

# **Empirical Basis for a Rational Crime and Criminal Law Policy in the Federal Republic of Germany**

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## **1. Introduction**

There is no absolute security for persons against injuries to the things most important to them (such as, e.g., life, freedom from bodily harm, sexual self-determination, ownership, and assets) by others. However, to protect persons as far as possible from such injuries, systems of standards have been established in the course of the historical development of the state, which place limits on human behavior and establish sanctions in the event of acts in violation of these standards. Institutions were created that monitor adherence to these standards and ensure sanctioning. Eventually, standards were in turn created for these institutions to prevent abuse of power by the state. The result of this development are criminal law, institutions for criminal prosecution and penalty enforcement, criminal procedure law, the Prison Act, and to some extent also police law.

The task of crime and criminal law policy is to formulate substantive criminal law, criminal procedure law, the law on enforcement, and to some extent also police law, in such a way that society is protected to the greatest extent possible against injury to legal interests by the measures provided for in these areas of law.

The Federal Republic of Germany is a federal state. The practical implementation of measures for the maintenance and improvement of internal security and criminal justice administration (criminal prosecution, enforcement, imprisonment) to a significant extent is a matter for the Länder. Federal jurisdiction primarily extends to legislation in the area of substantive and procedural criminal law, to enforcement of penalties, to certain areas of special (other) administrative law that has a close relationship to aspects of internal security (e.g., narcotics law), as well as to federal institutions that serve internal security (including the Bundesgrenzschutz (Federal Border Police), the Bundeskriminalamt (Federal Criminal Police Office), and the Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution)). In addition, in the context of programs or action plans, the Federal Government supports measures that specifically or in addition to other matters serve crime prevention.

The specific formulation of crime and criminal law policy is guided by a number of different points of view. The preservation of rule of law principles and the observance of human rights play a central role in this. Moreover, a rational crime and criminal law policy requires a solid empirical scientific basis that must encompass findings, among others, regarding current societal development and developments in

internal security, the activities of criminal prosecution and penalty enforcement authorities, and the consequences of prosecution measures and criminal law sanctions.

The following examines the instruments available for acquiring empirical information of significance to the formulation of crime and criminal law policy.

## **2. Instruments for the Acquisition of Information**

Those responsible for crime and criminal law policy acquire the information they require for their activities from a variety of sources. The statistical data on crime and for the administration of criminal justice provide information on the status and development of registered crimes, on criminal prosecutions, and on some aspects of penalty enforcement and imprisonment. The Federal Central Register of Criminal Offenses (Bundeszentralregister), in which court penalties and also decisions of the public prosecution offices in the case of offenses by juveniles are registered, can be used to examine repeated sentencing after criminal law sanctioning. Scientific criminological research addresses individual questions of criminality, criminal prosecution, penalty enforcement, imprisonment, and aspects of crime prevention. Examinations of the undetected crime rate, which primarily provide information on crimes that have not been reported and contribute to better interpretation of the results of crime and criminal justice administration statistics, should be especially emphasized here. A new reporting instrument in the Federal Republic of Germany is the “Periodical Report on Crime and Crime Control in Germany,” which enables a survey of statistical and scientific knowledge and which is the primary focus of this contribution. For the sake of completeness, numerous information sources from the community, particularly from non-governmental organizations and governmental offices for criminal prosecution, penalty enforcement, and imprisonment, must be mentioned, along with other administrative offices that assist in criminal law sanctioning or the activities of which are significant for crime prevention.

### **2.1 Police Criminal Statistics**

The police criminal statistics (“PCS”) encompass crimes and misdemeanors handled by the police, including attempts that carry a criminal penalty in accordance with a fixed and continuously updated catalog of offenses. In addition to the type and number of offenses recorded within a calendar year, the PCS also contains information on the location and time of the crime, victims and damages, results of clarification, as well as age, gender, nationality, and other characteristics of the suspects.<sup>1</sup> Not included are offenses in the area of political crimes, as to which a separate reporting system was created, which is described in the next paragraph. Likewise, traffic offenses are not included.<sup>2</sup>

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<sup>1</sup> The PCS 2003 and earlier years is available in the Internet at: [www.Bundeskriminalamt.de](http://www.Bundeskriminalamt.de) under the menu “Berichte und Statistiken” and then “Kriminalstatistik,” and in English under the menu “English”).

