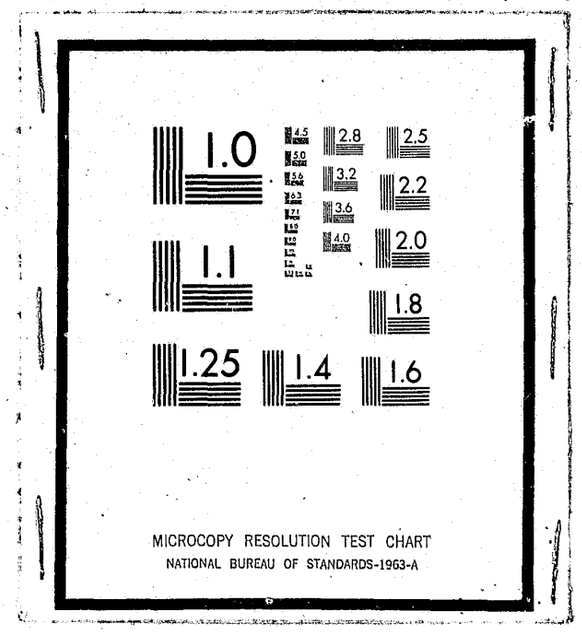


U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Crime Prevention and Control – the Challenge of the Last quarter of the Century

Crime Prevention and Control – the Challenge of the
Last Quarter of the Century

Statement and contributions

for the Fifth United Nations Congress on the Prevention of Crime
and the Treatment of Offenders to be held at Geneva, Switzerland
from 1 to 12 September 1975

published by
Federal Ministriy of Justice
Federal Republic of Germany
1975

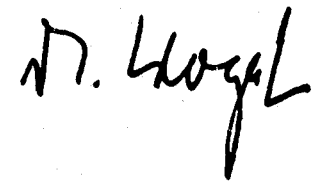
total production:
Ewald Klüsener — printing office
and publishing firm
Federal Republic of Germany
56 Wuppertal 2
publishing no. 1848

Foreword

The problems of crime, criminal legislation and the administration of criminal justice facing one country will nowadays mostly correspond to similar problems in other countries. The international discussion during the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will therefore be of special importance.

In the Federal Republic of Germany a changed conception of criminal law, but also novel forms of crime, have, in the last few years, led to reformatory endeavours which cover all the areas of criminal law. The idea underlying this reform was to emphasize more than before the social function of criminal law and to resort to criminal law only where this is inevitable for the protection of vital legal property of the individual or of the community. This brought about not only changes with regard to the definition of offences under criminal law and to sanctions but had some effect also on criminal procedure and the treatment of offenders. A substantial part of the reform has meanwhile become law. In the other areas the reform activities are making good progress.

This publication is meant to give information on the development in the Federal Republic of Germany, as far as the subjects to be discussed at the Congress are concerned. It thereby attempts to make its contribution to the international discussion during the Congress.



Dr. Vogel
Federal Minister of Justice

Preliminary Note

The Statement contains, in a concise form, observations on the subjects to be discussed by the Congress; these subjects have not, however, been dealt with exhaustively.

The contributions, which are likewise based on the subjects to be discussed by the Congress, are meant to supply further information, over and beyond the Statement, to those who want to gain a picture of the measures taken in the Federal Republic of Germany for the prevention and control of crime.

The manuscripts were closed in June 1975

Contents

page

I.

Statement 7

II.

Contributions 13

Changes in forms and dimensions of criminality in the Federal Republic of Germany 14
by Dr. Konrad Hobe, Regierungsdirektor, Federal Ministry of Justice

Criminal legislation, judicial procedures and other forms of social control in the prevention of crime 23
by Hartmut Horstkotte, Judge at the Federal Court of Justice

The emerging role of the police, with special reference to changing expectations and minimum standards of performance 33
by Dr. Karl-Heinz Gemmer, Head of Department,
Federal Office of Criminal Investigation

The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations 41
by Dr. Erich Corves, Ministerialdirigent, Federal Ministry of Justice

Economic and social consequences of crime:
New challenges for research and planning 51
by Dr. Konrad Hobe, Regierungsdirektor, Federal Ministry of Justice

Statement

I. Changes in forms and dimensions of criminality in the Federal Republic of Germany

The number of criminal offences which were recorded by the police has considerably increased ever since 1963. The frequency rate, which represents the total number of recorded offences (not including road traffic offences) calculated as per 100.000 inhabitants, amounted to 2.914 in 1963. In 1972 it was 4.171. However, in 1973 the upward trend did not continue. The frequency rate for 1973, which was 4.131, was clearly below that of the preceding year. This rise in the number of recorded offences from 1963 to 1973 is mainly, i.e. to 83.1 per cent, the result of an increase in the number of recorded thefts. If we break down the cases of theft according to the damage caused in the individual case it turns out that in most of these cases the damage caused is merely a minor one.

In the field of more serious crime, in particular of crime of violence, the development of the number of recorded offences varies. Where the number of recorded crimes of violence has increased, it will hardly be possible to say in how far this may be attributed to an actual increase in the use of violence or to an increased readiness of the people, who have become more sensitive to acts of violence, to report the crimes. The frequency rate for cases of rape was slightly lower in 1973 than it had been in 1963. The number of the recorded other crimes against morality, however, dropped considerably: Between 1963 and 1973 the frequency rate decreased by one half roughly.

New dimensions of criminality became visible in particular in the following fields: crime organized on an international level, drug abuse, taking hostages and hijacking of aircraft, and terrorist and anarchist acts.

II. Criminal legislation, judical procedures and other forms of social control in the prevention of crime

The object of criminal legislation and of the administration of criminal justice is to protect the people living in the community, their property and their joint interests and institutions. It is true, the imposition of sanctions under criminal law is frequently connected with severe social drawbacks. Where a sentence involving deprivation of liberty is executed the affected person's social ties will be severed. Even in cases where a non-custodial measure is imposed the convicted person's self-respect, which is required for life in society, will frequently be hurt and he will be stigmatized. The aim to be achieved is therefore to resort to criminal law only where other means of social control are insufficient. This basic idea leads to a limitation of criminal law by way of decriminalization. One way of decriminalization is the replacement of penal sanctions by other reactions, in particular by those under the social aid scheme, the public health services, or the youth assistance scheme. As far as the non-governmental field is concerned, in particular the medical services, the school, or the factory or office may exercise some reasonable social activity in this respect. It is true, such procedure carries its own problems, last not least in respect of the question whether such measures are constitutional and subject to review.

An important instrument of de-facto-decriminalization is the possibility — which has recently been enlarged — that the proceedings may be discontinued by the Prosecution if the accused person is prepared to make good the damage caused, to pay an amount of money for the benefit of some public welfare institution or the Treasury, or to render services to the community. This possibility will not only save the accused person the criminal proceedings but, apart from that, the prosecuting authorities and the courts can concentrate their attention more on the serious crimes.

As far as legislation is concerned, substantial decriminalization took place already in 1968 when the majority of lesser and medium road traffic offences were converted into regulatory offences. The latter will be punished merely with an administrative fine and be dealt with by administrative authorities outside the criminal system. In 1969 and 1973 two laws provided for further decriminalization. The changes — abolishment or restriction of punishability — concerned in particular the homosexual acts between males, procuration, sexual acts committed by abusing an official position or the position in a hospital, and acts of exhibitionism. Further measures of decriminalization related to the dissemination of pornographic material, the mere presence in a riotous, violent crowd, begging, vagrancy, breach by parents and educators of their duty of supervision, and the possession of thieving outfit. The reform of the provisions on abortion, which likewise provides for a restriction of punishability, has not been completed yet.

The creation of new statutory definitions of crimes could come into consideration only where the offender's behaviour was a serious menace to the individual or the general public. The necessity of re-criminalization was assumed in particular for certain road traffic offences, such as driving under the influence of alcohol. Further, more stringent penal provisions against drug trafficking were enacted. Such a serious menace to the general public is also the reason for the new penal provisions created in the recent years and concerning the hijacking of aircraft, the taking of hostages, rent usury, and the violation of privacy by eavesdropping measures. This menace is also the relevant factor for some legislative measures under way, by which especially the advocacy of acts of violence and the incitement to commit such acts, and the formation of, and giving support to, certain dangerous terrorist associations are subject partly to more severe punishment. Further, a number of measures of criminal procedure, which are supposed to close gaps and remedy defects in the law as it stood up to now, likewise serve to make the suppression of such acts of violence, which have become more and more topical recently, more effective. Further, Parliament has before

it the draft of a First Law for the Suppression of Economic Crime which, as far as criminal law is concerned, in particular contains provisions on subsidy fraud and credit fraud. This Law is meant to intensify further the struggle against dishonest acts in economic life, which struggle had already before been made more effective by concentrating the proceedings in economic crime cases with specific Prosecution Sections and courts specially trained for this purpose.

III. The emerging role of the police, with special reference to changing expectations and minimum standards of performance

The police forces, who do not exist in isolation from society but are connected with it in many respects, must, in developing an up-to-date police conception, take into consideration also the changes in society as a whole. In recent years the police in the Federal Republic of Germany were repeatedly confronted with criminal acts which may considerably impair the State or individuals. We should mention as examples the taking of hostages, extortion and the hijacking of aircraft, part of which acts, and especially in the particularly grave cases, were comitted by terrorist associations. Such conflict situations differed from the situations with which the police are usually confronted; they could only be coped with by novel means. For the police forces, which have a federative structure corresponding to that of the Federal Republic of Germany, a uniform conception was elaborated which is to serve these special functions.

