



European Monitoring Centre
for Drugs and Drug Addiction

EMCDDA SCIENTIFIC REPORT

**Drug seizures, drug offences, drug offenders,
drug use among criminal populations**

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***Information systems based on law enforcement
agencies and the criminal justice system***

VOLUME I

Analysis and synthesis

EMCDDA / 2002

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VOLUME I

Analysis and synthesis

This report was prepared by:

Chloé Carpentier, EMCDDA, Lisbon (volumes I, II, III)

Cécile Martel, EMCDDA, Lisbon (volumes I, II)

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European Monitoring Centre for Drugs and Drug Addiction

Rua da Cruz de Santa Apolónia 23-25

PT - 1149-045 Lisboa

Portugal

Tel: + 351 21 811 30 00

Fax: + 351 21 813 17 11

e-mail: info@emcdda.eu.int

<http://www.emcdda.eu.int>

VOLUME I

ANALYSIS AND SYNTHESIS

1. INTRODUCTION AND OBJECTIVES	8
1.1 Context	8
1.2 Objectives	8
2. MATERIAL AND METHODS	10
2.1 Guidelines	10
2.2 Process	11
2.3 Problems	11
2.4 Analysis	12
3. LAW ENFORCEMENT AGAINST DRUG LAW OFFENCES/OFFENDERS	13
3.1 General organisation of law enforcement	13
3.2 Agencies involved in drug law enforcement	16
4. BETWEEN LAW ENFORCEMENT AND PROSECUTION	22
4.1 Law enforcement agencies – report, discretionary power	22
4.2 Judicial Police – functions, discretionary power	23
5. OVERVIEW OF THE JUDICIAL PROCESS	26
5.1 Prosecution process	26
5.2 Trial and sentencing process	31
6. INFORMATION SYSTEMS AND DATA AVAILABLE: GENERAL OVERVIEW	36
6.1 Data from routine information systems identified	36
6.2 Other information sources	40
7. ROUTINE INFORMATION SYSTEMS: ANALYSIS PER INDICATOR	42
7.1 Drug seizures	44

7.2	Police/Customs interventions	48
7.3	Prosecution statistics	55
7.4	Conviction statistics	59
7.5	Penal statistics	64
7.6	Drug use among arrestees	69
7.7	Drug use among prisoners	70
8.	CONCLUSIONS AND RECOMMENDATIONS	74

VOLUME II

SUMMARY COMPARATIVE TABLES BY INDICATOR

INTRODUCTION	6
DRUG SEIZURES	7
POLICE/CUSTOMS INTERVENTIONS	27
PROSECUTION STATISTICS	49
CONVICTION STATISTICS	56
PENAL STATISTICS	67
DRUG USE AMONG ARRESTEES	81
DRUG USE AMONG PRISONERS	84

VOLUME III

ANNEX: INFORMATION MAP 2000-2001 GUIDELINES

CONTEXT AND GENERAL PURPOSE	5
STRUCTURE OF THE INFORMATION MAP 2000	5
TIMETABLE	6
GENERAL INSTRUCTIONS FOR COMPLETION	6
<u>GUIDELINES PART I: CONTEXTUAL INFORMATION</u>	8
1. BACKGROUND INFORMATION	9
2. INFORMATION SYSTEMS AND DATA AVAILABLE	14
3. REFERENCES	15
<u>GUIDELINES PART II: FORMS ON DATA SOURCES PER INDICATOR</u>	16
DRUG SEIZURES	17
POLICE/CUSTOMS INTERVENTIONS	20
PROSECUTION STATISTICS	23
CONVICTION STATISTICS	26
PENAL STATISTICS	29
DRUG USE AMONG ARRESTEES	32
DRUG USE AMONG PRISONERS	35

1. INTRODUCTION AND OBJECTIVES

1.1 Context

In 1999, some data based on law enforcement and criminal justice sources had been routinely collected by the EMCDDA (e.g. arrests, convictions, prison data, drug seizures, drugs price/purity) through its REITOX Network of National Focal Points and published in its Annual Report since 1995. The reliability and comparability of many of these statistics were felt to be unknown, and their value as indirect indicators of drug trends unclear. There was a strong need to gain insight into the context, recording practices and methodological characteristics of available law enforcement and criminal justice data. In addition, it appeared important to get more information on drug use of specific populations in contact with law enforcement agencies and the criminal justice system such as arrestees or prisoners.

Since little work had been done to date on drug-related data from law enforcement agencies and the criminal justice system, it was proposed to revise the guidelines of the Information Map on Epidemiological Sources – originally used annually as a tool to get information on the information systems existing in the 15 EU Member States on all epidemiological indicators of drug use and its consequences – and use it as a basis for gaining more insight into definitions, recording procedures and context of drug-related data provided by law enforcement agencies and the criminal justice system.

A Feasibility Study was carried out in 1999 in France and the UK in order to develop and test final Guidelines for this revised Information Map.

1.2 Objectives

The general objective of this exercise is to get a better understanding of what data on drug law offences/offenders and drug use among criminal populations are available, what are their characteristics and how they are accessible in the European Union. This is inscribed within a general aim of improving the reliability and the comparability of such data at European level.

The specific objectives are the following ones:

- To get a comprehensive overview of the information systems and the drug-related data available in the EU Member States from law enforcement agencies and criminal justice institutions in order to know which routine data are available and to which stage in the judicial process they refer, but also which routine but non-systematically analysed data and which non-routine data (ad-hoc) are available;
- To get an overview of drug law enforcement organisation in each of the countries in order to know whose drug activity is reported to whom and how, as well as the potential selection processes (e.g. discretion powers) that might affect comparability between countries if they differ;

- To get an overview of the judicial process in each of the countries in order to know at which stages of the process data are routinely reported and recorded, by whom and how, and the potential selection processes (e.g. alternatives to prosecution) that might affect comparability between countries if they differ;
- To get a detailed description of each of the routine monitoring systems implemented in the EU Member States able to provide data on seven indicators – drug seizures, Police/Customs interventions, prosecution statistics, conviction statistics, penal statistics, drug use among arrestees, drug use among prisoners – in order to carry out a comparative analysis of them according to each of the seven indicators.

