

**Report of the  
Expert Group on Crime Statistics**

**April 2017**

## Foreword

Following the publication of the Garda Síochána Inspectorate report on Crime Investigation in November 2014, I met with the Director General of the Central Statistics Office (CSO) to discuss the issues raised in that report. One of the actions flowing from that discussion was the establishment of the Expert Group on Crime Statistics, which was set up to consider six specific recommendations made by the Garda Inspectorate in their report.

I welcome this Report of the Expert Group on Crime Statistics which sets out the considerations of the Group and the conclusions that the Group has reached.

I want to thank the members of the Expert Group for their clear analysis and conclusions which I believe will provide an important reference for the ongoing work to ensure the quality of our crime statistics.

A handwritten signature in blue ink that reads "Frances". The signature is written in a cursive style with a long horizontal stroke at the end.

Frances Fitzgerald TD

Tánaiste and Minister for Justice and Equality

April 2017

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## Executive Summary

### Conclusions

The following are the main conclusions of the Expert Group on Crime Statistics.

#### **Recommendation 4.5: Mandatory fields**

- The set of data fields required for compiling official statistics should be set out formally by the CSO, and should be reviewed periodically.
- Data collected by An Garda Síochána in new mandatory data fields relating to victims and modus operandi (motive) must be of sufficient quality for them to be disseminated and an assessment of the quality of these data should be made.
- Making other data fields mandatory is not recommended at present. However the Expert Group is of the view that as much information as is available to Gardaí should be recorded on PULSE in all circumstances.

#### **Recommendation 4.16: CSO Receipt of all PULSE records**

- An Garda Síochána should provide information relating to future changes to data structure on PULSE to the CSO in a timely manner. The CSO should in turn review the effect of such changes, if any, on official crime statistics.

#### **Recommendation 5.4: Development of new crime counting rules**

- The existing counting rules principles are, in themselves, fit for purpose. Official statistics should continue to be based on existing counting rules principles.
- A clear need exists for a more comprehensive document outlining recording, counting, invalidation, classification and reclassification rules. This document should be available to the general public.
- The Expert Group recommends that the CSO work with An Garda Síochána on developing an updated version of the publicly available Crime Counting Rules document. The development of this document should be overseen by the Liaison Group between An Garda Síochána and the CSO.
- As well as covering the recording, counting, invalidation, classification and reclassification of crime incidents, the document should also describe the Irish Crime Classification System and how Garda recorded crime incidents translate to the classification. Additional clarification is needed in terms of illustrating how certain rules are to be applied to specific offences.

#### **Recommendation 5.9: Designation of a baseline year for Crime Statistics**

- This recommendation, based on a proposed baseline year of 2015, was not accepted by the Group. Designating a baseline year could create a mistaken impression that the issues raised by the Inspectorate are no longer present in PULSE data.
- The CSO will continue to assess the quality of crime statistics. If there is a discontinuity in crime data, the CSO will flag it as such, as is its normal practice.

#### **Recommendation 8.24: Development of on-line crime mapping information**

- Mapping crime data is technically feasible but care needs to be taken with regard to confidentiality. The Group considers that this work should continue to be pursued, bearing in mind this concern.
- Development work by the Department of Justice to examine the feasibility of producing official crime maps based on CSO crime statistics should be taken forward in consultation with the CSO and An Garda Síochána.

#### **Recommendation 11.1: Development of new Crime Counting rules for detections**

- The current principles governing detection rules do not need to be changed.
- However, while these rules are by themselves fit for purpose, there is evidence that rules are not always applied correctly, based on the findings of both the CSO Quality Report and the Garda Inspectorate Report. The CSO will continue to publish assessments of the quality of PULSE data in order to monitor this.
- An enhanced and publicly available document explaining the detection principles and their application should be produced. The Group recommends that this document should be prepared and agreed in conjunction with that proposed earlier for Crime Counting Rules as a single document.

#### **Overall conclusions**

- The Expert Group acknowledges improvements in the quality of PULSE data since the Inspectorate Report but notes the need for even greater adherence to procedural rules in order to guarantee quality data. The Group recommends that data quality and the correct application of crime counting and detection rules be subject to ongoing review and audit.
- The Group recommends that the CSO continue its assessments of data quality in order to ensure robust crime statistics which users can have confidence in. The Group reaffirms the importance of enhancing data recording procedures including linkage between incident response and crime incident recording systems.
- The Group recommends that An Garda Síochána, CSO and Department of Justice, as appropriate, engage in international processes promoted by the European Union, Council of Europe and United Nations aimed at ensuring best practice and, where possible, supporting international consistency in relation to crime data and statistics.