On the technical basis of a data communication network consisting of large-scale computers a comprehensive police information system — INPOL — was established. Thereby the entire police information system will gradually be integrated into the electronic data processing scheme. Such integration will comprise the following fields — in the order of their urgency —: search for wanted persons, search for stolen property, dactyloscopy, detention file, file comprising offences and offenders, documentation of criminalistic and criminological literature.

In order to meet the new requirements a reform of the practical training of the police on a scientific basis was likewise undertaken. According to the new orientation the training of the higher grades of the police enforcing the law comprises studies at a professional high school for the duration of three years. Further, an Academy for Senior Police Officers was established at which scientific teaching and research work are combined for the training of highly qualified senior officers of the German police.

In order to create and maintain a relationship of trust between the police and the public the latter will be made acquainted with the functions of the police by specific public relations activities. Public opinion polls have shown that the reputation of the police has considerably improved during the last few years.

IV. The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations

During the last few years the problems connected with the execution of prison sentences have been given attention in many countries to an increasing extent. Also in the Federal Republic of Germany the problems brought about by this severest sanction of its penal law were discussed more and more. The decisive factor for this was, last not least, the view that for a considerable number of prisoners under sentence some treatment of a non-custodial nature might be more reasonable than imprisonment. But also in respect of those offenders for whom imprisonment appeared to be necessary there arose the problem of a critical review of the prison regime, in particular of developing effective forms of treatment in semi-open or open institutions.

In the Federal Republic of Germany the execution of prison sentences is at present still governed by administrative regulations. However, the committees of Parliament are now deliberating on the government draft of a Prison Act. The draft formulates the objective of the treatment of prisoners as follows: "By serving his prison sentence the prisoner shall be enabled in future to lead a life in social responsibility without committing criminal offences." To this end life in penal institutions is to be adapted as far as possible to normal living conditions, and any detrimental consequences of imprisonment are to be counteracted. In many individual provisions this principle has been put into more concrete terms, taking account of the financial resources available.

Even under the law as it stands both the prisoners under sentence and the prisoners in custody awaiting trial enjoy, of course, the protection afforded by the Basic Law and the Convention for the Protection of Human Rights, the compliance with which is guaranteed by the national ordinary courts and the Federal Constitutional Court as well as by the planned international control organs.

The Standard Minimum Rules set up by the United Nations have considerably influenced the preparatory work for the Government draft of the Prison Act. Moreover, even now they are largely affecting the practice in the treatment of prisoners. In this connection it is, however, important that these Rules should be seen in the light of the economic, social and other conditions of the individual United Nations member states. Although, on the one hand, they are meant to avoid unnecessary underprivileging, they cannot, on the other hand, have as their goal to ensure to prisoners a standard of living that is above the average standard in the country concerned.

In view of this difficulty the member states of the Council of Europe adopted a resolution in January 1973 to the effect that the Standard Minimum Rules

should be revised. The object of such revised version is to take into account to a greater extent the situation in states in which the economic and social conditions are largely similar.

Nevertheless, within the scope of criminal policy as a whole the Standard Minimum Rules of the United Nations have a fundamental function: They ensure to the prisoners in all countries a minimum social status and minimum respect for their human dignity. This "Magna-Carta-function" is still today fulfilled by the Standard Minimum Rules in the version operative since 1955.

V. Economic and social consequences of crime: New challenge for research and planning

As a result of a change in the basic conception of criminal law, namely from one based on the idea of retribution to one stressing more than before its social function, comprehensive criminological research will become necessary. Some of the tasks for the time to come will be to carry out further research on the criminal behaviour in its concrete connection with personal and social factors, to ascertain the effects of the state's reactions — also under the aspect of costs —, to consider questions regarding the factual circumstances under which penal laws are brought about, and to become aware of the effects of criminality and the state's reaction on further social factors.

Contributions

Changes in forms and dimensions of criminality in the Federal Republic of Germany

by Dr. Konrad HOBE, Regierungsdirektor,
Federal Ministry of Justice

I. General Remarks

1. The true development of criminality is difficult to establish. This has been shown by research in the level of unrecorded offences. This level of unrecorded offences (which the criminologists like to call the 'dark figure') varies with the different crimes. Changes in the levels depend on many diverse factors and do not follow a uniform pattern.

2. The statistical data*) on the offences recorded by the criminal investigation agencies, therefore, require interpretation in order that one may see whether a decrease or increase in the number of recorded offences really reflects a change in criminality or whether the change is the result of other factors. In addition to changes in official investigation activities changes in the readiness of the population to report crimes must be mentioned because the great majority of recorded offences is reported by the citizens. The readiness to report crimes is subject to various influences. The victim may, for instance, fail to report an offence because he is afraid of acts of revenge, or because he doubts that anything will come out of the criminal proceedings, or because he has been compensated out of court for the damage he has suffered and is satisfied with what he got, or because he does not wish to expose the offender to criminal prosecution. Not the last reason for failure to report an offence will be that the victim considers the matter to be a trifle. Research in the level of unrecorded offences has, indeed, shown that a large part of the offences not known to the authorities were of a trivial nature. The police statistics of recorded offences, therefore, reflect a picture that is much nearer to the truth in the field of serious crimes than in that of petty offences.

II. Trends of Crime (excepting road traffic offences)

The observations in Part II refer to the so-called classical crimes; road traffic offences are left out of consideration. They are discussed in Part V, below.

3. In order to be able to form judgment of the trends of the number of *recorded offences* it is necessary, in addition to considering the absolute numbers, to compare the socalled frequency rate. The frequency rate represents the number of recorded offences calculated as per 100 000 inhabitants. It thus expresses the danger caused by crime.
Not counting violations of legal provisions for the protection of the state, the following offences were recorded:

*) The figures given in the text below on recorded offences were taken from, or computed on the basis of, the Police Criminal Statistics, published by the Federal Office of Criminal Investigation. The figures on convictions were taken from, or computed on the basis of, the Administration of Justice Statistics of the Federal Statisticals Office.

Year	Number of cases	Frequency rate
1963	1.678.840	2.914
1968	2.158.510	3.588
1969	2.217.966	3.645
1970	2.413.586	3.924
1971	2.441.413	3.983
1972	2.572.530	4.171
1973	2.559.974	4.131

In 1971 the police statistics were re-arranged. Therefore, no true comparison is possible between the figures given for 1971 and 1972 and those for the previous years. Nevertheless, an increase is shown from 1963 to 1972. The figures for 1973, however, are clearly below those of the preceding year; this applies to absolute numbers as well as to the frequency rate.

4. Not all the recorded offences were cleared up by the detection of the supposed offender. The 'clearance rate', i.e. the proportion of cleared-up offences to recorded ones, dropped from 55.5 % in 1963 to 46.5 % in 1972. In 1973 it slightly rose to 46.9 %. The drop of the clearance rate from the 1963 level is largely due to the increase in recorded thefts, which are difficult to solve and traditionally have a rather low clearance rate. On the other hand, most violent crimes have a very high clearance rate, as will be shown below.

5. The development of the figures for *criminally responsible persons over 14 years of age who are suspected of having committed any of the above mentioned offences* is shown by the offender rate given below which represents the number of offenders per 100 000 criminally responsible inhabitants of the same age group.

Year	Number of Detected Suspects	Offender rate
1963	814.727	1.796
1968	919.188	1.962
1969	922.863	1.956
1970	954.600	1.997
1971	930.064	1.948
1972	967.799	2.005
1973	950.796	1.951

The offender rate, which also is lower for 1973 than for 1972, has risen by 8.6 % as compared with 1963. Only a part of the offenders was convicted by the courts. The number of convicted persons, i.e. defendants who were tried and convicted with final and binding effect, amounted in 1963 to 44.8 % and in 1973 to 45.9 % of the total number of suspects. What happened to unconvicted offenders cannot be stated with certainty

because there are no statistics about them. They may have died before the trial, become unable to plead, they may have absconded or been expelled or deported from the Federal Republic of Germany, or the Prosecution may have come to the conclusion that a conviction was unlikely or that the accused were incapable of guilt (insane). Or the prosecution authority may have stayed the proceeding because the case turned out to be of too trivial a nature. — It may be assumed that about 10 %, on the average, of cases are stayed by the prosecution on account of triviality. Of the convicted persons mentioned in this section 87.5 % were sentenced in 1963 and 83.2 % in 1973, i.e. penalties were imposed or measures under juvenile criminal law were taken against them. The outcome of the other proceedings was committal to an institution for cure or care, an imposition of other measures, stay of proceedings, or acquittal. This shows that of the criminally responsible suspects over 14 years only a small part was convicted; the conviction rate was 39.2 % in 1963 and 38.2 % in 1973.

III. Theft

6. Theft is the most common of the recorded crimes. In 1973, 65.9 % of all recorded offences concerned theft. The rise in the number of recorded offences from 1963 to 1973 is mainly the result of an increase in the number of recorded thefts. 83.1 % of the increase in the offences recorded from 1963 to 1973 was due to thefts; as regards the number of convicted offenders, the increase even amounted to 91.2 %.

7. Thefts were recorded as follows:

Year	Number of thefts	Frequency rate
1963	943.423	1.638
1972	1.702.493	2.760
1973	1.675.662	2.704

The clearance rate for thefts amounted to 34.2 % in 1963 and 31.2 % and 31.1 % in 1972 and 1973.

The increase in thefts is also shown by the increase in the number of detected suspected offenders.

Year	Number of Detected Suspects	Offender rate
1963	236.676	521
1972	434.017	899
1973	412.417	846

Consequently, the offender rate rose from 1963 to 1973 by 62.4 %. In cases of theft, too, the percentage of detected offenders who were convicted is low: 37.4 % in 1963 and only 33.4 % in 1973.