<sup>2</sup> Nevertheless, violations of §§ 315 and 315b German Penal Code and § 22a Road Traffic Act are recorded in the PCS because they are not considered traffic offenses within the meaning of the guidelines on the scope of recording.

Recording by the police means that the criminal law assessment of the recorded offenses is not final, but rather that it takes place in the course of the criminal proceeding first by the public prosecution office and – especially in the case of the imposition of a sentence – by the court.<sup>3</sup>

Since 1961 criminal offenses that were directed toward the free democratic constitutional system (known as “state security offenses”) within the context of the Criminal Police Reporting Service – State Security (CPRS –S) are statistically reported on a national basis. Because of phenomenological changes, it was no longer possible to record and evaluate the facts surrounding criminal offenses conformed to reality pursuant to this reporting service which was exclusively geared toward the concept of extremism. The central criteria for inclusion of the Criminal Police Reporting Service “Politically Motivated Crime” (“CPRS – PMC”) introduced on 1 January 2001 is the political motivation of the act. An act is considered politically motivated especially when the circumstances surrounding the act or the offender’s attitude suggests that it was directed toward a person based upon their political views, nationality, ethnic origin, race, skin color, religion, ideology, origin, sexual orientation, disability, appearance, or status in society. The reported facts are assessed in the framework of a multi-dimensional examination from a number of different aspects. This particularly involves establishing the quality of the offense, the objective thematic categorization of the offense, the subjective background leading to the offense, any possible international dimension of the offense, and, if applicable, any extremist character of the offense to be registered. These differentiated portrayals enable a concrete assessment of the data based upon need and, thus, provide a basis for the targeted use of measures appropriate for combating, repressing, and preventing such offenses. The assessment and reporting of criminal offenses within the context of the CPRS – PMC is conducted by the responsible local expert federal police authorities and the Länder within the context of their investigation activities.

## **2.2 Justice Administration Statistics**

Information regarding the further course of criminal proceedings are maintained by the Länder in a number of justice administration statistics, the results of which are summarized by the Federal Office of Statistics at the federal level.<sup>4</sup>

The “Survey of Statistical Data by Public Prosecution Offices” (“PPO Statistics”) contains information on the investigation proceedings completed each year by the public prosecution offices. The information recorded therein above all includes aspects related to proceedings, particularly how they are initiated and the duration and conclusion of investigation proceedings. Since 1992 the number of

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<sup>3</sup> The PCS does not subsequently correct an entry in the case of another criminal law assessment by the public prosecution office or the court.

<sup>4</sup> For a brief description of criminal proceedings with actual statistical results, cf. Jehle, Jörg-Martin: *Strafrechtspflege in Deutschland 2003*, published by the Federal Ministry of Justice, Berlin 2003, <http://www.bmj.bund.de/media/archive/624.pdf>; English version: Jehle, Jörg-Martin: *Criminal Justice in Germany 2003*, published by the Federal Ministry of Justice, Berlin 2003, <http://www.bmj.bund.de/media/archive/625.pdf>.

affected persons (accused persons) has been counted. Since 1998 classification of tracked offenses in accordance with certain groups of offenses (“subjects”) was also agreed upon.<sup>5</sup>

Information regarding court proceedings (known as “intermediate proceedings” and “main proceedings”) is contained in the Court Business Statistics in Matters Pertaining to Crime and Fines (StP/OWi Statistics). Recorded therein in particular is information regarding the form of initiation and conclusion of proceedings, which is also related to individual accused persons in criminal proceedings and additional information regarding the main proceedings and the duration of the criminal proceedings.<sup>6</sup>

Information regarding persons against whom a court proceeding (main proceeding) is concluded by a sentence or other court decision are made available in the Conviction Statistics.<sup>7</sup> Recorded therein in particular is information regarding the most serious offense committed upon which the sentence is based, the sanctions imposed by the court, additional information regarding remand custody, and prior convictions.