## Introduction

### Background

In November 2014 the Minister for Justice and Equality Frances Fitzgerald TD published the Garda Inspectorate report on Crime Investigation<sup>1</sup>. The Inspectorate report was the result of a detailed two-year examination of crime investigation in An Garda Síochána.

The Inspectorate examined the policies, practices and procedures used in the prevention and investigation of crime. The report raised a number of serious concerns in relation to the recording of crime incidents and, as a consequence, to the accuracy of crime statistics derived from administrative data on PULSE, An Garda Síochána's incident recording system.

On publication of the Inspectorate's report, the Minister also confirmed that the Central Statistics Office (CSO) would set up and chair an Expert Group on Crime Statistics to examine the Inspectorate recommendations which related directly to the compilation of crime statistics.

The Minister stated: *“The expert panel will review the crime counting and detection rules, as recommended by the Inspectorate, with a view to introducing new national standards. As well as including representatives of my Department and An Garda Síochána, the panel will have outside experts with relevant expertise.”*

### Terms of Reference

A number of the recommendations contained in the Inspectorate's report had explicitly specified a role for the CSO or were of direct relevance to the compilation of periodic crime statistics. These recommendations were set out at the formation of the Expert Group. It was agreed that the scope of the Expert Group was limited to these recommendations.

There were six recommendations in the Inspectorate's report which specified a role for the CSO. The Expert Group considered each in detail.

#### **Recommendation 4.5: Mandatory fields**

*“The Inspectorate recommends that the Garda Síochána increases the number of mandatory fields on PULSE, (nationality, GPS etc.), to ensure more information is obtained to provide greater accuracy in PULSE incident recording.”*

#### **Recommendation 4.16: CSO Receipt of all PULSE records**

*“The Inspectorate recommends that the Central Statistics Office should receive all PULSE record incident data including non-crime categories to facilitate analysis and reporting of crime statistics.”*

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<sup>1</sup> <http://www.gsinsp.ie/en/GSINSP/Crime%20Investigation%20-%20Full%20Report.pdf/Files/Crime%20Investigation%20-%20Full%20Report.pdf>

#### **Recommendation 5.4: Development of new crime counting rules**

*“The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules.”*

#### **Recommendation 5.9: Designation of a baseline year for Crime Statistics**

*“The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the designation of a baseline year for crime recording.”*

#### **Recommendation 8.24: Development of on-line crime mapping information**

*“The Inspectorate recommends that the Garda Síochána initiates a process with public service information bodies, including the Central Statistics Office, to develop on-line crime mapping information.”*

#### **Recommendation 11.1: Development of new Crime Counting rules for detections**

*“The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules for detections.”*

### **Developments since the formation of the Expert Group**

During the course of the Group's meetings, a number of new measures were implemented on the PULSE database with the objective of improving data quality and these were outlined to the Group by An Garda Síochána. The Group was advised that PULSE 6.8 was released in November 2015. Among the enhancements outlined as part of this release was the introduction of a Victim Assessment screen which included the mandatory recording of data relating to the apparent motive for a crime incident, such as whether it has been motivated by domestic violence or by specific types of discrimination including by age, disability, race, religion, gender or sexual orientation.

A Liaison Group has been set up between the Central Statistics Office and An Garda Síochána as a formal, high-level mechanism for consultation and communication between both organisations that will facilitate co-operation and ensure that both organisations can fulfil their respective statutory obligations for the production of crime statistics as set out in the Garda Síochána Act, 2005 and in accordance with the procedures and requirements of the Statistics Act, 1993. The Liaison Group will, *inter alia*, oversee the implementation of the recommendations of the Expert Group.

A revised Memorandum of Understanding between the CSO and An Garda Síochána has been signed in 2017<sup>2</sup>. This is designed to reflect the recent provision of non-crime data to the CSO and ensure the continued co-operation between both bodies.

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<sup>2</sup> <http://www.cso.ie/en/aboutus/descriptionsandfunctions/memorandumsofunderstanding/>

## Section 1. Recommendation 4.5: Mandatory Fields

The Inspectorate recommended that the mandatory fields on PULSE, that are required for greater accuracy in statistics, should be determined.

### Discussion

A limited number of the data fields relating to a crime incident recorded on PULSE are described as mandatory fields. Mandatory data fields must be populated when the incident is created or at certain stages in the management of the incident. Mandatory data fields include the date and location where the crime incident took place, the local Garda station and the type of incident.

The Expert Group was advised by An Garda Síochána that the set of mandatory fields are the key 'core variables' associated with a crime incident. Prior to the introduction of PULSE An Garda Síochána researched what data fields should be made mandatory in line with international best practice - the case of Australia's incident recording system was referenced – and additional data fields have, over time, been made mandatory in line with experience and with operational needs. An up-to-date list of mandatory data fields on PULSE was made available to the Group by An Garda Síochána.

