data should be recorded separately for each case, charge, victim and offender – with the unique identifiers providing the means to link the relevant data and generate aggregate statistics.

<sup>47</sup> Commentary on the Bangalore Principles of Judicial Conduct (United Nations publication, 2007).

<sup>48</sup> Note that a number of variables overlap with the “Prosecution of criminal cases” dimension. If the prosecution service and the courts share a single data recording system, the data for the overlapping variables would only have to be entered once into the common system. However, if the prosecution service and the courts have separate data recording systems, these variables would have to be recorded separately by each institution.

<sup>49</sup> United Nations publication, 2010.

Table 3.13 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

**Table 3.13 Proposed variables for criminal trials dimension**  
(Core dimension)

CRIMINAL CASE DETAILS	
Unit of analysis	Description
Case	Individual criminal case registered and examined by courts
Variable	Description
Case ID	Unique identifier of registered criminal case
Case status	Current status of the case (e.g., unprocessed, pending, disposed, transferred, appeal)
Instance	Current instance level (e.g., first instance, appeal, final appeal)
Initial filing date	Initial filing date of the case at first instance
Filing date	Filing date at current court
Close date	Date of final disposal for the case
Hearings	Total number of hearings held during case
Jury	Identifier of whether the trial is assisted by jury
Publication	Identifier of whether judgement is publicly available
Staff ID	Unique identifier of judge leading the proceedings
Sex	Sex of judge leading the proceedings
Age	Age of judge leading the proceedings
Ethnicity	Ethnicity of judge leading the proceedings
Experience	Years of experience of judge leading the proceedings
Rank	Rank of judge leading the proceedings
Court ID	Court name / identifier of judge leading the proceedings
Court language	Official language used in the interaction between the court and its litigants
CRIMINAL CHARGE DETAILS	
Unit of analysis	Description
Charge	Individual charge(s) within a single criminal case
Variable	Description
Case ID	Unique identifier of registered criminal case
Charge ID	Unique identifier of charge
Charge type	Charge by ICCS offence category (or national crime classification)
Date & time	Date and time the criminal offence occurred
Admin area	Administrative area of the country (level 1, 2, etc.) where the criminal offence occurred

Location type	Location type of criminal offence
Completed	Identifier of whether criminal offence was attempted or completed
Weapon	Type of weapon used
Context	Situational context of criminal offence
Motive	Motive behind criminal offence
cy	Identifier of cybercrime-related offence
Charge date	Date charge is filed
Disposal date	Date charge receives disposal
Disposal final	Identifier of whether disposal is final (i.e., disposal is either not appealed or the possibility to appeal has been exhausted)
Disposal type	Type of disposal (e.g., dismissal, charge reduction, acquittal, conviction)
Disposal subtype	Further details on type of disposal
Guilty plea	Identifier of whether a guilty plea takes place and whether it is granted
Sentence type	Type of sentence applied
Sentence length	Length of sentence in days (if applicable)
Sentence amount	Monetary amount in local currency (if applicable)
Compensation	Identifier of whether restitution/compensation was provided to the victim, either by the defendant or the State
Compensation type	Type of restitution/compensation provided to victim

### VICTIM DETAILS

Unit of analysis	Description
Victim	Individual victim(s) within a single criminal case
Variable	Description
Case ID	Unique identifier of registered criminal case
Victim ID	Unique identifier of victim
Sex victim	Sex of victim
Age victim	Age of victim
Ethnicity victim	Ethnicity of victim
Relationship	Victim's relationship with offender
Citizenship victim	Citizenship of victim
Legal status victim	Legal status of victim
Intoxicated victim	Identifier of whether victim was intoxicated with controlled drugs or other psychoactive substances
Sector	Economic sector (if applicable)

Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)
Protective measures	Types of measures taken to protect the victim
Legal representation	Identifier of whether victim was provided with access to legal representation, including free legal aid
Interpretation	Identifier of whether interpretation was requested and provided for victim

### DEFENDANT DETAILS

Unit of analysis	Description
Defendant	Individual defendant(s) within a single criminal case
Variable	Description
Case ID	Unique identifier of registered criminal case
Defendant ID	Unique identifier of defendant
Sex defendant	Sex of defendant
Age defendant	Age of defendant
Ethnicity defendant	Ethnicity of defendant
Relationship	Defendant's relationship with victim
Citizenship defendant	Citizenship of defendant
Legal status defendant	Legal status of defendant
Intoxicated defendant	Identifier of whether defendant was intoxicated with controlled drugs or other psychoactive substances
Economic status defendant	Economic status of defendant
Caregiver status	Determines whether the offender has any dependent children or other caretaking responsibilities
Recidivist	Recidivist status of defendant
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)
Legal representation	Identifier of whether defendant was provided with access to legal representation, including free legal aid
Interpretation	Identifier of whether interpretation was requested and provided for defendant
Pre-trial detention	Identifier of whether defendant is placed in pre-trial detention



An example from the Philippines on the collection of case related data by courts is presented in Box 3.9.

### Box 3.9

#### Criminal trials data on adjudication of cases, Philippines

The Supreme Court of the Philippines regularly publishes reports on its activity and judiciary annual reports. These reports include, among others, statistics on adjudication of cases by regional trial courts. The statistics contain information on the regional trial courts' caseload from newly filed to archived cases, taking into account the pending cases at the beginning and end of the year. The report highlights the clearance rate and the disposition rate as performance indicators (table 3.14).

**Table 3.14 Number of adjudicated cases by Philippines regional trial courts, 2019**

<i>Case status</i>	<i>2019</i>
<b>Input</b>	
Pending cases (start of year)	566 666
Newly filed cases	296 761
Reopened cases	23 617
<b>Total case input</b>	<b>887 044</b>
<b>Output</b>	
Decided cases	344 966
Archived cases	36 900
<b>Total case output</b>	<b>381 866</b>
Clearance rate	1.19
Disposition rate	0.43

*Source:* Philippines, Supreme Court Public Information Office, *Judiciary annual Report 2019* (Manila, 2020). Available at <https://sc.judiciary.gov.ph/annual-reports/>.

*Note:* Clearance rate = Total case output / (Newly filed cases + Reopened cases);  
Disposition rate = Total case output / Total case input

Another example from Trinidad and Tobago on the collection of age of pending criminal matters by leading offence (ICCS equivalent codes) by the Criminal High Court is presented in Box 3.10.

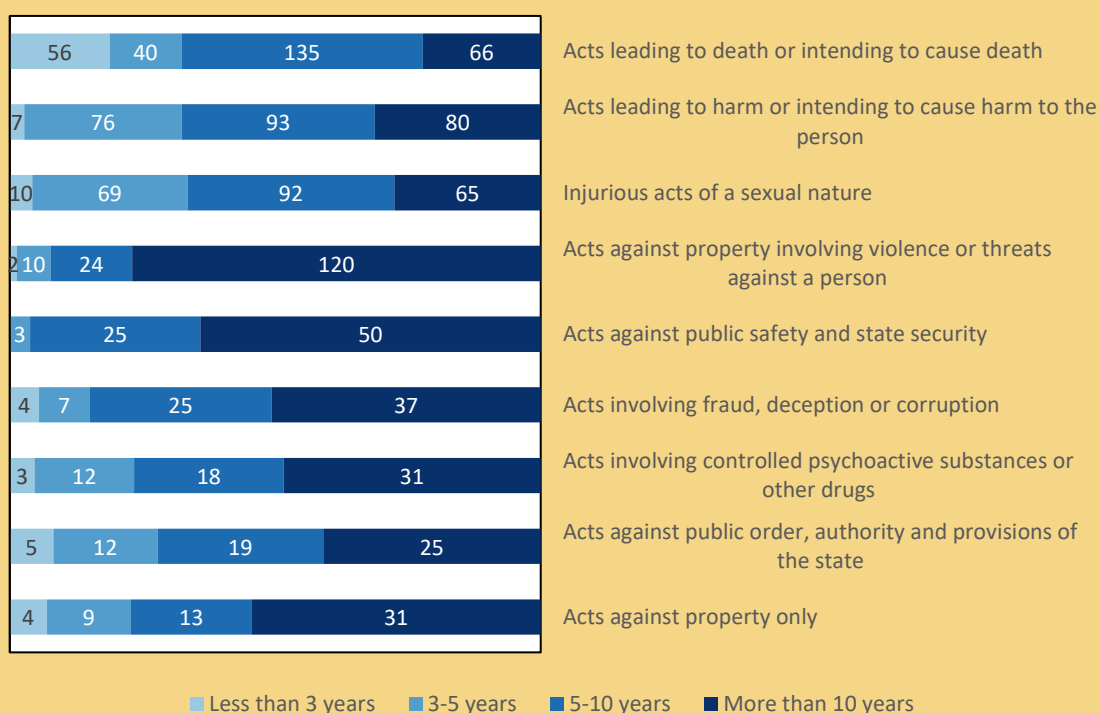
### Box 3.10

## Criminal trials data on age of pending criminal matters, Trinidad and Tobago

The Judiciary of Trinidad and Tobago publishes annual reports on its activity. Criminal matters are classified according to the Trinidad and Tobago ICCS equivalent code, which provides a framework for the systematic production and comparison of statistical data across different criminal justice institutions and jurisdictions. The code is based on internationally agreed concepts, definitions and principles.

These reports include, among others, statistics on the age profile of pending matters examined by the Criminal High Court, with categories from less than 3 years to more than 10 years, disaggregated by leading offence according to the ICCS equivalent code (figure 3.1).

Figure 3.1 Distribution of pending criminal matters by duration as of 31 July 2021, according to offence type



Source: Judiciary of Trinidad and Tobago, 2020/21 Annual Report: Agility and Resilience -Through COVID-19 and Beyond (Port-of-Spain, 2022). Available at [www.ttlawcourts.org/images/annualreports/ar20202021.pdf](http://www.ttlawcourts.org/images/annualreports/ar20202021.pdf).

### 3.3.3 Pre-trial detention and non-custodial measures

The deprivation of freedom and self-determination constitutes a significant limitation on the rights of an individual. Prosecutors have the power, where authorized by law or local practice, to arrest and detain people. In line with the international standards and norms mentioned in chapter 1, detention before trial shall be avoided to the greatest extent possible and limited to exceptional circumstances. Hence, as recommended by the Tokyo Rules, efforts should be made to apply alternative measures at as early a stage as possible.<sup>50</sup> Moreover, as noted in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority.<sup>51</sup>

Understanding who is the subject of pre-trial detention or other non-custodial measures and why, can provide invaluable insight into how the prosecution service and the courts operate. These data would also provide insights into whether arbitrary measures are being applied or whether specific groups are receiving different treatment than others and why this is the case.

The main offence for which the alleged offender is being held should be recorded. Additionally, details should be collected such as whether the alleged offender was informed of the reason for their detention and their rights as well as whether the alleged offender violated the terms of the alternative measures imposed.

Access to legal representation, advice and assistance, including through legal aid services, interpretation, the publication of decisions and the length of pre-sentence detention are several additional variables proposed for this dimension, meant to guarantee the respect of the procedural rights of the subject detained. If public safety is not compromised, other non-custodial measures, such as release on bail or electronic monitoring can be applied and tracked to decrease the application of pre-trial detention measures.

Table 3.15 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

**Table 3.15 Proposed variables for pre-trial detention and non-custodial measures dimension**

REQUEST DETAILS	
Unit of analysis	Description
Request	Individual requests for pre-trial detention/non-custodial measures
Variable	Description
Request ID	Unique identifier of request
Case ID	Unique identifier of registered criminal case, if applicable (provides a link to prosecution service and/or court data)
Crime	Main offence for detention/non-custodial measure (by ICCS category)
Reason request	Main reason for making the request
Date submission	Date of request submittal
Date registration	Date of request registration by court

<sup>50</sup> A/RES/45/110.

<sup>51</sup> A/RES/43/173.

Date disposal	Date of issued court disposal
Outcome	Identifier of whether request was approved or dismissed
Final	Identifier of whether disposition is final
Prosecution office ID	Identifier of prosecution office submitting the request
Court ID	Identifier of court examining the request
MEASURE DETAILS	
Unit of analysis	Description
Measure	Pre-trial detention/non-custodial measures recorded for each individual offender
Variable	Description
Measure ID	Unique identifier of measure
Measure type	Type of measure applied (e.g., house arrest or electronic monitoring)
Inform	Identifier of whether subject was informed of the reason for detention/alternative measure and their rights
Start date	Start date of measure for subject
End date	End date of measure for subject
Location	Location of pre-trial detention (if applicable)
Warrant	Identifier of whether warrant was issued for measure
Violation	Identifier of whether subject violated the terms of the measures imposed
Offender ID	Unique identifier of offender (provides a link to prosecution and/or court data)
Sex offender	Sex of offender
Age offender	Age of offender
Ethnicity offender	Ethnicity of offender
Citizenship offender	Citizenship of offender
Legal representation	Identifier of whether offender is provided with access to legal representation, including free legal aid
Interpretation	Identifier of whether interpretation is required and provided

An example from Uruguay on the collection of pre-trial detention and alternative measures data by courts is presented in Box 3.11.

### Box 3.11

#### Court data on pre-trial detention and non-custodial measures, Uruguay

Table 3.16 provides information on the type of measures applied by criminal courts in Uruguay in 2020. It distinguishes between the number of measures applied by Montevideo courts and the number of measures disposed by other courts.

The data are collected and published regularly by the Supreme Court of Uruguay based on a descriptive analysis carried out based on information collected and processed from the Court Management System.

Table 3.16 **Number of precautionary measures imposed on accused persons, 2020, Uruguay**

<i>Precautionary measures</i>	<i>Montevideo</i>	<i>Internal</i>	<i>Total</i>	<i>Percentage of grand total</i>
Pretrial detention	1 234	2 462	3 696	25.4
Any other alternative measure to pretrial detention	474	640	1 114	7.6
Prohibition to change domicile without informing the court	231	613	844	5.8
Filing with authorities	169	524	693	4.8
House arrest	70	329	399	2.7
Other*	26	78	104	0.7
No precautionary measure issued or information not entered	2 604	5 119	7 723	53.0
<b>GRAND TOTAL</b>	<b>4 808</b>	<b>9 765</b>	<b>14 573</b>	<b>100.0</b>

\* Other includes release on bail, arrest, prohibition to leave the country, electronic monitoring and more.

Source: Uruguay, Suprema Corte de Justicia, *Procesos Penales 2020: Código del Proceso Penal 2017* (Montevideo, 2020). Available at [www.poderjudicial.gub.uy/penal.html](http://www.poderjudicial.gub.uy/penal.html).

### 3.3.4 Seizure operations

Seizure requests and operations are another essential activity of the prosecution service and the courts. Every jurisdiction has specific powers and limits to guide such operations. In some civil law jurisdictions, the power to order the restraint or seizure of assets subject to confiscation is granted to prosecutors, investigating magistrates or law enforcement agencies. In other civil law jurisdictions, judicial authorization is required. In common law jurisdictions, an order to restrain or seize assets generally requires judicial authorization (with some exceptions in seizure cases).<sup>52</sup> Since there is a potential data overlap on seizures with the police, it is important to ensure details on the seizure are collected by the agency executing the operation to prevent double counting.

Collecting data on these operations will provide a better understanding of the effectiveness of domestic seizure and confiscation operations and advances efforts in the area of international cooperation in the identification, seizure or confiscation of criminal assets, particularly those of criminal organizations. For example, if an organized criminal group<sup>53</sup> is involved, the data can provide valuable information on how the group operates. This could be particularly relevant in the case of international organized crime, such as drug trafficking, trafficking in weapons or trafficking in cultural property. The data could contribute to the enhanced effectiveness of these international operations, in line with articles 27 and 28 of the United Nations Convention against Transnational Organized Crime that focus on law enforcement cooperation and the exchange of information on the nature of organized crime. The proposed variables also highlight the procedural roles of the prosecution service and the courts in this regard.

Table 3.17 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.17 **Proposed variables for seizure dimension**

REQUEST DETAILS	
Unit of analysis	Description
Request	Individual requests of issuance of a seizure disposition and the outcome
Variable	Description
Request ID	Unique identifier of request
Case ID	Unique identifier of registered criminal case, if applicable (provides a link to prosecution and court data)
Request type	Type of request (e.g., seizure, confiscation, freezing)
Date submission	Date of request submittal
Date registration	Date of request registration
Date disposal	Date of issued court disposal
Outcome	Indicator of whether request was approved or dismissed
Final	Identifier of whether disposition is final

<sup>52</sup> *Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime* (United Nations publication, 2012).