The Prison Statistics provide information regarding prisoners serving a sentence of imprisonment, a prison sentence imposed on juveniles, or who are in preventive detention.<sup>8</sup> The survey conducted as of 31 March each year contains, among other matters, information regarding the age, residence, citizenship, marital status, and prior convictions of prisoners, as well as their criminal offense and the form of execution of the sentence. Additional portions of imprisonment statistics encompass, among other matters, the capacity and occupancy rate of prisons, along with intakes and releases.

Finally, there are also Probation Service Statistics, which contains information regarding persons as to whom the court suspended a sentence subject to probationary supervision for the convicted person. Existing and especially completed sentences suspended on probation are differentiated, among others, by the type of offense, age, citizenship of the person on probation, along with the form of termination of the probation.<sup>9</sup>

### **2.3 Studies of Repeat Criminal Sanctioning (Recidivism)**

Repeated criminal sanctioning, often referred to as “recidivism,” has long been a subject of criminological research (not only) in Germany.<sup>10</sup> In this context, specifically selected groups of

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<sup>5</sup> Since 2004 these and other criminal justice administration statistics have been published at the federal level by the Federal Office of Statistics only in electronic form:

<http://www-ec.destatis.de/csp/shop/sfg/n0000.csp?treeid=24000>.

<sup>6</sup> Cf. footnote 5.

<sup>7</sup> Cf. footnote 5.

<sup>8</sup> Cf. footnote 5.

<sup>9</sup> Cf. footnote 5.

<sup>10</sup> Cf., in summary, Kaiser, Günther: *Kriminologie. Ein Lehrbuch*, 3., completely revised and expanded edition, Heidelberg: C.F. Müller Verlag 1996, pp. 423 et seq.; Heinz, Wolfgang, *Die neue Rückfallstatistik auf der Grundlage von BZR-Daten*. In: *Zeitschrift für Jugendkriminalrecht und Jugendhilfe*, 2004, pp. 35-48; [http://www.uni-konstanz.de/rf/kis/Heinz\\_ZJJ\\_2003-1-35ff.pdf](http://www.uni-konstanz.de/rf/kis/Heinz_ZJJ_2003-1-35ff.pdf).

offenders (e.g. those released from a certain prison) are examined in regard to repeated criminal activity. In contrast to other European states such as Switzerland and Austria<sup>11</sup>, there has not been a study in Germany until now of all persons convicted in a certain year or released from prison.<sup>12</sup> In 2003 the Federal Ministry of Justice published first results of a feasibility study commissioned by it in which the repeat sentencing of all persons convicted or released from prison in 1994 were examined.<sup>13</sup> Currently, prerequisites for the regular implementation of such a study are being examined by the Federal Ministry of Justice.

## 2.4 Studies of Unreported Crime

The statistical recording of crime in Germany extends only to offenses that are known to the police (see 2.1 above) or lead to a court decision (see 2.2 above). Both research and political interests increasingly focus on offenses that are unknown to the police and the prosecution authorities, because for quite some time awareness has grown that the crime statistics do not reflect the scope, structure, or development of all potentially punishable behavior in society, but rather primarily reflect the activities of the police, prosecution authorities, and the courts. Changes in recorded crime is not necessarily due only to actual criminality, but also to reporting behavior and the intensity of control. Offender and victim surveys are a methodic approach to shedding light on unreported crime, whereby in Germany the predominant interest is geared toward victim surveys.<sup>14</sup> Community studies were the start of this form of victim research in Germany.<sup>15</sup> National victim surveys have been conducted since the end of the 1980s, beginning with participation in the International Crime Victim Survey 1989<sup>16</sup> by

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<sup>11</sup> Cf. Heinz, *ibid.* p. 35.