The Group was advised by the CSO that at present all crime incident records recorded on the PULSE system contain sufficient detail to allow the classification of crime incidents into the Irish Crime Classification System (ICCS) and to allow the disaggregation of crime statistics by date reported (e.g. by Quarter or Annual) and by location (e.g. by Garda regions, divisions and stations). Official crime statistics published by the CSO reflect this. In addition the CSO circulated to the Group a document setting out PULSE data fields which are currently used to produce official crime statistics.

The Inspectorate report had recommended that An Garda Síochána increase the number of mandatory fields and had suggested nationality and GPS coordinates as examples of possible additional mandatory fields. Other data fields of potential statistical value were also put forward by the Expert Group as a basis for discussion.

Further examples of suggested data fields included:

- Data fields relating to characteristics of persons (e.g. victims and offenders) such as home circumstances, occupation and employment status.
- Data fields relating to stolen or recovered objects and vehicles such as object make, value, or flags to indicate antique and registration status.
- Data fields relating to the relationships between victims and offenders and data fields pertaining to incidents of domestic or gender-based violence.

The key question for the Group to consider was whether the collection of suggested data fields or any other data fields should be made mandatory for all crime incidents when recording data on PULSE. The Group discussed, on one hand, the statistical value of such additional data fields and, on the other hand, the legal, administrative and technical implications involved in making the collection of such data fields mandatory for all crime incidents.

The Inspectorate had specified nationality and GPS coordinates as examples of possible additional mandatory fields. The Group was advised by An Garda Síochána that, in the case of GPS coordinates, it is now mandatory to record GPS coordinates using standard Garda devices for all crime incidents where an investigating member has recorded on PULSE his/her attendance at a crime



scene. Coordinates may also be recorded for crime incidents where a Garda member has not attended the scene, but they are estimated at the data entry stage using an online mapping function. It is acknowledged that, as a result, the accuracy of coordinates may not be as high for crime incidents where a Garda has not visited the crime scene. It was the view of the Group that this practice now addresses the recommendation of the Inspectorate.

Concerning nationality, in practice members of An Garda Síochána are entitled to request information from victims, witnesses or suspects, but the provision of information is voluntary other than in certain circumstances. For example, Section 6 of the Criminal Justice Act 1984 stipulates that a Garda member may demand the name and address of a person detained pursuant to Section 4 of the Act. A demand to confirm a person's nationality can only be made in certain circumstances as outlined in legislation e.g. Immigration Act 2004, Section 11 (as amended in the Civil Law (Miscellaneous Provisions) Act 2011, Section 34). Accordingly it is not possible to make this field mandatory as members of An Garda Síochána do not have the statutory powers to make a demand for such information in every circumstance.

Similarly there are many other scenarios where the capability or right of a Garda member to collect the personal data of a victim or offender accurately and reliably would be constrained and it would be inappropriate to try to make collection of such data mandatory. This is particularly the case for socio-economic data indicators such as home circumstances, occupation or employment status but also the case for data relating to stolen or recovered items. The Group noted that in other jurisdictions (such as Sweden) certain demographic information concerning victims of crime is recorded. The Group considered that An Garda Síochána's view that such information could not be demanded meant that it was not possible to make such fields mandatory.

At present these supplementary data fields are collected and recorded where possible but without obligation. Though a precise estimate of the resources involved was not possible, it was considered that making the collection and recording of such data compulsory for all crime incidents is not recommended.

During the course of the Group's meetings, a number of new measures were implemented on the PULSE database with the objective of improving data quality and these were outlined to the Group by An Garda Síochána. The Group was advised that PULSE 6.8 was released in November 2015. Among the enhancements outlined as part of this release was the introduction of a Victim Assessment screen which included the mandatory recording of data relating to the apparent motive for a crime incident, such as whether it has been motivated by domestic violence or by specific types of discrimination including by age, disability, race, religion, gender or sexual orientation.

The Group was informed of new requirements to provide the European Commission with data on victims and on domestic and gender-based violence which have been established in both the EU Victims' Rights Directive and the Istanbul Convention. As such the Group welcomed the new mandatory data collection outlined by An Garda Síochána while noting the need for data in new mandatory data fields to be collected with sufficient quality to permit dissemination.

## **Conclusions**

The Expert Group made the following conclusions:

- The set of data fields required for compiling official statistics should be set out formally by the CSO, and should be reviewed periodically.