8. When considering the significance of theft in terms of numbers it is important to note that the value of the affected property was usually small. In the cases of completed theft recorded in 1973, without aggra-

vating circumstances, making up about one half of the total of recorded thefts, the value of the property

in 93.4 % of all the cases was less than DM 1000
in 52.2 % of all the cases was less than DM 100
in 23.9 % of all the cases was even less than DM 25.

In cases of completed theft with aggravating circumstances the value of the affected property, of course, was a bat higher although still on the small side:

The value of the affected property
in 81.5 % of all the cases amounted to less than DM 1000
in 21.1% of all the cases amounted to less than DM 100.

The recorded thefts, which were largely responsible for the statistical increase in the total crime figures, consequently consisted mainly of petty offences.

9. Precisely in cases of theft it is very problematical to infer from the rise in the recorded number of thefts that the actual number of thefts must have risen, too. The above given figures of recorded thefts from department stores, sales rooms, and self-service shops quintupled from 1963 to 1973. However, it would be difficult to state that during this time the actual number of thefts from these shops increased because during this period the department stores considerably intensified their measures to protect themselves from theft. More store detectives were employed, more shortcircuit television put up. Moreover, the deparment stores now seem to report every offender caught stealing to the police instead of claiming compensation from him under civil law in accordance with the previous practice. The considerable increase in the recorded number of the these cases is, at least in part, due also to better surveillance and the different policy on the reporting of cases to the authorities. In other respects, too, it may be assumed that the increase in number of known cases of theft is enhanced by the readiness of the population to report offences to the police. It may also be attributed to the fact that more and more insurance against loss by theft is taken out and that the victims reported the theft in order to receive compensation for the loss from the insurance company.
10. The crime of theft, which is committed so often, must of course be based on a multitude of different motives and social situations. It may, however, be assumed that a genuine state of need was the decisive motive for the theft of only a small number of thieves. Particularly juvenile thieves as well as thieves stealing from self-service shops, in addition to the adventure of stealing, are motivated by the desire to obtain something they should like to have — even if they do not really need it. Moreover there is the easy opportunity to steal. This applies not only to self-service shops but also — owing to the great number of motor cars and motor bikes — to the roads.

IV. Crimes of violence, crimes against morality and some other offences.

11. In the field of serious crimes the development of the recorded number of offences varies. The trend of some crimes is rising, of others it is falling or remaining level. In some fields the number of recorded crimes of violence has increased while other crimes, which are at least as harmful, have decreased. As far as the recorded crimes of violence have increased, there are some indications that this may also be due to an increased readiness to report crime because people have become more sensitive to violence. It is very difficult to say in how far the rise in crimes of violence may be attributed to an increased readiness to report and in how far to a real increase in the use of violence in the commission of crimes.

12. The following numbers of cases of *wilful homicide* (including attempts) were recorded:

Year	Cases	Frequency Rate
1963	1.328	2,30
1972	2.729	4,42
1973	2.694	4,34

The number of attempts contained in these figures is rather high: 70 %, most recently even higher. The clearance rate has always been high: In 1963 it amounted to 92 %, in 1972 to 95.2 %, and in 1973 to 96.5 %. The number of detected suspects over 14 years of age about equals the number of cases:

Year	Number of Detected Suspects	Offender Rate
1963	1.259	2,77
1972	2.751	5,70
1973	2.752	5,65

The rate of conviction of suspects for wilful homicide was below the average:

Year	Number of Persons Convicted	Percentage of Suspects
1963	295	23,4 %
1972	486	17,7 %
1973	535	19,4 %

It may be assumed that, on account of flight, suicide, natural death, or similar causes some of the detected suspects could not be brought to trial. In addition, in cases of wilful homicide there are more offenders incapable of guilt (insane) than in other cases. They cannot be convicted. Nevertheless ,it may be assumed that the greater part of offenders was convicted, although of lesser offences: i.e. not for completed or attempted wilful homicide.

To complete the picture of homicidal offences it may be mentioned that the number of offences of *bodily harm with fatal outcome*, which has always been low anyhow, has steadily decreased. The number of cases known to the police fell from 295 in 1963 to 188 in 1973, the frequency rate dropping from 0.51 to 0.30. Likewise, the number of cases of killing by *negligence* (except in road traffic) has steadily decreased from 1.019 in 1963 to 683 in 1973, the frequency rate dropping from 1.76 to 1.1.

13. As regards the number of offences of *causing wilful bodily harm* the trend varies with the degree of seriousness.

(a) In the more serious cases, i.e. causing dangerous or grievous bodily harm, the number of recorded cases constantly rose from 1963 to 1973 with little variation.

Year	Cases	Frequency Rate
1963	30.239	52,5
1972	39.218	63,6
1973	41.112	66,3

The detection rate was 87.7 % in 1963, it dropped to 84,7 % in 1972 and rose a little to 85.4 % in 1973.

The number of detected suspects over 14 years showed the following trend:

Year	Number of Suspects	Offender Rate
1963	36.355	80,12
1972	45.002	93,22
1973	47.404	97,28

Thus, the offender rate rose from 1963 to 1973 by 20 %. The proportion of convicted offenders, on the other hand, dropped during the same time from 29 % of the suspects in 1963 to about 23 % in 1972 and 1973. In addition to other reasons one factor in this trend may have been that the population became more sensitive to incidents and reacted by making reports to the authorities, whereas the courts sometimes came to different conclusions.

(b) In cases of causing wilful bodily harm (without aggravating circumstances) the absolute number, the frequency rate, detection rate offender rate, and the percentage of convicted offenders remained almost constant.

14. In the field of crimes against morality it may be seen that the frequency rate of *rape* was lower for 1973 than for 1963. Cases were recorded as follows:

Year	Cases	Frequency Rate
1963	6.572	11,41
1972	7.100	11,51
1973	7.027	11,34

The detection rate remained constant at about 72 %. The number of offenders increased slightly.

Year	Detected Suspects	Offender Rate
1963	5.030	11,09
1972	5.741	11,89
1973	5.593	11,48

Here, too, the percentage of convicted offenders is low as compared with the number of detected suspects. It amounted to 24.9 % in 1963 and about 20 % in 1972 and 1973.

The number of other *offences against morality* dropped very much. Between 1963 and 1973 the frequency rate decreased by one half. The decrease was especially marked in 1970 and 1971.

15. A look at the total number of cases of *robbery and robberlike extortion* shows an upward trend. The following numbers of offences were recorded:

Year	Cases	Frequency Rate
1963	6.721	11,67
1972	18.786	30,46
1973	18.274	29,48

The detection quota of 56.5 % in 1963 dropped to 53.0 % in 1972 and climbed to 54.9 % in 1973. The number of detected suspects over 14 years rose as follows:

Year	Detected Suspects	Offender Rate
1963	4.968	10,95
1972	13.572	28,11
1973	13.533	27,77

Consequently, the offender rate increased by 153.6 % from 1963 to 1973. It is remarkable, that, even with this violent crime, the rate of convicted suspects fell: It was 38 % in 1963, 27 % in 1972, and 29 % in 1973.

Robbery takes many different forms. It ranges from snatching purses to holding up a bank. Particularly if robbery in its serious form of the hold-up of a bank or similar institution is considered, a characteristic trend in the statistics shows up. In 1963 there were 100 of such hold-ups. In 1967 the number rose to 430. However, meanwhile many precautions were taken. This brought the figure down to 212 in 1969. The figure again rose to 375 in 1972 and dropped again disproportionately to 282 in 1973.

16. Unlike robbery, there has been a steady fall in the number of recorded cases of fraud. The frequency rate dropped by 8 % from 1963 to 1973.

17. Looked at from a statistical point of view the number of cases where *hostages were taken* and *aircraft was hijacked* is, of course, relatively small; but it must not be overlooked that these are very grave individual cases of terrorist activities which show an upward trend. In addition to these crimes, the motives for which are mostly of a pseudo-political

nature, there are a number of other serious crimes such as robbery, crimes with explosives, and killing of every type, all of which are motivated in a similar way. Even though, statistically, these crimes do not show up so much in the total number of similar crimes, they do constitute a considerable novel menace to our social regime.

Terrorist and anarchist acts were committed by some splinter groups. There was some criminal activity, sometimes organized internationally, in the illegal arms trade, trafficking in narcotics, breakings into museums and other thefts of objects of art, theft of jewellery and furs, counterfeiting of money and putting false money into circulation as well as the theft and illegal export of motorcars. The trends of these crimes in the Federal Republic of Germany were similar to those in many other countries.

V. Road Traffic Offences.

18. Between 1963 and 1973 the number of convictions for *road traffic offences**) rose.

The conviction rate indicates how many persons were convicted per 100 000 inhabitants of sound mind and over 14 years of age.

Year	Number of Offenders	Conviction Rate
1963	257.415	567,3
1968	325.428	694,7
1969	285.634	605,3
1970	308.088	644,5
1971	322.166	674,9
1972	330.062	683,7
1973	335.635	688,8

Conspicuous is the considerable drop in 1969. This may largely be attributed to the conversion of minor road traffic offences (under criminal law) to regulatory offences (under administrative law), the so-called decriminalization of the law relating to road traffic.

19. While there was an upward trend in the overall figure of road traffic offences, there was actually a slight fall in the number of offences committed in road traffic and resulting in the death or injury of the victim. The conviction rate for killing by negligence fell from 8.9 in 1963 to 8.7 in 1973, that for bodily injury by negligence from 219.7 to 213.6 during the same time.

20. The number of accidents and persons convicted of road traffic offences does not follow the same trend as the number of motor vehicles on the road — not even remotely. Remarkable drops in the number on convictions were, moreover, always to be seen when new provisions of road traffic law came into force.

