

**Project on the Modernization of Public Prosecution Offices in Arab States**  
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**Fields of Interest and Topics of Criminal Research in an  
International Perspective**

*An Overview by Jörg-Martin Jehle*

**I. Need for practice- and policy-oriented research and counselling**

International exchange of information and experience has become a growing necessity in these days. This is valid for all areas of society and state, and is especially valid for criminology, as its subject matter, criminality and its control, increasingly internationalized. In recent decades, a general need for practice-oriented criminology has become quite obvious. The existence and the new foundations of corresponding institutions in supranational organizations and in a great number of countries bear witness to this development. This need concerns legal measures as well as practical actions of the administration of criminal justice and the police.

I especially refer to criminological research and planning undertaken in supranational and state institutions or in institutions which are government funded. This concerns research centers which conduct criminological research either as a department of official authorities or on behalf of governments, and bodies consulting *official* authorities or initiating criminological research in any kind of national or supranational institutions.

It did not happen by chance that most of these institutions were created in the 1960s and 70s. Their creation is substantially connected with two factors: The rapid social development in modern societies with their concomitant phenomena on one side and the growing understanding of the necessity of a rationally founded crime policy on the other.

In all countries - the developed and the developing - during the last decades modernizing processes took place, which were accompanied by an accelerated social, technological and political change. As a former Secretary General of the United Nations pronounced on the occasion of the establishment of a criminological institute, these processes "have left their scars, and will continue to leave even more serious scars unless we can develop the wisdom as well as the will to alter the course of events. Painful problems of juvenile delinquency and adult criminality burden countries in all regions of the world. In some cases, countries rank these matters among their most serious, costly and complex problems to be solved" (UThant).

The more the awareness of crime problems grew, the more the conventional forms of crime control and the application of criminal laws were queried. This is also valid from another point of view. For the modern idea of a preventive criminal law, as it has been realized in all modern societies to a certain degree, it does not suffice to derive the criminal law from the reason of state. On the contrary from this kind of penal law emerges the question whether the intended legal purpose will actually be achieved. This implies that rational legislation must be based on empirical findings and that the actual law enforcement practice must be controlled according to its own premises. This orientation towards a preventive penal law consequently led to the demand for an institutionalization of empirical criminological research.

Naturally, in a number of countries criminological research has been conducted for decades in academic institutes, mostly in the context of universities and therefore independent of government objectives. And to a certain extent there were and there are quite a few academics, who work specifically on subjects of crime policy and criminal justice. Nevertheless, the need to continually examine the effectiveness of practical measures and the crime policy, either retrospectively or by conducting action research remained in many states. Beyond that it became more and more reasonable to involve scientific experts before taking a measure. This is valid for individual countries but to an increasing degree also for questions of an international or supranational quality which demand a solution.

## **II. Forms of organization of the institutions**

It is not easy to obtain an overview of all institutions which conduct criminological research on government behalf. For many years UNICRI (former UNSDRI) in Rome has regularly

published a directory of criminological institutes which is now available on their homepage.

Concerning the relevant institutions of supranational organizations, the United Nations must be mentioned first. They created a network of interregional and regional United Nations Institutes for the Prevention of Crime and the Treatment of Offenders: There are the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), and in Europe the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), and the United Nations International Crime and Justice Research Institute (UNICRI), which also maintains close cooperation with the Naif Arab Academy for Security Sciences (former Arab Securities Studies and Training Center) .

Naturally these institutions accord different priorities to their tasks on the basis of the varying social and political structure and the different stage of development of the respective continent. For example the primary objective of HEUNI is the promotion of the international exchange of information on crime prevention and control among European countries. The main functions are:

- the organization of seminars and expert group meetings on crime and criminal justice issues of relevance to the European countries;
- assistance in the provision of technical assistance and request;
- the conducting of research, and
- the collection and dissemination of information on matters falling within its competence.

The Council of Europe has for many years played an important role in promoting criminological research and urging governments to use its findings for crime policy. The European Committee on Crime Policy, the main governmental body of the Council of Europe responsible for the activities in the field of criminal law, penology and criminology recognized the need to associate criminological expertise work and to promote criminological

research by various means. More and more the European Union has taken over this role. In the framework of the Programme of Freedom, Justice and Security the European Commission furthers activities in order to promote and coordinate criminological research on an international level and the embodiment of research findings into the crime policy of the member states. For example the international research project on the function of public prosecution is funded by the EU AGIS programme.