2. MATERIAL AND METHODS

2.1 Guidelines

The Guidelines to provide the Information Maps 2000-2001 on law enforcement sources of information were divided into two parts (please see Volume III for original guidelines).

Part I would provide background information on sources of data based on law enforcement agencies and the criminal justice system. The objectives were:

- to identify original sources of data such as law enforcement services and describe how they are organised,
- to identify points to which, in the judicial process, routine data refer to in order to assess all selection effects and biases that should be taken into account when analysing such data,
- to get an overview of the overall information system on law enforcement drug-related data routinely available, as well as data potentially available or from ad-hoc studies.

Within Part I, two diagrams and a brief explanatory text on the organisation of drug law enforcement and the judicial process were required. The objective was to get a synthetic overview of the information sources at national level and to identify where data refer to in the different processes.

Part II would provide specific information on each of the information sources/systems providing routine data. Standardised forms had been developed on the following seven indicators:

- drug seizures (drug seizures made by law enforcement agencies)
- Police/Customs interventions (drug offenders caught by law enforcement agencies)
- prosecution statistics (drug offenders prosecuted)
- conviction statistics (drug offenders convicted/sentenced)
- penal statistics (drug offenders incarcerated, drug offenders in prison)
- drug use among 'arrestees' (drug use among offenders caught by law enforcement services – released/in police cell)
- drug use among prisoners (drug use among people entering prison or people in prison – on remand/sentenced)

Within Part II, detailed information was asked to be provided for each routine information source/system per indicator within a specific form on the following issues:

- Information systems: name, type, objectives;

- Methodology: periodicity, geographical coverage, population coverage, statistical unit(s), statistical procedure, statistical coverage, drug use definition, substance coverage;
- Data collection and data available: data gathering/reporting, data recording, data available, classifications of offences, classifications of drugs, rules for recording and classification, qualitative data;
- Quality and reliability: double-counting, biases in the coverage of the units, consistency over time, implementation of methodologies and rules;
- Access and dissemination: storage, software for data processing, time between end of reporting and availability of results, access to the Focal Point, access upon request, status and type of data accessible.

Thus, to summarize, each Focal Point had to submit Part I and Part II of the Information Map 2000-2001. Within Part II, they had to submit one form for each of the information sources set up in their country on each of the seven indicators mentioned above.

Detailed instructions for completion and examples (on Part I) of what was required were included in the Guidelines.

2.2 Process

The Guidelines were discussed with the REITOX National Focal Points. As it was felt as representing a large amount of work and time for some of them – especially Part I – the calendar for submission was revised and the two parts were to be submitted with different deadlines, decided as it follows:

- Part II: by 30 September 2000
- Part I: by 30 April 2001

All the EU Member States – except Belgium and Italy – had submitted the two parts of the Information Map 2000-2001 by the end of 2001. Belgium submitted its Information Map 2000-2001 with more than a year of delay during the summer 2002, that which did not allow us to take it into consideration in the analysis presented in this report. Italy did not submit its Information Map 2000-2001.

2.3 Problems

A limit to mention here is that this exercise reflects the situation in the countries in 2000 and 2001. However, since then, several changes, in particular as regards drug laws, might have occurred in some countries. They might have led for example to changes in the classification in the statistics of drug law offences. Since then also, though it might be relatively more rare, some entire information systems described here might have been replaced by other ones taking a different approach.

A range of various problems in the Information Maps submitted have affected our analysis and should be taken into consideration when reading the analysis and the synthesis contained in the following chapters. Here is a list of the main problems we have encountered in the course of this analysis:

- no or poor adherence to the guidelines;
- missing data, gaps in the information provided;
- lack of detail;
- inconsistency between different parts of the Information Map, inconsistency within a same form between different questions;
- inconsistency between the question and the answer provided: no understanding of the type of information required;
- unique form on various information systems: leading to confusions about what is available and how;
- forms on non-routine information systems (feasibility, pilot, ad-hoc studies);
- confusion between some of the seven indicators: use of a specific form for another indicator that which it was made for.

2.4 Analysis

The analysis of the Information Maps 2000-2001 has been mainly descriptive and comparative. It should be underlined here again that this analysis was entirely based on the material submitted by the different Member States in 2000 and 2001 and that therefore results reflect the situation in each country at that time.

As regards drug law enforcement organisation and the judicial process in each of the 13 Member States, we went thoroughly through the information we received within Part I of each country, and analysed it in order to synthesise it in six analytical tables presented in Chapter 3 (tables 3.a, 3.b), Chapter 4 (tables 4.a and 4.b) and Chapter 5 (tables 5.a and 5.b).

In Chapter 6, we produced an overview of the routine and non-routine data available in each of the 13 countries included in the analysis. As regards routine data, we produced also an overview of the stage to which in the judicial process they refer.

We have made up some Summary Comparative Tables of the information submitted through the various forms related to each of the seven indicators. You will find them in Volume II. These tables constitute the basis for the comparative analysis of the routine information systems presented in Chapter 7 of this volume on each of the seven indicators.

3. LAW ENFORCEMENT AGAINST DRUG LAW OFFENCES/OFFENDERS

3.1 General organisation of law enforcement

Table 3.a gives an overview of the general organisation of law enforcement in each of the 13 Member States included in the analysis. It especially provides a schematic overview of the central organisation such as the various Ministries and their competences regarding law enforcement agencies and forces. It also identifies the institution(s) which centralise(s) drug activity reports – reports on drug seizures and drug law offences/offenders which come to the attention of law enforcement forces.