<sup>53</sup> An organized criminal group is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit. See *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto* (United Nations publication, 2004).

Agency ID	Identifier of agency which issued seizure request
Court ID	Identifier of the court which examined seizure request
EVENT DETAILS	
Unit of analysis	Description
Event	Individual seizure operations involving the prosecution service and the courts
Variable	Description
Seizure ID	Unique identifier of seizure operation
Date and time	Date and time of seizure operation
Admin area	Administrative area of the country (level 1, 2, etc.) where seizure operation was conducted
Location	Location of seizure operation (e.g., address or GPS coordinates)
Type	Type of property seized
Subtype	More detailed description of the type of seized property
Quantity	Amount of property seized
Value estimated	Estimated monetary value of seized property
Value realized	Value realized after sale of seized property (if applicable)
Origin	Origin of seized property (if applicable)
Destination	Destination of seized property (if applicable)
Warrant	Identifier of whether warrant was used for seizure operation
OC tag	Identifier of whether an organized criminal group was involved
Arrest tag	Identifier of whether arrests were made during seizure operation
Force tag	Identifier of whether force was applied during seizure operation

An example from the United States on the collection of seizure/confiscation data by prosecutor's offices is presented in Box 3.12.

### Box 3.12

#### United States Attorneys' Offices asset forfeiture data

The United States Attorneys serve as principal litigators under the direction of the Attorney General. Offices of United States Attorneys deal with a wide variety of cases and handle a mixture of simple and complex litigation. Among the primary statutory responsibilities of United States Attorneys is the prosecution of criminal cases brought by the Federal Government and the collection of debts owed to the Federal Government.

The annual statistical reports for the Offices of the United States Attorneys are publicly available on their web page and contain statistical tables displaying national and district caseload data, covering the many priorities of the United States Attorneys in criminal prosecution, including asset forfeiture actions.

Table 3.18 on asset forfeiture shows criminal forfeiture amounts and assets applied to victim compensation. Arizona and Alaska data are reflected as an example. Please refer to the report for an overview that includes all States.

**Table 3.18 Asset forfeiture actions handled by United States Attorneys' Offices in 2021**

(United States dollars)

<i>District</i>	<i>Criminal forfeiture</i>	<i>Asset forfeiture fund deposits</i>	<i>Equitable sharing</i>	<i>Forfeited assets applied to victim compensation</i>	<i>Non-forfeited assets applied to victim compensation</i>
Alaska	301 481	473 312	254 457	0	2 780
Arizona	3 193 931	3 813 139	130 474	1 904 448	0

Source: Department of Justice, Offices of the United States Attorneys, *Annual Statistical Report 2021* (Washington D.C., 2022). Available at [www.justice.gov/usao/resources/annual-statistical-reports](http://www.justice.gov/usao/resources/annual-statistical-reports).



## 3.4 Data on other prosecution service and court activities

### 3.4.1 Extradition and mutual legal assistance in criminal matters

The fight against organized crime, which has become an increasingly international problem, calls for the use of modern and effective policies and methods on an international scale. For example, article 18 of the United Nations Convention against Transnational Organized Crime discusses mutual legal assistance. It specifies that State Parties shall provide mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention. Judges and prosecutors often become involved as a result of requests by a government agency, such as the ministry of justice or the ministry of foreign affairs. However, in certain countries, judges and prosecutors are the first to act.

The proposed variables to be produced by the prosecution service and the courts in this regard, taking into account confidentiality considerations,<sup>54</sup> include the requesting/receiving State, the type of request, type of crime, outcome and number of persons surrendered or received as a result of the request.

The collected data can be used to monitor the mechanisms used to implement the requests and identify different challenges faced by authorities. Analytical expertise can also be shared with the prosecution service and the courts of other Member States in order to improve the methodologies used and standards applied.

Table 3.19 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.19 **Proposed variables for extradition and mutual legal assistance dimension**

REQUEST DETAILS	
Unit of analysis	Description
Request	Individual extradition/mutual legal assistance requests handled by the prosecutor's office/court
Variable	Description
Request ID	Unique identifier of request
Status	Request status
Country	Requesting/receiving country
Direction	Identifier of whether the request is incoming or outgoing
Request type	International assistance requested by type
Crime type	Crime type by ICCS category (or national crime classification)
Office	Identifier of prosecution office/court processing the request
Date request	Date of request submission/registration
Date decision	Date of decision
Outcome	Outcome of request examination

<sup>54</sup> See article 9 of the United Nations Model Treaty on Mutual Assistance in Criminal Matters (A/RES/45/117).

Surrendered/ received	Number of persons surrendered or received as a result of the request (if applicable)
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An example from Australia on the collection of extradition and mutual assistance data is presented in Box 3.13.

### Box 3.13

#### Data collection on extradition requests, Australia

Table 3.20 provides an overview extracted from the annual report of the Attorney-General of Australia on the number of extradition requests made by Australia from financial year 2011–12 to 2020–21. To ensure confidentiality of these processes, the department does not provide information about individual cases.

**Table 3.20 Extradition requests made by Australia, 2011–12 to 2020–21**

<i>Year</i>	<i>Requests active at start of period</i>	<i>New requests made</i>	<i>Requests granted/number of persons surrendered<sup>a</sup></i>	<i>Requests refused</i>	<i>Requests otherwise finalised</i>
2011–12	37	14	9	0	5
2012–13	37	16	14	1	4
2013–14	34	15	18	0	6
2014–15	25	9	8	0	0
2015–16	24	6	5	3	2
2016–17	20	7	6	0	1
2017–18	20	19	9	2	1
2018–19	27	10	4	2	5
2019–20	33	11	3	1	1
2020–21	40	9	9	0	6 <sup>b</sup>

**Notes:**

- a. With effect from 2020–21, the department is reporting on the number of persons surrendered, rather than requests granted.
- b. Includes requests withdrawn.

*Source:* Australia, Attorney-General's Department, *Annual Report 2020–21*. Available at [www.transparency.gov.au/annual-reports/attorney-generals-department/reporting-year/2020-21-60](http://www.transparency.gov.au/annual-reports/attorney-generals-department/reporting-year/2020-21-60).

### 3.4.2 Outreach

Prosecutors and judges have a unique perspective on of the challenges faced by different communities and population groups. Engagement in community outreach activities humanizes the prosecution service and the courts and enables prosecutors and judges to be more proactive problem solvers.

Outreach activities can include special programmes organized by the prosecution service and the courts for the general public, providing people with information to promote understanding of the different stages of judicial proceedings and building public awareness. Activities may also include conversations or consultations between legal professionals and simulated trials for students. Outreach activities can further include public seminars, workshops, or informational campaigns on topics such as understanding the legal process, rights and responsibilities, and how to access legal services.

These activities are typically oriented to enhance community confidence in the justice system, build partnerships and contribute to the prevention of crime by promoting the public’s willingness to cooperate with legal authorities.<sup>55</sup> Moreover, these activities ensure that the public is well-informed about access to justice, legal proceedings, and available resources, thereby promoting transparency, fairness, and public trust in the legal system.

Table 3.21 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.21 **Proposed variables for outreach dimension**

ACTIVITY DETAILS	
Unit of analysis	Description
Activity	Individual community outreach/engagement activity organized by prosecutor’s office or court
Variable	Description
Office ID	Identifier of the prosecution office/court organizing the activity
Activity ID	Unique identifier for community outreach/engagement activity
Staff members involved	Number of personnel involved in the activity/event
Start date and time	Date and time of start of community outreach/engagement activity
End date and time	Date and time of end of community outreach/engagement activity
Admin area	Administrative area of the country (level 1, 2, etc.) where community outreach/engagement activity was held
Location	Location of community outreach/engagement activity (e.g., address or GPS coordinates)
Type	Community outreach/engagement activity by type
Participants	Number of participants

<sup>55</sup> Tom R. Tyler and Jonathan Jackson, “Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation and Engagement”, *Psychology, Public Policy and Law*, vol. 20, No. 1 (2014).

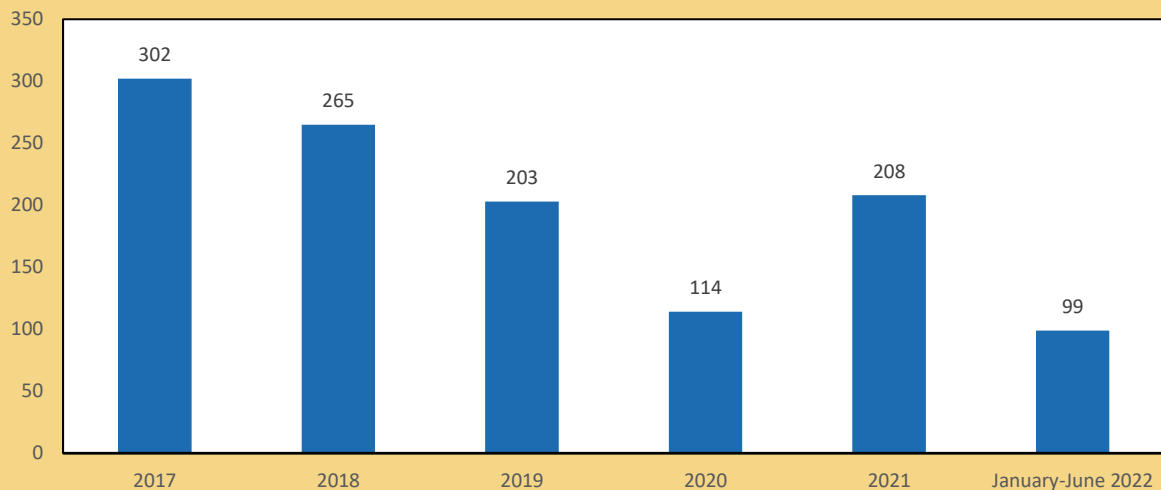
An example from United States on the collection of community engagement data is presented in Box 3.14.

### Box 3.14

#### Data on community engagement collected by Florida’s Fourth Judicial Circuit State Attorney’s Office, United States

To increase public trust in the work of the office and to better leverage existing resources in the community, the Florida State Attorney’s Office in 2017 initiated a non-traditional endeavour for a prosecutor’s office: connecting the office with the community and forging both new and stronger relationships. Attorneys, community engagement staff and the State Attorney herself began meeting with individuals and representatives of organizations, service providers, faith leaders, educational institutions and non-profits who expressed an interest in learning about the office or in partnering. The data in figure 3.2 reflect a mixture of one-on-one meetings, speaking engagements, and community conversations attended by one or more members of the State Attorney’s Office since January 2017.

Figure 3.2 State Attorney's Office community engagement meetings, Florida, 2017–June 2022



Source: Available at <https://sao4thdatadashboard.com/community-safety-and-well-being>.

## 3.5 Data on prosecution and court conduct

### 3.5.1 Professional conduct

Judges, prosecutors and other staff members play a crucial role in the administration of criminal justice. As noted in chapter 1, the rule of law requires that laws are administered fairly, rationally, predictably, consistently and impartially. The effects of unethical behaviour on the part of related justice actors may lead to wrongful convictions and harsher sentencing, potentially causing irreparable damages to innocent people and almost certainly a loss of trust in the justice system. The production of data on misconduct is essential for strengthening integrity, preventing corruption and reinforcing public confidence in the administration of criminal justice.

As noted in the *Gender in the criminal justice system assessment tool*,<sup>56</sup> issues of gender permeate the entire criminal justice system. It is important to have an understanding of the attitudes, perceptions and biases related to gender that can and do affect decision making at every level of the justice sector. The tool suggests collecting several statistics on gender related to the professional conduct of prosecution office and court staff, such as the number of complaints against staff members related to sexual harassment. The variables proposed in the current guidelines can be used to calculate such indicators.

The proposed variables for misconduct include the type of misconduct, the status of the investigation, the outcome of the investigation, the consequences for the involved staff member and a notice if data are disseminated to the general public.

Table 3.22 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.22 **Proposed variables for misconduct dimension**  
(Core dimension)

EVENT DETAILS	
Unit of analysis	Description
Event	Individual reported misconduct event
Variable	Description
Event ID	Unique identifier of misconduct event
Type	Main type of misconduct involved in event
Date and time	Date and time of misconduct event
Admin area	Administrative area of the country (level 1, 2, etc.) where misconduct event took place
In_ext	Identifier of whether complaint is filed internally, by the public or by another entity
Investigator	Entity investigating the misconduct event
Status	Investigation status
Outcome	Outcome of investigation

<sup>56</sup> United Nations publication, 2010.

Consequence	Consequences for staff member involved
<b>COMPLAINANT DETAILS</b>	
<b>Unit of analysis</b>	<b>Description</b>
Complainant	Individual complainant(s) within a single misconduct event
<b>Variable</b>	<b>Description</b>
Event ID	Unique identifier of misconduct event
Sex	Sex of complainant
Age	Age of complainant
Ethnicity	Ethnicity of complainant
<b>STAFF MEMBER DETAILS</b>	
<b>Unit of analysis</b>	<b>Description</b>
Staff	Individual staff member(s) within a single misconduct event
<b>Variable</b>	<b>Description</b>
Event ID	Unique identifier of misconduct event
Staff ID	Unique identifier of staff member
Sex	Sex of staff member involved in misconduct event
Age	Age of staff member involved in misconduct event
Ethnicity	Ethnicity of staff member involved in misconduct event
Experience	Years of experience of staff member involved in misconduct event
Rank	Rank of staff member involved in misconduct event
Office	Identifier of the prosecutor's office or court of staff member in question

An example from the Philippines on the collection of professional conduct data is presented in Box 3.15.

### Box 3.15

#### Data collected on disciplinary investigations and sanctions, Philippines

The Supreme Court of the Philippines regularly publishes reports on its activity and the activities of the broader Philippines judiciary. The reports include data on the investigation status of misconduct incidents involving court staff and judges. Some data are disaggregated by sex. While the majority of judges and court staff serve with honour, public data on rare cases of misconduct and the disciplinary sanctions applied serve the purpose of correcting the behaviour of the staff member in question and educating others. It is the responsibility of the judiciary to support measures that hold it accountable and strengthen public confidence in the judicial system as a whole.

Table 3.23 **Supreme Court of the Philippines disciplinary cases against staff, 2019**

<i>Penalty/administrative action</i>	<i>Sex</i>	
	<i>Female</i>	<i>Male</i>
Dismissal from the service	1	0
Suspension without pay	1	4
Fine	0	1
Reprimand	1	1
Warning/Admonition	0	3
Dropping from the rolls	0	3
Records attach to 201 file	1	0

Source: Philippines, Supreme Court Public Information Office, *Judiciary annual Report 2019* (Manila, 2020). Available at <https://sc.judiciary.gov.ph/annual-reports/>.

### 3.5.2 Disqualification/recusal

The international rule of law requires legal professionals to respect the core principles on professional conduct: independence, impartiality, integrity, propriety, equality, competence and diligence. Respecting the listed principles may lead to the disqualification/recusal of staff from specific cases. The concepts of recusal and disqualification recognize that judges and prosecutors will, from time to time, have biases, prejudices or interests that prevent truly unbiased decision-making or that at least suggest a potential for bias.

Promoting public confidence necessarily requires viewing judicial practices from the perspective of the public. Bias or prejudice, in particular, must be viewed from the perspective of the public rather than that of the judiciary.<sup>57</sup> This calls for the regular collection and dissemination of specific data. The proposed variables for this dimension include data on the date and time the request is filled, type of request, requesting individual, status and court disposal on the request.

Table 3.24 highlights the proposed variables for the dimension. For further details, suggested (minimum) categories and notes please refer to the annex.

Table 3.24 **Proposed variables for the disqualification/recusal dimension**

REQUEST DETAILS	
Unit of analysis	Description
Request	Individual reports of disqualification/recusal of a prosecutor or judge, examined by a prosecutor's office or court
Variable	Description
Request ID	Unique identifier of disqualification/recusal request
Case ID	Unique identifier of registered criminal case (provides a link to prosecution and court data)
Staff ID	Unique identifier of staff member
Office	Unique identifier of prosecution office or court
Crime type	Principal offence type by ICCS category (or national crime classification)
Type	Disqualification/recusal type
Requestor	Identifier for requestor of motion to disqualify/recuse
Request status	Request examination status
Registration date	Date and time of registering disqualification/recusal request
Decision date	Date of issued decision on disqualification/recusal request
Outcome	Approval/dismissal of the disqualification/recusal request
Reason	Reason of the of the disqualification/recusal decision
Publication	Identifier of whether recusal/disqualification disposition is publicly available

<sup>57</sup> Hastings Law Journal, *Recusal and the Supreme Court 2005*. Available at [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3585&context=hastings\\_law\\_journal](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3585&context=hastings_law_journal).