*) The Police Criminal Statistics do not show road traffic offences. Therefore, only those figures are given here that appear from the Administration of Justice Statistics.

Criminal legislation, judicial procedures and other forms of social control in the prevention of crime

by Hartmut HORSTKOTTE, Judge at the Federal Court of Justice

A

I. Criminal legislation does not, according to modern views, serve the purpose of retribution or atonement. Nor can the means of compulsion available under criminal law be justified solely by the interest in the offender's rehabilitation. The purpose of criminal legislation rather is to protect the people living in the community, their property and their joint interests and institutions. Means to achieve the protection of legal property under criminal law are general prevention and influence on the offender by giving him a warning, resocialization and rehabilitation. None of these means has scientifically been proved to be effective. Nevertheless, such effectiveness is taken for granted. The belief in the general-preventive effect of criminal law is taken as a basis whenever new criminal provisions are introduced. What the legislator has in mind on such occasions is not solely deterrence in the strict sense of the word. By providing a penalty for a certain type of behaviour the legislator tries to put special emphasis on the value of the injured legal property and on the ethical demerit of the act by which it is injured: Criminal law is the strongest expression of the definition of undesirable behaviour.

II. Social control, which is exercised by means of criminal law, is connected with severe drawbacks: Where the convicted person is deprived of liberty such penalty may impair or even destroy his ties to his trade or occupation, family and neighbours. In many cases the convicted person will be stigmatized whereby his social relations are disturbed and his self-respect is weakened. Therefore the social costs of criminal law are enormous. Moreover, as far as the penalty involves deprivation of liberty it is extremely expensive also in economic respects. These costs are all the more significant the less the benefit of punishing can be ascertained. In view of these facts criminal law should be resorted to only where other means of social control are insufficient. Criminal law should be the means of last resort. Criminal provisions are of no avail if their application in social reality causes harm rather than procedures benefits. Such a prevailing harmfulness of criminal provisions has been assumed in the Federal Republic of Germany, for example, in respect of provisions dealing with types of behaviour within matrimony or the family (adultery, wife swapping). In the discussion in recent years a positive criterion for the legitimacy of criminal legislation has been looked for: It was held that criminal law should be applied only for the prevention of acts harmful to society. It is true, the criterion of social harmfulness is rather vague because practically any behaviour exceeding the immediate personal sphere of the parties concerned can be alleged to impair social values. One should therefore prefer a more strictly defined criterion: Protection by criminal law is required only by such property the continued existence of which is of substantial importance for the life of the

individual or of the community. In the German legal tradition one speaks of „legal property" (Rechtsgüter) protected by criminal law. Traditionally, this is primarily the property connected with the individual's existence, such as life, physical integrity, personal liberty, honour, and individual property. But also collective legal property has always been protected by means of criminal law, among others the inviolability of state and legal order and institutions such as matrimony and the family. The discussion in the sixties, which made the criterion of social harmfulness the test, tended to stress the protection of "tangible" individual legal property and to question the protection of collective interests. As opposed to that, in the last few years it has again been alleged that it is necessary to protect also "supra-individual interests" by means of criminal law. For example, in the considerations on the reform of economic criminal law the functioning of the economic regime was held to be supra-individual legal property requiring protection by criminal law. The work on the formulation of criminal provisions for the protection of the environment has shown that individual legal property (health and life) and supra-individual interests (preserving a humane environment) cannot in each case be separated from each other.

III. Where the prerequisites for the protection of legal property by criminal law do not lie the question of decriminalization will arise. In each individual case the consequences of decriminalization are different.

1. Decriminalization can mean that the behaviour concerned will no longer be considered to be contrary to values and will be accepted socially. The expression of such a social acceptance are rules which integrate the decriminalized behaviour into the normal social regime. As to this point we have in mind, for example, provisions which, after (partial) decriminalization of abortion, will regulate the medical performance of abortion and give rise to social claims of the women concerned.
2. In other cases, although the decriminalized behaviour continues to be undesirable, a sanction is abstained from because criminal law would rather do harm than produce benefits; examples for this are the decriminalization of adultery and the treatment of prostitution under criminal law; in the Federal Republic of Germany prostitution as such has never been punishable.
3. Decriminalization may be based on the idea that in respect of behaviour the prevention of which is desirable means of social control outside criminal law are to be preferred to criminal law. Such means of social control may be of a governmental or non-governmental nature. The governmental means include, among others, social aid, the public health services, youth assistance, civil law and administrative law. Non-governmental agencies of social control, which in cases of specific behaviour may take the place of criminal law, are medical care, the

school, the factory or office, and the neighbours; possibly even the potential victim, e. g. the proprietor of a shop, may take measures amounting to social control. The advantage which controls outside criminal law have lies in the fact that prosecuting authorities and courts will be relieved so that they can concentrate their attention on more serious crimes. On the whole it may also be assumed that means of crime prevention and control outside criminal law will stigmatize less than the application of criminal law does. On the other hand, also measures of prevention and punishment outside criminal law have their specific drawbacks, both governmental and non-governmental measures of this kind: The system of constitutional guarantees for the individual is elaborated in the area of criminal law better than it is, for example, in public health law (committal to a psychiatric hospital under the non-criminal "Committal Laws" of the Laender). The problem of constitutional control is particularly urgent where control passes to private agencies, e. g. to the firm (in case of offences committed by employees at their place of work) or to the proprietor of a shop (in case of shop-lifting). Possibly the affected person may find that such a non-governmental control mechanism, e. g. in his immediate sphere of life such as the factory or office, is of particularly grave effect. The idea to employ the offender's mates at his place of work or his neighbours specifically as an agency of social control of his behaviour is somewhat inconsistent with the individual's right worthy of protection to remain free from controlling intervention in his personal sphere of life. This applies to a lesser degree to criminal law for juveniles, but to a higher degree to criminal law for adults.

4. Formal decriminalization by acts of the legislator has been known in the Federal Republic of Germany only for the last few years (cf. observations under B. below). De-facto-decriminalization is older, and now it is becoming of increasing importance. In the Federal Republic of Germany the principle to be applied is that of legality: Unless otherwise provided, the prosecuting authorities are bound to take action in respect of all criminal offences, provided there are sufficient facts to be relied on. In fact, however, not all criminal offences will be prosecuted. This is not only due to the fact that many offences do not become known. Another reason is the limited capacity of the prosecuting authorities, which in many cases will lead to the result that the prosecution of minor offences, in particular of minor offences against property (shop-lifting, petty fraud, petty theft from building sites or stores), will be effected only with such an effort in terms of time and staff as appears possible in view of the tasks that have priority. If the gravity of the offence is a minor one and there is no public interest in the prosecution of the offender, a proceeding that has been initiated may

be discontinued by the prosecuting authority; the latter may make this decision all by themselves where minor offences against property are concerned, while in other cases the decision requires the consent of the court. Since 1 January 1975 this system of discontinuation by the prosecuting authority has been laid down in greater detail in a new statutory provision: The prosecuting authority may make the final discontinuation of the proceeding conditional on the accused person making good the wrong done, paying an amount of money for the benefit of a non-profit institution or the Treasury, or rendering services to the community. On these conditions the proceeding may be discontinued even in cases where formerly the prerequisites for discontinuation on the ground that the offence was a minor one would not have been held to lie. Discontinuation conditional on the imposition of special duties requires the accused's consent; it does not imply that he is considered to be guilty. Nevertheless, the new regulation has met with criticism, by reference to the presumption that a person is deemed innocent as long as he has not been found guilty; the critics argue that the accused is not really free where he is confronted with the choice either to take upon him the risk involved in the criminal proceedings or to submit to the said special duties to be imposed. The legislator, however, proceeded from the assumption that the advantages of the new procedure prevail; it is expected that this procedure will relieve the courts and prosecuting authorities and allow a solution of the problem conditional on the accused's consent; on the one hand, this solution saves the accused the drawbacks of the criminal proceedings and conviction, and, on the other hand, gives him an opportunity to "settle" the matter by performances of his own. The range of the said procedural provisions on the discontinuation of proceedings makes it possible to proceed in a way which in the American discussion is styled as "diversion". A peculiarity of the German practice is the frequently imposed duty to pay an amount of money to a non-profit institution. Such a duty to pay an amount of money will be imposed also in connection with the suspension of prison sentences. The money so paid will go to various charitable institutions, among them also those organizations which render assistance to offenders.

IV. According to the criteria explained above the creation of new definitions of criminal offences comes into consideration only where the offender's behaviour is a serious menace to the individual or the general public. The legislator saw the necessity of such re-criminalization in particular where the general consciousness of the repugnant nature of a certain type of behaviour was to be strengthened. This applies in particular to certain road traffic offences, especially to driving under the influence of alcohol. Further examples are the criminal provisions against drug trafficking and

new definitions of criminal offences which are at present before Parliament and with which dishonest acts in connection with the receipt of economic subsidies are to be suppressed. Where the legislator decides to resort to criminal law as a means of social control this is sometimes due to other motives as well: One of these motives is that in many cases only the prosecuting authorities (police, Prosecution) but not the other governmental or non-governmental institutions are believed to be able to suppress certain acts energetically and expertly. One may further come across the argument — though disputed — that the governmental administrative authorities including the police take action against some behaviour most energetically if a penalty has been provided for it.

B

I. 1. The first important step in the field of decriminalization in the Federal Republic of Germany was the revision of the law of regulatory offences in 1968. Then the majority of minor and medium road traffic offences were decriminalized and converted into regulatory offences; regulatory offences are acts which will be punished with an administrative fine and be dealt with by an administrative authority outside the criminal law system. Apart from violations of the traffic regulations also numerous violations of the provisions of administrative law including cartel law are styled regulatory offences.