<sup>12</sup> Initial comprehensive examinations, although only relating to executable imprisonment sentences or imprisonment sentences imposed on juveniles, were conducted for the years 1980-1984 by the Central Federal Register Department of the Federal Public Prosecutor of the Federal Court of Justice (cf. Uhlig, Sigmar: *Das Bundeszentralregister und andere Zentralregister. Aufgaben und Nutzungsmöglichkeiten.* In: Jehle, Jörg-Martin (Ed.): *Datensammlungen und Akten in der Strafrechtspflege, Schriftenreihe der Kriminologischen Zentralstelle e.V. Kriminologie und Praxis*, Vol. 8, Wiesbaden 1989, pp. 45 – 66.

<sup>13</sup> Jehle, Jörg-Martin; Heinz, Wolfgang; Sutterer, Peter: *Legalbewährung nach strafrechtlichen Sanktionen. Eine kommentierte Rückfallstatistik*, published by the Federal Ministry of Justice, Mönchengladbach: Forum-Verlag Godesberg 2003; Internet publication (in German) at: <http://www.bmj.bund.de/enid/f1eab37120d79606005d45f4876c65ad,0/cv.html>

<sup>14</sup> Offender interviews are primarily conducted among young people; cf. Federal Ministry of the Interior, Federal Ministry of Justice: *First Periodical Report on Crime and Crime Control in Germany*, Berlin 2001, pp. 551 et seq.

<sup>15</sup> Schwind, Hans-Dieter; Ahlborn, Wilfried; Eger, Hans Jürgen; Jany, Ulrich; Pudel, Volker; Weiß, Rüdiger: *Dunkelfeldforschung in Göttingen 1973/74*, Bundeskriminalamt-Forschungsreihe Vol. 2, Wiesbaden 1975; Stephan, Egon: *Die Stuttgarter Opferbefragung*, Bundeskriminalamt-Forschungsreihe Vol. 3, Wiesbaden 1976; Schwind, Hans-Dieter, Ahlborn, Wilfried; Weiß, Rüdiger: *Empirischen Kriminalteographie. Kriminalitätsatlas Bochum*, Bundeskriminalamt-Forschungsreihe Vol. 8, Wiesbaden 1978; there were two concluding studies regarding to the study on unreported crime in Bochum: Schwind, Hans-Dieter; Ahlborn, Wilfried; Weiß, Rüdiger: *Dunkelfeldforschung in Bochum 1986/87*, Bundeskriminalamt-Forschungsreihe Vol. 21, Wiesbaden 1989; Schwind, Hans-Dieter; Fetchenhauer, Detlef; Ahlborn, Wilfried; Weiß, Rüdiger: *Kriminalitätsphänomene im Langzeitvergleich am Beispiel einer deutschen Großstadt. Bochum 1975-1986-1998*, Polizei und Forschung Vol. 3, Neuwied und Kriftel: Luchterhand 2001.

<sup>16</sup> Cf. Kury, Helmut: *Victims of Crime – results of a representative telephone survey of 5,000 citizens of the former Federal Republic of Germany.* In: Kaiser, Günther; Kury, Helmut; Albrecht, Hans-Jörg

the Federal Criminal Police Office and the Max Planck Institute for Foreign and International Criminal Law, which until now was the only participation therein.<sup>17</sup> The Federal Ministry of the Interior and the Federal Ministry of Justice are currently examining the possibility of also regularly conducting surveys of the population on their experiences as victims of crime and fear of crime in Germany.

## 2.5 Periodical Reports on Crime as a New Form of Official Reporting

Subsequent to the general election in 1998, the future governing parties provided in their coalition agreement, among other matters, for the preparation of “periodical reports on crime” on a scientific basis.

The starting point for this project was the circumstance that although the existing crime statistics made a lot of information available, until then there was a lack of comparative analysis of these data collections that took scientific analysis and findings into consideration.

Contrary to widespread assumption, numbers alone do not speak for themselves. To reach a valid scientific conclusion, numbers must be compared, analyzed, and interpreted. This is even more so when the numbers relate to a multi-layered societal phenomenon such as “criminality.”

An assessment of the security situation, thus, requires viewing the totality of crime based upon the different available sources, classifying and examining the frequency and quality of criminality both as to temporal development and in comparison with other countries, and including statistically reasonable measures for estimating actual danger to victims and the crime situation. Only in this way can citizens reasonably assess the security situation and only then can governmental policies properly react to crime policy needs and comprehensibly check the expediency of legal policy measures.