An example from the United Kingdom on the collection of recusal data is presented in Box 3.16.

### Box 3.16

#### Data collected on judicial recusals in Scotland, United Kingdom

There are different types of judges in Scotland, sitting in different courts. Sheriffs and summary sheriffs deal with the majority of civil and criminal cases and sit in Scotland’s sheriff courts. The senators of the College of Justice are judges sitting in the Supreme Courts. The sheriffs principal mainly deal with appeals in summary criminal cases and sheriff court civil cases heard in the Sheriff Appeal Court. Justices of the peace are lay magistrates who sit with a legally qualified advisor to deal with summary criminal cases.

Cases where senators, temporary judges, sheriffs principal, sheriffs, summary sheriffs, justices of the peace, or a member of a Scottish tribunal, grant or refuse a formal motion for recusal, or recuse themselves of their own accord, in open court, are recorded regularly and published on the Judiciary of Scotland web page including date, court/chamber name, case name/reference, procedural title of the person who requested, type of the disposal and the reason for the request.

Table 3.25 Judicial recusals in Scotland, United Kingdom, September and October 2022

<i>Date</i>	<i>Court</i>	<i>Case Reference</i>	<i>Requestor</i>	<i>Outcome</i>	<i>Reason</i>
25/10/2022	Dundee Sheriff Court	PF Dundee v Abbie Cruickshanks	Ex proprio motu	Granted	The sheriff had prior knowledge of the accused and the accused ex-partner.
28/09/2022	Glasgow Sheriff Court	GLW-PD116-22	2nd defender	Granted	Prior professional/personal connection with a witness.
05/09/2022	Edinburgh Sheriff Court	EDI-A687-20	Self-recusal	Granted	The defender is a personal friend. They have known each other since university and maintain contact. Accordingly, it would be inappropriate to hear this case.

Source: Judiciary of Scotland, “Judicial Recusals”. Available at [www.judiciary.scot/home/judiciary/judicial-recusals](http://www.judiciary.scot/home/judiciary/judicial-recusals).

## PART III: IMPLEMENTATION

Collecting the data suggested in the framework presented in Part II is only the first step in the process of producing high-quality statistical data. To make the data practically useful they have to be transformed into useable information for decision makers through rigorous analysis. Chapter 4 gives a brief overview of two kinds (descriptive and inferential) of analysis for the consideration of decision makers. Since not all prosecution offices and courts may have the in-house capabilities to conduct sophisticated statistical analyses, the chapter concludes with a discussion on the importance of data partnerships.

Chapter 5 provides basic information on data governance and briefly discusses data collection, quality and dissemination. All are essential for ensuring the successful collection, production and dissemination of data that provide added public value.

This overview discusses some of the basic considerations that could be taken into account during the implementation process for the framework presented in the current guidelines. The following will be briefly discussed: interagency collaboration, standardized data formats, unique identifiers, data privacy and security, and data dissemination. For a more comprehensive discussion on developing a system of criminal justice statistics more broadly, please refer to the forthcoming UNODC publication dedicated to this topic.<sup>58</sup>

### **Facilitate interagency collaboration**

Interagency collaboration is important to align and harmonize efforts to implement the proposed framework and enhance the value of data. Effective collaboration is vital in prioritizing (parts of) the framework, ensuring comparability between the outputs of different agencies and avoiding duplication of efforts. Coordinating across the different institutions of the criminal justice system can also prove to be vital, as the output of one institution can serve as the input to another. For example, cases brought to the prosecution service by the police represent output statistics for the police and input statistics for the prosecution service.

Interagency collaboration further supports the completion of an assessment of the current system of criminal justice statistics. This will allow the different stakeholders to identify where data is currently being held, whether these data are compatible with the proposed framework and which data gaps exist.

It is recommended to facilitate interagency collaboration by setting up a formal or informal coordination mechanism that brings together the different agencies working on implementation of the framework at regular intervals. One way to formalize this collaboration is by drafting a Memorandum of Understanding that clarifies roles and responsibilities, spells out the project objectives and sets a concrete timeframe.

### **Standardize data formats and protocols**

Standard data formats and protocols are crucial to ensure interoperability of the data across institutions. The framework presented in the current guidelines provides guidance on the kinds of data to collect using standardized variables and response categories. However, in which format the data are stored and how they are exchanged are just as essential.

<sup>58</sup> *Guidelines for the development of a system of criminal justice statistics* (United Nations publication, forthcoming).

Any data collection produces a data set, which is a collection of data or information that generally has a predetermined structure (with a standardized format normally tabulated with rows and columns – much like a standard Excel spreadsheet). In the case of tabular microdata, each column of a table represents a particular variable (e.g., the age of a victim) and each row corresponds to a particular record in the data set (e.g., a specific court case). Administrative data collections are generally stored in structured data sets that can have different formats (e.g., XML, CSV, SQL, XLSX or JSON) depending on the system in place in the relevant institution. There would preferably be agreement between the involved agencies on which data format to use before implementation of the framework is undertaken.

In addition, the protocols by which administrative data and metadata (see Box 5.1) are to be transferred should be clearly specified. These protocols will differ between countries and may even differ between different administrative authorities of the same country. This is largely a product of the level of maturity of the IT-system of the different data providers and the institution responsible for collating the data. Assuming incident-based data is collected in an electronic format, the data providers may send data files to the responsible institution or this institution may extract the data directly from the administrative data source.

### **Assign unique identifiers**

The use of unique identifiers plays a pivotal role in data management as it allows individual records to be accurately linked. Unique identifiers are alphanumeric codes or numbers assigned to individuals, cases or entities within a system. As implied by the term “unique”, no two records should have the same identifier. This facilitates the linking of data between different data sets. For the prosecution service and the courts this property is especially important for connecting information related to cases, victims, offenders and staff members. For example, as proposed in the current framework, a unique identifier can be used to link all records associated with a particular case, including data on the victim(s), offender(s) and lead prosecutor.

When considering the broader criminal justice system, unique identifiers can also be used to exchange data between the police, the prosecution service, the courts and the prison system. Such an interoperable system of administrative data would enable the tracking of cases across the system and can provide deeper insights into the workings of the criminal justice system. For example, it becomes possible to track a specific offender in a case recorded by the police, better understand the decision to prosecute, and document information on the case duration and sentencing outcomes (which could be particularly relevant for research into recidivism).

When implementing unique identifiers, it is crucial to develop a standardized format with fixed naming conventions and implement robust validation checks to prevent the creation of invalid or duplicate identifiers. In addition, clear guidance should be in place regarding the management and retirement of unique identifiers.

### **Ensure data privacy and security**

Data privacy and security are a pillar of statistical production with privacy, security and confidentiality being important elements of the Fundamental principles for Official Statistics.<sup>59</sup> National statistics are aggregated from individual records and often contain personal information – thus security mechanisms must be implemented to preserve data confidentiality and ensure data is accessible only to authorised personnel and only on an as needed basis. The increasing use of, availability and access to data raise a number of questions not only about their ethical use, collection, treatment and storage,

<sup>59</sup> A/RES/68/261.

but also about responsibility, accountability, fairness and the respect of human rights in relation to the data. Since trust is difficult to earn and maintain, and even more challenging to restore, preserving public trust has been and will continue to be crucial for Governments. This requires data to be handled with ethics-, privacy- and security-related concerns in mind.<sup>60</sup>

*Ethics* refer to ways data are handled without causing direct or indirect harm to anyone. Legislation is one route to ensuring the ethical management and use of personal information in the criminal justice sector. Countries may have formal requirements articulating the principles for gathering, processing, sharing, accessing and reusing data in order to prevent, and sanction, any behaviour outside of the public interest.

*Privacy* is a concept that applies to data subjects. The individual whose data are being collected should be aware of the purpose of the data collection and their privacy should be protected. People may not be aware of the value of making data about them accessible and may fear that they are being “watched” by the state.

*Security* refers to the measures taken to prevent unauthorised access or use of data. People need to know that efforts are being made to ensure that their privacy is respected and that they can trust government to handle their personal information, and to protect them from potential risks associated with how governments handle those data.

#### **Promote the dissemination and use of data**

Data and statistics are only valuable when they are used. In other words, the value of crime and criminal justice statistics should not only be measured by the quality of the data (as discussed in section 5.3) but also by their potential use for strategic decision making at different levels of government, their use by society at large and their practical contribution to achieving fair and equitable justice for all. To enable their use and reuse, the prosecution service and the courts should study the needs of both internal and external users, and consider developing a dedicated data dissemination strategy (see section 5.4).

<sup>60</sup> Organisation for Economic Co-operation and Development, *The Path to Becoming a Data-Driven Public Sector* (Paris, OECD Publishing, 2019)

## 4 How to use the data generated with the statistical framework

Good criminal justice statistics are essential for understanding and trying to shape social development.<sup>61</sup> The annex to the present document includes the suggested variables associated with the dimensions of the statistical framework described in Part II. These variables provide the basic data points that the prosecution service and the courts should strive to collect if they are to produce and use relevant statistics that offer the basis for improved decision-making and greater transparency.

In general, two kinds of statistical data analyses can be carried out: descriptive and inferential. A brief overview of both kinds, underpinned with basic examples, is given in this chapter. It underlines that individuals must have the appropriate educational background and experience to conduct proper data analysis. This kind of expertise can be developed internally or it can be supported by external partners.

### 4.1 Conducting basic (descriptive) analyses

***Descriptive statistics summarize data and provide insight into who, what, when and where questions***

Descriptive analysis is used to summarize the characteristics of a data set and reveals what happened, where, when, how and who was involved. Examples include the number of active prosecution service staff per administrative region, the prosecution staff by rank and disability status, or the number of criminal cases, sentences and other types of disposals during the past year. The information typically comes in the form of frequency tables using a single variable (e.g., number of prosecution service staff by rank), cross tabulations that combine more than one variable (e.g., percentage of prosecution service staff by rank and disability status) or summary statistics (e.g., incoming criminal cases, sentences and other types of disposals issued by courts in a particular year). This kind of information supports decision makers and, although a relatively simple method of analysis, offers the potential for powerful new insights and previously undetected patterns to be discovered.

Tables 4.1, 4.2 and 4.3 illustrate examples of the three forms of descriptive analysis highlighted above using data from Japan, the United Kingdom and Guatemala. Additionally, Box 4.1 provides an example of the geospatial application of descriptive statistics in the United States.

**Table 4.1 Example of a frequency table: Number of active prosecution service staff, Japan, 2018**

	<i>Number</i>
Public prosecutors	1 927
Assistant public prosecutors	768
Prosecutor's assistant officers	9 000
<b>Total</b>	<b>11 695</b>

*Source:* United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, *Criminal Justice in Japan 2019 edition*. Available at [www.moj.go.jp/EN/kokusai/m\\_kokusai03\\_00003.html](http://www.moj.go.jp/EN/kokusai/m_kokusai03_00003.html).

<sup>61</sup> See *Manual for the Development of Criminal Justice Statistics* (United Nations publication, 2003); and E/CN.3/2013/11.

**Table 4.2 Example of cross tabulation: Prosecution staff by rank and disability status, United Kingdom, 2021**  
(Percentage)

<i>Staff</i>	<i>Disability status</i>	
	<i>Disability</i>	<i>No disability</i>
All staff	15	85
Grade 6/7	14	86
Senior Civil Service	12	88

Source: United Kingdom, Crown Prosecution Service, *Annual Report and Accounts 2021–2022* (London, 2022). Available at [www.cps.gov.uk/publication/cps-annual-report-and-accounts-2021-22](http://www.cps.gov.uk/publication/cps-annual-report-and-accounts-2021-22).

**Table 4.3 Example of summary statistics: Consolidated report of court activity in criminal matters, Guatemala, 2020**

<i>Activity</i>	<i>Number</i>
Cases admitted	69 008
Hearings held	162 880
Court decisions	233 202
Sentences	9 415
Proceedings ended by other means	25 225

Source: Guatemala, Centro de Información Desarrollo y Estadística Judicial, *Anuario Estadístico 2020* (Guatemala City, 2021). Available at [www.oj.gob.gt/estadisticas/Anuario-2020.pdf](http://www.oj.gob.gt/estadisticas/Anuario-2020.pdf).

#### Box 4.1

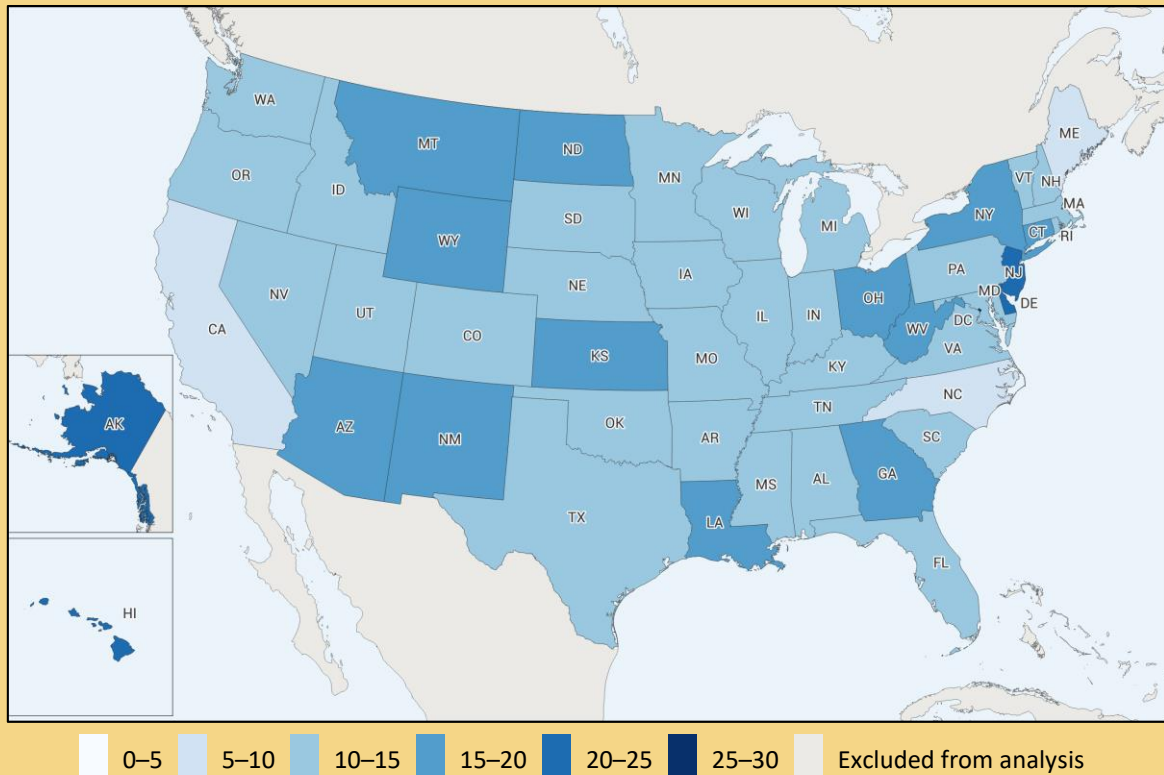
### The application of geospatial data, United States

The use of basic descriptive statistics in combination with geospatial analysis is a powerful tool that visualizes patterns on a map. This example focuses on the Justice Expenditure and Employment Tool (JEET) developed by the United States Department of Justice’s Bureau of Justice Statistics (BJS). BJS extracts justice expenditure and employment data from two United States Census Bureau surveys, the Annual Government Finance Survey and the Annual Survey of Public Employment and Payroll. These data are made accessible to the public through JEET. It allows users to explore expenditures, employment and payroll data for multiple justice categories at different level of government, including national, state, county and city. BJS plans to update the tool annually with subsequent years and add historical data from 1982 onwards.

Map 4.1 illustrates data on the number of state and local judicial and legal employees per 10,000 residents in 2019. This provides a clear visual representation of the numbers of human resources available by State, which could serve as a proxy indicator for the ease with which the public is able to access justice in these States.