- Data collected by An Garda Síochána in new mandatory data fields relating to victims and modus operandi (motive) must be of sufficient quality for them to be disseminated and an assessment of the quality of these data should be made.
- Making other data fields mandatory is not recommended at present. However the Expert Group is of the view that as much information as is available to Gardaí should be recorded on PULSE in all circumstances.

## **Section 2. Recommendation 4.16: CSO Receipt of all PULSE records**

The Inspectorate recommended that the CSO receive all PULSE record incident data.

### **Discussion**

Prior to the publication of the Inspectorate Report, the CSO received all crime incident data on PULSE from An Garda Síochána at regular intervals, and these data were used to compile official crime statistics.

Following the concerns regarding data quality expressed in the Inspectorate Report, An Garda Síochána agreed to grant the CSO access to additional non-crime incident data on PULSE for the purposes of assessing the quality of crime statistics derived from PULSE data. As such, the CSO is currently in receipt of all crime incident data as well as certain non-crime incident data. These non-crime categories are Attention and Complaints, Property Lost and Domestic Dispute.

A revised Memorandum of Understanding between the CSO and An Garda Síochána to guarantee CSO access to both crime and non-crime data has been signed.

As outlined in the discussion of Recommendation 4.5, the release of PULSE 6.8 in November 2015 has resulted in more comprehensive modus operandi data relating to crime motives being captured by An Garda Síochána and these have been made available to the CSO. Data relating to the relationship between victims and offenders have also, where recorded, been made available to the CSO.

An Garda Síochána have issued the CSO with technical documentation setting out changes to recorded incident data fields as a result of recent PULSE updates. The Expert Group discussed changes to data structure arising out of future PULSE updates and the effect this could have on official statistics. It was agreed that, in the future, An Garda Síochána should routinely provide such documentation to the CSO who will review the effect, if any, on official crime statistics. The Group considers this to be an essential change to ensure the quality of official crime statistics.

An Garda Síochána also informed the Group of proposed changes to call handling and incident management procedures which will facilitate more accurate capture of PULSE incident data and enhance the quality checking process. Once implemented, it is envisaged that these datasets should be made available to the CSO. The Group welcomed these developments.

### **Conclusions**

The Expert Group made the following conclusions:

- An Garda Síochána should provide information relating to future changes to data structure on PULSE to the CSO in a timely manner. The CSO should in turn review the effect of such changes, if any, on official crime statistics.

## Section 3. Recommendation 5.4: Development of new Crime Counting Rules

The Inspectorate recommended the development of new Crime Counting Rules.

### Discussion

The Inspectorate's report concluded that the existing Crime Counting Rules did not include sufficient provision for certain appropriate actions – for example the reclassification of crime incidents from one incident type to another – and as such suggested that the Crime Counting Rules needed to be “refreshed”. In its recommendation the Inspectorate recommended that a process be initiated towards the development of new Crime Counting Rules.

Clear guidance in how crime incidents should be initially recorded, counted and classified (and potentially subsequently invalidated or reclassified) is essential in order to ensure consistency and reliability in official crime statistics. This will also increase public confidence in published crime statistics.

The document which explains the current Crime Counting Rules is included as Appendix I of this report. The document is organised into four distinct rule sets, governing:

- recording of criminal offences and appropriate invalidation of records
- general counting rules
- reclassification of incidents
- recording incidents as ‘detected’

Key features of the crime counting rules which are applied to PULSE records to produce official crime statistics include:

- Offences reported to or which become known to members of An Garda Síochána are recorded when, on the balance of probability, a Garda determines that a criminal offence defined by law has taken place, and there is no credible evidence to the contrary.
- Primary Offence Rule: Where two or more criminal offences are disclosed in a single episode, it is the primary criminal offence that is counted. The primary offence is that offence which the greater penalty may apply. Where offences have similar penalties, offences against the person take precedence over offences against property for the purpose of determining the primary offence.
- One Offence Counts Per Victim: One offence counts per victim involved with the exceptions of cheque/credit card fraud and burglary. Under certain circumstances, the cheque/credit card exception necessitates that a series of these offences counts as one crime where the originating bank ultimately suffers the loss. The burglary exception dictates that one burglary offence is counted where property belonging to two or more victims is stolen (or damaged) during a single burglary.
- Continuous Series Involving the Same Victim and Same Offender: A continuous series of offences against the same victim involving the same offender counts as one offence.

The Expert Group considered two related questions about crime counting rules

- Are the principles governing the current set of Crime Counting Rules fit for purpose?

- Are the current Crime Counting Rules satisfactorily set out in a document which adequately explains how the rules are implemented and thus how official statistics are to be interpreted?