2. In 1969 and 1973 two laws were enacted which decriminalized acts in the field of sexual criminal law and related subjects. Here we should mention first the homosexual acts between males, which were generally subject to punishment before 1969; subject to punishment is now only a male person over 18 years of age who performs a sexual act on a male person below the age of 18. The criminal provision against procuration, which formerly had a wide scope, was severely restricted in 1973: Procuration is now punishable only if under certain circumstances it relates to minors or if it serves to induce another person to engage in prostitution; subject to punishment are further the various types of pandering if they are connected with exploitation of the prostitute or a decisive influence on the exercise of prostitution by her. The punishability — likewise of a wide scope under the former law — of sexual acts performed by taking advantage of an official position or of the position in a hospital was also restricted; however, in such cases the decriminalized behaviour continues to be subject to sanctions outside criminal law, namely to disciplinary law. Punishability of exhibitionism has been restricted; the suspension of prison sentences for exhibitionists was specially facilitated in order to make treatment in liberty possible. Finally, in 1969 the punishability of adultery was abolished.

3. The reform of the provisions on abortion has not yet been completed in the Federal Republic of Germany. After a law which generally permitted abortion by doctors up to the twelfth week was declared unconstitutional by the Federal Constitutional Court endeavours are being made at present to find a solution which will permit abortion if certain indications are present; when the indications are described also the social factors will probably play their part.

4. In 1973 the dissemination of pornographic material among adults, provided such material does not appear in public, was decriminalized; in addition, a provision against defamation of the State was deleted.

5. Whilst formerly the mere presence in a riotous, violent crowd was punishable as breach of the public peace, such punishability was also restricted by a law which entered into force in 1970: Now punishment is only provided for a person who himself participates in the acts of violence committed among the crowd or who exerts influence on the crowd in order to enhance their willingness to commit such acts of violence. This reform is subject to some dispute.

6. Begging and vagrancy, for which until 1974 a minor penalty was provided, have now been decriminalized. It is for the social authorities to deal with the persons concerned.

7. Further criminal offences which were deleted in the last few years concern the violation by parents and educators of their duty of supervision, and the possession of thieving outfit.

II. The practical picture of the administration of criminal justice has been influenced by the aforementioned forms of de-facto-decriminalization. In supplementation thereof reference must be made to two processes:

1. Criminal offences committed by employees at their place of work, in particular thefts, will only seldom be reported to the prosecuting authorities. Where the managers of the firm learn of the offence, it is the custom to impose an internal, inofficial sanction. Such sanctions may be the dissolution of the employment contract, a caution, transfer, or payment of an informal compensation. The procedures followed where such sanctions are imposed inside the factory or office vary. The question whether in such informal penal procedure the affected person's rights are sufficiently protected is the subject of comprehensive scientific studies. There are intentions to lay down legal rules for such procedure.

2. Retail businesses of some substantial size, in particular department stores, are more and more getting into the habit of demanding from shop-lifters a certain amount of money, mostly DM 50,—. In such cases mostly, although not always, the offence is not reported to the prosecuting authorities. The legality of such a procedure is disputed. The proprietors of shops take the view that the sum paid (DM 50.—) is a lump sum for the expense incurred in connection with the persecution

of shop-lifters. Those who criticize this practice take the view that the person suspected of shop-lifting is, by the shopkeeper's demand for money, put under pressure because he is facing the alternatives either to pay the amount or to be reported to the prosecuting authorities. There are, at any rate, proposals for the procedure followed in practice to be legalized to the effect that prosecution by governmental organs shall become inadmissible where the accused person has paid the shopkeeper a certain amount of money; according to this proposal the shopkeeper shall be bound to report the fact of such payment to a governmental authority. This proposal is disputed; in favour thereof it is said that it will embody in rules controllable by law a procedure that cannot be avoided anyhow.

C

Legislative acts of the last few years by which new criminal provisions were created related to the hijacking of aircraft and the taking of hostages (1971), drug trafficking (1972), rent usury (1971), and the protection of privacy against eavesdropping measures and against the abuse of recordings on phonograms (1967), further the disclosure of secrets (1974). Other new criminal provisions regarding novel forms of crime are directed against the illegal procurement of foreign workers and against certain novel forms of pandering and of white slave traffic. The legislative bodies further have before them a comprehensive draft law which is meant to facilitate the suppression of economic crime, especially in connection with subsidies, under criminal law. Further draft laws are directed against public advocacy of violence and against public incitement to certain criminal offences, as well as against the formation of, and giving support to, terrorist associations. Their suppression will be assisted also by a number of supplementary measures of criminal procedure. Finally, the Federal Government are preparing a draft law which will incorporate in the Criminal Code acts endangering the environment (water, air, etc.) and define them as criminal offences by extending the punishability that had been provided for up to now.

D

As far as criminal procedure is concerned the aforementioned relaxation of the compulsion to prosecute certain offences is of special importance for criminal policy. Further reform laws in the field of the law of criminal procedure aim at speedying up and shortening criminal proceedings. The assistance rendered to the court by collecting information in respect of the offender's personality and the circumstances surrounding his offence has, beyond the practice followed so far, been embodied in the statutes. This is one of various attempts to adapt the law of criminal procedure to the changed objectives of criminal law, especially with regard to the offender's resocialization. Further considerations relate to the question whether the criminal proceeding should be

split up into two parts, the first being reserved to the finding of guilt and the second to finding out what sanction would be appropriate. The question is still under discussion. The said considerations express the doubt whether the criminal procedure in its present form suffices to collect the necessary information as to what sanction should be imposed. In choosing the sanction the judge will require expert advice to an increasing extent. The parts to be played by judges and experts are the subject of heated and controversial discussion.

The emerging role of the police, with special reference to changing expectations and minimum standards of performance

by Dr. Karl-Heinz GEMMER, Head of Department,
Federal Office of Criminal Investigation

I. The tasks of the police

The police forces of the federation and of the Laender (federal states) are responsible for the protection of the public against dangers and for the entire field of the suppression of crime by crime prevention and law enforcement.

Moreover, the functions performed by the police include the maintenance of public security on the occasion of large-scale events or meetings, in cases of disaster etc. as well as the protection of the liberal and democratic basic system of the Federation and of the Laender against any threats. Another task to be mentioned in this connection is the protection of the frontiers of the Federal Republic of Germany by the Federal Border Police.

As far as an up-to-date police conception is concerned the changes of the entire society must not be overlooked. For this reason the activities of the police cannot be viewed separately; their dependence on society should always be taken into consideration.

Since it is continuously in touch with reality, the police is well ahead in respect of information, and this fact enables it to contribute — beyond its restricted sphere of responsibility — essentially to an adequate policy in matters of a social and criminal nature.

II. Organization and allotment of tasks

On principle the functions of the police fall within the scope of responsibility of the Bundeslaender (federal states).

The uniformed police is concerned with safety and order in road or street traffic. Moreover, it ensures security and order on the occasion of large-scale events or meetings, in cases of disaster etc., and it takes part in the struggle against crime.

The task of the criminal police or detective force is the fight against crime. Within the scope of crime suppression the police forces of the Laender are assisted by the Bundeskriminalamt (Federal Criminal Police Office) in its capacity as information and communication centre of the German police and as the National Central Bureau of Interpol for the Federal Republic of Germany. In certain cases the Federal Criminal Police Office can conduct investigations itself.

The Federal Border Police has in the first place to protect the frontiers of the Federal Republic of Germany. Apart from performing this function the Federal Border Police is always, as a police reserve, at the disposal of the appropriate authorities of the Bundeslaender for the purpose of being employed in certain cases of emergency. The Federal Border Police comprises a special unit maintained by the Federation for the suppression of specific crimes of violence.

III. Criminality and its suppression

1. Statistics

In co-operation with the Landeskriminalämter (Central Criminal Police

Offices of the Laender) the Federal Criminal Police Office compiles the Criminal Statistics of the Police for the Federal Republic of Germany.

The Criminal Statistics of the Police for 1973 reveal as a matter of significance that the number of the registered criminal offences decreased by 0,5 % as compared with 1972. The crime rate, that is the number of known cases in relation to 100 000 inhabitants, dropped by 1%. At the same time the total clearance rate rose from 46,5 % in 1972 by 0,4 % to 46,9 % in 1973.

However, the informative capacity of the Criminal Statistics of the Police is limited. Because of the amount of hidden crime which does not come to the attention of the police and which varies depending on the type and seriousness of the offence the officially recorded criminality does not accurately reflect the actual situation as far as crime is concerned, but it comes more or less close to reality. An increase of the registered criminal offences may, for instance, be due to a greater readiness of the population to report a crime or it may be the result of an actual growth of the number of punishable acts. Criminal statistics have always to be viewed against the above described background.

The Criminal Statistics of the Police for 1973 reveal that the development of the trend as far as the various ranges of offences are concerned differs. They show a favourable result in respect of important ranges of crimes of violence such as murder, manslaughter and robbery. The same applies to offences which were committed with the aid of fire-arms. The number of thefts decreased as well.

However, in some cases the statistics reveal unfavourable trends: The number of drug offences rose by 5,2 %. This increase is probably above all due to an intensified suppression of drug delinquency, which resulted in a decrease of the number of hidden crime in this field.

