

INSTITUTO NACIONAL DE ESTADISTICA



Conviction Statistics: Adults

Methodology

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1 Introduction

The "*Conviction Statistics: Adults*" have the objective of analysing the socio-demographic features and criminological type of adult persons who have been convicted by final judgment throughout the reference period. This also provides information regarding the crimes committed by the persons convicted, as well as the punishments imposed.

This statistical operation is conducted by the National Statistics Institute (INE), pursuant to the partnership agreement signed with the Ministry of Justice on 3 July 2007. The agreement allows the INE to access certain information contained in the Central Register of Convicted persons, for the purpose of carrying out its statistical use, and with it, to make information of undoubted interest from the analytical perspective available to researchers and interested users.

Up until the end of 2006, the information collection for these statistics was carried out quarterly, through a print bulletin that the different judicial bodies had to fill out for each sentence dictated. As of reference year 2007, and thanks to the aforementioned agreement with the Ministry of Justice, the model for the direct collection of data from the primary source was replaced by an alternative model for the collection from administrative registers, resulting in a reduction of the workload implied for the judicial administration.

These statistics have been conducted for a long time, and the first data is from the middle of the last century. The INE website has results available for these statistics from the year 1998 onwards.

Results on the national, Autonomous Community and provincial levels are disseminated each year.

2 Conceptual framework of the research

The "*Conviction Statistics: Adults*" are compiled using information existing in the Central Register of Convicted Persons, governed by the Ministry of Justice. This statistical use of this Register has been performed by the National Statistics Institute (INE), by virtue of the Partnership Agreement signed by the two institutions on 3 July 2007.

The objective of this agreement is to establish the lines of collaboration between the INE and the Ministry of Justice, for the purpose of increasing efficiency in the use of administrative sources, and improving the coverage and quality of statistical information.

The target population of study are those persons aged 18 years old or over who have been convicted by final judgment, and recorded in the Central Register of Convicted Persons during the reference year.

From the geographical perspective, these statistics cover the whole of the national territory.

The reference period is the calendar year, considering the date of registration in the Register. The data is obtained annually.

3 The Central Register of Convicted Persons

The Central Register of Convicted Persons includes the sentencing notes corresponding to the final sentences dictated by the Spanish Courts or Tribunals from the criminal jurisdictional order imposing sentences or security measures due to committing a crime or misdemeanor. Moreover, final judgments laid down by foreign courts and tribunals are recorded when this is determined by international treaties on sentences signed by Spain; those dictated by European courts and tribunals, pursuant to the legal care international treaties on criminal matters, and with the regulations set out by the European Union, as well as those dictated by foreign courts and tribunals when the execution thereof is carried out in Spain.

The Register contains information relating to the convicted person, the judicial body agreeing on the resolution, the judgment and the judicial body executing it, the crime, the victim and the punishment.

The Central Register of Convicted Persons depends on the Ministry of Justice, and is integrated in the system of administrative registers in support of the Justice Administration.

This system of registers constitutes a system of information of a non-public nature, whose main objective is to serve as support for the activity carried out by the judicial bodies and the Tax Ministry, the Security Forces and Bodies of the State, and the Police Forces of the Autonomous Communities, with full jurisdiction as regards public security, and other administrative bodies within the scope of the jurisdiction established in their regulation.

The management of the databases integrating the system corresponds to the Ministry of Justice, through the Secretariat of State for Justice.

The transfer for data to the Central Register of Convicted Persons is carried out through electronic procedures by the corresponding judicial secretariat, which must confirm the exactness of the content of the information transferred. So long as the technical conditions allow it, the transfer must be carried out directly from the proceeding management applications. The information relating to final judgments must be submitted immediately, and in any case, within a maximum period of five days from the signing of the sentence.