Besides these institutions of supranational organizations there are in many countries further organizations which do in-house research or research on government behalf in the field of criminology. Regarding North-America there should be pointed out especially the National Institute of Justice and the National Institute of Corrections which are both affiliated to the U.S. Ministry of Justice. The National Institute of Justice is an institution of the Ministry of Justice of the United States of America. Its main activities are research and development sponsorship, testing and demonstration of new programmes to strengthen the justice system, dissemination of research findings and training of practitioners. In the recent decade the National Institute refocussed its efforts - away from studying institutions and toward research aimed at informing policy and practice. This implies a problem-oriented approach to address the overarching problems:

- crime control and prevention, including policing;
- drugs and crime;
- justice systems and offender behaviour, including corrections;
- violence and victimization.

Further it implies the involvement of policy makers in research and field testing of promising programs.

The Australian Institute of Criminology presents a different type of [organization](#). It was established as an independent statutory body funded entirely by the central government but it provides a range of services to each of the federal, state or territorial governments in Australia. The institute has the goals:

- to undertake policy-relevant research in key monitoring programs on crime and justice including the collection and analysis of information and data;
- to disseminate research findings to policy makers and practitioners;

- information services and
- to be a source of advice to the Minister of Justice and the Attorney-General;
- international collaboration.

The situation in Europe offers a manifold picture; the institutions below mentioned are by no means complete, but represent typical forms of organization.

One of the oldest institutions is the former Home Office Research and Planning Unit established in 1957 which has been restructured and is now called Research Development and Statistics Directorate (RDS). The Home Office deals with the police, the lower courts, the probation and aftercare service and the prisons as well as other interior affairs in England and Wales. It combines most of the functions of what in Europe and elsewhere are often separate ministries - namely of the Interior and of Justice. Accordingly to this internal research sections conduct research on the police as well as on prisons, on crime prevention and victimization, as well as, on the criminal justice system and process. The research projects are allocated to internal staff or are commissioned from universities or other research bodies.

In France there is the Center for Sociological Research on Law and the Criminal Justice System (CESDIP). Its status is distinctly different from that of other governmental agencies involved in research on criminal justice, since it is attached both to the French Ministry of Justice and the National Center of Scientific Research. Research projects are conducted focussing especially:

- Enforcement of legal norms and the criminal justice process;
- Public and private police organisations;
- Legal professions;
- Specific crimes, specific deviant subpopulations;
- Sentencing;
- Corrections, and
- Victims surveys and fear of crime.

In Sweden one finds an example of government-financed research centers. The National Council for Crime Prevention is a separate agency under the Ministry of Justice established. It is to promote crime prevention measures in various sectors of community activity and is to

coordinate efforts by the community and private individuals to counteract crime. That means the Council has in particular to assist the government, to conduct research and to supply information. A broad range of research projects are undertaken; current topics are economic crime, crimes of violence, crimes against property, drugs, and young offenders.

In the Netherlands there is the Research and Documentation Center of the Ministry of Justice. Its original functions were the collection and dissemination of criminological information and the sponsoring of university based research on penological topics. In the last decade its main task, however, became the execution of in-house policy-oriented research projects with the result that the priorities moved from policy-oriented survey research past evaluation and consulting to task forces and the evaluation of policy experiments.

Concerning Germany in the *Federal Ministry of Justice* a separate section is responsible for Criminology and Crime Statistics. Insofar as investigation is necessary to provide a basis for decision making in crime policy the Federal Ministry of Justice carries out research projects only to a limited extent but primarily gives contracts to suitable university institutes or to the *Kriminologische Zentralstelle*, which it also finances to some degree.

The *Kriminologische Zentralstelle* (the Central Institute of Criminology) was established and is funded by the Federal Minister of Justice and the Ministers of Justice of the Federal States (Länder). Its main tasks are to promote criminological research, to collect data and to make criminological findings available to scientists and practitioners. Therefore its activities are focussed on the documentation, especially of research projects, conducting practice-oriented research projects, analysing crime statistics and organizing meetings on criminological, methodological and practical issues.

In the field of the police: there is primarily the *Research Unit for Criminology and Criminal Investigation of the Bundeskriminalamt*. Its activities range from phenomenological studies of individual crime categories, the analysis of existing, and the development of new methods in police work to the analysis of crime trends. Research projects are both carried out by in-house staff or performed by contractors especially scientific institutes. Besides its scientific tasks the Research Unit offers a number central services especially the computer aided documentation system for police literature, the organization of meetings and the edition of numerous publications.

### III. Questions of the interdependency of research and policy

The relationship between scientific activities and political interests is the crucial point of research work in state institutions or on government behalf.

The form in which such a practice-oriented science takes place and which role it plays in crime policy is certainly evaluated differently from country to country. However, just as sure is that the political and scientific level cannot overlap completely since they refer to different methods and evaluations. This is meant in relation to research done by independent scientists taking on a government assignment. But even criminological institutes and research departments which are directly affiliated with government authorities claim for themselves scientific character, at least in methodological respects.