2. Current forms of serious crimes

In recent years the police in the Federal Republic of Germany has been repeatedly confronted with criminal offences which affected the state or individuals considerably in an adverse way (for instance the taking of hostages, extortions hijacking etc.). Such conflicts differ considerably from the situations with which the police is usually confronted, and they can only be coped with by modern and novel means. The police must be prepared for such situations as far as their personnel, organization and equipment is concerned in order to be able to counter such violent attacks successfully right at their initial stage. Due to the federative structure of the police in the Federal Republic of Germany the police authorities of the Laender and of the Federation established different special units. The "Conceptions for the Establishment and Employment of Special Units of the Laender and of the Federation for the Fight against Terrorists", which was determined on February 15th, 1974 by the Conference of the Ministers and Senators of the

Interior, a permanent institution, ensures that these special units are unified to a great extent. However much these special units with their top equipment and organization are, for the sake of possible victims, required for the purpose of protecting the public against dangers, attention must always be paid to the fact that these units do not constitute a long-term burden on the overall structure of the police. The police must rather develop its way of acting in exceptional situations both theoretically and practically. By taking into consideration psychological findings and by choosing its means in accordance with the prevailing situation and with the actual social circumstances the police must for each individual case prepare an operational strategy which is directed to specific objectives. In this way the danger of an escalation is counteracted, and the public is given an example of the expert, superior and consequently detached dealing with criminality.

3. Use of electronic data processing in connection with the suppression of crime and transition to crime prevention.

An effective fight against crime by the police — in particular crime prevention — is only possible on the basis of scientifically corroborated and detailed knowledge of the structural conditions, development and regularities of criminality. For this purpose enormous amounts of data concerning offences and offenders are available to the police, and with the aid of electronic data processing they can be processed in all desired connections and combinations.

The use of electronic data processing brings about farreaching changes for the police. Ways of thinking and modes of operation which so far had been regarded as matters of course were fundamentally called in question and replaced by new modes of operation, other organizational forms and a new orientation of the structure of the police.

On the technical basis of a data communication network consisting of large-scale computers the Federal Republic of Germany established a police information and search system called INPOL, which is jointly operated by and based upon a division of labour between the Federation and the Laender, and in this way it will gradually integrate the entire intelligence system of the police into the electronic data processing scheme.

This plan will be realized in steps, the sequence of which depends on the importance of the information for practical police work. The following phases have been determined in connection with the realization of this project:

— Search for wanted persons
— Search for stolen property
— Dactyloscopy
— Detention file
— File comprising offences and offenders
— Documentation of criminalistic and criminological literature.

Among the most important projects within the scope of electronic data

processing is the "file comprising offences and offenders". All data concerning offences and offenders in the Federal Republic of Germany are electronically stored by means of a process graded between the Federation and the Laender and they are available for direct access. In consideration of the place, time, circumstances, modus operandi, description of the offender, connection with other offences and other relevant characteristics all offences and offenders are registered by the police on uniform forms and, according to catalogues of characteristics, they are fed into the INPOL System. Within the scope of the INPOL system the files comprising offences and offenders will serve the purposes of information, multidimensional evaluation and search for police operations, criminalistic and criminological research work orientated towards mass statistics and various statistical purposes.

By storing and processing all personal and environmental factors and those concerning the time of the offence the police is in a position to supply information about the quantitative development and qualitative changes of criminality, based on a comprehensive analysis of criminality in consideration of mass statistics.

Since as far as the origin of criminality is concerned social factors play an important part, the police considers, if need be, also social circumstances and such factors which only seemingly have nothing to do with the police, such as education and town-planning.

On the basis of the electronically stored data with their multiple combination possibilities comprehensive prevention models are developed by means of scientific and systematic analysis and research activities. A permanent analytic and prognostic evaluation of the data material enables the police, the legislators and those responsible for the policy concerning matters of a criminal nature to take preventive measures directed to specific objectives and to stop in this way developments in the field of criminality before they begin to assume dangerous proportions.

IV. Training

Knowing that a society which is orientated towards efficiency and which is highly industrialized requires an efficient police force co-operating closely with the citizens, the Federal Republic of Germany developed a large-scale reformatory programme, the realization of which was started two years ago. The most essential item of this reform is a practical training of the police on a scientific basis. This training has been distinctly integrated into the overall structure of the educational system of the Federal Republic of Germany.

Since in respect of all professions of a competitive society longer sequences of learning of a higher value are demanded, an institution which is concerned with the maintenance of security in this society can least of all renounce this demand.

According to the new orientation of the training of the higher grades of the

law enforcement service of the police it comprises studies at a special college for the duration of three years These studies aim at furthering the officers' capability of being intellectually productive and creative and their lifelong readiness to learn. Moreover, these studies are supposed to prepare the officers for their responsibilities in a liberal and democratic society in the spirit of the Declaration of Human Rights.

In the light of these factors the training of the police must not be tantamount to a mere conveyance of knowledge; the training must also aim at enabling the officers to make analyses and to form estimates on their own. Last but not least the training must also be concerned with the attitude and the (emotionally anchored) behaviour of the officers (for instance their ability to cope with conflicts).

For the training of highly qualified senior officers of the German police a Police Academy was established, which is jointly financed by the Federation and the Leander. At this academy scientific teaching and research work are harmoniously combined.

V. The police and the public

The police must always endeavour to create and to maintain confidence on the part of the public in order to be able to perform its legal functions in every situation. For this reason the public is being acquainted with the tasks of the police, and this is done by specific activities within the scope of public relations. At the same time the measures resulting from the tasks of the police are made clear to the public.

The public reputation and standing of the police depend to a great extent on the maintenance of security and order. In recent years there has been an encouraging trend in the Federal Republic of Germany: Identical representative interviews in 1968 and 1974 revealed among other things that during this period the reputation and standing of the police have improved considerably: In 1968 76 % of the interviewed persons judged the reputation and standing of the police positively, and in 1974 this figure rose to 88 %.

Since the activities of the police in a modern state must be regarded as a service to the benefit of the individual citizen and of the public, the police must endeavour to improve this trend in the future. On certain occasions it may be expedient or necessary to ask the public for their assistance and co-operation. The reciprocation between the reputation of the police and the confidence in its work on the one hand and the readiness of the public to assist the police on the other hand cannot be overlooked in this connection.

VI. Conclusion

Scientific and technological progress and alterations in respect of the entire society result in manifold changing processes producing an effect on parts of the society. The police is also subject to this social change. The organization, structure, technique and tactics as well as the training of the police must be improved continually in order to be up to the respective level of development of the society. It is only in this way that the police can execute its functions of ensuring the interior security with an optimum of success.

The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations

by Dr. Erich CORVES, Ministerialdirigent,
Federal Ministry of Justice

A.

1. The problems connected with the execution of prison sentences have rightly found attention on an international level for some considerable time, particularly during the last few decades. The need of cooperation and an intensive exchange of information on experiences gained is becoming more urgent all the time. This has been shown not only by the efforts of the four U.N. Congresses on the Prevention of Crime and the Treatment of Offenders, which where held in Geneva (1955), London (1960), Stockholm (1965), and Kyoto (1970), but also by the manifold activities conducted under the auspices of the Council of Europe as well as by the subjects of numerous important international congresses.
   During the past few years in the Federal Republic of Germany, too, the execution of prison sentences has become the object of special efforts. There are several reasons for this.
2. In the Federal Republic of Germany the execution of prison sentences so far is not governed by statute but by identical administrative regulations issued by the federal states. In view of the special importance of the execution of prison sentences and the drastic interference with personal liberty connected therewith it is increasingly felt that the execution of prison sentences must be given a firm statutory basis in order clearly to define the rights and duties of the prisoner on the one side and those of the prison administration on the other.
3. In the Federal Republic of Germany, as elsewhere, there is a growing uneasiness about the penalty of imprisonment and its lack of effectiveness. The number of convicted and untried prisoners (e.g. on 31 August 1974 52.065 prisoners, 15.613 of which were untried, compared with the total population of the Federal Republic of Germany of about 62 millions) is regarded as too high. There is wide-spread opinion that among these prisoners there are not a few persons who might suitable be treated in freedom to counteract their criminal inclinations without exposing them to the desocializing effects of a deprivation of their liberty. In this situation the development of semi-open or open forms of the execution of sentences and non-custodial measures instead of detention assumes special importance.
4. In the Federal Republic of Germany prison sentences are to a great extent served in institutions with buildings constructed at a time when the sole purpose of a prison sentence was to lock the malefactor up. Such buildings offer little opportunity for more intensive treatment of inmates. Taking account of the present state of knowledge of prison science and practical experience the German federal states have made some salutary efforts to reconstruct old prisons and build new ones, to employ more staff, and to carry out treatment programs directed toward specific goals. And yet, on top of all this, the statutory regulation planned must give some more incentive to reform.

5. In 1973 the Federal Government introduced to the legislative bodies a bill relating to the execution of sentences (the Prison Bill). The intention is that it be passed in the course of 1975 and thus take effect in 1976. For financial reasons the Act by far cannot provide for all the urgent desires of reform, but if it became law, it would be an important step forward and, by the way, also an important step toward the further realization of the Minimum Rules.