For the preparation of the **First Periodical Report on Crime and Crime Control** (“1<sup>st</sup> PRC”) the Federal Ministry of the Interior and the Federal Ministry of Justice established a committee comprised of scientists from the fields of criminology, sociology, and psychology, as well as representatives from governmental authorities who work on questions of security and data acquisition. Their task was to

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(Eds.): Victims and Criminal Justice, Criminological Research Reports by the Max Planck Institute for Foreign and International Criminal Law Vol. 50, pp. 265-304.

<sup>17</sup> The following surveys are cited here as examples: Kury, Helmut; Dörmann, Uwe; Richter, Harald; Würger, Michael: Opfererfahrungen und Meinungen zur inneren Sicherheit in Deutschland, Bundeskriminalamt-Forschungsreihe Vol. 25, Wiesbaden 1992; Wetzels, Peter; Greve, Werner; Mecklenburg, Eberhard; Bilsky, Wolfgang; Pfeiffer, Christian: Kriminalität im Leben alter Menschen. Eine altersvergleichende Untersuchung von Opfererfahrungen, persönlichem Sicherheitsgefühl und Kriminalitätsfurcht. Ergebnisse der KFN – Opferbefragung 1992, Schriftenreihe des Bundesministeriums für Familie, Senioren, Frauen und Jugend Vol. 105, Stuttgart Berlin Cologne: Kohlhammer 1995; Forschungsgruppe Kommunale Kriminalprävention in Baden-Württemberg; Viktimisierungen, Kriminalitätsfurcht und Bewertung der Polizei in Deutschland, in: Monatsschrift für Kriminologie und Strafrechtsreform, 1998, pp. 67-82; Heinz, Wolfgang; Kreuter, Frauke; Schnell, Reinhard; Spieß, Gerhard: Opferbefragung 1997, as yet unpublished final report for the Federal Ministry of Justice; cf. also in summary Weiß, Rüdiger: Bestandaufnahme und Sekundäranalyse der Dunkelfeldforschung, Informationen aus der kriminalistisch-kriminologischen Forschung, published by the Federal Criminal Police Office, Wiesbaden 1997.

draft a report that would provide the most comprehensive picture possible of the crime situation, in which it abstracted findings from existing governmental data collections and linked this information to results of scientific studies on manifestations and causes of criminality.<sup>18</sup> The report is geared toward as long-term an observation of the crime situation as possible and toward expansion and updating of the report at regular intervals.

The section of the report prepared by the committee addresses selected areas of crime and its structure, development, and causes in accordance with statements on the security situation in general and the possibilities and deficits of criminal knowledge in particular. In addition to typical types of offenses such as crimes against property, drugs offenses, crimes of violence, and politically motivated crimes, newer forms of crime – in the current report, for example, Internet crime – are also discussed. The prosecution of crime under criminal law is dealt with in its own section of the report and this investigation process is traced from beginning to end. Considerations for crime prevention are addressed in the conclusion. The 1<sup>st</sup> PRC addresses child and juvenile delinquency in-depth, which is an issue that has attracted increased public attention in the past few years. Special attention is given here to violent offenses by younger persons. Given this main topic of interest, it intentionally brings security-related approaches rather than those of youth and social policy approaches to the foreground. These are the subject of other Federal Government reports.

The 1<sup>st</sup> PRC is a Federal Government report, however, it was drafted by the above-mentioned committee, whereby the participating independent scientists essentially designed the substance of the contributions. Thus, the report is set within the field of conflict of the Federal Government's security policy program and any scientific opinions deviating therefrom. The fundamental consensus of the entire committee was a decisive factor for the final version. It goes without saying, however, that the world of politics and the world of science do not always evaluate certain offence-specific developments and their causes in the same way. This is occasionally reflected in the individual contributions. The scientific descriptions of the individual areas of crime are followed by the criminal and legal policy conclusions of the Federal Government. There, those questions considered by the government to be urgent for the purposes of policy-making are formulated and measures that have already been introduced as well as approaches to finding solutions for the future are highlighted.