There was agreement amongst the Group that the principles governing recording, classification, invalidation, reclassification and counting of crime incidents are satisfactory in their current form. There is no established or harmonised European or international standard for recording and classifying crime at present. Indeed the Irish Crime Classification System (ICCS) model used by the CSO to disseminate crime statistics compares well with the proposed International Classification of Crime for Statistical Purposes, which is being promoted by the United Nations Office on Drugs and Crime, working with Eurostat and other international partners<sup>3</sup>.

However, the Expert Group noted the lack of detail in the current Crime Counting Rules document. There was agreement within the Group that what is needed is a more comprehensive explanation of the current crime counting principles – a publicly available document which explains clearly the rules governing recording, counting, invalidation, classification and reclassification of incidents. The issue of crime counting rules relating to detections was addressed separately by the Inspectorate and is thus addressed separately later in this Report.

An Garda Síochána explained that a comprehensive document outlining the procedure for recording crime incidents is currently in existence but that this document is, in its current format, a user manual for guiding and training staff members at GISC and not suitable for public dissemination.

The Group discussed the possibility of An Garda Síochána making use of existing internal documentation in order to help to produce publicly available documentation so as to ensure that the rules which govern classification, reclassification and invalidation are understood. This is particularly necessary for incident types which may be prone to misclassification. A role for the CSO in assisting in the development of these documents was also discussed.

The Group recommended that for certain counting rules in certain scenarios, for example the ‘one offence counts per victim’ in relation to sexual offences and fraud offences, examples be given in order to unambiguously explain the correct implementation of the rule.

An Garda Síochána and the CSO have set up a Liaison Group as a mechanism for discussing matters relating to crime data. In general the Group agreed that the Liaison Group would be an appropriate mechanism for overseeing the formulation of a new Crime Counting Rules document.

The possibility of external researchers studying alternative counting methods was discussed, and the possibility of such researchers carrying out work as officers of statistics was considered. The Group noted the availability of crime microdata to researchers, using existing mechanisms, if a need was established to explore alternative crime counting methods in the future.

## Conclusions

The Expert Group made the following conclusions:

- The existing counting rules principles are, in themselves, fit for purpose. Official statistics should continue to be based on existing counting rules principles.

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<sup>3</sup> <https://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>

- A clear need exists for a more comprehensive document outlining recording, counting, invalidation, classification and reclassification rules. This document should be available to the general public.
- The Expert Group recommends that the CSO work with An Garda Síochána on developing an updated version of the publicly available Crime Counting Rules document. The development of this document should be overseen by the Liaison Group between An Garda Síochána and the CSO.
- As well as covering the recording, counting, invalidation, classification and reclassification of crime incidents, the document should also describe the Irish Crime Classification System and how Garda recorded crime incidents translate to the classification. Additional clarification is needed in terms of illustrating how certain rules are to be applied to specific offences.

## **Section 4. Recommendation 5.9: Designation of a baseline year for Crime Statistics**

The Inspectorate's report specified the introduction of a baseline year as a short term objective, and proposed that 2015 could be used as a baseline year for crime statistics.

### **Discussion**

The Inspectorate's report highlighted serious and wide-ranging concerns about recording and classifying crimes, and it was recognised by the Group that there will be a lead time for An Garda Síochána to implement the technical, administrative and other measures required to bring about a significant change in data quality. This has commenced with the release of PULSE 6.8 in November 2015 and will continue into the next release of PULSE 7.3 currently under development which will have a primary focus on data quality.

The Inspectorate's report was published on the 11th November 2014, which meant that very limited time was available to An Garda Síochána for implementation of the quality improvements necessary to designate a baseline year of 2015, as had been proposed in the Inspectorate's report.

The view of the Expert Group was that the designation of a baseline year would imply that the baseline year would be considered as the first year of a new crime statistics time-series, and also that sufficient consistency and stability existed in crime recording procedures. The potential inference would then be that data quality issues identified in the Inspectorate's report and elsewhere had been eradicated and were no longer present in PULSE data, and that subsequent years' data would be directly comparable with the designated baseline year. It was suggested within the Group that there has not been a discontinuity such as this but rather a series of gradual incremental improvements in crime data.

In 2015 and 2016 the CSO published results of detailed examinations of some of the data quality issues highlighted in the Inspectorate's report. Further iterations of this study will help to assess whether procedural or other changes introduced by An Garda Síochána have a positive effect on consistency when recording and classifying crime. If there is a discontinuity in crime data, the CSO will flag it as such, as is its normal practice.

### **Conclusions**

- This recommendation, based on a proposed baseline year of 2015, was not accepted by the Group. Designating a baseline year could create a mistaken impression that the issues raised by the Inspectorate are no longer present in PULSE data.
- The CSO will continue to assess the quality of crime statistics. If there is a discontinuity in crime data, the CSO will flag it as such, as is its normal practice.