B

6. The Minimum Rules not only considerably influenced the preparatory work for the government bill of a law relating to the execution of sentences (the Prison Bill) but even before that time greatly affected the practice in German prisons and the administrative directions of the German federal states. Therefore, their significance should be given some consideration.
7. The Minimum Rules are, above all, intended to ensure on a world-wide basis that the fundamental human rights of a prisoner shall be preserved, that he will not be exposed to degrading treatment, and that no further restrictions and sufferings be imposed on him than those necessarily inherent in the prison system (cf. Rule No. 57). This important goal will remain even in the future regardless of the social or economic conditions. To achieve it the detailed rules, for instance on accommodation and treatment of prisoners, are prescribed. These rules, of course, are determined by the state of knowledge at the time the Minimum Rules were drawn up in 1955. It should be stressed that the Minimum Rules recognised this problem very well and do not consider themselves a model draft of a statutory regulation, but intended to be quite open to future development. The principal importance of the Minimum Rules must not be disregarded either in respect of the question of their practical enforceability or any future amendment or supplementation.
8. It is self-evident that the practical application of the provisions on, for instance, accommodation, food and clothing must be seen in the light of the economic, social and even the climatic and other conditions of the individual member states of the United Nations Organization. In this respect the relations to the living conditions of the people at liberty in the individual countries exercise a considerable influence. This remark alone, if nothing else, shows that it can be neither the goal nor the result of the Minimum Rules to bring about like conditions of detention all over the world. For obvious reasons their goal cannot be to secure a standard of living for prisoners that is higher than the average standard in the country concerned; on the other hand, prisoners should not unnecessarily be under-privileged.
9. If this is kept in mind, it will be realized that provisions on, e.g., the separation of prisoners or the system of privileges are postulates that are accepted for a certain time only and, according to circumstances, they may at any one time rank differently in various countries. If new findings lead to the conclusion that the basic ideas of the Minimum Rules can better be

realized by other provisions, then the old provisions must not obstruct modern regulations. This shows that a slavish compliance with every individual provision would quite oppose the spirit of the Minimum Rules.

10. In consideration thereof the member states of the Council of Europe redrafted the Minimum Rules and, on 19 January 1973 at the 217th meeting of the Ministers Deputies adopted a new version in the Resolution (73) 5. It was comparatively easy to agree on such a new version because the Council of Europe comprises a smaller group of states with similar economic and social conditions. Although there are some important differences between these states, they are not as incisive as would be the case with the world-wide membership of the United Nations Organization.

11. Some of the amendments of the Council of Europe version may here briefly be mentioned. The principle of protection of human dignity is now expressly mentioned in No. 3 and again affirmed in No. 5, para, 3 (cf. No. 6, old version).
The rather categorical principles of separation in No. 8 of the old version are replaced by a more flexible rule (No. 7, new) which is in accordance with modern conceptions. Also as regards the categorical separation of men and women attention is directed to the wording of No. 54 (new) which is not as rigid as No. 53 (old). Among the disciplinary measures, i. a., the reduction of diet that was provided in No. 32 (old) is no longer mentioned; in No. 37 (new) the rules on visitors are widened.
No. 51 (new) takes account of new forms of cooperation between the staff. More active participation of prisoners in their treatment is provided, for instance, in No. 60, para. 2 and No. 67, para. 4 (new). Mention is also to be made of the abolishment of the privilege system (No. 70, old) and the introduction of a treatment system based on co-responsibility (No. 71, new).

C

12. This new version adopted by the Council of Europe shows that the extent of the realization of the Minimum Rules can hardly be accurately inferred only from the answers to a questionnaire that is based on the old U.N. version. For instance, where in the member states of the Council of Europe the new European version has been put into effect, the correct reply to the U.N. questionnaire in consideration of the Minimum Rules of 1955 would have to be "partly applied" or "applied in principle". Nevertheless an attempt will here be made to review the situation in order to see how and to what degree in the practice of the execution of sentences in the Federal Republic of Germany as well as in the Prison Bill these requirements have been complied with. The requirement that have been met to the full will not be specifically mentioned.

13. The Minimum Rules were translated into German at an early time — just like the new version adopted by the Council of Europe — in order to ensure their widest propagation and application; they are available in all prisons and are used in the training of prison staff. Thus, one of the decisive requisites of their realization has been fulfilled.

14. In the day-time the separation of untried prisoners from convicted prisoners is not always possible because at times some institutions are overcrowded. It must be pointed out, however, that especially the common work of different classes of prisoners is often done with the consent, and even upon the wishes, of untried prisoners because, as a rule, better jobs are offered to convicted prisoners. The European version (viz. No. 7, No. 85) only provides that untried prisoners shall not be put in contact with convicted prisoners against their will.
The accommodation of prisoners by night in single rooms is not guaranteed in all institutions because at present there are not enough rooms for detention available. Efforts are, however, made to achieve the complete compliance with Rule 9, para. 1, first sentence. According to the Prison Bill in the open prisons in the future accommodation in dormitories by night is permissible with the prisoner's consent.

15. In sec. 56 the Prison Bill, in conformity with No. 21 of the Minimum Rules, provides for at least one hour of exercise in the open air per day. In practice this unfortunately is not possible in all institutions. The administrative regulations now in force, therefore, provide that the exercise in the open air shall last, if possible one hour, and that the minimum shall be half an hour.
In the legal system of the Federal Republic of Germany disciplinary measures are not considered "punitive" within the meaning of the prohibition of double punishment contained in Article 103, paragraph 3 of the Basic Law of the Federal Republic of Germany. This, by the way, applies not only in the execution of sentences, but also in other fields, such as the civil service. Consequently, where a prisoner is guilty of a breach of duties imposed on him by the provisions relating to the execution of sentences, the prison administration may order a disciplinary measure to be taken. If this wrongful behaviour also fulfils the requirements of a criminal offence, the prisoner may in addition be sentenced by an ordinary court to punishment under criminal law. Accordingly, this is not regarded as a violation of No. 30 of the Minimum Rules.

16. The requirement of No. 68 that, so far as possible, separate institutions or separate sections of institutions be used for the treatment of different types of prisoners is taken as a guide-line also in the Federal Republic of Germany; so far, however, there are not enough institutions of the various categories to ensure treatment that is adapted to all the individual requirements.
The employment of prisoners is very problematic, particularly in times of an economic recession. Because it is difficult to obtain work and partly also because there are not enough modern workshops not all prisoners can be

given work that will improve their ability to earn a living after release. The German federal states try to improve the offer of jobs to the prisoners, but the results of these efforts vary in different prisons.
The problem of pay for the work also presents great difficulties, above all, for financial reasons. The Prison Bill provides for transition from the present system of an award for the work to a system of remuneration. However, it is expected that such a system can be put into effect only step by step.

D

17. As pointed out above, it is hoped that the Bill will play a part in putting into effect the above mentioned requirements of the Minimum Rules that have not been fully realized. Of course, that is but one of its goals, the material point is that this law contributes to the prisoners attaining the object of the treatment which is worded in the Bill as follows: "In serving his prison sentence the prisoner shall be enabled in future to lead a life in social responsibility without committing criminal offences." To this end life in prison shall so far as possible be assimilated to the general living conditions and any detrimental effects of the deprivation of liberty should be counteracted.
18. The authors of the Bill found themselves in the same dilemma as those of the Minimum Rules: the danger, on the one side, to fix conceptions valid only at a particular time thereby obstructing future development and, on the other, not to draw up the statutory provisions strict enough thereby failing to bring about necessary reforms. This would, of course, have been possible by laying down index numbers for the staff, limits for the size of institutions, the size of residential or treatment groups of prisoners. With reason, this has not been done.
In how far the Bill will assist genuine reform depends, i.a., on the financial means and the personnel employed to put it into effect and in which way the German federal states, who are competent for the execution of sentences, will apply those provisions of the law that are not mandatory.
19. It cannot be the object of this short paper to deal with all the provisions of the Bill. However, some points may be mentioned which found special attention at the conferences held in Copenhagen on 17 August 1973 and Budapest from 28 to 31 May 1974 preparatory to the U.N. Congress.
The Problem of an independent control of the execution of sentences is solved as follows: The courts make no decisions directly affecting the management of the prison — that is a matter for the prison administrations and their superior authorities. But a court decision may be applied for to test the justice of any measure taken by those authorities to deal with problems arising in the execution of sentences. Thus, a comprehensive control of everything that happens in prison is ensured in accordance with

the principles of the rule of law. To deal with these matters a special chamber will be formed whose members will be familiar with conditions in prison; consequently, the control of prisons will not only be independent but also guided by expert knowledge.
20. The Bill takes account of the idea that a modern treatment-orientated execution of sentences must not lose sight of the requirements of security and deterrence by providing that dangerous offenders be confined in institutions guaranteeing their safe detention. Making provision for different kinds of institutions serves the purpose of enabling other institutions to relax their regime. Thereby better chances of treatment are offered without neglecting the justified security interests of the general population.
On the other hand, the Bill does not incorporate the idea that the manner in which imprisonment is carried out should act as a deterrent. Aggravation of the penalty that consists in the deprivation of liberty as such is alien to the nature of the Bill; according to it, deterrence may be seen to consist only in the threat of punishment contained in the criminal law and the imposition of a penalty by a court.
21. The desired reduction in short prison sentences effected by the increased imposition of fines and suspension of sentences on probation, however, presents another problem that cannot be overlooked: The prisons are then filled with offenders who are increasingly more difficult to influence. This is being taken account of by establishing different kinds of prison in order to provide for suitable accommodation and treatment also for the most-hardened inmates. Some of these inmates will be able to benefit from the newly provided for socio-therapeutical institutions to which a prisoner may be transferred if the special therapeutical means and social aids of such an institution are indicated in his case to achieve his resocialization. The features of these institutions will be their large number of special staff, their small size, and the specific methods of treatment they employ to reach the goal of the treatment.
22. In the Federal Republic of Germany the problem of long prison sentences, especially life sentences, is regarded as requiring reconsideration. Extremely long prison sentences confront the prison service with extraordinarily difficult tasks. The Bill makes no attempt to solve them. They are reserved for special legislative action. At present it is examined whether life sentences might be suspended on probation by a court order after at least 12 or 15 years have been served. So far, remission of sentence is possible only by a pardon. Likewise, the possibility of an extended conditional release of prisoners sentenced to long determinate terms is being discussed.
23. Also the question of an intensive after-care is dealt with in the Bill. In our opinion, this is a very important factor in reducing the risk of relapse, at an extremely critical time. Special aids for release are, therefore, provided. The shortage of suitable half-way houses is painfully felt.