Table 3.a – General organisation of law enforcement

Countries	Organisation of different agencies	Centralisation of drug activity reports
Austria	<p>Law enforcement constitutes a federal competence (as opposed to health and social affairs which are mainly provincial competence)</p> <p>Under the Ministry of Interior, there is a General Directorate of Public Security under which Federal Police, Criminal Police and Gendarmerie operate.</p> <p>Customs operate under the Ministry of Finances and are organised in regional forces.</p> <p>(This organisational structure was planned to be changed in 2001, with the creation of a Federal Crime Office)</p>	<p>By the Ministry of Interior</p> <p>By the Federal Ministry of Social Security and Generations, in the Central Register of Drug Offences</p>
Denmark	<p>Under the Ministry of Justice, there is a Police Dept., under which operate a National Commissioner and a National Centre of Investigative Support (NEC) which coordinates the efforts to combat drugs. Police districts are accountable to them and organised by region.</p> <p>Under the Ministry of Taxation, there is the Central Customs and Tax Administration, under which is located a Control Dept. Customs forces are accountable to these bodies and organised by region.</p>	<p>By the National Centre of Investigative Support, under the National Commissioner Dept. in the Police Dept. within the Ministry of Justice</p>
Finland	<p>A Police Dept. is placed under the Ministry of Interior. Police forces (national, provincial and local) are accountable to it as well as the National Bureau of Investigation upon which the Forensic Laboratory and the Criminal Intelligence Division depend. At the same level of the Police Dept., there is also a Frontier Guard Dept. under the Ministry of Interior.</p> <p>Under the Ministry of Finances / Tax Dept., there is the National Board of Customs upon which depend Customs districts and a Customs Laboratory.</p>	<p>By the National Bureau of Investigation, under the Police Dept. within the Ministry of Interior</p>

Countries	Organisation of different agencies	Centralisation of drug activity reports
France	<p>Under the Ministry of Interior, there is a General Dept. of Police, upon which depend the Central Dept. of Air and Borders Police, the Central Dept. of Public Security Police and the Central Dept. of Judicial Police. Each of them is then organised in regional and local forces.</p> <p>Under the Ministry of Defence, there is a General Dept. of Gendarmerie upon which depend regional and local units of gendarmerie.</p> <p>Under the Ministry of Finances, there is a General Dept. of Customs upon which depend regional Customs forces.</p>	By the Central office on law enforcement of drug trafficking (OCRDIS – ‘Office Central de Répression du Traffic Illicite de Stupéfiants’) under the Central Dept. of Judicial Police within the Ministry of Interior
Germany	<p>Under the Federal Ministry of the Interior (BMI), there is a Federal Criminal Police Office (BKA) with which cooperate the Criminal Police Office of each Laender (LKA) and which are accountable to each Laender Ministry of the Interior. The LKA use also special central services the BKA provides. Police are then organised in regional and local offices.</p> <p>Police is under the responsibility of each Laender. Each of the 16 Laender has its own specific organisation of drug law enforcement. Thus, Police agencies, roles and functions, vary between them.</p> <p>The National Customs are organised in regional and local units.</p>	By the Federal Criminal Police Office (BKA)
Greece	<p>Police depend upon the Ministry of Public Order and are organised in Sub-directions and Depts. at regional level and in local forces.</p> <p>The Coast Guard depends upon the ministry of Merchant Marine and is organised in regional authorities.</p> <p>Under the Ministry of Finance, there are the Customs which are organised in local forces, and the Financial and Economic Office organised in Sub-directions and Depts. at regional level.</p>	By the Central Anti-Drug Coordinating Unit
Ireland	<p>The Police – An Garda Síochána – depends upon the Ministry for Justice, Equality and Law Reform. They are organised at regional and local levels in Police Divisions and Police Districts.</p> <p>The Forensic Science Laboratory depends also upon the Ministry for Justice, Equality and Law Reform.</p> <p>The Customs and Excise depend upon the Office of The Revenue Commissioners under the Ministry for Finance.</p>	<p>By the Forensic Science Laboratory (as far as seizures statistics are concerned)</p> <p>By the Garda National Drugs Unit, within the Ministry for Justice, Equality and Law Reform</p>

Countries	Organisation of different agencies	Centralisation of drug activity reports
Luxembourg	<p>Under the Ministry of Interior, and depending upon the Directorate General of Grand Ducal Police, there are several Police Forces (Airport Control Unit, Road traffic Unit, Special Units, Mobil Intervention Reserve, Judicial Police) organised in regional (circumscription) and local forces.</p> <p>The Directorate General of Customs depends upon the Ministry of Finances and is organised in Interior and Exterior Services.</p>	By the Judicial Police, within the Ministry of Interior
Netherlands	<p>The National Police Agency (KPLD) depends upon the Ministry of Interior. It is organised in regional forces. There is also a National Criminal Intelligence Service (CRI) depending upon the National Police Agency.</p> <p>The Royal Military Police depends upon the Ministry of Defence.</p> <p>The customs depend upon the Ministry of Finance.</p> <p>The Fiscal Intelligence and Investigation Dept. (FIOD) comes also under the Ministry of Finance and has recently merged with the Economic Surveillance Dept. (ECD).</p>	<p>By Statistics Netherlands (on suspected offenders)</p> <p>By the National Police Agency (KPLD), within the Ministry of Interior (on drug seizures)</p>
Portugal	<p>The Public Security Police (PSP) depends upon the Ministry of Home Affairs and is organised in regional and local forces.</p> <p>The National Republican Guard (GNR) depends also upon the Ministry of Home Affairs (and upon the Ministry of National Defence in what regards the uniformisation of the military doctrine, armament and equipment). It is organised in Territorial Brigades.</p> <p>The Judicial Police depends upon the Ministry of Justice and is organised in Directorates, Inspections and Sub-inspection Sections.</p> <p>The General Directorate of Customs and Special Excise Duties depends upon the ministry of Finance. It is organised in Central and Peripheral Services, to which regional and local services.</p>	By the Central Directorate of Drug Trafficking Investigation (DCITE/UNID) under the Judicial Police, within the Ministry of Justice