Royal Decree 95/2009, of 6 February, regulating the System of administrative registers in support of the Justice Administration, establishes that the General State Administration and the Autonomous Communities with jurisdiction regarding justice may compile statistics of the data contained in the Central Registers, eluding any personal reference in the information and bearing in mind that set out in Organic Law 15/1999, of 13 December, of Data Protection and its complementary regulations.

4 Target study variables

The main variables used in these statistics are the following:

Target study variables:

Convicted person: Person aged 18 years old or over, who has been convicted by final judgment (once or more), during the reference period, due to committing one or more crimes.

Crime: In accordance with article 10 of the Criminal Code in force, those intentional or negligent actions or failures to act that are punishable by law are considered to be crimes or misdemeanours. Crimes are those offences that the Law punishes with severe or less severe punishments. Misdemeanours are those offences punished with light sentences.

Sentence: Punishment imposed by the authorities enabled by the law itself, for the purpose of sanctioning the subject that commits a crime or misdemeanour. The sentences that may be imposed, according to the Criminal Code (Art. 32), deprive the subject of freedom or of other rights, and impose fines.

Classification variables:

Type of crime: Crimes are classified, based on the name and structure (titles and chapters) established in the Criminal Code.

The titles referring to the different types of crimes from which information is provided in these statistics are the following:

- I - Homicide and its forms
- II - Abortion
- III - Injuries
- IV - Injuries to the foetus
- V - Genetic manipulation
- VI - Against freedom
- VII - Torture and moral integrity
- VIII - Human trafficking
- VIII - Against sexual freedom and integrity
- IX - Failure to provide assistance
- X - Against intimacy, the right to one's own image and the inviolability of the home
- XI - Against honour
- XII - Against family relationships
- XIII - Against property and the socioeconomic order
- XIV - Against the Public Treasury and Social Security
- XV - Against workers' rights
- XVb - Against the rights of foreign citizens
- XVI - Territorial and urban planning, protection of historical heritage and the environment
- XVII - Against collective security
- XVIII - Falsehoods
- XIX - Against the Public Administration
- XX - Against the Justice Administration
- XXI - Against the Constitution

- XXII - Against public order
- XXIII – Treason, against peace and national defence
- XXIV – Against the international community

Likewise, this also includes crimes derived from the Organic Law on Contraband, Organic Law on the General Electoral Scheme and the Criminal and Procedural Law of Air Navigation

Type of sentence: We have taken as a reference the sentences that might be imposed according to the Criminal Code, either with a main nature or as accessory.

The different types of sentence providing information in these statistics are the following:

- Punishments restricting freedom
- Prison
- Subsidiary personal responsibility
- House arrest
- Weekend prison terms
- Punishments restricting other rights
- Complete disqualification
- Special disqualification for employment
- Disqualification from work or public service
- Disqualification to drive motor vehicles
- Disqualification of the right to bear arms
- Disqualification of the right to reside in certain places
- Prohibition of approaching the victim
- Prohibition of communicating with the victim
- Community service work
- Fines
- Expulsion from the country

Degree of committing: This refers to the degree to which a crime may be classified, whether to a degree of consummation or a degree of tentative. According to law, both the consummated crime and the tentative crime are subject to prosecution. (Misdemeanors are only punished when they have been consummated, except those intended against persons or property). A crime is considered tentative when the subject begins to commit the crime directly by external facts, practicing all or part of the actions that objectively should produce the result, yet, the result is not produced for causes that are independent of the author's will.

Place of sentencing: Autonomous Community (or City) or province corresponding to the body dictating the condemnatory judgment. Ascribing a convicted person (and the corresponding crimes or sentences) to a given Autonomous Community or province is carried out by taking as a reference the place of the judicial body dictating the final judgment, and not the place of birth or residence of the convicted person.

5 Statistical use of the central register of convicted persons and the information processing

The Ministry of Justice, as the institution responsible for the Register, provides the INE each year with the information necessary to compile these statistics, according to the register design provided by the INE. The information contained in the files provided refers to convicted persons, crimes committed and sentences dictated, corresponding to the reference year of the information.