## **Section 5. Recommendation 8.24: Development of on-line crime mapping information**

The Inspectorate recommended that on-line crime mapping information be developed by An Garda Síochána in conjunction with the CSO.

### **Discussion**

As part of the work of the Expert Group, the CSO carried out a mapping exercise during the summer of 2015. The goal of the project was to investigate the feasibility of utilising the PULSE crime data normally received by the CSO to create crime maps.

Crime incidents from Dublin South Central Garda Division between 2003 and 2015 were selected for the study, and examined with a view to formulating a method for plotting the data and exploring possible methods of map presentation. Crimes were geocoded according to location and various street-level and other maps were produced for the Dublin South Central Garda Division.

The Expert Group expressed positive sentiments about the technical achievement but raised some concerns about ensuring that publicly available maps not identify individuals. This was believed to be a particularly high risk in an Irish context, and especially (although not exclusively) for rural areas. The CSO emphasised that any sub-station crime mapping project for public dissemination would be a long-term exercise requiring due consideration of technical and confidentiality issues.

Another possible mapping solution would involve the creation of station, division and region recorded crime maps. These maps would effectively reproduce existing measures of recorded crime statistics, but would present them in a more visual and accessible format. This would be feasible in the medium term and would avoid the confidentiality issues raised with sub-station mapping.

The Expert Group noted that the Department of Justice and Equality is also involved in development work which might support the production of crime maps as recommended by the Inspectorate.

### **Conclusions:**

- Mapping crime data is technically feasible but care needs to be taken with regard to confidentiality. The Group considers that this work should continue to be pursued, bearing in mind this concern.
- Development work by the Department of Justice to examine the feasibility of producing official crime maps based on CSO crime statistics should be taken forward in consultation with the CSO and An Garda Síochána.



## **Section 6. Recommendation 11.1: Development of new Crime Counting Rules for Detections**

The Garda Inspectorate raised concerns both in relation to the current principles governing detection status and the application of these principles.

### **Discussion**

In analysing this recommendation the Expert Group first considered the principles surrounding the recording of crimes as detected.

A crime is considered detected by An Garda Síochána when at least one suspected offender has been identified for the crime. Following detection, there are a number of different outcomes or disposals which can be applied to the suspected offender. These include criminal prosecution, referral to the Juvenile Diversion Programme, Adult Caution, Fixed Charge Notice and others.

Some of the reasons for crimes being considered as detected but for which no criminal proceedings will result are specified in the existing Crime Counting Rules document. However there is clearly a gap between the outcomes documented and the full set of outcomes in practice. The Crime Counting Rules do not explicitly mention Adult Cautions or Fixed Charge Notices (neither of which were in existence when the existing document was first drawn up) which are valid disposals for certain offences, and indeed the Group was informed that the current preference in terms of policy appears to be to facilitate alternatives to prosecution where appropriate.

The Group noted the detection principles applied in other jurisdictions where in some cases only prosecutions or other so-called “sanctioned detections”, which may or may not include disposals such as Adult Cautions, are used when publishing statistics of crime detection rates. There is however no clear international standard.

The Group agreed that the principles applied in Ireland were reasonable and acceptable. The Group again noted the need for adequate publicly available documentation which explains the recording and classification of detections, including for example explanations of the precise meanings of detection and relevant proceedings and to clarify to which offences different clear-up mechanisms may be applied.

Next, the group considered how these principles could be applied to crime incident records on PULSE.

The source of detection statistics is PULSE data. A crime is marked as Detected when a suspected offender has been identified and the date upon which the crime was solved is recorded. A crime being marked as Detected is not to be confused with an offender being formally charged or summonsed, which results in the crime being marked Resulted in Proceedings. There are a number of valid reasons why crimes would be marked as detected yet no formal criminal proceedings would follow approval of offender for the Juvenile Diversion programme, the DPP does not decide to prosecute on certain grounds, etc.). Clearly the set of crimes recorded as Resulted in Proceedings should be a subset of those recorded as Detected. Convictions and other court outcomes are recorded separately to the classification of detection status.

The Inspectorate’s report highlighted the possibility of detections being recorded at too early a stage of an investigation, thus reducing the pressure to complete a case fully. The Inspectorate also

highlighted that reviews of detection status were not being conducted in cases where a conviction was not secured, as is stipulated in the counting rules.

The Group discussed the need for clear explanation of the detection rules as well as the outcomes available for dealing with particular crimes (e.g. Fixed Charge Notices, adult cautions). The Group agreed that such documentation on detections should be incorporated in the enhanced publicly available Crime Counting Rules document and should receive proper emphasis, and would help in creating a more transparent and accountable system.