E

24. The above mentioned doubts about the effectiveness of prison sentences throw a different light on all the efforts made in the execution of sentences and the full application of the Minimum Rules. It has be to borne in mind that this is not the only factor in combating recidivism. This growing realization unfortunately has not led to any pat solutions. At any rate, in some countries encouraging initial progress has been made that must be continued. For some considerable time an intensive international exchange of experiences will be required.
25. As manifold as the roots of criminality are, the various kinds of reaction to it should be. For not a few offenders the German criminal law reform has provided an effective remedy: The extension of the fines (drastic increase, fines measured on a *per diem* basis). The system of service to the community that has been put into effect in some countries deserves more attention in the Federal Republic of Germany than it has enjoyed here so far. The legal basis for such orders is present in the form of conditions that may be imposed and instructions that may be given by the court when deciding upon the suspension of a sentence on probation. Here again it will not suffice to print in the Official Gazette that certain things may be done unless financially well-provided specific programs are tackled in order to make the letter of the law come alive.
    Similar considerations apply to the establishment of homes that correspond to the British hostel system. Such homes accommodate inmates who go to normal employment. In their spare time they can either be generally cared for, or special measures, such as single or group therapy, may be taken. In this respect, much remains to be done in the Federal Republic of Germany. To give details would go beyond the scope of item No. 4 on the agenda of the Congress. Future discussions would, however, have to start from this point.
26. All these problems must be kept in mind if one turns to the future significance and development of the Minimum Rules. The limited significance and the limited success which prison sentences have had so far show that the Minimum Rules, too, can have only limited significance within the framework of the entire crime prevention policy. This significance, however, is fundamental: Ensuring a minimum social status for prisoners everywhere and their human dignity. This significance of a sort of 'magna carta' must not be diminished.
    This goal is still being achieved by the Minimum Rules as drafted in 1955 and in force since that time.
27. To give new impulses to crime prevention policy by re-wording some of the Minimum Rules is possible only to a limited extent because differences in the economic and social conditions of the numerous countries are too great. What is an experimental clause to try new and progressive measures of crime prevention policy in one country may be a harmful dismantling of important minimum guarantees for the prisoner in another. The justified criticism of some of the Minimum Rules should not dim one's view of the fact that, basically, it was an astonishing achievement for so many and so different countries to agree on a set of rules which, if fully applied, could give prisoners in all countries effective protection.
28. The efforts of the Council of Europe to re-word the Minimum Rules, which in the opinion of the Federal Republic of Germany have been successful, indicate the right way: Regional supplements or even amendments that leave the essence of the Minimum Rules untouched but are in a better position to take account of recent regional requirements. A development in this direction is better suited to avoid endangering what has so far been achieved.
    Therefore, the Congress should refrain from envisaging a world-wide, completely new version of the Minimum Rules. Rather, it should be made clear that the fundamentals of the Minimum Rules must remain untouched. Regional supplements, however, should be encouraged wherever there is a need thereof. For such efforts, the United Nations' competent bodies might offer their participation and support to make use of the experience they have and also to see to it that such regional amendments do not lead to a diminution of the prisoners' fundamental rights.

Economic and social consequences of crime:

New challenges for research and planning

by Dr. Konrad HOBE, Regierungsdirektor,
Federal Ministry of Justice

1. **Classical Criminal Law**
   Classical criminal law was orientated to the thought of atonement and deterrence. A wrong committed was to be atoned for, the wrong-doer and the population at large was to be deterred from committing other offences. The interest of the criminal law was centered at the relation between the punishing state and the individual wrong-doer. There was an exact line dividing the acts punishable from those not punishable; the social consequences for the offender and other persons as well as for the society were of lesser importance.
2. **Change of Basic Conception**
   By many different influences this basic conception changed. The change was, i.a., brought about by insights into the personal and social causes and consequences of criminality as well as the knowledge of the effects of penalties under the criminal law. But there has also been a change in the opinions about what goals the criminal law should achieve. A new line prevailed that increasingly emphasized the social function of the criminal law without giving up the classic conception to the extent to which it had evolved elements which are still important.
3. **The Principles of the Changed Criminal Law**
   The following principles of the changed criminal law may be set forth:
   (a) The criminal law serves to protect the community; it does not, however, serve to protect the value systems of different groups of the population. The purpose of the criminal law is to prevent damage. It provides the answer to considerably anti-social conduct.
   (b) As far as possible, the offender should be helped in the future to lead a life without committing offences. To achieve this goal, social and personal measures increasingly play a part.
   (c) Where the legislator has the choice of combatting anti-social manifestations either with the means of the criminal law or with other measures, the non-penal measures, as a matter of principle, have priority. The criminal law should be the means last resorted to.
   (d) Better than has been possible so far, the new perspectives will facilitate within the framework of crime prevention policy the consideration of not only the social but also the economic effects of criminality and particularly, the state's reactions to crime. According to the principle of atonement, justice has to be done "regardless of costs". Now, however, one of the factors for consideration may be what is the relation between the costs of the prosecution of crime and the economic damage done by crime, how the means at the disposal of the law enforcement agencies can best be employed and what differences in costs exist between different penalties.
4. **Criminal Law Reform and its Social Consequences**
   The new basic ideas have played a material part in the criminal law reform

which comprises substantive criminal law, the law of procedure, and the law relating to the execution of sentences. Some essential parts of this law reform have already been carried out. This may be shown by referring to a few points, some of which are dealt with in other parts of this report, but which are also of special importance to the social and economic consequences of criminality.

(a) The orientation of the criminal law to the idea of the qualification of an act as being anti-social led to the elimination of a number of offences from the code. Thus, in the field of crimes against morality, punishability appeared to be indicated only where there is considerable danger to an individual's legal rights and interests, such as the freedom of sexual self-determination, the undisturbed sexual development of young people, the protection from serious molestation, or to the legal rights and interests of the community, such as marriage or the family. Conduct which is merely to be disapproved of morally or ethically, but which is not at the same time detrimental to an individual or anti-social will not be punished. Other sets of facts, which had so far been offences under criminal law, were "demoted" to mere regulatory offences carrying a mulct under administrative law.
   On the other hand, the social function of the criminal law demanded that drastic penalties be provided where there was a danger of serious damage to the community. Therefore new provisions were enacted against hijacking of aircraft, extortion, and kidnapping. Further draft laws provide for punishment or more severe penalties for the formation of, and giving support to, dangerous terrorist organizations, for public advocacy of acts of violence or for incitement to commit them.
   Similar considerations apply to combatting drug addiction. In this field, the penal provisions are, above all, intended to improve the protection of young people from unscrupulous tempters and effectively deter them from joining gangs of drug dealers and smugglers. Furthermore, some measures to combat white collar criminality (economic crimes) were introduced, others have already been carried out. These measures are based on the opinion that the wrongful acts of white collar criminals are much more damaging to society than those of "small people".
(b) Also the *measures against convicted offenders* have changed. The sentences of "penal servitude", "imprisonment", and "detention", graded according to the gravity of the offence, were merged into one uniform sentence of deprivation of liberty. Thereby, the discriminatory character, especially of the penal servitude, was eliminated, and in the prisons a graduation of the execution of sentences from the viewpoint of resocialization was made possible. The reform of the correctional system will also be facilitated by an act about the execution of sentences,

which is now being processed by the legislative agencies. The imposition and execution of short prison sentences was considerably restricted. — The probational services, which require only a fraction of the means necessary for corresponding correctional services, were further expanded.

(c) In order to be able more speedily and efficiently to deal with offences of a trivial nature without having to prefer a charge sheet, hold a trial and find a verdict, and without any discriminatory side effects of a sentence, powers were created to *stay proceedings* in certain cases if the accused obeys certain directions and fulfils certain conditions. In this connexion the legislator had in mind reparation of the damage caused by the offence, payment of a sum of money to an institution serving the public weal or to the state treasury, or rendering community service. The citizen who is acquitted in criminal proceedings or who is discharged when investigation proceedings taken against him are stayed because he cannot be proved to have acted wrongfully is paid compensation for any damage to property he has suffered and, if he has been detained, also for non-pecuniary damage.
The classes of offences that are entered in the register of convictions have been reduced. Certain minor offences and first convictions are no longer entered in the register of convictions. For the non-entry of the other sentences relatively short time limits are laid down. The time limits for erasions from the register have also been shortened. After the entry has been erased, the person concerned is deemed not to have been convicted.

(d) It is in accordance with the social function of the criminal law that the role of the victim of offences should be considered more than before. It is regarded as the community's duty to provide social security for those who have suffered serious detriment to their health or power of earning by crimes of violence. A bill on *compensation to victims of violent crimes* is being dealt with by the legislative agencies.

4. An Examination of the Social and Economic Consequences of Crime

The new perspectives raise many further questions. Research and planning are confronted with new tasks. A few points may here be stressed. Necessary is an exact estimation of the damage done by crime. A differentiation in that should then be made between economic offences (white collar criminality) and other offences. The question must be discussed who, finally, bears the damage, specially, in how far the damage is shared by a large number of persons, e.g. by insurance. Research should also be made in the "suction" effect of certain offences. This applies especially in the sphere of white collar criminality. Whoever, by fraudulent practices, obtains considerable advantages in competition over his rivals, often confronts them with the alternative of acting as he does or going bankrupt. — Finally, with the help

of social indicators the trends of objective security and the feeling of being secure from criminal acts should be established.
In the near future, one of the tasks will be further to examine crime in its concrete connexion with personal and social factors and the state's reaction to it — also under the aspect of costs; research will also have to be made in the factual circumstances under which penal laws are brought about; another main task will be to become aware of the effects of criminality and the state's reaction to further social factors that may be connected with it.

END