Countries	Organisation of different agencies	Centralisation of drug activity reports
Spain	<p>The General Direction of Police depends upon the State Secretariat for Security under the Ministry of Interior. It includes Judicial Police and other police forces, both organised in regional and local forces.</p> <p>The General Direction of Civil Guard also depends upon the State Secretariat for Security under the Ministry of Interior. It is organised in regional and local forces. Upon it, depend also: the Fiscal and Frontiers Direction and the Direction of Information and Judicial Police, both organised in regional and local forces.</p> <p>The Dept. of Customs and Special Taxes depends upon the Ministry of Finances and is organised in regional and local branches.</p> <p>There is also a Commission for Prevention of Money-laundering and monetary offences which depends upon the Ministry of Economy.</p>	<i>No information provided</i>
Sweden	<p>The Swedish National Police Board depends upon the ministry of Justice. It includes a National Criminal Investigation Dept. to which account a Criminal Intelligence Unit a National Board of Forensic Medicine and Police Districts.</p> <p>The Board of Customs depends upon the Ministry of Finance and is then organised in regional branches.</p>	<p>By the National Council for Crime Prevention</p> <p>By BAR-register (for seizures)</p>
United Kingdom	<p><u>England and Wales</u> – The Police depend upon the Home Office: the National Crime Squad (organised in regional offices); the National Crime Intelligence Service (NCIS), and Forensic Science Service. Police forces are decentralised and accountable locally only.</p> <p><u>Northern Ireland</u> – Police depend upon the Royal Ulster Constabulary.</p> <p><u>Scotland</u> – Police forces depend upon the Scottish Executive Justice Dept.</p> <p><u>UK</u> – Customs regional branches and Customs National Investigation Service (NIS) depend upon HM Customs and Excise.</p> <p><u>UK</u> - There is also a British Transport Police.</p>	By the Drug Research Unit (DARU) of the Research, Development and Statistics Directorate, within the Home Office

3.2 Agencies involved in drug law enforcement

Table 3.b provides an overview of drug law enforcement in each of the 13 Member States included in the analysis. It specifically identifies the various law enforcement agencies and forces that have an operational competence as regards drugs, mainly differentiating between Police and Customs, but also other forces such as National Guard or Frontiers Guard in some countries. Based on the information submitted, the table provides a description of each force's fields of competence and of

drug specific services or forces when they exist. It also attempts to map out the reporting of drug activity – who reports what to whom.

Table 3.b – Agencies involved in drug law enforcement

Countries	Agencies involved in drug law enforcement	Drug specific services	Agencies reporting drug activity
Austria	<p>Police forces are considered as urban forces, while gendarmerie forces operate in the countryside (division of geographical areas between them). They may arrest offenders in the course of their normal duty, and mainly deal with cases of possession of small quantities of drugs.</p> <p>The Customs mainly deal with cases of trafficking.</p>	<p>Police and gendarmerie have set up specialised forces on narcotics – accountable to the Central Dept. of Federal Police and the Central Dept. of Gendarmerie – which deal primarily with cases of offenders caught in the act of buying or selling illicit drugs. In addition, the Dept. of Criminal Police has set up a highly specialised force on narcotics (EBS), and a specialised service on organised crime (EDOK).</p>	<p>Police and gendarmerie report all drug-related offences (fill in a database at local level).</p> <p>District Health Authorities report all known cases of drug (ab)use stating the kind of procedure taken.</p>
Denmark	<p>The police, within its normal duties related to the maintenance of peace, order and security, and its mission of surveillance, deal with drug cases. However, they might also investigate crimes and prosecute offenders.</p> <p>The Customs are responsible for the immediate control in connection with national borders, airports and harbours. In the course of daily routine controls, their mission is to expose any attempts to smuggle drugs into the country. They cannot initiate actions on the basis of intelligence reports on drug trafficking, and have to notify the police which take over the investigation.</p>	<i>No information provided</i>	<p>Police fill in reports with data for the National Commissioner.</p>
Finland	<p>Local Police units mainly prevent, control and investigate offences related to the use and the street sale of narcotics. They should inform the National Bureau of Investigation (NBI) about aggravated drug offences and drug seizures.</p> <p>The NBI is in charge of police operations against criminal activities, in particular the prevention of import and distribution of drugs by organised groups in cooperation with other police units, the Customs and the Frontier Guard. It serves as a national intelligence centre for drug offences.</p> <p>Local Customs Offices, in the normal course of prevention and detection of Customs offences, deal with drug offences. The Enforcement and Audit Unit of the National Board of Customs carry out activities to prevent and reveal drug crimes, and within it, its intelligence bureau compile data for the information systems of the National Board of Customs.</p>	<i>No information provided</i>	<p>Police, Customs and the Frontier Guard report data to the criminal Intelligence Division (under the National Bureau of Investigation).</p>
France	<p>Non-specialised Police forces (urban safety) may arrest drug offenders in the normal course of their duty. They mainly deal with cases of drug users, for simple use or drug possession.</p> <p>Police forces are considered as urban forces,</p>	<p>In the areas the most urbanised, Public Security area branches (DDSP) have set up specialised Narcotic Forces ('Brigade des Stupéfiants') dealing with cases of offenders caught in the act of buying or selling illicit drugs. They may be also</p>	<p>Judicial Police officers (and the 'Brigade des Stupéfiants' in Paris) and Gendarmerie officers record drug offences in 2 databases (one specific to the Police and another one to the Gendarmerie) at local level from which</p>