The 1<sup>st</sup> PRC breaks new ground in reporting on the status of crime in Germany. It completes the picture based on individual statistics, particularly police crime statistics and criminal prosecution statistics, by providing a total picture that takes all available statistical information and scientific findings into consideration. As the first segment of reporting at regular intervals, the 1<sup>st</sup> PRC does not claim to be complete, but rather, is aimed at continuous further development and completion. It should, thus, be understood as a foundational work that for the first time aims to provide wide-ranging

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<sup>18</sup> Federal Ministry of the Interior, Federal Ministry of Justice: First Periodical Report on Crime and Crime Control of the Federal Government, Berlin 2001.  
First Periodical Report on Crime and Crime Control (Abridged Version)  
<http://www.bmj.bund.de/enid/ab2e115a75ffc0075d772bc628b9f87d,0/5q.html>.  
<http://www.bmj.bund.de/enid/681b305b9944a73de3089a100dee6aab,0/kj.html>.

preparation and analysis of the existing material. As such, it should be an impetus for public discussion of the subjects dealt with, should promote the dialogue between politics and science about the most important problems of internal security, and should be a tool both for the evaluation of previous approaches and a guide for finding future solutions for dealing with crime.

A **Second Periodical Report on Crime** ("2<sup>nd</sup> PRC") was published by the Federal Government at the end of 2006. It traces and analyzes the developments in the field of internal security since the 1<sup>st</sup> PRC. In addition to this update, the 2<sup>nd</sup> PRC particularly addresses the topic of "Criminality in the Public Arena."

## 2.6 Criminological Research

The Federal Ministry of the Interior and the Federal Ministry of Justice use empirical, especially criminological research, for the preparation, monitoring, and evaluation of crime and criminal law policy measures.

In order to meaningfully link police-operational and criminological-scientific competences, the Federal Criminal Police Office has the legislative task, among others, of observing the development of crime and preparing criminal-police analyses and statistics therefrom and conducting research on the development of police methods and work procedures for combating crime. These duties are performed by the department "Crime Institute" (Kriminalistisches Institut) of the Federal Criminal Police Office. The fields of research include, e.g., crime analysis and prognosis, crime prevention, analyses on legal developments and their suitability for police practice, and the development and assessment of police work procedures. The research results are used in basic and advanced training. Except for a few matters that are subject to secrecy protection, they are published in an appropriate form, to a large extent in the Internet. Of particular note in this regard is the series published with a specialty publishing house since 2000, "Polizei + Forschung" (police + research), which currently comprises 28 volumes, as well as the "Gelbe Reihe" (yellow series), which more strongly focuses on questions of police practice. The volumes from both series are to some extent in the Internet and can be called up together with the publication index.<sup>19</sup> Thus, for example, in the past two years works on the issues of aggression and delinquency among youth<sup>20</sup>, misuse of accounts in the Internet<sup>21</sup>, hostage-taking<sup>22</sup>, self-protection measures and law<sup>23</sup>, and police criminal statistics<sup>24</sup> have been published.

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<sup>19</sup> [www.bka.de](http://www.bka.de) (Menus: "Kriminalwissenschaften" / "Kriminalistisches Institut" / "Publikationen").

<sup>20</sup> Lösel, F./T. Bliesener: Aggression und Delinquenz unter Jugendlichen; Polizei + Forschung, Vol. 20, Wiesbaden 2003.

<sup>21</sup> Vick, J./F. Roters: "Account Missbrauch im Internet," Informationen aus dem Kriminalistischen Institut (Gelbe Reihe), Wiesbaden 2003.

<sup>22</sup> Dörthe Marth: "Geiselnahme" – Erleben und Handeln von Tätern und Opfern – Eine Befragung von Tatbeteiligten, Vol. 23, 2003.

<sup>23</sup> Mentzel, T./I. Schmitt-Falckenberg, K. Wischnewski: Eigensicherung und Recht, Polizei + Forschung, Vol. 19, Wiesbaden 2003.

