ACTUAL PROBLEMS OF HUNGARIAN CRIMINAL STATISTICS

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1. Introduction

The goal of my paper is to discuss the methodological problems of establishing integrated criminal information systems. Following the changes in the political, economic and social system there were fairly substantial changes in criminal investigative and jurisdictional organs; their sphere of activity was expanded in many respects, and they faced increased expectations.

At the same time we have been witnesses to a seemingly continuous series of changes in the field of information technology, and it might be said that our economical and intellectual capacity is scarcely able to keep abreast of the technical developments, though we must to avoid being left behind.

Nowadays we can notice a rapid increase in the number of criminal acts, the magnitude of which is without precedent in the annals of criminal statistics in Hungary. Even the most pessimistic of prognoses failed to predict a situation of this gravity, and according to present forecasts no slow down in this tendency can be expected. Indeed further increase is to be expected, making even more justified the development and coordination of criminal information systems.

2. The evolution and present state of criminal statistics

Today in Hungary the collection of information on the administration of justice occurs in conjunction with the operational activity of criminal investigative organs. It is precisely for this reason that the collecting, handling and processing of – often parallel – information is carried out separately by the different organs. To a certain extent the unified criminal statistics data collecting system operated jointly by the police and the prosecutor's office for the last 30 years can be considered an exception to the rule.

The "Register of Criminals" kept at the Ministry of the Interior, criminal proceedings statistics, "Participation of the Prosecutors in criminal processes" prepared by the Chief Prosecutor's Office, the collection of data on court statistics regarding legally valid convicts, and records of law
enforcement organs on prisoners all function separately from one another and from the previously mentioned unified system.

The inevitable traditions of their historical evolution are reflected in these statistical data collection and recording systems. Adjustments carried out from time to time, aimed only at making slight improvements, did not affect structural elements of the systems. In order to examine the present state of affairs let us review the conditions of the development of the individual systems.

2.1. The development of criminal statistics

Court criminal statistics go back more than a century. Criminal statistical data has been collected since the founding of the Hungarian Central Statistical Office in 1867, but the inadequacy of this structure was criticized on many occasions by Károly Keleti himself, the first president of the office, because, he noted, though in criminal statistics the basic unit of measure was the crime there was as yet no law in force precisely defining individual criminal acts. An important stage of the development of criminal statistics was the elaboration of the crime nomenclature of statistics. After this, from 1881 regular publication of court statistical data in the Hungarian Statistical Annuals was initiated.

This published data contained, naturally in accordance with the structure of that time, figures for the number of accusations lodged and for the number of accused persons, thus these may be partly considered as antecedents of today’s statistics of the prosecutor’s office.

In this period data collecting was still organized in a list system; no matter how large a mass of facts was covered, there was no possibility of combinative data processing. Another inadequacy of the court statistics of that time was that the entry was based on first-level judgments, thus data persons acquitted at the second or third level were included in criminal statistics, while data on those sentenced by supreme courts was omitted.

The new statistical observation system inaugurated on 1 January 1900 corrected both of these inadequacies by introducing the system of individual sheets, the unit of observation being from then on the legally valid sentence.

Since the turn of the century court statistics kept pace with the numerous modifications and supplements attached to the Criminal Code, the statistical data collecting system was modernized in accordance with the new legal rules, so that the notion of the temporal comparability of data did not suffer significant setbacks.

In the first years of the century the statistics on recidivism were uniformly considered by criminal statisticians to be the weakest point of the reporting system. "Statistics on recidivists could not be put on a firm basis at this time; this was natural, because one critical requirement, the register
of offenders was missing" – wrote János Bud, one of the best known criminal statisticians at the turn of century. Meaningful reform of the data collection system, from the point of view of recidivism as well, was necessitated by the enactment of Statute No. XXXVI of 1908 on the completion and modification of the Code of Criminal Procedure, which prescribed that a register be kept of persons convicted in criminal procedures. (János Bud writes with enthusiasm that "from this date on individual sheets prepared for statistical processing are the same as these prepared for the criminal recording office, this fact being a strong safeguard of the accuracy and completeness of the data supply". It is worthy of note that even in 1909 it was possible to realize a task which now stands before us again awaiting a solution.

2.2. The decentralization of criminal statistics

In the following decades all criminal investigative organs and organs of judicature created and further developed their own criminal statistical data collecting systems, all having the primary task of facilitating the activity of the given organ. This was the aim also of the decentralization of legal statistics ordered by decree No. 9000 JM of 1951.

It may be due to decentralization that data collection served indirectly the activity of the individual organs. At the same time the amount of parallel data collecting increased. Criminal data were collected by the police, by the prosecutor's office, by the judiciary, as well as by the Criminal Records Office and law enforcement agencies. If we consider the collecting of data to include not only criminal data, but also data on other acts endangering society, such as petty offences, then we can see that such data collecting was and is performed by scores of authorities.