Once the information is received, a coverage control of the information is carried out, as well as an analysis of its content, for the purpose of detecting possible errors. Likewise, a control is performed of the valid values of the different target study variables.

Once the validity of the file received is checked, during the second phase, given variables are re-encoded and transformed (crimes are re-encoded to the title and chapter level of the Criminal Code).

The analysis of the files includes a control phase, in which possible inconsistencies among variables are detected. Once the edition is completed, the derived variables are obtained and the first results are tabulated. The last stage prior to the dissemination of the results consists of analysing the aggregated information and correcting the potential errors or inconsistencies that have not been detected in previous phases.

6 Plan for tabulation and dissemination of the results

These statistics are disseminated annually.

The results tables of these statistics are divided into three main groups of information (according to geographical breakdown): National Results, Results by Autonomous City and Community and Results by Province.

Within each one of these groups, a second hierarchical level of the information is established, in this case, in terms of breakdown of the target study variables, that is, the socio-demographic and criminological features of adult persons, crimes and sentences are analysed.

When correctly interpreting the results offered, it is important to bear in mind that the classification by Autonomous Community (or City) and province is carried out by taking as a reference the place of the legal body dictating the final judgment, and not the place of birth or residence of the convicted person.

Lastly, within each "main geographical group/breakdown", the different tables from which results are offered are presented, numbered in correlation (convicted persons, crimes committed and sentences imposed).

The structure of the tabulation plan, in accordance with the above criteria, is as follows:

TABULATION PLAN

1. CONVICTED PERSONS: National results

- 1.1 Convicted persons, according to the number of crimes, age and sex
- 1.2 Convicted persons, according to the number of crimes, nationality and sex
- 1.3 Convicted persons, according to the number of crimes, age and nationality

2. CONVICTED PERSONS: Autonomous Community results

- 2.1 Convicted persons, according to the place of sentencing, age and sex
- 2.2 Convicted persons, according to the place of sentencing, age and nationality
- 2.3 Convicted persons, according to the place of sentencing, sex and nationality
- 2.4 Convicted persons, according to the place of sentencing, number of crimes and age
- 2.5 Convicted persons, according to the place of sentencing, number of crimes and sex
- 2.6 Convicted persons, according to the place of sentencing, number of crimes and nationality

3. CRIMES: National results

- 3.1 Crimes, according to the type of crime and the age of the offender
- 3.2 Crimes, according to the type of crime and the sex of the offender
- 3.3 Crimes, according to the type of crime and the nationality of the offender
- 3.4 Crimes, according to the type of crime and the degree of committing the crime

4. CRIMES: Autonomous Community results

- 4.1 Crimes, according to the place of sentencing, the type of crime and the sex of the offender
- 4.2 Crimes, according to the place of sentencing, the type of crime and the age of the offender
- 4.3 Crimes, according to the place of sentencing, the type of crime and the nationality of the offender
- 4.4 Crimes, according to the place of sentencing, the type of crime and the degree of committing the crime

5. SENTENCES (PUNISHMENTS) National results

- 5.1 Sentences, according to the type of sentence and the sex of the offender
- 5.2 Sentences, according to the type of sentence and the age of the offender
- 5.3 Sentences, according to the type of sentence and the nationality of the offender
- 5.4 Sentences, according to the type of sentence and the type of crime
- 5.5 Prison sentences, according to the duration and the age, sex and nationality of the offender
- 5.6 Prison sentences, according to the duration of the sentence and the type of crime

6. SENTENCES (PUNISHMENTS) Autonomous Community results

- 6.1 Sentences, according to the place of sentencing, the type of sentence and the sex of the offender
- 6.2 Sentences, according to the place of sentencing, the type of sentence and the age of the offender
- 6.3 Sentences, according to the place of sentencing, the type of sentence and the nationality of the offender