In states such as Alaska, Delaware, Hawaii and New Jersey, for example, there were over 20 employees per 10,000 residents in 2019 (represented by a darker shade on the map). In California, Maine and North Carolina, by contrast, there were less than 10 employees per 10,000 residents (represented by a lighter shade on the map). This discrepancy in the number of available State and local judicial and legal employees per 10,000 residents could indicate different state level priorities and may affect case processing times. Whether this has consequences for access to justice would be a topic for further study.

**Map 4.1 State and local judicial and legal employees per 10,000 residents, United States, 2019**



*Note:* The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

*Source:* Department of Justice, Bureau of Justice Statistics, Justice Employment and Expenditures Tool. Available at [www.bjs.ojp.gov/jeet](http://www.bjs.ojp.gov/jeet) (accessed on 10 February 2023).

## 4.2 Conducting advanced (inferential) analyses

### *Inferential analysis is focused on extracting deeper insights and testing relationships*

Inferential analysis goes a step further than descriptive analysis and concerns the testing of hypotheses, a statistical method for testing whether a proposition is sufficiently supported by the data. This allows more complex questions to be answered, such as whether more experienced prosecutors are more or less likely to ask for non-custodial measures, whether certain offender characteristics make it more likely for judges to punish a crime more severely, or whether a training on case management increases the speed with which cases are decided without affecting the quality of judgements. In other words, the language switches from talking about numbers to talking about likelihoods.

The most basic way to test a relationship is to look at two variables and investigate whether or not there is a correlation. This means that when the value of one variable increases or decreases, so does the value of the other variable (either in the same or opposite direction); however, when two variables are correlated it does not automatically mean that a change in one variable is the cause of a change in the other variable.

For example, suppose that the data show that both the number of judges and the percentage of cases resulting in acquittal have increased over the past five years. It can be concluded that there is a positive correlation between the two variables, but this does not mean that hiring more judges has caused the percentage of acquittals to increase. Exactly why this is the case is a subject for further study and analysis.

It is also possible to test relationships that involve more than two variables and control for other factors. For example, suppose that there is an interest in investigating the risk factors likely to lead to an offender violating the terms of a home arrest. With the data collected in line with the pre-trial detention and alternative measures dimension, a model could be constructed that, given a set of predictor variables, would predict the likelihood of a violation occurring. The crime committed as well as the sex and age of the offender could be of interest. A data analyst could then use statistical techniques to determine whether, among other things, these variables represent factors to consider.

Overall, using the data to conduct more sophisticated analyses can provide invaluable insights that can help to improve the delivery of justice. By drawing on the simplified example in the preceding paragraph, should the results of the analysis indicate that men aged 26–30 who are suspected of having committed a drug trafficking-related offence are more likely to violate the terms of home arrest, alternative non-custodial measures could be considered instead.

The added value of inferential analyses is that they enable these kinds of patterns to be found and acted upon, ultimately facilitating improved access to justice and enhancing operational effectiveness, staff safety and public trust in judicial institutions.



## Box 4.2

### Exploring the relationships between demographic factors such as race and gender and sentencing outcomes by United States Sentencing Commission

The United States Sentencing Commission is an independent agency in the judicial branch of Government created by the Sentencing Reform Act of 1984. The Commission is responsible for establishing federal sentencing policies and practices, advising on the development of crime policy and researching federal crime and sentencing issues. In 2017, the Commission issued a report on demographic differences in sentencing.

For the report, the Commission applied multivariate regression techniques to explore the relationships between demographic factors, such as race and gender, and sentencing outcomes. The aim was to establish whether there were statistically significant differences in sentencing outcomes for different demographic groups. The report features four key findings:

1. Black male offenders continued to receive longer sentences than similarly situated white male offenders.
2. Non-government sponsored departures and sentence variances from the applicable guideline range appear to contribute significantly to the difference in sentence length between black male and white male offenders.
3. Violence in an offender's criminal history does not appear to account for any of the demographic differences in sentencing.
4. Female offenders of all races received shorter sentences than white male offenders.

The multivariate regression techniques applied thus revealed important differences that would have remained obscured in a simplistic one-on-one analysis of variables. As such, the analysis provides a valuable tool for the improvement of justice delivery by revealing which factors actually correlate with sentencing outcomes and which do not. This enables the judiciary to reduce biases, improve efficiency and fairness and enhance the focus of training programmes.

*Source:* United States Sentencing Commission, *Demographic Differences in Sentencing: An update to the 2012 Booker Report* (Washington D.C., 2017). Available at [www.ussc.gov/research/research-reports/demographic-differences-sentencing](http://www.ussc.gov/research/research-reports/demographic-differences-sentencing).

#### ***Formulating relevant research questions and investing in dedicated staff are essential***

Since inferential analysis is most valuable when attempting to answer specific questions, open dialogue between decision makers and data analysts will accelerate the production of valuable results. The systematic collection of standardized data is a means to an end that enables propositions that go beyond intuition to be tested. When used well, inferential analysis is a powerful tool that lays the basis for evidence-based decision-making and when initial intuition turns out to be incorrect, such analysis can suggest alternative explanations and clear up misconceptions.

The data generated by the proposed framework can also feed into predictive analytics. This could enable prosecutors and judges to focus resources on the drivers of crime in a community, which could provide an overall benefit to society.<sup>62</sup> For example, resources could be redirected toward incapacitating more serious offenders, while concomitantly incapacitating fewer less serious offenders. Such a system would be more efficient and could imply fewer people would serve custodial sentences. In practice, predictive analytics could be used to evaluate the risk posed by certain

<sup>62</sup> Andrew Guthrie Ferguson, "Predictive prosecution", *Wake Forest Law Review*, vol. 51, No. 3 (2016).

categories of offenders, focusing on those offenders deemed most at risk of reoffending and potentially reducing pretrial detention and long-term sentencing costs for other categories of offenders. However, data quality is vital here, as data can be inaccurate, biased and reflect existing socio-economic inequalities.<sup>63,64</sup>

Modern statistical software packages have made highly sophisticated techniques of analysis more accessible, but if there is no understanding of the underlying assumptions of those techniques and there is no guarantee that the design of the data series is consistent with the applied techniques, personnel untrained in statistics could draw incorrect or biased conclusions. Moreover, while these tools can help legal actors to make more informed choices, the use of opaque predictive models driven mainly by data rather than theory could overemphasize correlations and be difficult to interpret practically.<sup>65</sup> To overcome those obstacles, it is recommended to contract dedicated staff capable of conducting such advanced types of analysis or, if the requisite resources are unavailable, to invest in data partnerships (see section 4.4).

### 4.3 Finding complementary data

#### ***Complementary data go beyond prosecution service and court administrative records and can provide additional insight into public perceptions and activity of prosecution service and courts***

The framework proposed in the present statistical guidelines is focused on data that can be produced by the prosecution service and the courts on the basis of their administrative procedures and records; in other words, data that they can produce themselves. Note that this will not always be the case for every dimension of the framework in every country as some of the data may be collected by other agencies. These data can provide valuable insights to evaluate prosecution service and court operations and ensure respect for the fundamental rights and dignity of victims and offenders. However, a wide variety of potential data that touch upon topics that could be of interest to the prosecution service and the courts are available, some of which are already being collected by third parties.

They include data on user satisfaction, trust and confidence in the prosecution service and the courts, perceptions of corruption, access to justice and more. Such complementary data can provide additional insights into how the prosecution service and the courts are perceived by the public; information that could be essential for improving their operational performance.

The Public Prosecution Service for Northern Ireland, for example, has commissioned a module for inclusion in the Northern Ireland Life and Times Survey since 2018.<sup>66</sup> The module includes questions on public awareness and perceptions of the Public Prosecutor Service. The survey has been conducted by the University of Ulster and the Queen's University of Belfast since 1998 to monitor the attitudes and behaviour of people in Northern Ireland on a wide range of social policy issues. The survey revealed that there were no significant changes in public perception on the prosecution service's independence, fairness and impartiality in 2021 compared with previous years. The survey information is used by the Public Prosecutor Service for a variety of purposes, such as informing the development of policy and assessing the effectiveness of communication. Data in respect of the Public

<sup>63</sup> Ibid.

<sup>64</sup> Aleš Završnik, "Algorithmic justice: Algorithms and big data in criminal justice settings", *European Journal of Criminology*, vol. 15, No. 5 (2021).

<sup>65</sup> Nicolas Vermeys, "The Computer as the Court: How Will Artificial Intelligence Affect Judicial Processes?", in *New Pathways to Civil Justice in Europe: Challenges of Access to Justice*, Xandra Kramer, Alexandre Biard, Jos Hoevenaars and Eris Themeli eds. (Springer Cham, 2021).

<sup>66</sup> Public Prosecution Service for Northern Ireland, *Perceptions of the Public Prosecution Service: October 2021 – December 2021*. Available at [www.ppsni.gov.uk/publications/perceptions-pps-findings-ni-life-and-times-survey-october-december-2021](http://www.ppsni.gov.uk/publications/perceptions-pps-findings-ni-life-and-times-survey-october-december-2021).

Prosecutor Service's effectiveness and its fairness and impartiality are also used as key performance indicators for the Service.

Importantly, these data are considered official statistics. Statisticians from the Northern Ireland Statistics and Research Agency are seconded to the Public Prosecutor Service and are responsible for ensuring that the statistics produced comply with the Code of Practice for Official Statistics. This illustrates the importance of data partnerships, which are further highlighted in the next section.

Relevant complementary data can be found not only outside prosecution offices and courts but also within them. While the framework suggested in the present statistical guidelines provides basic information on prosecution service and court activities, it may not allow very specific questions to be answered to comprehensively evaluate prosecution and court operations; additional study and data collection would be required for that purpose.

For example, the European Commission for the Efficiency of Justice (CEPEJ) undertakes a regular evaluation of the justice systems in Council of Europe Member States and some observer States.<sup>67</sup> As a result, every two years, CEPEJ publishes an evaluation report, including specific data on the efficiency and quality of justice in Europe. The data collected for the report go beyond the variables the suggested in the present framework and provide a very in-depth overview of the different legal systems that is freely available to the public, policymakers, law practitioners, academics and researchers.

## 4.4 Building data partnerships

***Data partnerships allow the criminal justice system to overcome internal resource constraints, extract greater value from the data and increase staff capacities***

It is challenging to collect and analyse data, and it takes up significant resources, both human and financial, to conduct an adequate and unbiased analysis. Data partnerships can play an important role in overcoming such resource constraints. Data partners are third parties that provide data-related services ranging from technical advice and capacity-building to comprehensive data analysis facilitated through data-sharing agreements. Choosing the right data partners makes benefitting from research and analysis possible even when internal resources are limited. Finding strategic data partners can help prosecution offices and courts that already have dedicated research units extract the full value of their data. The following are three potential partnership areas:

- Universities, research institutes and national statistical offices can be particularly useful for finding the right questions to ask, developing appropriate methodologies and collecting and analysing data. Ideally, partners should be technical experts with a substantial degree of research experience and substantive knowledge of the issues. Such partnerships could be formed with both national and international partners, are of a more technical nature and deal directly with the data.
- Government- and donor-sponsored data initiatives can offer valuable data partnerships. This could involve, for example, additional funding for data collection, technical advice on the production of statistics or the opportunity to join national research networks. Such networks can be particularly helpful for building the statistical capacity of staff members and providing the experience of a wide network of researchers in other (government) agencies.

<sup>67</sup> Council of Europe, "Evaluation of judicial systems". Available at [www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems](http://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems).

- UNODC and other relevant international organizations can also serve as key partners. As custodian of numerous international standards and norms related to crime and criminal justice and ICCS, UNODC is particularly well placed to provide countries with technical expertise and capacity-building in this field. In addition, UNODC manages the primary international data collection on crime trends and the operations of criminal justice systems and, as such, can provide important data expertise.

When setting up a data partnership, it is vital to keep data governance in mind, as covered in the following chapter. In short, it is important to clarify needs, define which questions are to be answered by when, and provide clarity on data security, data ownership and the limits of data use. Data partnerships should only be formed with credible partners that have a good reputation and sufficient research experience, preferably in the field of crime and criminal justice. Finding the right partner can prove to be a valuable step in making the most of data and using the insights they provide to serve the community better and to build or strengthen internal capacities.

## 5 How to manage the data generated with the statistical framework

While collecting data for an individual prosecution office or court can be a complex endeavour, coordinating a data collection, production and dissemination exercise across multiple institutions is a vastly more complex activity. Without a clear distribution of roles and responsibilities across organizations, the process is likely to be disorganized. For example, it may be unclear how data are supposed to be collected, which definitions to use, how to format the data and when to submit the data to specific authorities. The key is to develop a functioning system for managing data with clear roles assigned to entities and transparent procedures for data production, protection and dissemination.

The *Manual for the Development of a System of Criminal Justice Statistics*<sup>68</sup> provides two basic requirements for building a statistics system for crime and criminal justice:

- **Credibility** – For the statistical system to be credible, it is essential to obtain the commitment of all stakeholders. Without this commitment, it will be difficult to implement national reporting standards and common data definitions. This includes a robust mechanism for receiving, recording and responding to possible concerns from data suppliers, especially those related to data confidentiality and privacy. Moreover, statistics produced by a criminal justice institution cannot be viewed as subscribing to any political ideology or subject to interference by the Government. The statistics must be impartial and objective to be credible.
- **Effectiveness** – As the production and dissemination of high-quality statistics is complex and costly, the effective management of human and financial resources is a must.

Beyond these two requirements, this chapter provides basic information on metadata (see Box 5.1) and data governance, and it contains a brief discussion of data collection, quality and dissemination. All are essential for ensuring the successful collection, production, distribution, use and re-use of data that provide added public value and are discussed in this chapter, although not at great length. UNODC is developing additional guidance on this topic that will be released in a forthcoming publication focusing on the development of a system of criminal justice statistics more broadly.

### Box 5.1

#### The essential role of metadata

Metadata can be thought of as data that define and describe other data. This includes information on the concepts and definitions applied, the variables and classifications used, the methodology of data collection and processing, and indications of data quality. The use and management of metadata are essential to ensure data quality and promotes efficient data exchange, a shared understanding of the data and data comparability.

A distinction can be made between structural and reference metadata.\* Structural metadata consist of identifiers and descriptors essential for organizing and processing a statistical data set (such as titles, variable names, descriptions, and more). Reference metadata describe statistical concepts and methodologies used for the collection and production of data and provide information on data quality.

<sup>68</sup> United Nations publication, 2003.

The statistical framework included in these guidelines primarily focuses on providing structural metadata that allow for the organization and processing of statistical data sets. However, this does not imply that reference metadata are not important. On the contrary, reference metadata are vital in ensuring institutions are collecting data that are comparable.

To illustrate, an example of structural metadata is the collection of the variable “charge type” by both the prosecution service and the courts. If all relevant data providers collect data for this variable either by ICCS category or the unified national classification, it would be possible to track the progress of criminal cases through the different stages of the criminal justice system. This enables the integration of (aggregated) data sets from different data providers. However, if the individual data providers utilize different methodologies for data collection and data aggregation, the data will not be directly comparable despite utilizing the same data structure as the reference metadata differ. For example, a prosecution office can opt to count all criminal cases submitted to it or only count the cases where charges are filed and the case proceeds to court (not counting cases where charges are either dropped or settled outside of court). If there is no clear guidance on which of the two to report, the numbers will likely not be directly comparable between different prosecution offices.

Therefore, it is essential to have national consensus on the statistical classifications, concepts and methodologies applied – in line with international definitions, standards and norms whenever possible – when collecting, producing and disseminating data. It is recommended to always document and publish this information as the official reference metadata. Only then can data comparability between different data providers and criminal justice institutions be guaranteed.

*\*See United Nations National Quality Assurance Framework Manual for Official Statistics (United Nations Publication, 2019).*

## 5.1 The central role of data governance

### ***Data governance requires a specification of roles, responsibilities and procedures regarding data collection, production and dissemination***

With data playing an increasingly important role in contemporary societies, data governance is becoming ever more essential. To illustrate, both the World Bank and the United Nations Conference on Trade and Development (UNCTAD) dedicated their 2021 flagship publications to data questions and the risks associated with the lack of robust national data governance mechanisms.<sup>69</sup> There is no agreed definition of data governance, but it differs from data management in that it refers to the decisions that have to be made to ensure the effective management of data and who makes those decisions, while data management focuses on their implementation.<sup>70</sup> A well-designed data governance framework allows the full economic and social value of data to be captured, creates trust in the integrity of a data system and ensures that the benefits of the data are equitably shared.