Not only the researchers have to hold on to the *scientific character of their work*; also politics must be interested in receiving results, which have been achieved through scientific means. Only that way can one possibly claim to have obtained objective, generally recognized findings which can provide a safe basis for crime policy decisions. Criticism referring to this kind of research often point out that it suffers from a lack of scientific credibility in the eyes of the academic world. Therefore, it is decisive that this research corresponds to methodical standards and its results are published and thus exposed to public scrutiny. These prerequisites secure the quality of research and protect the research facilities "from covert compliance with the dictates of government ideology" (Tuck, former head of RPU, Home Office). It therefore depends on the relative balance of power between the policy making agencies on the one hand, and the research agencies involved in policy relevant research on the other hand.

For a closer look at the relationship between policy-oriented criminology and crime policy, several levels need to be distinguished: It must be stated how the question to be researched should be formulated, how the research should be conducted, how the results should be evaluated, disseminated to the public and put into practice. The answers at these different levels vary according to the task set and organization form of the respective institution. Concerning the *choice of research subjects*, the work of a research facility within a public authority must correspond to the authority's overall terms of reference. But this does not imply a unilateral determination of the research programme by the governmental authority.

On the contrary, research requirements are usually developed in collaboration between researchers and policy-makers or practitioners. However, it does not concern subjects which are of purely academic interest; they always have to be of practical or political importance. In order to guarantee this, there are different ways of cooperation: In some cases the researchers are integrated into policy agencies, in other cases a consultation board exists with practitioners and policy-makers as members. Often researchers from universities or other research bodies are on the board or regular meetings are held to canvass the views of other criminologists on the content of the research programme and the needs for research. As mentioned above, the crucial point of scientific credibility for research is that the *methodical standards* are guaranteed and the results are exposed to public debate. This means that all forms of policy-oriented research institutions have to be independent in carrying out research projects and publishing their results. All of the institutions mentioned in this book claim these conditions for themselves.

The question how the *research results* are to be *implemented* in crime policy and criminal justice is answered in different ways. Some institutions spread the information by publications, meetings and sometimes by training and teaching, but leave it to the administration to put them into practice. Some are directly involved in consulting committees or policy-making bodies. Furthermore, in some cases policy experiments are evaluated or even initiated in order to obtain empirical findings for policy recommendations. If the institutions have a consultative role or if they are expected to give policy recommendations, two critical points exist. On the one hand the impact on crime policy may be strong, but it should not be overestimated. If the recommendations derived from the scientific results do not fit into the general crime policy or into the overall political guidelines, they will not be transformed into policy decisions. This is because scientific evaluation and political assessment and decision-making are heterogeneous according to their different terms of reference. On the other hand a policy advice and guidance role involves consideration of crime and criminal justice issues which are contentious politically. Therefore a scientific institution with consulting tasks is necessarily concerned with the political debate of such issues even though it possesses a stated formal independence and is seeking to be as impartial, objective and neutral as possible. In my opinion the only way to safeguard the independence of the researchers concerned is to make clear where the empirically founded knowledge ends and what are the additional assessments and values outside the empirical investigation from which the results gain their political and practical importance.

#### **IV. Questions of data access and data protection**

Criminological research done by research facilities within official authorities, state research institutions or by contractors of the research bodies have easier access to information and data from governmental agencies. Such data are one of the fundamental sources for investigations in the criminal justice system; here this kind of research has a great advantage compared to university research. On the other side there is a stronger need for data protection. There might be a potential danger that personal data collected for research purpose are accessible for the administration of the criminal justice system. This is the crucial point for research by governmental agencies or on government behalf. But of course research as a whole is concerned by the need and the prerequisites of data protection.

Since the 1970s in Western Europe and in North America there has been a political debate on data protection. In consequence in most of these countries data acts regulating the protection of individual privacy were introduced. Of course, the individual regulations differ from country to country and they have regularly to be adapted to the rapid technological advance in electronic data processing. Though there are some common problems concerning the aspects of research in the criminal justice system. Researchers who record and use personal data are regularly obliged to register such data and to follow data protection principles if the data are automatically processed, i.e. computerized. The most important of these principles are that the collected data are not used and disclosed for any other than research purposes and that the results are not made available in a form which identifies any of the data subjects.

According to their importance for research in the field of criminal justice the questions of data access and data protection will no longer be a purely national matter but will be of growing international relevance.

#### **V. Conclusion**

Criminological research and planning in state and supranational institutions offers a manifold picture. As they are per se focussed on social and political needs, the institutions of policy-oriented criminology create differently designed programmes. However, they have in common the situation characterized by the interdependency of political interests and scientific standards; while holding on to the scientific character of their work and at the same time taking into account all practical needs. In this respect they become the missing link between

strictly scientific findings and practical policy.

Reference:

Jörg-Martin Jehle, *Criminological Research and Planning in State and Supranational Institutions*, Wiesbaden 1990 – updated for this conference.

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