After decentralization the next great turning point was the coming of electronic computers with their great capacity, enabling the establishment of integrated information systems, the elimination of parallel data collecting, and the concentration of efforts on the precision and reliability of data collecting. When applying up-to-date techniques and eliminating pointless parallelism, the first and most significant step was – in spite of its known deficiencies – the establishment of the unified criminal statistics regime of the police and the prosecutor's office.

Criminal court statistics function to this day as a separate, independent system. Another independent system is the computerized data collection system established in 1983 concerned with the prosecutor's activity during the criminal trial, which is parallel in many respects with court statistics.

2.3. Deficiencies in the present systems

These statistical data collections supply data on crimes committed in one or an other calendar year, but they are incapable of tracking a criminal's career.
Among others things they supply data on the yearly number of known criminals, as well as that on persons known to have committed prosecutable acts, or on those convicted by a legally valid sentence. But none of the systems gives an answer to the question of how many different persons are included in this mass of information.

Only the unified criminal statistics system of the police and the prosecutor's office attempts to observe the number of committed crimes; the court system's statistics only categorize legally valid sentences by their gravity or character, ignoring data on the number of crimes.

Not even the data related to crimes of the unified criminal statistics of the police and the prosecutor's office are clearcut, as it often happens that acts observed in several proceedings, having different criminal register sheets, are qualified as single acts committed continuously.

Due to the deficiencies mentioned above - whatever the criminal data collection at our disposal - we have no hard data on the volume of criminal acts. Nevertheless, at a time when crime is rapidly increasing and all of the known prognoses predict further significant increases, it is that we know the actual number of total offenders, counting each person only once, irrespective of the number of crimes he has committed or the number of crimes he is charged with.

Besides the present increase in the rate of crime, the administration of both prevention and penalty policies makes it necessary to know if the increase in crime can be attributed primarily to a permanent circle, or wider and wider strata are becoming criminals. If the latter proves true, then it would make sense to determine whether the number of juvenile offenders is on the increase, or if the number of first-time offenders is increasing among older people as well. This question is raised, because earlier the first crimes of more than 75 percent of recidivists were committed by juveniles or by young adults, and it was rarely the case that a person who was not a felon by the time he was 25-30 years old later committed a crime.

Beside the stated criminal statistical data collecting systems, two further systems will be discussed which are used not for statistical but for recording purposes.

3. On records of criminals

3.1. Comparison of recording methods

Connection of the committed crimes and imposed penalties to the sentenced persons is made by two recording systems also functioning independently both from the former ones and, to some extent, from each other. These are the "Register of Criminals" and the "Register of Convicts" prepared by the Ministry of Interior and the National Law Enforcement Headquarters, respec-
tively. (It is noteworthy that the two information systems operating at the Ministry of Interior, the unified criminal statistics of the police and the prosecutor's office, and the Register of Criminals are so independent from each other that even the codes and the nomenclature for the crimes are different.)

Returning to the two recording systems, the former is wider in scope than the latter, containing not only the particulars of persons condemned to prison, but also data for persons sentenced to other penalties and those who received suspended sentences, as well as the data for persons convicted of lesser offences. Howere, the records of criminals are more restricted in one respect, as following the completion of sentence the records are only kept for a period of time prescribed by law after which the records are wiped. The records on convicts, conversely are preserved for 50 years after the completion of the sentence, at which time they are handed over to the authorized public records office for safe-keeping.

Communication between the two registers is presently effected by a notification on the acceptance and release sent by the Law Enforcement Office of the Ministry of Justice to the Criminal Records Office, but the computer processing of these data is not quite on-line. Besides this, both organs are supplying ad hoc information reciprocally.

3.2. Statistical processing of records

Both systems primarily serve to keep records. Research carried out in recent years has shown that both systems are suitable for statistical processing. I also performed a wide variety of statistical processing while carrying out prognostic calculations on the records of criminals. These covered the recorded persons and their penalties; statistical processing of criminal careers was made by grouping these persons as to their sex, age, age-group and a chronological order of their recidivism.

Similar statistical examinations were carried out at the Register of Convicts of the Law Enforcement Office of the Ministry of Justice. Here only a sample of 1000 persons was examined as at the time of examination recording was done manually. The content, however, was far more detailed as the processing of the persons in the records was also accomplished according to demography - qualifications and occupation - combined with the normal data for criminal careers.

In the course of the statistical processing of the records of criminals it was established that the interconnection of the records and the court statistics - realized already in 1909 using identical data collecting sheets - could be realized today as well. Namely, the yearly increase in the number of records is nothing but the difference between the number of legally valid sentences and the number of records wiped in the target year. This means that if the
yearly processing of the recorded data were carried out on the 1st of January every year using identical processing programs then we could get ample information about the convicts condemned in the given year.