A key aspect of data governance is the formal institutionalization of the necessary roles and procedures for the collection, production, storage, maintenance, access, dissemination and (re-)use of data. For the present guidelines, this implies mapping the relevant stakeholders and determining

<sup>69</sup> World Bank, *World Development Report 2021: Data for Better Lives* (Washington D.C., 2021); UNCTAD, *Digital Economy Report 2021* (United Nations publication, 2021).

<sup>70</sup> Ibrahim Alhassen, David Sammon and Mary Daly, *Journal of Decision Systems*, vol. 25 (2016), *Data governance activities: an analysis of the literature*.

who will lead the process of both developing and implementing rules and procedures on data management. This leading role could be assigned, for example, to the national statistical office, the President's office or a national chief data officer.

The entity in the leading role should hold ample methodological expertise and be well placed to ensure the sustainability of national data collection efforts. In addition, special attention should be paid to citizen's needs and concerns about data use – including by consulting broadly with civil society organizations and national human rights institutions to devise a robust data protection strategy that aligns with international, regional and national legal frameworks. The leading entity could also encourage other government agencies to review their data quality policies, to develop analytical capabilities and to participate in the elaboration of national data strategies.

Whichever entity has the leading role, it is essential that all stakeholders acknowledge the importance of the role and cooperate in the process. The exact rules and procedures that should be in place depend on the national context, the type of data used, and which actors are involved, among others. In the case of crime and criminal justice data, this includes the prosecution service, the courts, the police and the prison system, the national statistical office, the ministry of justice and any other stakeholder involved in the collection, production and dissemination of statistical data on the criminal justice system.

The above calls for the involvement of the larger national statistical system, which comprises the national statistical office and all other producers of official statistics in the country; and the governance and coordination arrangements vary from country to country. In most countries, the national statistical office is the designated statistical agency of the Government, and it is recognized as the entity providing the professional leadership of the national statistical system. Any data governance framework for the criminal justice sector should take into account existing data governance arrangements in this wider system.

A further data governance consideration concerns alignment with national and international legislation, including the right to privacy and confidentiality as captured in international and regional human rights instruments.<sup>71</sup> Those rights are emphasized in the United Nations Fundamental Principles of Official Statistics (see Box 5.2). The use of administrative data for the production of statistics, as suggested in the present statistical guidelines, should also meet the confidentiality and privacy requirements of the broader national statistical system. The focus of the national statistical system is generally on the publication of aggregate statistics and individual data are rarely disseminated and, if so, only after being anonymized. The data governance framework should reflect these national, regional and international requirements.

For example, data collected in the European Union has to comply with the General Data Protection Regulation.<sup>72</sup> Chapter 3 of the regulation details the data privacy rights and principles that are guaranteed under European Union law, with article 21 of the chapter specifying, for example, the data subject's right to object to the processing of their personal data. The data collecting entity must demonstrate compelling legitimate grounds to not comply with this right. More specifically, Directive 2016/680 of the European Parliament and the Council of the European Union lays down the rules relating to the protection of natural persons with regard to the processing of personal data by

<sup>71</sup> Such as article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights.

<sup>72</sup> See <https://gdpr.eu/>.

competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.<sup>73</sup>

It should also be noted that data collected on children is particularly sensitive and requires procedural safeguards, special training for practitioners and dedicated data collection protocols. Children are less aware than adults of the long-term implications of consenting to their data being collected. Moreover, existing privacy and fairness concerns around the collection of data are even more important for children than for adults, given their greater cognitive, emotional and physical vulnerabilities.<sup>74</sup> That being said, the United Nations Committee on the Rights of the Child issued general comment No. 24 (2019) on children's rights in the child justice system, in which it urged States parties to systematically collect disaggregated data, including on the number and nature of offences committed by children.<sup>75</sup> Such data can be used to evaluate child justice systems, in particular the effectiveness of measures taken.

## Box 5.2

### United Nations Fundamental Principles of Official Statistics

**Principle 1. Relevance, impartiality and equal access** – Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.

**Principle 2. Professional standards, scientific principles and professional ethics** – To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.

**Principle 3. Accountability and transparency** – To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.

**Principle 4. Prevention of misuse** – The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.

**Principle 5. Sources of official statistics** – Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.

**Principle 6. Confidentiality** – Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.

**Principle 7. Legislation** – The laws, regulations and measures under which the statistical systems operate are to be made public.

<sup>73</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016L0680-20160504>.

<sup>74</sup> United Nations Children's Fund, *The Case for Better Governance of Children's Data: A Manifesto* (New York, 2021).

<sup>75</sup> CRC/C/GC/24, para. 113.



**Principle 8. National coordination** – Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

**Principle 9. Use of international standards** – The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

**Principle 10. International cooperation** – Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

*Source: A/RES/68/261.*

Despite the national idiosyncrasies mentioned above, in line with OECD recommendations, the consideration of three basic levels is recommended when designing a public sector data governance framework:<sup>76</sup>

- **Strategic layer** – This includes the formulation of a national data strategy and the assignment of leadership roles. Data strategies enable accountability and allow for the definition of leadership roles, expectations and goals.
- **Tactical layer** – This includes improving the value extracted from data by aligning skills and competencies, job profiles, coordination and collaboration (including formal and informal networks and communities of practice) in order to enhance public sector capacity. It also emphasizes the role of data-related legislation and regulation in helping countries define and ensure compliance with data management policies.
- **Delivery layer** – This is focused on day-to-day implementation. It touches on technical and policy aspects of the data lifecycle (from collection and storage to dissemination), the role and interaction of different stakeholders in each stage and the interconnection of data flows across different stages.

One way of organizing the business processes needed to produce official statistics is described in the Generic Statistical Business Process Model.<sup>77</sup> Developed under the auspices of the United Nations Economic Commission for Europe, this model provides a standard framework and harmonized terminology aimed at helping organizations modernize their statistical production processes. Its uses include:

- Providing a structure for documentation.
- Providing a framework for process quality assessment and improvement.
- Better integrating work on metadata and quality.
- Measuring operational costs and system performance.

## 5.2 Basic considerations for data collection

Tasked with collecting data for improving evidence-based decision-making and reporting to other agencies within the data governance framework, the prosecution service and the courts face important choices with regard to how the data are collected. To ensure that all involved agencies

<sup>76</sup> OECD, OECD Digital Government Studies: *The Path to Becoming a Data-Driven Public Sector* (Paris, 2019).

<sup>77</sup> Available at <https://statswiki.unece.org/display/GSBPM>.

collect data in the same way, ideally how the data are to be collected would be specified in the data governance framework. This section provides four general considerations that should guide data collection efforts and provides a box on implementation more broadly.

### ***Collecting aggregated data versus unit records***

The choice between collecting aggregated data or unit record data can have substantial consequences for the kinds of subsequent analyses that are possible (see Box 3.1). Aggregated data summarize similar events that took place within a certain time period, such as the total number of cases resulting in a prison sentence in a given year, collected from the prosecution or courts. Aggregated data are acquired by combining unit records. This provides a good overview of the situation but does not allow for more detailed analysis on the type and length of sentence for any specific case, for example.

Unit records are data collected at the individual level (the lowest level of disaggregation). The unit record level is combined to generate aggregated data. Collecting and recording data at the unit record level thus provides a greater level of detail and enables more in-depth analysis. To facilitate subsequent analysis required for the production of statistics leading to the greatest benefit, collecting unit record data is recommended whenever feasible.

### ***Manual or electronic data collection***

Manually collecting and recording paper-based data at the unit record level, as suggested earlier, involves significantly more human resources to capture, aggregate and analyse. Moreover, additional training would be essential for the application of uniform counting rules and definitions and for data validation, given that manual data entry increases the risk of human error. Data accuracy and completeness problems may occur, and this can lead to unreliable information. Hence, automation is an essential tool to improve both data quality and the cost-effectiveness of statistical processes.

Moreover, for effective decisions to be made in a timely manner, it is essential for decision makers to have information at their fingertips. Digital technology makes data collection vastly more efficient, provides greater flexibility in analysis and allows for the advantages of automation. When trying to answer pressing questions regarding accountability, for example, the response cannot be to spend months compiling and analysing handwritten reports.

However, electronic data collection can also be vulnerable to human error and care must be given to ensuring staff members receive the appropriate training for handling such data. Standardized data processing protocols can reduce the possibility of human error and promote the collection of more accurate and more reliable data.

Given that manual data collection is inefficient and greatly limits the kind of analyses available to decision makers, electronic data collection is recommended for enabling more responsive and more sophisticated data analysis.

### ***Separate or integrated data sets***

The application of each of the 12 dimensions in the present statistical framework will result in the production of one or more separate data sets. Provided that data are collected consistently, some of the different data sets can be linked together to allow for more in-depth analysis, which is accomplished through common fields that are available across different data sets. Information on human or financial resources and caseload data could be linked in this way, for example. Common fields can also assist data management across the different institutions of the criminal justice system. When every crime is assigned a unique case number, for example, it is theoretically possible to track

a case from the police to the courts and, if a conviction is made, potentially to the prison system. This assumes that each institution is using a similar database system and structure to ensure the interoperability of the data. To enable integration and the linking of records, the adoption of common fields across data sets is recommended.

It is important to emphasize that many of the dimensions defined in chapter 3 feature proposed variables that are included to be able to identify individual records (e.g., case ID). These variables are meant to link separate records together for the purpose of creating more detailed statistics by combining different sets of data. They are not meant for publication since they link to individual records. Individual data records should be carefully protected in order to respect relevant privacy and confidentiality laws during the generation of statistics, as noted in section 5.1.

### **Counting unit**

Each component of the criminal justice system records information in a manner that is most suitable given its own activities. The police may use incidents, victims and suspects; the courts typically count cases, charges, convictions and sentences; while the prison system mainly counts offenders and inmates. Practically speaking, cases can include one or several charges with one or several crimes resulting in one or several convicted persons and sentences. Hence, using a common counting unit is a basic building block that permits the measurement of flows from one component of the criminal justice system to the next.

As noted in the *Manual for the Development of a System of Criminal Justice Statistics*, use of a person-based unit of count is recommended for each component of the criminal justice system.<sup>78</sup> Since the person is the only counting unit that has continuity throughout the criminal justice system, it allows for the measurement of flows. If the same unique person identifier is used across the different components of the criminal justice system within a single criminal case, it is possible to track an accused individual's journey through the system, which can greatly improve understanding of the dynamics of the criminal justice process. It is vital that these data are made available in aggregated and anonymized form only, to prevent incursions on privacy rights, and to safeguard the human dignity of individuals in contact with the criminal justice system.

## 5.3 How to ensure data quality

### ***Ensuring data quality is vital to the production of high-quality statistics that can inform decision-making***

There is no single measure of data quality as it is a multidimensional concept that is strongly related to the needs of users. That being said, access to high-quality data is a prerequisite for evidence-based decision-making. Collected and processed data also need to be consistent across the different prosecution offices and courts that are supplying the data. In short, collecting, producing and disseminating statistics can only offer added value if the underlying data quality is ensured.

The best way to ensure data quality is to develop a quality assurance framework that fits national practice and circumstances. Multiple international organizations have developed generic frameworks for the assessment of data quality, which include the *United Nations National Quality Assurance*

<sup>78</sup> United Nations publication, 2003.

*Framework Manual for Official Statistics*,<sup>79</sup> the International Monetary Fund Data Quality Assessment Framework<sup>80</sup> and the European Statistics Code of Practice.<sup>81</sup>

The United Nations National Quality Assurance Framework presents five core recommendations and nine additional recommendations that are aimed at implementing specific fundamental principles. The core recommendations are focused on establishing a basis for the quality assurance of official statistics in a country. They call for a guaranteed legal and institutional framework, its application throughout the entire national statistical system and a commitment to the continual assessment of, improvement of and reporting on the quality of official statistics.

Regarding data output quality, the United Nations National Quality Assurance Framework lays out six principles:

- **Relevance** – Statistics should meet the current and/or emerging needs or requirements of its users. The challenge is to balance the conflicting needs of different users and produce statistics that satisfy the most important needs within the given resource constraints.
- **Accuracy and reliability** – Statistics should accurately and reliably portray reality.
- **Timeliness and punctuality** – Statistics should be made available to users with the smallest delay possible and be delivered on the promised, advertised or announced dates.
- **Accessibility and clarity** – Statistics should be easy to find and obtain, presented clearly and in a way that can be understood, and available and accessible to all users in line with open data standards.
- **Coherence and comparability** – Statistics should be consistent to make it possible to combine and use related data, including data from different sources. Statistics should also be comparable over time and between areas.
- **Managing metadata** – Sufficient information should be made available to enable the user to understand all of the attributes of the statistics, including their limitations. This includes information on the concepts and definitions applied, the variables and classifications used, the methodology of data collection and processing, and indications of data quality.

An evaluation of the statistical system in the Republic of Moldova measured success in terms of the principles of the Code of Good Practices of European Statistics (see Box 5.3).

<sup>79</sup> United Nations publication, 2019.

<sup>80</sup> Available at <https://dsbb.imf.org/dqars/DQAF>.

<sup>81</sup> Available at <https://ec.europa.eu/eurostat/web/quality/european-quality-standards/european-statistics-code-of-practice>.

### Box 5.3

## Assessment of the production of official crime statistics in the Republic of Moldova

The statistics of the Republic of Moldova on crime and justice were evaluated by national and international experts, within the project "Strengthening the efficiency and access to justice in Moldova", implemented by the United Nations Development Programme (UNDP) in Moldova. The assessment, carried out in collaboration with the National Bureau of Statistics (NBS) of the Republic of Moldova, aimed to review the current situation in the area of crime and justice statistics, focusing on the authorities involved in data collection, on their role and institutional capacity, on data and mechanisms, and on existing systems.

In total, 16 authorities involved in the collection and exchange of crime and justice data were consulted, including NBS. The evaluation considered the quality principles from the Code of Good Practices of European Statistics, including relevance and usefulness, timeliness, punctuality, and comparability, which served as benchmarks in carrying out the sectoral assessment. The evaluators determined the extent to which UNODC recommendations and classifications are implemented, and they identified the current strengths and challenges of the national statistical system.

In general, the assessment found more strengths than weaknesses. Most of the international and European key indicators are available in the country, many of them as official statistics regularly disseminated by NBS.

Nevertheless, agencies responsible for statistics largely operate with separate counting rules and have only recently started cooperating on multi-agency platforms for data exchange. Publicly accessible information often lacks relevant metadata and there are many agencies which do not have mechanisms in place to allow users to provide feedback. The report provides some examples on the basis of which a complete set of national indicators can be progressively developed, in line with ICCS.

As a result of the assessment a road map has been designed and approved by all stakeholders with the aim of promoting coordination between stakeholders and strengthening the national capacity to collect, process, analyse, exchange and disseminate crime and justice data.

*Source:* United Nations Development Programme, *Assessment of the Crime and Justice Statistics of the Republic of Moldova* (Chisinau, 2022). Available at [www.undp.org/moldova/publications/assessment-crime-and-justice-statistics-republic-moldova](http://www.undp.org/moldova/publications/assessment-crime-and-justice-statistics-republic-moldova).

## 5.4 Finding the intended audience through good data dissemination practices

***Data dissemination should focus on bringing data to the intended audience in an open and accessible format***

Disseminating and utilizing data to analyse trends and answer pressing policy questions is a tangible benefit of the production of statistics by the prosecution service and the courts. In addition, it is beneficial to disseminate metadata to help users understand the context in which the data were collected and processed. This is useful for improving the usability of data and communicate data quality to users.

A data dissemination plan can ensure that statistics are used widely and generate the greatest value possible, without compromising the right to privacy or releasing data of a potentially sensitive nature. There are many methods for disseminating statistics and analytical findings, including informal information sharing, formal publications, responses to specific requests and the provision of raw data.

The method of dissemination and the form the resulting statistics take should address the needs of data users and be appropriate for the quality and nature of the data available. Some users prefer brief, non-technical summary statements while others require charts, tables and in-depth analysis. The digital dissemination of data, such as through online data portals and dashboards, provides an opportunity to create an engaging data product and makes it easy for a range of people to use the statistics. Moreover, if the goal is to reach a broad audience, one should also account for levels of literacy and numeracy in the general population.