Countries	Agencies involved in drug law enforcement	Drug specific services	Agencies reporting drug activity
	<p>while Gendarmerie forces operate in the countryside (division of geographical areas between them). Gendarmerie officers may arrests drug offenders in the course of their normal duty. Gendarmerie Research Sections may be involved in inquiries on drug trafficking cases, in co-operation or not with the Customs.</p> <p>The Customs, in the course of their normal duties - surveillance of flows of goods, people and capital – deal with illicit drugs trafficking.</p>	<p>involved in inquiries on drug trafficking, as Judicial Police Services.</p> <p>The Mission for the fight against drug addiction (MILAD), within the General Dept. of Police, is responsible for coordinating and orientating policies to the various departments of the ministry</p> <p>The Central office for the repression of drug trafficking (OCRTIS), within the Central Dept. of Judicial Police, centralises all information about illicit traffic of narcotics and to organise any national or international operations aimed at the repression of drug trafficking.</p>	<p>extracts are provided to the Central office on law enforcement of drug trafficking (OCRTIS).</p> <p>When cases made by the Customs have been reported to the Judicial Police, they are recorded by the Judicial Police in the same database. Otherwise, the General Direction of Customs provides data directly to the Central office on law enforcement of drug trafficking (OCRTIS) once a year.</p>
Germany		<p>Police Drug Units have been set up at the Laender level and depend upon each Laender Criminal Police Office (LKA).</p> <p>There are also Police Drug Units within Criminal Police Regional Offices.</p>	<p>Criminal Investigation Depts. in each Laender report data to the Federal Criminal Police Office (BKA).</p>
Greece	<p>Officers from the four Prosecuting Authorities – Police, Coast Guard, Customs, Financial and Economic Crimes Office – are responsible for police supervision, control and preliminary investigation in case of drug law offences that fall within their competence. Preliminary investigation officials have also the right to exercise their duty outside their area of responsibility.</p>	<p>There is a Dept. for Drugs and Juvenile Delinquency within the Police Dept. in the Ministry of Public Order, upon which depend Sub-directions and Depts. for Drugs at regional level and Drug Prosecution Squads at local level within local police forces.</p> <p>Under the Ministry of Finance, within the Customs Dept., there is a Dept. for Drugs and Arms Prosecution.</p> <p>Under the Ministry of Finance, within the Financial and Economic Crimes Office, there is a Dept. on Operational Planning for Drugs and Arms Prosecution and Control, which is organised in Sub-directions and Depts. for Drugs at regional level.</p> <p>The Central anti-Drug Coordinating Unit coordinates all the anti-drug activities from agencies depending upon Police, Cost Guard, Customs or Financial and Economic Crimes Office.</p>	<p>Regional and local forces of Police, Coast Guard, Customs, and Financial and Economic Crimes Office report drug activity to the Central anti-Drug Coordinating Unit.</p>
Ireland	<p>An Garda Síochána is the national police force in Ireland. It has responsibility for State security services and all traffic and criminal law enforcement functions, including those laws related to drug offences. Any offence arising within the State (as distinct to the point of entry where it is Customs' responsibility) is the responsibility of the police.</p> <p>Customs have primary responsibility for the prevention, detection, interception and seizures of controlled drugs, intended to be smuggled or</p>	<p>The Garda National Drugs Unit, within the Ministry for Justice, Equality and Law Reform, targets primarily major drug traffickers as well as monitor, control and evaluate all drug intelligence and policies within the Police force.</p> <p>There is a specialised Drug Unit within each of the (27) Police Divisions which is responsible for enforcement of drugs legislation. Within Police Districts, at local level, there may be as well a Drug Unit, but</p>	<p>Police Drug Units (at Division and District levels) and the Customs National Drugs Team report drug activity to the Garda National Drugs Unit.</p>

Countries	Agencies involved in drug law enforcement	Drug specific services	Agencies reporting drug activity
	imported illegally into the State. Customs services may arrest a suspect at the point of entry into the country, but the investigation of an offence is the responsibility of the police force.	this depends on the level of drug activity in the area. There is a Customs National Drugs Team which directs the work of the Customs on the prevention of drugs smuggling and the enforcement of legislative provisions regarding import or export of controlled drugs and other substances. It is divided into several units.	
Luxembourg	In terms of repressive action against drug detention, use and trafficking, Police central services involved are mainly the Airport Control Unit and the Judicial Police. Within the Interior Service of the Customs, the Anti-Drug Section and the Investigation Sections are involved in the fight against drug trafficking in the first place.	Within the Judicial Police, there is a Special Drug Unit. Within each local police commissariat, there is an member of the staff appointed and trained as a drug delegate, who intervenes on drug-related matters. Within the Interior Service of the Customs, there is an Anti-Drug Section which has its own Intervention Brigade.	Police and Customs administrations collect data and report them to the Judicial Police.
Netherlands	Police forces are in charge of public order, public policy and public safety. The regional police force of Amsterdam has internal facilities for analysing drugs. Drugs seized by the Schipol Team are analysed by the Customs Laboratory. Otherwise, drugs are analysed by the National Forensic Science Institute (NFI) which comes under the Ministry of Justice. The Royal Military Police has both military and civil tasks, including police and safety tasks at Schipol airport, criminal investigation and guarding the frontier. The Fiscal Intelligence and Investigation Dept. (FIOD) has a special task in the implementation of the <i>Confiscation Legislation</i> and the <i>Preventing Abuse of Chemicals Act</i> .	The Synthetic Drugs Unit (USD) includes members from the Customs, the Internal Security Service, the National Police Agency, the Royal Military Police, Europol, the FIOD, the Central Import and Export Office, the Public Prosecution Office and regional Police forces. It is specialised in tackling the production and trafficking in XTC, amphetamines and other synthetic drugs. HARC Teams or 'Hit and Run Container Teams' are responsible for detecting drugs at ports and airports by using X-ray scans. They include specialists from the FIOD, the river police, the Customs and the Public Prosecution Service. The Schipol Team is a collaboration between Customs and Royal Military Police to combat drug trafficking at Schipol airport.	Police and Royal Military police report data on suspected offenders to Statistics Netherlands. Police, Customs, USD, Royal Military Police and FIOD report data on seizures to the National Police Agency (KPLD).
Portugal	The Public Security Police (PSP) acts within its jurisdiction (on the basis of geographical criteria to ensure proximity) in relation to crimes of drug trafficking in cases of direct distribution to users, crimes of incitement to drug use, trafficking and abandonment of syringes. It also refers drug users to the Commissions for Drug Use Dissuasion as individual drug use ceased to be a criminal offence. The National Republican Guard (GNR) performs the same functions as the PSP and the surveillance of offences related to drugs and	Within the PSP, specific Anti-crime Brigades and a Dept. of Crime and Delinquency Prevention are more specifically concerned with drug matters (the latter on the protection of minors and risk groups and prevention of drug abuse). Anti-crime Brigades from the GNR and the DCITE from the Judicial Police have specific functions in the prevention and investigation of drug trafficking cases.	Local police forces (PSP), Traffic Brigades (PSP), Territorial Brigades and Fiscal Brigades of the GNR, Judicial Police Inspections and Sub-inspection Sections, Dept. of Customs Inspection and Control, and Customs forces report drug activity to the DCITE/UNID of the Judicial Police.