Processing should be prepared in two versions. More specifically, in one version each offender should be entered as many times as he (she) was sentenced throughout the year. This processing would be in accordance with the actual legal statistics and would be closely connected with them. In the second version each offender found guilty should be entered just once regardless of how many times he was convicted in the given year. This process would give an answer to a question of criminal statistics which has remained unsolved for decades: how many different persons were found guilty by legally valid sentence in a single year.

Returning to the connections between the two large recording systems, the Register of Criminals and the Register of Convicts, it can be stated that on the one hand there is a lot of overlap between these two systems, on the other hand both systems contain information indispensable to the other one. For example, it is necessary in the course of a criminal investigation that up-to-date computer information concerning the period of imprisonment be made available to the criminal record office. This data can at present only be found in the notifications prepared manually and forwarded by the Law Enforcement Office of the Ministry of Justice. Personal, demographic information available at the Law Enforcement Office of the Ministry of Justice could be also used.

On the other hand crimes committed by the offenders are also registered by the Law Enforcement Office of the Ministry of Justice, though the whole of this register does not yet include crimes recorded in the Register of Criminals, as record data of the Law Enforcement Office of the Ministry of Justice are taken from the declarations of judgement sent by the court. However, these documents, when an offender has committed a variety of crimes, list only one or two of the most serious criminal acts indicating the rest as "and others"; thus the full list of crimes does not appear.

The Register of Criminals was established exclusively for recording purposes, for checking up on the past of criminals. Only recently was an effort made to utilize this data base for statistical purposes. The "Register of Convicts" - as its name indicates - serves primarily for registering, but this data base is used also for preparing operational statistics. Later on we will turn our attention to the question of how parallel data collection could be coordinated.

### 3.3. Data base covering the various phases of criminal processes

Statistical processing of registers (those of the Ministry of Interior and those of the Justice Ministry's Law Enforcement Office) would make it possible to
become better informed on criminality and to study more deeply the criminal career, a goal unattainable using operational statistics based on yearly data.

Finally, let us examine which potentialities of the statistical processing of the Register of Criminals may be put to good use.

The Register of Criminals contains the expiration dates for all criminal sentences. At present the court statistics only give data on how many persons were released in the course of the year, a figure which does not enlighten us as to how many different persons were released.

A true study of release proceedings can only be accomplished using the Register of Criminals as a source, as it tells us on how many different charges a given individual has been previously convicted. Statistical evaluation of release proceedings would be important also for the evaluation of the efficiency of this legal institution.

In my opinion it is clearly proven both by the prepared statistical processing and by the outlined prospects for processing that the Register of Criminals is not only suitable for statistical processing, but can also supply information and show relationships that could not be obtained from any other functioning statistical data collection.

4. A proposal for a unified criminal information system

Upon review of the present statistical data collecting systems it would be suitable to establish a unified criminal information system. This conception is supported by the overlapping of the information handled in the present systems, by the tremendous amount of superfluous work. When establishing the unified system, the Ministry of the Interior, the Ministry of Justice, the Central Police Station, the Chief Prosecutor’s Office and the law enforcement agencies should work in cooperation, and last but not least both systems operating within the Ministry of Interior should be harmonized.

Of course there is no reason why all interested organs should not have their own data-sheets adapted to their own requirements and to their operational work. This would merely be a question of a creating a computer program to punch up the necessary data from a differently structure data-sheet completed in an earlier phase of the criminal process, rearrange it in the desired way, and then transfer it to the data-sheet of a later phase of the criminal procedure. It would be more efficient if the same data bank was used as that used for criminal and criminal investigation data supplies.

To the extent that a computer base for the courts is developed, the redundant noting of data by the courts will be unnecessary; collected data together with the charge could be forwarded to courts where the records could be supplemented with data on the penal processes and on sentences. Court statistics and statistics on the administration of justice could be prepared also with computer system.
Finally data on the court sentences would be forwarded to the Ministry of the Interior for use in the Register of Criminals. In case the sentence involves incarceration, the data should be sent to the Law Enforcement Office where again redundant input and recording of data would be unnecessary.

As it can be seen from these outlined proposals, the task of the coming years shall be, besides the development and improvement of the existing systems of the various organizations, application of modern information transmission techniques, termination of unnecessary parallel data collection, and the exchange of information between the various institutions.

Die aktuellen Probleme der ungarischen Kriminalstatistik

Zusammenfassung


Les problèmes actuels de la statistique criminelle hongroise

Résumé

L'étude formule sa proposition de la modernisation de la statistique criminelle et judiciaire hongroises. Elle nous présente l'histoire de l'évolution des systèmes d'observation respectifs, de la statistique policière, du Parquet et criminelle globale, de la statistique du tribunal et de la statistique du débit du Parquet, ainsi que leurs avantages et leurs défauts. L'étude présente également les parallélismes existants entre le registre de l'identité judiciaire et celui des condamnés de l'application de la peine. La redondance des données pourrait être diminuée par la création d'une base de données informatique globale.