Further important aspects to consider are ensuring that statistical data releases are announced in advance of specific dates and providing equal and simultaneous access to all users, as suggested in principle 1 of the United Nations Fundamental Principles of Official Statistics. One way of operationalizing this is to create a publicly available and easily accessible release calendar that contains information on the releases planned in the coming 12 months. Any changes to this release calendar could then be announced in advance with a justification.

As mentioned above, the six principles laid out in the National Quality Assurance Framework recommend disseminating data according to open data standards. While there is no agreed definition of open data, the International Open Data Charter<sup>82</sup> defines digital data as data that are made available with the technical and legal characteristics necessary for them to be freely used, reused and redistributed by anyone, anytime, anywhere. The International Open Data Charter further emphasizes releasing data free of charge under an open and unrestrictive license, in open formats, without mandatory registration on a central portal.

Developing a data dissemination plan that identifies user profiles for the intended audience can offer further insights in how best to distribute the data. The data dissemination plan should consider the needs of a casual user who wants the answer to a specific question but may not have significant statistical or subject matter knowledge. It should also consider the needs of the information seeker with more extensive subject matter expertise who wishes to delve deeper into the data and can utilize the information for reporting and system review purposes. Lastly, the plan should consider technical experts who want to conduct their own analyses and often require large amounts of detailed microdata. Having said that, these three user profiles are meant to be illustrative and the development

<sup>82</sup> International Open Data Charter, "Principles". Available at <https://opendatacharter.net/principles/>.

of user profiles specific to the national context is recommended. Considerations beyond the level of expertise of the user could include the size of the user group and their level of interest.

Developing engaging and user-friendly statistical data is a costly and time-consuming undertaking, and without dedicated long-term funding the data can quickly become outdated or, in the worst case, irrelevant. For this reason, the resources available for producing and releasing statistics in line with the present guidelines are a further consideration when designing outputs that can be sustainably produced on an ongoing basis.

## Annex

### A.1 Resources

Human resources (Core dimension)		
PERSONNEL DETAILS		
Unit of analysis	Description	
Personnel	Individual staff member details employed by prosecutor's offices and courts	
Variable	Description	Suggested (minimum) categories
Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member	1. Male 2. Female
Age	Age of staff member	-
Ethnicity	Ethnicity of staff member	Determined nationally
Disability	(Self-reported) disability status of staff member <sup>83</sup>	Determined nationally
Languages	Languages spoken by staff member  <i>Note:</i> It is highly recommended to use a standardized list of language codes such as ISO 639.	Determined nationally
Education	Highest level of completed education of staff member	In line with the International Standard Classification of Education (ISCED)
Hiring date	Date when staff member first joined prosecutor's office or court	Date format: YYYY-MM-DD
Position start	Date when staff member started working in current position	Date format: YYYY-MM-DD
Appointment	Method of appointment for current position of staff member, if applicable	Determined nationally
Employment status	Indicator of full-time or part-time employment	1. Full-time 2. Part-time
Rank	Hierarchical rank of staff member within prosecutor's office or court	Determined nationally.

<sup>83</sup> This could be assessed by, for example, applying the Washington Group Short Set on Functioning (WG-SS), which uses a series of six questions to evaluate disability as at the interaction between a person's capabilities (limitation in functioning) and environmental barriers (physical, social, cultural or legislative) that may limit their participation in society. For more information, see Washington Group on Disability Statistics, "WG Short Set on Functioning (WG-SS)". Available at [www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/](http://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/).



Office ID	Identifier of the current prosecutor's office or court the staff member is assigned	Determined nationally
Division	The division the staff member is currently assigned to	Determined nationally
Admin area	Administrative area of the country (level 1, 2, etc.) where the staff member is stationed  <i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	Determined nationally
Retention date	Date when staff member discontinued working at office, if applicable	Date format: YYYY-MM-DD
Retention reason	Reason why staff member discontinued working in the office, if applicable	1. Transfer 2. Dismissal from service 3. Career change 4. Health reasons 5. Retirement 6. Other

#### TRAINING DETAILS

Unit of analysis	Description	
Training	Training records of each staff member	
Variable	Description	Suggested (minimum) categories
Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member	1. Male 2. Female
Age	Age of staff member	-
Ethnicity	Ethnicity of staff member	Determined nationally
Experience	Years of experience of staff member	-
Rank	Rank of staff member	Determined nationally
Training type	Training that the staff member successfully completed	Determined nationally
Training date	Date of completion of training	Date format: YYYY-MM-DD
Certificate	Identifier of whether the staff member obtained a certificate	1. No 2. Yes 98. Not applicable
Expiry date	Expiry date of certificate	Date format: YYYY-MM-DD

#### PERFORMANCE DETAILS

Unit of analysis	Description	
Performance	Performance records of each staff member	
Variable	Description	Suggested (minimum) categories

Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member	1. Male 2. Female
Age	Age of staff member	-
Ethnicity	Ethnicity of staff member	Determined nationally
Experience	Years of experience of staff member	-
Rank	Rank of staff member	Determined nationally
Rating	Performance rating given to staff member	Determined nationally
Period	Period over which staff member was evaluated	Date format: YYYY-MM-DD

## Financial resources

*Note:* Given that prosecutor's offices and courts are subject to national accounting rules, the structure of these data is often predetermined and may not be amenable to the suggested structure below.

### ALLOCATION DETAILS

Unit of analysis	Description	
Allocation	Allocated funds per financial year	
Variable	Description	Suggested (minimum) categories
Type	Allocation details by budget line (e.g., salaries, computerization, other expenses, buildings (maintenance, operating costs), investments in new buildings, training, etc.)	Determined nationally
Specialization	Allocation details by specialization	Determined nationally
Admin area	Allocation dedicated to the different administrative areas in the country (level 1, 2, etc.)  <i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	Determined nationally
Office	Allocation dedicated to the different prosecutor's offices or courts in the country	Determined nationally
Source	Allocation by the different funding sources	Determined nationally

### EXPENDITURE DETAILS

Unit of analysis	Description	
Expenditure	Expenditure per financial year	
Variable	Description	Suggested (minimum) categories
Type	Expenditure details by budget line (e.g., salaries, computerization, other expenses, buildings (maintenance, operating costs), investments in new buildings, training, etc.)	Determined nationally
Specialization	Expenditure details by specialization	Determined nationally
Admin area	Expenditure by the different administrative areas of the country (level 1, 2, etc.)  <i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	Determined nationally
Office	Expenditure by the different prosecutor's offices or courts in the country	Determined nationally
Source	Expenditure by the different funding sources	Determined nationally

## Physical resources

*Note:* When physical resource data are collected at the aggregate level rather than the individual level, it will not be possible to collect most of the variables specified for buildings and IT equipment.

### BUILDING DETAILS

Unit of analysis	Description	
Buildings	Individual buildings in use by prosecutor's offices and courts	
Variable	Description	Suggested (minimum) categories
Building ID	Unique identifier of building	Determined nationally
Building function	Function of building (e.g., court or prosecution office, general or specialized office, etc.)	Determined nationally
Construction date	Year building was completed	Date format: YYYY
Staff capacity	Staff capacity of building	-
Staff assigned	Number of staff assigned to building	-
Community	Size of community served by building	-
Building size	The available floorspace in the building (in square meters) across all floors  <i>Note:</i> Specify and record the unit of measurement.	-
Cells	Total capacity of cells for detainees in building	-
Cell utilities	Indicator of whether cells are equipped with basic utilities (e.g., light, water, toilet)  <i>Note:</i> What constitutes basic utilities should be determined nationally.	1. No 2. Partially 3. Yes 98. Not applicable
Accessibility	Presence of accessibility features throughout the building (e.g., ramps, elevators and widened doorways)	Determined nationally
Building facilities	Additional facilities available in building	1. Internet 2. Staff kitchen/cafeteria 3. Staff breakroom 4. Breastfeeding room 5. Gym 6. Conference room 7. Spaces to serve specific groups (e.g. women, children, older persons, migrants, etc.) 8. Other

Energy efficiency	Energy efficiency rating of the building	Determined nationally
Admin area	Administrative area of the country (level 1, 2, etc.) where building is located  <i>Note: When two or more levels of detail are available, each data point should be recorded separately.</i>	Determined nationally
Office ID	Identifier of prosecutor's office or court to which building is assigned	Determined nationally
IT EQUIPMENT DETAILS		
Unit of analysis	Description	
IT equipment	IT equipment in use by prosecutor's offices and courts	
Variable	Description	Suggested (minimum) categories
IT ID	Unique identifier of IT equipment	Determined nationally
IT equipment type	IT equipment specified by type (software, hardware)	<ol style="list-style-type: none"> <li>1. Desktop</li> <li>2. Laptop</li> <li>3. Tablet</li> <li>4. Mobile phone</li> <li>5. Videoconferencing tool</li> <li>6. Audio-recording tool</li> <li>7. Case management application</li> <li>8. E-file application</li> <li>9. Camera</li> <li>10. Docket display</li> <li>11. Other</li> </ol>
IT equipment operation	Date IT equipment came into operation	Date format: YYYY-MM-DD
Admin area	Administrative area of the country (level 1, 2, etc.) that IT equipment is assigned to  <i>Note: When two or more levels of detail are available, each data point should be recorded separately.</i>	Determined nationally
Office ID	Identifier of prosecutor's office or court that IT equipment is assigned to	Determined nationally

## Staff safety and well-being

**Notes:**

1. Given the sensitive nature of compensation data it is recommended to only publish aggregate level compensation data.
2. The staff ID variable links to human resources data and provides further staff member details.
3. If a safety incident involves multiple staff members, details should be recorded for each of them.

### SAFETY INCIDENT DETAILS

Unit of analysis	Description	
Safety incident	Individual safety incidents that threaten or inflict (serious) bodily harm upon staff member(s)	
Variable	Description	Suggested (minimum) categories
Incident ID	Unique identifier of incident	Determined nationally
Staff ID	Unique identifier of staff member	Determined nationally
Date and time	Date and time of incident	Date format: YYYY-MM-DD
Admin area	Administrative area of the country (level 1, 2, etc.) where incident took place  <i>Note: When two or more levels of detail are available, each data point should be recorded separately.</i>	Determined nationally
Location	Location of incident (e.g., address or GPS coordinates)  <i>Note: When recording GPS coordinates, latitude and the longitude data should be recorded separately.</i>	Determined nationally
Context	Description of situational context	Determined nationally
Threats	Identifier of whether threats were included in the incident	1. No 2. Yes, minor threat <sup>84</sup> 3. Yes, serious threat <sup>85</sup>
Severity	Severity of bodily injury inflicted upon staff member	Determined nationally <sup>86</sup>
Lethal	Identifier of whether the inflicted bodily harm was lethal or non-lethal	1. Non-lethal 2. Lethal

<sup>84</sup> Minor threat, as defined in the ICCS, includes the intention to cause minor harm. This includes, at a minimum, minor bodily injury (see footnote 86) or minor physical force (hitting, slapping, pushing, tripping, knocking down and other applications of force with the potential to cause minor bodily injury).

<sup>85</sup> Serious threat, as defined in the ICCS, includes the intention to cause serious harm. This includes, at a minimum, seriously bodily injury (see footnote 86) or serious physical force (being shot; stabbed or cut; hit by an object; hit by a thrown object; poisoning and other applications of force with the potential to cause serious bodily injury).

<sup>86</sup> Minor bodily injury, as defined in the ICCS, at a minimum includes bruises, cuts, scratches, chipped teeth, swelling, black eye and other minor injuries.

Serious bodily injury, as defined in the ICCS, at a minimum includes gunshot or bullet wounds; knife or stab wounds; severed limbs; broken bones or teeth knocked out; internal injuries; being knocked unconscious; and other severe or critical injuries.

Criminal	Identifier of whether criminal charges were filed as a result of incident	1. No 2. Yes
STAFF REMUNERATION DETAILS		
Unit of analysis	Description	
Remuneration	Remuneration details of staff member	
Variable	Description	Suggested (minimum) categories
Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member	1. Male 2. Female
Age	Age of staff member	-
Ethnicity	Ethnicity of staff member	Determined nationally
Experience	Years of experience of staff member	-
Rank	Rank of staff member	Determined nationally
Remuneration	Annual remuneration of staff member in local currency	-
LEAVE DETAILS		
Unit of analysis	Description	
Leave	Leave records of staff member	
Variable	Description	Suggested (minimum) categories
Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member	1. Male 2. Female
Age	Age of staff member	-
Ethnicity	Ethnicity of staff member	Determined nationally
Experience	Years of experience of staff member	-
Rank	Rank of staff member	Determined nationally
Leave type	Type of leave taken by staff member	1. Annual leave 2. Family leave 3. Medical leave 4. Parental leave 5. Sick leave 6. Leave without pay 7. Other
Start date	Start date of leave	Date format: YYYY-MM-DD
End date	End date of leave	Date format: YYYY-MM-DD
Amount	Number of working days in leave period	-

## A.2 Criminal justice statistics

<b>Prosecution of criminal cases</b> (Core dimension)		
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. A criminal case can involve one or multiple charges committed by one or multiple offenders with one or multiple victims.</li> <li>2. If a criminal case involves multiple charges, details should be recorded for each of them.</li> <li>3. If a criminal case has multiple offenders, details should be recorded for each of them.</li> <li>4. If a criminal case has multiple victims, details should be recorded for each of them.</li> <li>5. Recording and linking unique identifiers for cases, charges, offenders and victims provides maximum flexibility for the later generation of aggregate statistics; whether case, charge or person based.</li> </ol>		
<b>CRIMINAL CASE DETAILS</b>		
Unit of analysis	Description	
Case	Individual criminal case registered by prosecution offices	
Variable	Description	Suggested (minimum) categories
Case ID	Unique identifier of registered criminal case	Determined nationally
Case status	Current status of the case (e.g., unprocessed, pending, disposed, appeal, etc.)	Determined nationally
Instance	Current instance level	Determined nationally
Registration date	Date the case is initially registered by prosecution	Date format: YYYY-MM-DD
Court date	Date case is brought to court	Date format: YYYY-MM-DD
Close date	Date of final disposal for the case	Date format: YYYY-MM-DD
Jury	Identifier of whether the trial is assisted by jury	1. No 2. Yes
Staff ID	Unique identifier of staff member leading the case	Determined nationally
Sex	Sex of staff member leading the case	1. Male 2. Female
Age	Age of staff member leading the case	-
Ethnicity	Ethnicity of staff member leading the case	Determined nationally
Experience	Years of experience of staff member leading the case	-
Rank	Rank of staff member leading the case	Determined nationally
Prosecution office ID	Office identifier of staff member leading the case	Determined nationally
<b>CRIMINAL CHARGE DETAILS</b>		



Unit of analysis	Description	
Charge	Individual charge(s) within a single criminal case	
Variable	Description	Suggested (minimum) categories
Case ID	Unique identifier of registered criminal case	Determined nationally
Charge ID	Unique identifier of initiated charge	Determined nationally
Charge type	Charge by ICCS offence category (or national crime classification)	ICCS categories (or national crime classification)
Date & time	Date and time the criminal offence occurred	Date format: YYYY-MM-DD Time format: hh:mm
Admin area	Administrative area of the country (level 1, 2, etc.) where the criminal offence occurred  <i>Note: When two or more levels of detail are available, each data point should be recorded separately.</i>	Determined nationally
Location type	Location type of criminal offence	1. Private residential premises 2. Open area, street or public transit 3. Educational institution 4. Correctional institution 5. Institutional care setting <sup>87</sup> 6. Other commercial or public non-residential premises 7. Other 99. Not known
Completed	Identifier of whether criminal offence was attempted or completed	1. Attempted 2. Completed 98. Not applicable 99. Not known
Weapon	Type of weapon used	1. Firearm 2. Knife or sharp object 3. Other means <sup>88</sup> 4. Unknown means 98. Not applicable 99. Not known

<sup>87</sup> Institutional care settings include hospitals, psychiatric facilities, residential care/retirement homes, remand homes and other institutional care facilities.

<sup>88</sup> Other means, at minimum, includes blunt weapons, objects used as weapons, bow and arrow, crossbow, throwing weapons/objects, explosives, hand or fist weapons, martial arts weapons not amounting to a knife or sharp object.