Countries	Agencies involved in drug law enforcement	Drug specific services	Agencies reporting drug activity
	<p>driving (Traffic Brigade).</p> <p>Customs' missions are the implementation of proceedings and monitoring of import, export and trafficking of goods through the national territory, prevention and repression of illicit trafficking, particularly of narcotic drugs and psychotropic substances and precursors.</p> <p>The Judicial Police (PJ) carries out crime prevention tasks: specifically responsible for the prevention of the entrance and transit through the national territory of narcotic drugs and psychotropic substances, as well as the prevention of the establishment of organised networks for the internal trafficking of those substances.</p>		
Spain	<p>The National Police operates in the province capitals and in municipal areas and towns set up by the Government (in areas highly populated), while the Civil Guard is in charge of the rest of the national territory and the sea areas.</p> <p>The National Police is in charge of drug-related crimes investigation and prosecution, while the Civil Guard is responsible of tax protection and actions taken to avoid and prosecute smuggling. Both corps are competent for fighting against drug trafficking.</p> <p>Autonomous Communities and Local Administrations have set up Police forces. Though they usually cannot investigate crimes on their own and must cooperate with the National Security Bodies (National Police) as auxiliary forces, some Autonomous Communities have set up their own with full competence Police Bodies which are thus able to undertake crime investigations, including drug trafficking and money laundering.</p>	<p>Both National Police and Civil Guard have specialised units.</p> <p>Within the National Police, they are Units on Drug and Organised Crime.</p> <p>Within the Civil Guard, they are Teams on Drug and Organised Crime. They also a Central Unit and Sections and Groups of Fiscal and Anti-Drug Investigation depending upon the Fiscal and Frontiers Direction, within the Civil Guard.</p>	<i>No information provided</i>
Sweden	<p>The National Criminal Investigation Dept. – within the National Police Board – heads operational police enforcement at central level, and is primarily involved in searches and investigations of national and international severe drug offences.</p> <p>Local police can arrest drug offenders in the normal course of their duty, the most frequent cases being simple drug use or drug possession.</p> <p>Police and Customs have different responsibilities: Police target drug dealers and users, while Customs target large drug seizures.</p> <p>The National Laboratory of Forensic Science carries out forensic analyses primarily for the Police, but also for other authorities.</p>	<p>Within the Police, regional Narcotic Sections are responsible for search and investigation of drug cases on their own.</p>	<p>Local Police authorities (through a computerized reporting System RAR) and prosecutors report data to the National Police Board, which then forwards them to the National Council for Crime Prevention.</p> <p>Police officers at local and regional level and officers from the Central Customs Section register drug seizures data in the BAR-register. The National Laboratory of Forensic Science fills in the part of the register dealing with the chemical analysis of drugs.</p>

Countries	Agencies involved in drug law enforcement	Drug specific services	Agencies reporting drug activity
<p>United Kingdom</p>	<p><u>England and Wales</u> – At street level, Police encounter drug users and low-level dealers in the course of their normal duties.</p> <p>The National Crime Squad (NCS) – within the Police, in <u>England and Wales</u> – and Customs and Excise in the <u>UK</u>, tackle major importers and distributors (both have also broader remits, focusing upon specific criminal groups).</p> <p>Customs and Excise are responsible for the interception of drugs being illegally imported into the <u>UK</u>. Whereas, Police seize drugs which have already entered the UK, or which enter the illicit market from sources within the UK (diversion from medical suppliers, home-based production).</p> <p><u>Northern Ireland</u> - <i>No information provided</i></p> <p><u>Scotland</u> - <i>No information provided</i></p>	<p><u>England and Wales</u> – At force level, Police Drug Squads target middle-level dealers and co-ordinate intelligence.</p> <p>There is a Drugs Intelligence Unit within the Forensic Science Service (Home Office agency).</p> <p><u>Northern Ireland</u> - <i>No information provided</i></p> <p><u>Scotland</u> - <i>No information provided</i></p>	<p>The National Crime Squad (NCS), the National Crime Intelligence Service (NCIS), local Police forces, the Drugs Intelligence Unit of the Forensic Science Service, and Scottish Police Forces report their activity directly to the Home Office.</p> <p>Customs and Excise officers register their activity into a specific database, from which data are extracted to be provided to the Home Office.</p> <p>The Royal Ulster Constabulary reports its activity to the Statistic Branch of the Northern Ireland Office, which then reports aggregated data to the Home Office.</p>

4. BETWEEN LAW ENFORCEMENT AND PROSECUTION

4.1 Law enforcement agencies – report, discretionary power

Table 4.a gives an overview of the functions and powers of specific law enforcement agencies or forces dealing with suspected offenders in the 13 Member States included in the analysis. It particularly differentiates between the various agencies involved, specifies to whom they report and mentions any discretionary powers they might have.