The Group discussed how alternative definitions of detection could be implemented in official crime statistics. The CSO outlined that official crime statistics in Ireland include not only the numbers of recorded crimes which are recorded as detected, but also a breakdown of the numbers of recorded crimes with relevant proceedings, which proceedings have commenced and a summary of court outcomes by crime type. The CSO noted that these statistics could form the basis of a supplementary measure of progress in some cases.

The 'overall detection rate' was also discussed. Different crime categories can have widely varying detection rates. Drug offence detection rates, for example, are usually close to 100% since the offence is the direct result of the detection. Detection rates for burglaries and thefts are often considerably lower. It is therefore difficult to draw any solid conclusions from an overall crime detection rate without considering the detection rates for different crime types separately and on their own merits.

## **Conclusions**

The Expert Group made the following conclusions:

- The current principles governing detection rules do not need to be changed.
- However, while these rules are by themselves fit for purpose, there is evidence that rules are not always applied correctly, based on the findings of both the CSO Quality Report and the Garda Inspectorate Report. The CSO will continue to publish assessments of the quality of PULSE data in order to monitor this.
- An enhanced and publicly available document explaining the detection principles and their application should be produced. The Group recommends that this document should be prepared and agreed in conjunction with that proposed earlier for Crime Counting Rules as a single document.

## Overall conclusions

### Discussion

The Group noted that the framework for crime statistics was previously reviewed in 2004.

The Expert Group also acknowledged that the context for its work was concern expressed by the Garda Inspectorate concerning the application of the crime counting and detection rules. The Group's Terms of Reference did not involve it conducting an audit of the application of those rules. Two reports outlining assessments on the quality of PULSE data and the effect on crime statistics have, to date, been published by the CSO.

### Conclusions

- The Expert Group acknowledges improvements in the quality of PULSE data since the Inspectorate Report but notes the need for even greater adherence to procedural rules in order to guarantee quality data. The Group recommends that data quality and the correct application of crime counting and detection rules be subject to ongoing review and audit.
- The Group recommends that the CSO continue its assessments of data quality in order to ensure robust crime statistics which users can have confidence in. The Group reaffirms the importance of enhancing data recording procedures including linkage between incident response and crime incident recording systems.
- The Group recommends that An Garda Síochána, CSO and Department of Justice, as appropriate, engage in international processes promoted by the European Union, Council of Europe and United Nations aimed at ensuring best practice and, where possible, supporting international consistency in relation to crime data and statistics.

## **Annex 1: General Crime Counting Rules**

### **A. Recording Criminal Offences**

#### A.1

A criminal offence is recorded when there is a reasonable probability that a criminal offence took place and there is no credible evidence to the contrary. The test is that of a reasonable probability - whether it is more likely than not that a criminal offence took place.

#### A.2

A criminal offence is recorded by recording an appropriate PULSE Crime Incident subject to the rules below.

#### A.3

If the criteria to record are satisfied (reasonable probability and no credible evidence to the contrary) and the victim does not want the matter taken any further, a criminal offence should be recorded.

#### A.4

The following rule applies to criminal offences where victim confirmation is required to complete the offence e.g. assault and fraud. Where the alleged victim (or a person reasonably assumed to be acting on his/her behalf), declines to confirm that a criminal offence took place, or cannot be traced, a criminal offence should not be recorded unless there is evidence to suggest that there is a reasonable probability that the criminal offence took place.

#### A.5

If a person reports that he/she has been the victim of a criminal offence and subsequently withdraws the report by stating that the criminal act did not take place, the criminal offence should be marked invalid on PULSE, unless there is evidence to suggest that there is a reasonable probability that the criminal offence took place.

#### A.6

A criminal offence should be recorded (and counted) against the Garda Sub-district in which the particular offence was committed. Where the place of commission cannot be determined the offence should be recorded against the Garda Sub-district in which it was reported. Criminal offences under Irish law that are committed abroad (such as those under the Sexual Offences (Jurisdiction) Act, 1996) should be recorded against the Garda Sub-district in which it was reported.

#### A.7

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

## **B. General Counting Rules**

### **B.1**

**Primary Offence Rule:** Where two or more criminal offences are disclosed in a single episode it is the primary criminal offence that is counted<sup>4</sup>. The primary offence is that offence to which the greater penalty may apply. (Where offences have similar penalties, offences against the person take precedence over offences against property for the purpose of determining the primary offence). For example, two criminal offences are disclosed in the one episode where a person commits a burglary and kills a person in the building. The murder offence is the primary offence in this example. Consequently, the episode counts as one murder in the crime statistics even though details of the two offences are recorded.