<sup>24</sup> Dörmann, U.: Zahlen sprechen nicht für sich – Aufsätze zu Kriminalstatistik; Dunkelfeld und Sicherheitsgefühl aus drei Jahrzehnten, Vol. 28, 2004.

In the Federal Ministry of Justice the department “Criminology” was established in 1973, which brings criminological knowledge into the concrete design of criminal law policy. In this connection, since 1986 the documentation and research institute of the federal and Länder justice ministries has been supported by the Kriminologischen Zentralstelle e.V. Wiesbaden.<sup>25</sup> Current and recently completed research projects of the Federal Ministry of Justice address the evaluation of social-therapeutic treatment of imprisoned sex offenders<sup>26</sup>, the possibilities of deferment of execution of a sentence in the case of alcoholic offenders<sup>27</sup>, the danger to attorneys, notaries, tax consultants, and auditors by money laundering<sup>28</sup>, offender-victim mediation<sup>29</sup>, and a study with secondary analysis of juvenile criminal law measures<sup>30</sup>.

## 2.7 Practice Reports

In addition to statistical and scientific sources of knowledge, the Federal Ministry of the Interior and the Federal Ministry of Justice use knowledge from the practical experience of the police, public prosecutors, and courts in preparing crime and criminal law policies, particularly legislative measures. Thus, the Länder – not solely because of constitutional law provisions – regularly participate in the drafting of legislation in the areas of police law and criminal law. The interior and justice ministries of the Länder regularly survey police officers, public prosecutors, and courts in this regard. In addition, continual contact with associations and to some extent also with civil society associations and groups contributes to a constant flow of information from those with practical experience to the political decision-makers. Finally, hearings or expert seminars are held in preparation of concrete political measures.

## 3. International Aspects

International and supranational organizations such as the United Nations and the European Union acquire increasing significance in the shaping of national and international crime and criminal law policies. It is a two-way process in this respect, since not only do the nation states influence the policies of these organizations, but they also develop policy initiatives of their own. In particular, in the past few years the efforts of these organizations to acquire internationally comparable statistical and scientific knowledge has increased.<sup>31</sup> The Federal Republic of Germany has given itself a challenge and will increase its efforts to support the international exchange of information.

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<sup>25</sup> Additional information available at: [www.krimz.de](http://www.krimz.de).

<sup>26</sup> The research project began in September 2004.

<sup>27</sup> The research project should be completed mid-2005.

<sup>28</sup> Publication of the results is in preparation.

<sup>29</sup> The last publication on this is only available electronically: Hans-Jürgen Kerner/Arthur Hartmann: Auswertung der bundesweiten Täter-Opfer-Ausgleichstatistik für die Jahre 1993 bis 1999, Institut für Kriminologie der Universität Tübingen, July 2003,

<http://www.bmj.bund.de/enid/48f532cbcbcc1bdc9b4a9139e73fedcf,0/66.html>. Publication of an updated report is currently in preparation.

<sup>30</sup> The research project was completed in December 2004. Publication is planned for Spring 2005.

<sup>31</sup> This is impressively shown by the UNECE-UNODC Meeting on Crime Statistics Geneva, 3-5 November 2004.

#### **4. Outlook for the Future**

With the establishment of the League of Nations at the beginning of the 20<sup>th</sup> century, the nation states put themselves on the path to the creation of an international community of states. There can be no doubt that globalization in the area of commerce and capital, worldwide ecological problems, the consequences, as before, of existing political conflicts, and, not least, political terrorism, must and will lead to an intensification of cooperation among nation states, even if at varying levels of integration. In the field of crime and criminal law policy, the introduction of the International Criminal Court in the past few years was another step in this direction. Acquiring comparable empirical knowledge in the field of criminology is a component of this development.

But there remains sufficient need for action at the national level to improve the empirical basis to make crime and criminal law policy more rational. The Federal Ministry of the Interior and the Federal Ministry of Justice are making concrete efforts to optimize the existing criminal law and criminal justice administration statistics, to use existing data collections to improve available knowledge, and to further improve research in this field.