Table 4.a – Law enforcement agencies: report, discretionary power

Countries	Dealing with suspected offenders	Report to ...	Discretionary power
Austria	1/ Police and gendarmerie 2/ Customs 3/ Health Authority (cases taking place in school and within military service)	1/ the public Prosecutor; and also inform the Health Authority about each report for violation of the narcotic Substances Act (NSA) to the public Prosecutor related to ‘narcotic substances’ 2/ the police or gendarmerie – Customs are not allowed to carry out investigations on their own and have to involve the police and/or gendarmerie – which then report to the public Prosecutor 3/ the public Prosecutor if it was not done by the police or gendarmerie yet	1/ No 2/ No 3/ Yes: it might apply §35 NSA (withdrawal of reports) and send a statement instead of a ‘report for the violation of the NSA’ to the Prosecutor (only in case of §27 – possession and trafficking of ‘small’ quantities)
Denmark	1/ Police 2/ Customs	1/ district public prosecutors 2/ the police for further investigation – as Customs have no independent investigation powers	1/ Yes: warning; fine 2/ No
Finland	Police, Customs and Frontier Guard	Local prosecutor services	Yes: informal caution on simple matters
France	1/ Police and Gendarmerie 2/ Customs	Judicial Police, which reports then to the Prosecutor Service – ‘Parquet’ (though, in many cases, Gendarmerie and Customs directly transmit cases to the ‘Parquet’)	1/ No (unofficial practices: informal caution, inscription in the day book) 2/ Yes: fine (in case of minor offences)
Germany	1/ Police 2/ Customs	1/ the public prosecutor 2/ <i>No information provided</i>	1/ No 2/ <i>No information provided</i>
Greece	Police, Coast Guard, Customs, Financial and Economic Crimes Office	1/ the Public Prosecutor’s Office 2/ as well as to the Central Coordinating Unit in case of Police and Coast Guard local and regional services	<i>No information provided</i>
Ireland	1/ Police 2/ Customs	1/ the Director of Public Prosecutions 2/ the Police	1/ No (when drugs involved); except for juveniles found in possession of a small amount of drugs who can be diverted to the

Countries	Dealing with suspected offenders	Report to ...	Discretionary power
			drugs, who can be diverted to the Garda Juvenile Diversion Programme and be given an informal or formal caution instead of being prosecuted 2/ <i>No information provided</i>
Luxembourg	1/ Police 2/ Customs	1/ Judicial Police officers 2/ the Judicial Police via the Central Interior Service of the Customs and the Directorate General of Customs; in many cases, however, Customs services omit to transmit their cases to the Judicial Police and inform directly the Public Prosecutor	1/ No (officially; though informal caution and inscription in the daybook might occur) 2/ Yes: fine (in case of a minor drug offence, e.g. possession of a small amount of cannabis)
Netherlands	<i>No information provided</i>	<i>No information provided</i>	<i>No information provided</i>
Portugal	Public Security Police, National Republican Guard, Customs, Military Police	Judicial Police	<i>No information provided</i>
Spain	<i>No information provided</i>	<i>No information provided</i>	<i>No information provided</i>
Sweden	1/ Police 2/ Customs	1/ District Public Prosecutor 2/ District Public Prosecutor, Customs Administration and local Police authority	Yes: informal caution; inscription in the daybook; fine
United Kingdom	1/ <u>England and Wales</u> – Police, Customs 2/ <u>Northern Ireland</u> – Police 3/ <u>Scotland</u> – Police, Customs, other statutory reporting agencies	1/ Crown Prosecution Service 2/ DPP (Public Prosecutor) 3/ <i>No information provided</i>	1/ Yes: no further action; formal caution; Customs compounding (administrative sanction involving a financial penalty) 2/ Yes: no further action 3/ <i>No information provided</i>

4.2 Judicial Police – functions, discretionary power

Table 4.b gives an overview of the role and functions of the Judicial Police in each of the 13 Member States included in the analysis. It particularly specifies to whom the Judicial Police report and mentions any discretionary power they might have. The term ‘Judicial Police’ refers here to the corps of ‘Judicial Police’ but also to the function since in some countries ordinary Police forces and Customs or other forces might also carry out functions of Judicial Police.