Context	Situational context of criminal offence	<ol style="list-style-type: none"> <li>1. Organized crime related<sup>89</sup></li> <li>2. Gang related<sup>90</sup></li> <li>3. Corporate crime related<sup>91</sup></li> <li>4. Intimate partner/family related<sup>92</sup></li> <li>5. Terrorism related<sup>93</sup></li> <li>6. Civil unrest<sup>94</sup></li> <li>7. Other</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
Motive	Motive behind criminal offence	<ol style="list-style-type: none"> <li>1. Illicit gain</li> <li>2. Hate crime<sup>95</sup></li> <li>3. Gender-based</li> <li>4. Interpersonal conflict<sup>96</sup></li> <li>5. Political agenda<sup>97</sup></li> <li>6. Other motive</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
cy	Identifier of cybercrime-related offence <sup>98</sup>	<ol style="list-style-type: none"> <li>1. Cybercrime-related</li> <li>2. Non-cybercrime-related</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
Charge date	Date charge is filed	Date format: YYYY-MM-DD
Disposal date	Date charge receives disposal	Date format: YYYY-MM-DD
Disposal final	Identifier of whether disposal is final	<ol style="list-style-type: none"> <li>1. No</li> <li>2. Yes</li> </ol>

<sup>89</sup> Participation in an organized criminal group was an integral part of the modus operandi of the crime. An organized criminal group is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit.

<sup>90</sup> Participation in a gang was an integral part of the modus operandi of the crime. A gang is a group of persons that is defined by a set of characteristics including durability over time, street-oriented lifestyle, youthfulness of members, involvement in illegal activities and group identity. Definitions used by national law enforcement bodies may include additional elements and may in some cases deviate from this generic definition.

<sup>91</sup> Participation in a corporate or business entity was an integral party of the modus operandi of the crime.

<sup>92</sup> Intimate partner/family-related crimes are distinguished by the nature of the relationship between perpetrator and victim.

<sup>93</sup> Participation in a terrorist group was an integral part of the modus operandi of the crime. Terrorist group is a group that engages in terrorist offences. A terrorist offence means any act established in accordance with the universal legal instruments against terrorism, or otherwise intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities of a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.

<sup>94</sup> Civil unrest refers to a situation of collective violent hostilities between two or more parties within a country that do not amount to an internal armed conflict.

<sup>95</sup> Hate crime is a crime in which the victim is specifically targeted because of their characteristics, ascribed attributes, ascribed beliefs or values such as race, religion, ethnic origin, sexual orientation and disability, amongst others. Hate crimes include crimes motivated by racism and homophobia. Gender-based crimes and crimes with an explicit or implicit political agenda should be excluded.

<sup>96</sup> Interpersonal conflict refers to the dissonances that occur when human/social relationships come under strain (including from fiction due to social and cultural norms).

<sup>97</sup> Political agenda, at minimum, is the set of issues laid out by ideological or political groups that tries to influence current and near-future political news and debate.

<sup>98</sup> Apply the cybercrimes tag if the use of computer data or computer systems was an integral part of the modus operandi of the crime.

Disposal type	Type of disposal (e.g., diverted, discontinued, dismissed, acquitted, convicted)	Determined nationally
Disposal subtype	Further details on type of disposal	Determined nationally
Guilty plea	Identifier of whether a guilty plea takes place and whether it is granted	<ol style="list-style-type: none"> <li>1. Yes, granted before trial</li> <li>2. Yes, granted during trial</li> <li>3. Yes, not granted before trial</li> <li>4. Yes, not granted during trial</li> <li>5. No</li> </ol>
<b>VICTIM DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Victim	Individual victim(s) within a single criminal case	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Case ID	Unique identifier of registered criminal case	Determined nationally
Victim ID	Unique identifier of victim	Determined nationally
Sex victim	Sex of victim	<ol style="list-style-type: none"> <li>1. Male</li> <li>2. Female</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
Age victim	Age of victim	-
Ethnicity victim	Ethnicity of victim	Determined nationally
Relationship	Victim's relationship with offender	<ol style="list-style-type: none"> <li>1. Current intimate partner/spouse</li> <li>2. Former intimate partner/spouse</li> <li>3. Blood relative</li> <li>4. Other household member</li> <li>5. Friend</li> <li>6. Acquaintance</li> <li>7. Colleague/work relationship</li> <li>8. Authority/care relationship (doctor, nurse, police, etc.)</li> <li>9. Other offender known to victim</li> <li>10. Offender unknown to victim</li> <li>99. Relationship not known</li> </ol>
Citizenship victim	Citizenship of victim  <i>Note: Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.</i>	<ol style="list-style-type: none"> <li>1. National citizen</li> <li>2. Foreign citizen</li> <li>3. Stateless</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>

Legal status victim	Legal status of victim  <i>Note:</i> Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.	1. Natural person 2. Legal entity 3. Other entity 99. Not known
Intoxicated victim	Identifier of whether victim was intoxicated with controlled drugs or other psychoactive substances  <i>Note:</i> Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.	1. Alcohol 2. Illicit drugs 3. Both 4. Other 98. Not applicable 99. Not known
Sector	Economic sector (if applicable)	According to ISIC Rev. 4 <sup>99</sup>
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)	Determined nationally
Protective measures	Type of measures taken to protect the victim	Determined nationally
Legal representation	Identifier of whether victim was provided with access to legal representation, including free legal aid	1. No 2. Yes, paid lawyer 3. Yes, free legal aid 4. Yes, other
Interpretation	Identifier of whether interpretation was requested and provided for victim	1. Not required 2. Required but not provided 3. Required and provided
<b>OFFENDER DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Offender	Individual offender(s) within a single criminal case	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Case ID	Unique identifier of registered criminal case	Determined nationally
Offender ID	Unique identifier of offender	Determined nationally
Sex offender	Sex of offender	1. Male 2. Female 98. Not applicable 99. Not known
Age offender	Age of offender	-
Ethnicity offender	Ethnicity of offender	Determined nationally

<sup>99</sup> The International Standard Industrial Classification of All Economic Activities (United Nations publication, 2008).

Relationship	Offender's relationship with victim	<ol style="list-style-type: none"> <li>1. Current intimate partner/spouse</li> <li>2. Former intimate partner/spouse</li> <li>3. Blood relative</li> <li>4. Other household member</li> <li>5. Friend</li> <li>6. Acquaintance</li> <li>7. Colleague/work relationship</li> <li>8. Authority/care relationship (doctor, nurse, police, etc.)</li> <li>9. Other offender known to victim</li> <li>10. Offender unknown to victim</li> <li>99. Relationship not known</li> </ol>
Citizenship offender	Citizenship of offender	<ol style="list-style-type: none"> <li>1. National citizen</li> <li>2. Foreign citizen</li> <li>3. Stateless</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
Legal status offender	Legal status of offender	<ol style="list-style-type: none"> <li>1. Natural person</li> <li>2. Legal entity</li> <li>3. Other entity</li> <li>99. Not known</li> </ol>
Intoxicated offender	Identifier of whether offender was intoxicated with controlled drugs or other psychoactive substances	<ol style="list-style-type: none"> <li>1. Alcohol</li> <li>2. Illicit drugs</li> <li>3. Both</li> <li>4. Other</li> <li>98. Not applicable</li> <li>99. Not known</li> </ol>
Economic status offender	Economic activity status of offender	<ol style="list-style-type: none"> <li>1. Dependent employment</li> <li>2. Self-employment (with no dependent employees)</li> <li>3. Employer (with dependent employees)</li> <li>4. Unemployed</li> <li>5. Student/apprentice</li> <li>6. Housekeeper</li> <li>7. Retired/disabled</li> <li>99. Not known</li> </ol>
Caregiver status	Determines whether the offender has any dependent children or other caretaking responsibilities (e.g., older person or person with disability)	<ol style="list-style-type: none"> <li>1. Yes, one or more dependent children under the age of 18</li> </ol>

		<ul style="list-style-type: none"> <li>2. Yes, one or more dependent adults over the age of 18.</li> <li>3. Yes, both dependent children and dependent adults.</li> <li>4. No dependent children or other caretaking responsibilities.</li> <li>98. Not applicable</li> <li>99. Not known</li> </ul>
Recidivist	Recidivist status of offender	<ul style="list-style-type: none"> <li>1. Recidivist</li> <li>2. Non-recidivist</li> <li>98. Not applicable</li> <li>99. Not known</li> </ul>
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)	Determined nationally
Legal representation	Identifier of whether offender was provided with access to legal representation, including free legal aid	<ul style="list-style-type: none"> <li>1. No</li> <li>2. Yes, paid lawyer</li> <li>3. Yes, free legal aid</li> <li>4. Yes, other</li> </ul>
Interpretation	Identifier of whether interpretation was requested and provided for offender	<ul style="list-style-type: none"> <li>1. Not required</li> <li>2. Required but not provided</li> <li>3. Required and provided</li> </ul>
Pre-trial detention	Identifier of whether offender is placed in pre-trial detention	<ul style="list-style-type: none"> <li>1. No</li> <li>2. Yes</li> </ul>

## Criminal trials

(Core dimension)

*Notes:*

1. A criminal case can involve one or multiple charges committed by one or multiple offenders with one or multiple victims.
2. If a criminal case involves multiple charges, details should be recorded for each of them.
3. If a criminal case has multiple offenders, details should be recorded for each of them.
4. If a criminal case has multiple victims, details should be recorded for each of them.
5. Recording and linking unique identifiers for cases, charges, offenders and victims provides maximum flexibility for the later generation of aggregate statistics; whether case, charge or person based.

### CRIMINAL CASE DETAILS

Unit of analysis	Description	
Case	Individual criminal case registered and examined by courts	
Variable	Description	Suggested (minimum) categories
Case ID	Unique identifier of registered criminal case	Determined nationally
Case status	Current status of the case (e.g., unprocessed, pending, disposed, appeal, etc.)	Determined nationally
Instance	Current instance level	Determined nationally
Initial filing date	Initial filing date at court of first instance	Date format: YYYY-MM-DD
Filing date	Filing date at current court	Date format: YYYY-MM-DD
Close date	Date of final disposal for the case	Date format: YYYY-MM-DD
Hearings	Total number of hearings held during case	-
Jury	Identifier of whether the trial is assisted by jury	1. No 2. Yes
Publication	Identifier of whether judgement is publicly available	1. No 2. Yes
Staff ID	Unique identifier of judge leading the proceedings	Determined nationally
Sex	Sex of judge leading the proceedings	1. Male 2. Female
Age	Age of judge leading the proceedings	-
Ethnicity	Ethnicity of judge leading the proceedings	Determined nationally
Experience	Years of experience of judge leading the proceedings	-
Rank	Rank of judge leading the proceedings	Determined nationally
Court ID	Court identifier of judge leading the proceedings	Determined nationally
Court language	Official language used in the interaction between the court and its litigants	Determined nationally

	Note: It is highly recommended to use a standardized list of language codes such as ISO 639.	
CHARGE DETAILS		
Unit of analysis	Description	
Charge	Individual charge(s) within a single criminal case	
Variable	Description	Suggested (minimum) categories
Case ID	Unique identifier of registered criminal case	Determined nationally
Charge ID	Unique identifier of initiated charge	Determined nationally
Charge type	Charge by ICCS offence category (or national crime classification)	ICCS categories (or national crime classification)
Date & time	Date and time the criminal offence occurred	Date format: YYYY-MM-DD Time format: hh:mm
Admin area	Administrative area of the country (level 1, 2, etc.) where the criminal offence occurred  <i>Note: When two or more levels of detail are available, each data point should be recorded separately.</i>	Determined nationally
Location type	Location type of criminal offence	1. Private residential premises 2. Open area, street or public transit 3. Educational institution 4. Correctional institution 5. Institutional care setting <sup>100</sup> 6. Other commercial or public non-residential premises 7. Other 99. Not known
Completed	Identifier of whether criminal offence was attempted or completed	1. Attempted 2. Completed 98. Not applicable 99. Not known
Weapon	Type of weapon used	1. Firearm 2. Knife or sharp object 3. Other means <sup>101</sup>

<sup>100</sup> Institutional care settings include hospitals, psychiatric facilities, residential care/retirement homes, remand homes and other institutional care facilities.

<sup>101</sup> Other means, at minimum, includes blunt weapons, objects used as weapons, bow and arrow, crossbow, throwing weapons/objects, explosives, hand or fist weapons, martial arts weapons not amounting to a knife or sharp object.



		4. Unknown means 98. Not applicable 99. Not known
Context	Situational context of criminal offence	1. Organized crime related <sup>102</sup> 2. Gang related <sup>103</sup> 3. Corporate crime related <sup>104</sup> 4. Intimate partner/family related <sup>105</sup> 5. Terrorism related <sup>106</sup> 6. Civil unrest <sup>107</sup> 7. Other 98. Not applicable 99. Not known
Motive	Motive behind criminal offence	1. Illicit gain 2. Hate crime <sup>108</sup> 3. Gender-based 4. Interpersonal conflict <sup>109</sup> 5. Political agenda <sup>110</sup> 6. Other motive 98. Not applicable 99. Not known
cy	Identifier of cybercrime-related offence <sup>111</sup>	1. Cybercrime-related 2. Non-cybercrime-related 98. Not applicable 99. Not known
Charge date	Date charge is filed	Date format: YYYY-MM-DD
Disposal date	Date charge receives disposal	Date format: YYYY-MM-DD
Disposal final	Identifier of whether disposal is final	1. No

<sup>102</sup> Participation in an organized criminal group was an integral part of the modus operandi of the crime. An organized criminal group is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit.

<sup>103</sup> Participation in a gang was an integral part of the modus operandi of the crime. A gang is a group of persons that is defined by a set of characteristics including durability over time, street-oriented lifestyle, youthfulness of members, involvement in illegal activities and group identity. Definitions used by national law enforcement bodies may include additional elements and may in some cases deviate from this generic definition.

<sup>104</sup> Participation in a corporate or business entity was an integral party of the modus operandi of the crime.

<sup>105</sup> Intimate partner/family-related crimes are distinguished by the nature of the relationship between perpetrator and victim.

<sup>106</sup> Participation in a terrorist group was an integral part of the modus operandi of the crime. Terrorist group is a group that engages in terrorist offences. A terrorist offence means any act established in accordance with the universal legal instruments against terrorism, or otherwise intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities of a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.

<sup>107</sup> Civil unrest refers to a situation of collective violent hostilities between two or more parties within a country that do not amount to an internal armed conflict.

<sup>108</sup> Hate crime is a crime in which the victim is specifically targeted because of their characteristics, ascribed attributes, ascribed beliefs or values such as race, religion, ethnic origin, sexual orientation and disability, amongst others. Hate crimes include crimes motivated by racism and homophobia. Gender-based crimes and crimes with an explicit or implicit political agenda should be excluded.

<sup>109</sup> Interpersonal conflict refers to the dissonances that occur when human/social relationships come under strain (including from fiction due to social and cultural norms).

<sup>110</sup> Political agenda, at minimum, is the set of issues laid out by ideological or political groups that tries to influence current and near-future political news and debate.

<sup>111</sup> Apply the cybercrimes tag if the use of computer data or computer systems was an integral part of the modus operandi of the crime.