### **B.2**

**One Offence Counts Per Victim:** One offence counts per victim involved subject to the relatively small number of exceptions below. For example, one sexual offender who offends against two (or more) different victims counts as two (or more) offences in the crime statistics. (Regardless of the number of offenders involved, one offence counts per victim. For example, two persons acting together in a bank robbery count as one robbery offence in the crime statistics). There are two exceptions to the rule of one offence counting per victim. The exceptions relate to cheque/credit card fraud and burglary.

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

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

### **B.3**

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

## **C. Reclassification of Criminal Offences**

### **C.1**

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

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<sup>4</sup> Previous versions of Crime Counting Rules referred to a 'Headline Offence Rule' which was abolished as of 1<sup>st</sup> January 2009.

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

## C.2

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

## D. Detected Criminal Offences

### D.1

A criminal offence incident can only be classified as detected for Garda statistical purposes using one of the following three criteria at D.2, D.3 or D.4.

### D.2

A criminal offence may be classified as detected when criminal proceedings have been commenced against at least one person for the criminal offence. The commencement of proceedings must be based on sufficient admissible evidence to charge, which, if given in court would have a reasonable probability of resulting in a conviction. Sufficient admissible evidence to charge means that the evidence supporting the case must be such that if given in court there is a reasonable probability of conviction. It must be contained within signed written statements or in other satisfactory documentary, technical or forensic form. When this is not the case, the crime incident will remain undetected.

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

### D.3

Approval has been granted for a child (as defined under the Children Act, 2001) to be dealt with by An Garda Síochána in accordance with the Diversion Programme, as provided for in the Children Act, 2001.

### D.4

A decision not to prosecute has been taken for one of the following reasons:

(a) There would be sufficient admissible evidence to charge (as defined at 4.2) but the victim or an essential witness refuses\* or is permanently unable# or, if a juvenile, is not permitted to give evidence by parents, guardians, or other person in loco parentis.

(b) The offender dies before proceedings could be initiated or completed.

(c) The offender is ill and is unlikely to recover or is too senile or too mentally disturbed for proceedings to be taken. The question of whether or not a criminal offence has been committed in these cases should be considered.

(d) The complainant or an essential witness is dead and the proceedings cannot be pursued.

(e) It is ascertained that a criminal offence has been committed by a child under the age of criminal responsibility. The question of whether or not a criminal offence has been committed in these cases should be considered.

(f) There is sufficient admissible evidence (as defined at 4.2) to charge the offender but the Director of Public Prosecutions or relevant District Officer decides that the public interest would not be well served by proceeding with the charge. This would include instances where the criminal offence was committed years previously and a prosecution would be an abuse of process, or where the attendance of a victim or an essential witness at court is considered inappropriate.

(g) There is sufficient admissible evidence (as defined at 4.2) to charge the offender with a criminal offence in respect of which a time limit for the commencement of criminal proceedings applies, but that time limit has expired, and the relevant District Officer approves.

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

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

## **Annex 2: Members of the Expert Group on Crime Statistics**

Mr Paul M. Crowley (Chairperson)

Senior Statistician, Social Analysis Division, Central Statistics Office.

Mr Terry Lawlor

Garda, Policy Development, Implementation and Monitoring, An Garda Síochána.

\* replaced Sgt. Gavin Scott, Crime Policy and Administration, An Garda Síochána

Ms Olive Loughnane

Crime and Justice Statistician, Central Statistics Office

\* replaced Mr Tim Linehan, Crime and Justice Statistician, Central Statistics Office

Mr Philip McCormack

Research Unit, Cosc, Department of Justice and Equality

Mr Anthony O'Donnell

Superintendent, Policy Development, Implementation and Monitoring, An Garda Síochána.

Ms Sara Parsons

Deputy Head, Garda Síochána Analysis Service, An Garda Síochána.

Dr. Mary Rogan

Associate Professor in Law, Trinity College Dublin

Mr Ben Ryan

Principal Officer, Crime Division, Department of Justice and Equality

\* replaced Mr Doncha O'Sullivan, Principal Officer, Crime Division, Department of Justice and Equality



Mr Sam Scriven

Crime and Justice Statistician, Central Statistics Office

Mr Brendan Sheehy

Assistant Principal Officer, Crime Division, Department of Justice and Equality

### **Annex 3: Meetings of the Expert Group on Crime Statistics**

The Expert Group met on each of the following dates.

8<sup>th</sup> April 2015

16<sup>th</sup> September 2015

24<sup>th</sup> February 2016

23<sup>rd</sup> May 2016

13<sup>th</sup> September 2016

22<sup>nd</sup> November 2016

21<sup>st</sup> February 2017

Meetings took place at the Central Statistics Office, Ardee Rd., Dublin 6.