		2. Yes
Disposal type	Type of disposal (e.g., diverted, discontinued, dismissed, acquitted, convicted)	Determined nationally
Disposal subtype	Further details on type of disposal	Determined nationally
Guilty plea	Identifier of whether a guilty plea takes place and whether it is granted	1. No 2. Yes, granted before trial 3. Yes, not granted before trial 4. Yes, granted during trial 5. Yes, not granted during trial
Sentence type	Type of sentence applied	Determined nationally
Sentence length	Length of sentence in days (if applicable)	-
Sentence amount	Monetary amount in local currency (if applicable)	-
Compensation	Identifier of whether restitution/compensation was provided to the victim, either by the defendant or the State	1. No 2. Yes, by defendant 3. Yes, by State 4. Yes, both 98. Not applicable
Compensation type	Type of restitution/compensation provided to victim	1. Financial 2. Non-financial 98. Not applicable
VICTIM DETAILS		
Unit of analysis	Description	
Victim	Individual victim(s) within a single criminal case	
Variable	Description	Suggested (minimum) categories
Case ID	Unique identifier of registered criminal case	Determined nationally
Victim ID	Unique identifier of victim	Determined nationally
Sex victim	Sex of victim	1. Male 2. Female 98. Not applicable 99. Not known
Age victim	Age of victim	-
Ethnicity victim	Ethnicity of victim	Determined nationally
Relationship	Victim's relationship with offender	1. Current intimate partner/spouse 2. Former intimate partner/spouse 3. Blood relative 4. Other household member 5. Friend 6. Acquaintance 7. Colleague/work relationship

		8. Authority/care relationship (doctor, nurse, police, etc.) 9. Other offender known to victim 10. Offender unknown to victim 99. Relationship not known
Citizenship victim	Citizenship of victim  <i>Note:</i> Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.	1. National citizen 2. Foreign citizen 3. Stateless 98. Not applicable 99. Not known
Legal status victim	Legal status of victim  <i>Note:</i> Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.	1. Natural person 2. Legal entity 3. Other entity 99. Not known
Intoxicated victim	Identifier of whether victim was intoxicated with controlled drugs or other psychoactive substances  <i>Note:</i> Given the sensitive nature of this information, it should only be provided on a voluntary basis by victims.	1. Alcohol 2. Illicit drugs 3. Both 4. Other 98. Not applicable 99. Not known
Sector	Economic sector (if applicable)	According to ISIC Rev. 4 <sup>112</sup>
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)	Determined nationally
Protective measures	Type of measures taken to protect the victim	Determined nationally
Legal representation	Identifier of whether victim was provided with access to legal representation, including free legal aid	1. No 2. Yes, paid lawyer 3. Yes, free legal aid 4. Yes, other
Interpretation	Identifier of whether interpretation was requested and provided for victim	1. Not required 2. Required but not provided 3. Required and provided
<b>DEFENDANT DETAILS</b>		

<sup>112</sup> The International Standard Industrial Classification of All Economic Activities (United Nations publication, 2008).

<b>Unit of analysis</b>	<b>Description</b>	
Defendant	Individual defendant(s) within a single criminal case	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Case ID	Unique identifier of registered criminal case	Determined nationally
Defendant ID	Unique identifier of defendant	Determined nationally
Sex defendant	Sex of defendant	1. Male 2. Female 98. Not applicable 99. Not known
Age defendant	Age of defendant	-
Ethnicity defendant	Ethnicity of defendant	Determined nationally
Relationship	Defendant's relationship with victim	1. Current intimate partner/spouse 2. Former intimate partner/spouse 3. Blood relative 4. Other household member 5. Friend 6. Acquaintance 7. Colleague/work relationship 8. Authority/care relationship (doctor, nurse, police, etc.) 9. Other offender known to victim 10. Offender unknown to victim 99. Relationship not known
Citizenship of defendant	Citizenship of defendant	1. National citizen 2. Foreign citizen 3. Stateless 98. Not applicable 99. Not known
Legal status defendant	Legal status of defendant	1. Natural person 2. Legal entity 3. Other entity 99. Not known
Intoxicated defendant	Identifier of whether defendant was intoxicated with controlled drugs or other psychoactive substances	1. Alcohol 2. Illicit drugs 3. Both 4. Other 98. Not applicable 99. Not known
Economic status defendant	Economic activity status of defendant	1. Dependent employment

		<ul style="list-style-type: none"> <li>2. Self-employment (with no dependent employees)</li> <li>3. Employer (with dependent employees)</li> <li>4. Unemployed</li> <li>5. Student/apprentice</li> <li>6. Housekeeper</li> <li>7. Retired/disabled</li> <li>99. Not known</li> </ul>
Caregiver status	Determines whether the offender has any dependent children or other caretaking responsibilities (e.g., older person or person with disability)	<ul style="list-style-type: none"> <li>1. Yes, one or more dependent children under the age of 18</li> <li>2. Yes, one or more dependent adults over the age of 18.</li> <li>3. Yes, both dependent children and dependent adults.</li> <li>4. No dependent children or other caretaking responsibilities.</li> <li>98. Not applicable</li> <li>99. Not known</li> </ul>
Recidivist	Recidivist status of defendant	<ul style="list-style-type: none"> <li>1. Recidivist</li> <li>2. Non-recidivist</li> <li>98. Not applicable</li> <li>99. Not known</li> </ul>
Child	Types of special arrangements for children that are applied (e.g., the use of child-friendly language, the presence of a support person, the option to testify from a separate room, scheduling court proceedings around the child's school schedule and creating child friendly surroundings)	Determined nationally
Legal representation	Identifier of whether defendant was provided with access to legal representation, including free legal aid	<ul style="list-style-type: none"> <li>1. No</li> <li>2. Yes, paid lawyer</li> <li>3. Yes, free legal aid</li> <li>4. Yes, other</li> </ul>
Interpretation	Identifier of whether interpretation was requested and provided for defendant	<ul style="list-style-type: none"> <li>1. Not required</li> <li>2. Required but not provided</li> <li>3. Required and provided</li> </ul>
Pre-trial detention	Identifier of whether defendant is placed in pre-trial detention	<ul style="list-style-type: none"> <li>1. No</li> <li>2. Yes</li> </ul>

## Pre-trial detention and non-custodial measures

*Note:* If a request for pre-trial detention or non-custodial measures involves multiple subjects, details should be recorded for each of them.

### REQUEST DETAILS

Unit of analysis	Description	
Request	Individual request for pre-trial detention/non-custodial measures	
Variable	Description	Suggested (minimum) categories
Request ID	Unique identifier of request	Determined nationally
Case ID	Unique identifier of registered criminal case, if applicable (provides a link to prosecution and/or court data)	Determined nationally
Crime	Main offence for detention/non-custodial measure (by ICCS category)	ICCS categories (or national crime classification)
Reason request	Main reason for making the request	Determined nationally
Date submission	Date of request submittal	Date format: YYYY-MM-DD
Date registration	Date of request registration by court	Date format: YYYY-MM-DD
Date disposal	Date of issued court disposal	Date format: YYYY-MM-DD
Outcome	Identifier of whether request was approved or dismissed	1. Approval 2. Dismissal 3. Other
Final	Identifier of whether disposition is final	1. No 2. Yes
Prosecution office ID	Identifier of prosecutor's office submitting the request	Determined nationally
Court id	Identifier of court examining the request	Determined nationally

### MEASURE DETAILS

Unit of analysis	Description	
Measure	Pre-trial detention/non-custodial measures recorded for each individual offender	
Variable	Description	Suggested (minimum) categories
Measure ID	Unique identifier of measure	Determined nationally
Measure type	Type of measure applied (e.g., house arrest or electronic monitoring)	Determined nationally
Inform	Identifier of whether subject was informed on the reason of detention/alternative measure and their rights	1. No 2. Yes
Start date	Start date of measure for subject	Date format: YYYY-MM-DD

End date	End date of measure for subject	Date format: YYYY-MM-DD
Location	Location of pre-trial detention (if applicable)	Determined nationally
Warrant	Identifier of whether warrant was issued for measure	1. No Yes
Violation	Identifier of whether subject violated the terms of the measures imposed	1. No 2. Yes
Offender ID	Unique identifier of offender (provides a link to prosecution and/or court data)	Determined nationally
Sex offender	Sex of offender	1. Male 2. Female
Age offender	Age of offender	-
Ethnicity offender	Ethnicity of offender	Determined nationally
Citizenship offender	Citizenship of offender	1. National citizen 2. Foreign citizen 3. Stateless 99. Not known
Legal representation	Identifier of whether offender is provided with access to legal representation, including free legal aid	1. No 2. Yes, paid lawyer 3. Yes, free legal aid 4. Yes, other
Interpretation	Identifier of whether interpretation is required and provided	1. Not required 2. Required but not provided 3. Required and provided

<b>Seizure operations</b>		
<b>REQUEST DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Request	Individual request of issuance of a seizure disposition and the outcome	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Request ID	Unique identifier of request	Determined nationally
Case ID	Unique identifier of registered criminal case, if applicable (provides a link to prosecution and court data)	Determined nationally
Request type	Type of request (e.g., seizure, confiscation, freezing)	Determined nationally
Date submission	Date of request submittal	Date format: YYYY-MM-DD
Date registration	Date of request registration	Date format: YYYY-MM-DD
Date disposal	Date of issued court disposal	Date format: YYYY-MM-DD
Outcome	Indicator of whether request was approved or dismissed	1. Approval 2. Dismissal 3. Other
Final	Identifier of whether disposition is final	1. No 2. Yes
Agency ID	Identifier of agency which issued seizure request	Determined nationally
Court ID	Identifier of the court which examined seizure request	Determined nationally
<b>EVENT DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Event	Individual seizure operations involving the prosecution service and the courts	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Seizure ID	Unique identifier of seizure operation	Determined nationally
Date and time	Date and time of seizure operation	Date format: YYYY-MM-DD Time format: hh:mm
Admin area	Administrative area of the country (level 1, 2, etc.) where seizure operation was conducted	Determined nationally



	<i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	
Location	Location of seizure operation (e.g., address or GPS coordinates)	Determined nationally
Type	Type of property seized  <i>Note:</i> Since multiple seizures are possible in a single event, each category should be recorded separately.	<ol style="list-style-type: none"> <li>1. Stolen property</li> <li>2. Controlled drugs or other psychoactive substances</li> <li>3. Firearms</li> <li>4. Weapons</li> <li>5. Other physical assets</li> <li>6. Financial assets</li> <li>7. Other</li> </ol>
Subtype	More detailed description of the type of seized property	Determined nationally
Quantity	Amount (count and/or weight) of property seized  <i>Notes:</i> <ol style="list-style-type: none"> <li>1. Recording the count of items seized is useful when, for example, analysing the number of seized firearms.</li> <li>2. Recording the weight of items seized is useful when, for example, analysing the amount of drugs seized in kilograms</li> <li>3. Record amount for each type of property seized</li> </ol>	-
Value estimated	Estimated monetary value of seized property  <i>Note:</i> To promote international comparability, it is recommended to capture the value of the property both in the national currency and United States dollars.	National currency and United States dollars
Value realized	Value realized after sale of seized property (if applicable)  <i>Note:</i> To promote international comparability, it is recommended to capture the value of the property both in the national currency and United States dollars.	National currency and United States dollars
Origin	Origin of seized property (if applicable)	Country format: ISO 3166 Alpha-2 code
Destination	Destination of seized property (if applicable)	Country format: ISO 3166 Alpha-2 code

Warrant	Identifier of whether warrant was used for seizure/confiscation operation	1. No 2. Yes
OC tag	Identifier of whether an organized criminal group was involved	1. No 2. Yes
Arrest tag	Identifier of whether arrests were made during seizure/confiscation operation	1. No 2. Yes
Force tag	Identifier of whether force was applied during seizure/confiscation operation	1. No 2. Yes

## A.3 Other activities

<b>Extradition and mutual legal assistance</b>		
<i>Note:</i> Given the sensitive nature of extradition and mutual legal assistance data it is recommended to only publish aggregate level data.		
<b>REQUEST DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Request	Individual extradition/mutual legal assistance requests handled by the prosecutor's office/court	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Request ID	Unique identifier of request	Determined nationally
Status	Request status (e.g., received, submitted, under examination, closed)	Determined nationally
Country	Requesting/receiving country	Country format: ISO 3166 Alpha-2 code
Direction	Identifier of whether the request is incoming or outgoing	1. Incoming 2. Outgoing
Request type	International assistance requested by type	1. Extradition 2. Mutual legal assistance 3. Other
Crime type	Crime type by ICCS category (or national crime classification)	ICCS categories (or national crime classification)
Office	Identifier of prosecutor's office or court processing the request	Determined nationally
Date request	Date of request submission/registration	Date format: YYYY-MM-DD
Date decision	Date of decision	Date format: YYYY-MM-DD
Outcome	Outcome of request examination	1. Granted 2. Refused 3. Other
Surrendered/ received	Number of persons surrendered or received as a result of the request (if applicable)	-

<b>Outreach</b>		
<b>ACTIVITY DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Activity	Individual community outreach/engagement activity organized by prosecutor's office or court	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Office ID	Identifier of prosecutor's office/court organizing activity	Determined nationally
Activity ID	Unique identifier of community outreach/engagement activity	Determined nationally
Staff members involved	Number of personnel involved in activity/event	-
Start date and time	Date and time of start of community outreach/engagement activity	Date format: YYYY-MM-DD Time format: hh:mm
End date and time	Date and time of end of community outreach/engagement activity	Date format: YYYY-MM-DD Time format: hh:mm
Admin area	Administrative area of the country (level 1, 2, etc.) where community outreach/engagement activity was held  <i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	Determined nationally
Location	Location of community outreach/engagement activity (e.g., address or GPS coordinates)  <i>Note:</i> When recording GPS coordinates, latitude and the longitude data should be recorded separately.	Determined nationally
Type	Community outreach/engagement activity by type	1. Educational activities 2. Open day 3. Community consultation 4. Other
Participants	Number of participants	-

## A.4 Conduct

<b>Professional conduct</b> (Core dimension)		
<i>Note:</i> If the misconduct event includes multiple staff members and/or complainants, details should be collected for each of them.		
EVENT DETAILS		
Unit of analysis	Description	
Event	Individual reported misconduct event	
Variable	Description	Suggested (minimum) categories
Event ID	Unique identifier of misconduct event	Determined nationally
Type	Main type of misconduct involved in event	1. Abuse of authority 2. Corruption 3. Fraud 4. Unlawful use of force 5. Neglect of duty 6. Sexual misconduct 7. Torture 8. Other
Date and time	Date and time of misconduct event	Date format: YYYY-MM-DD Time format: hh:mm
Admin area	Administrative area of the country (level 1, 2, etc.) where misconduct event took place  <i>Note:</i> When two or more levels of detail are available, each data point should be recorded separately.	Determined nationally
In_ext	Identifier of whether complaint is filed internally, by the public or by another entity	1. Internal 2. Public 3. Other entity
Investigator	Entity investigating the misconduct event	Determined nationally
Status	Investigation status	1. Ongoing 2. Completed
Outcome	Outcome of investigation	1. Substantiated 2. Unsubstantiated 3. Withdrawn
Consequence	Consequences for involved staff member	1. None 2. Disciplinary action 3. Legal action 4. Other

<b>COMPLAINANT DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Complainant	Individual complainant(s) within a single misconduct event	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Event ID	Unique identifier of misconduct event	Determined nationally
Sex complainant	Sex of complainant	1. Male 2. Female
Age complainant	Age of complainant	-
Ethnicity complainant	Ethnicity of complainant	Determined nationally
<b>STAFF MEMBER DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Complainant	Individual staff member(s) within a single misconduct event	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Event ID	Unique identifier of misconduct event	Determined nationally
Staff ID	Unique identifier of staff member	Determined nationally
Sex	Sex of staff member involved in misconduct event	1. Male 2. Female
Age	Age of staff member involved in misconduct event	-
Ethnicity	Ethnicity of staff member involved in misconduct event	Determined nationally
Experience	Years of experience of staff member involved in misconduct event	-
Rank	Rank of staff member involved in misconduct event	Determined nationally
Office	Identifier of prosecutor's office or court of staff member in question	Determined nationally

<b>Disqualification/recusal</b>		
<b>REQUEST DETAILS</b>		
<b>Unit of analysis</b>	<b>Description</b>	
Request	Individual reports of disqualification/recusal of a prosecutor or judge, examined by a prosecutor's office or court	
<b>Variable</b>	<b>Description</b>	<b>Suggested (minimum) categories</b>
Request ID	Unique identifier for disqualification/recusal request	Determined nationally
Case ID	Unique identifier of registered criminal case  <i>Note: Recording the case ID provides a link to prosecution and court data</i>	Determined nationally
Staff ID	Unique identifier of staff member	Determined nationally
Office	Unique identifier of prosecutor's office or court	Determined nationally
Crime type	Principal offence type by ICCS category (or national crime classification)	ICCS categories (or national crime classification)
Type	Disqualification/recusal type	Determined nationally
Requestor	Identifier for requestor of motion to disqualify/recuse	1. Judge 2. Prosecution 3. Defence 4. Other
Request status	Examination status (e.g., registered, under examination, closed)	Determined nationally
Registration date	Date and time of registering disqualification/recusal request	Date format: YYYY-MM-DD
Decision date	Date of issued decision on disqualification/recusal request	Date format: YYYY-MM-DD
Outcome	Approval/dismissal of the disqualification/recusal request	1. Request granted 2. Request refused
Reason	Reason of the of the disqualification/recusal decision (e.g., conflict of interest, lack of impartiality)	Determined nationally
Publication	Identifier of whether recusal/disqualification disposition is publicly available	1. No 2. Yes



**UNODC**

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