Table 4.b – Judicial police: functions, discretionary power

Countries	Functions	Report to ...	Discretionary power
Austria	<i>No information provided</i>	<i>No information provided</i>	<i>No information provided</i>

Countries	Functions	Report to ...	Discretionary power
Denmark	<p>Criminal investigation when a case is reported by Police forces or the Customs, under the request of the court</p> <p>Prosecution/charge of offenders for violation of drug legislation</p>	<p>Local public prosecutors: Police chief constables and the Commissioner of the Copenhagen Police may act as prosecutors in cases starting in district courts</p> <p>Public Prosecutor, when cases conducted in one of two High Courts</p>	Yes, when police chief constables act as prosecutors, then they can also withdraw and dismiss charges
Finland	Police, Customs and other pre-trial investigation authorities carry out pre-trial investigation, on the request of the prosecutor	Prosecutor	Yes: there is a possibility to refrain from taking further measures on simple matters
France	Judicial Police as a function is carried out by Public Security Police forces and Judicial Police forces (SRPJ). They carry out criminal investigation under the supervision of an Investigating Judge, who reports to the Prosecuting Service ('Parquet').	Investigating Judge, 'Parquet'	No (but in practice, some case are not passed on to the Parquet)
Germany	The police carry out investigations under the request of the public prosecutor.	Public prosecutor	No
Greece	Preliminary investigation can be carried out by the Police, Coast Guard, Customs and the Financial and Economic Crimes Office.	Local prosecuting authorities / Public Prosecutor's Office	Yes: inscription in the daybook
Ireland	The police not only investigate crimes but in some cases can also initiate prosecutions and, in summary cases, prosecute offenders to verdict. The Director of Public Prosecutions gives blanket authority to the police to prosecute for lesser offences (e.g. drug possession).	Director of Public Prosecutions (State Solicitor examines cases)	Yes: no further action
Luxembourg	<p>Judicial Police officers are informed of all cases reported by the Police (and the Customs, but less systematically) and operate a selection of cases and persons who are then indicated (with police record) to the Prosecuting Authority for criminal proceedings.</p> <p>Judicial Police officers check all drug cases (under the control of the State's General Prosecutor) and carry out investigations.</p>	Public Prosecutor	Yes: no further action
Netherlands	Police, Royal Military Police, and the General Inspectorate and Fiscal Intelligence and Investigation Dept./Economic Surveillance Dept. carry out investigations under the responsibility of the Public Prosecution Service.	Public Prosecution Service	<i>No information provided</i>

Countries	Functions	Report to ...	Discretionary power
Portugal	<p>The Judicial Police (PJ) carries out crime prevention, criminal investigation and assistance to judicial authorities.</p> <p>Judicial Police is specialised in the investigation of complex crimes. It centralises information and coordinates operational activities from other law enforcement agencies. It is responsible for the investigation of crimes of trafficking, money laundering, transfer of property or dissimulation of goods and products, illicit exercise of a profession and criminal organisations.</p>	Public Prosecutors' Office	<i>No information provided</i>
Spain	<i>No information provided</i>	<i>No information provided</i>	<i>No information provided</i>
Sweden	<p>When the police have initiated a preliminary investigation, the district Public Prosecutor should take over the investigation as soon as there is a reasonably suspected person. However, when the offence is of simple nature (trivial), the police handle the investigation on their own.</p> <p>The Customs carry out preliminary investigations (in co-operation with the Police in some cases).</p>	Public Prosecutor	<i>No information provided</i>
United Kingdom	<p>1/ <u>England and Wales</u> – The Police can arrest, investigate and charge a suspect. They should then bring him/her before the Crown Prosecution Service.</p> <p>2/ <u>Northern Ireland</u> – The Police can charge a suspect, decide to proceed and transmit the case to a Magistrate's Court.</p> <p>3/ <u>Scotland</u> – Police or other statutory reporting agency such as Customs and Excise carry out the initial investigation and inform the Procurator Fiscal when it is completed. When it is a serious crime, they inform the Procurator Fiscal at the beginning of the investigations.</p>	<p>1/ Crown Prosecution Service</p> <p>2/ Magistrate's court</p> <p>3/ Procurator Fiscal of a district</p>	<p>1/ Yes: no further action; formal Police caution; Customs compounding (administrative sanction involving a financial penalty)</p> <p>2/ Yes: no further action; informal caution; formal caution</p> <p>3/ <i>No information provided</i></p>

5. OVERVIEW OF THE JUDICIAL PROCESS

5.1 Prosecution process

Table 5.a gives an overview of the prosecution process in each of the 13 Member States included in the analysis. It particularly specifies the general conditions and course of criminal proceedings and the functions of the Prosecutor and the investigating judge, if it exists one in the judicial process.

Table 5.a – Prosecution process

Countries	General conditions and course of criminals proceedings	Prosecution -Function
<p>Austria</p>	<p>In case that a suspect was arrested the general legal rules about arrests have to be applied.</p> <p>An interrogation of the arrested suspect clarifying the case and the preconditions for further arrest has to be transferred as soon as possible (but not later than 48 hours after the arrest) from the police custody to the court where the suspect has to be interrogated without delay (in any case within 48 hours).</p> <p>If the state Prosecutor presents a respective proposal, the Investigating Judge has to examine whether the preconditions for imprisonment on remand are fulfilled. If this is the case, the Investigation Judge has to impose the imprisonment on remand by a “justified” order. In any case, imprisonment on remand may only be imposed if all preconditions are fulfilled (pre-trial investigations opened or bill of indictment or sentence demand presented plus high suspicion plus one of the reasons for imprisonment defined by law can be applied plus suspect was interrogated).</p> <p>At the end of provisional inquiries or pre-trial investigations the decision which persons involved in a specific case will be placed on trial and for which offences lies with the state prosecutor.</p>	<p>I/ THE PROSECUTOR:</p> <p>If the circumstances don’t justify a prosecution, he may:</p> <ul style="list-style-type: none"> - close the case without proceedings. <p>If all relevant facts have been established when the report is filed, he may:</p> <ul style="list-style-type: none"> - bring a direct charge or - initiate a criminal complaint <p>If the facts have not yet been fully established the state Prosecutor may:</p> <ul style="list-style-type: none"> - file a motion that further pre-trial investigations be conducted by the investigating judge, who may not take part in the trial in this case. <p>In case of a violation of the conditions for probation within the probation period the Prosecutor :</p> <ul style="list-style-type: none"> - has to re-open the proceedings. In all cases the report is finally withdrawn after the probation period of two years. <p>If the defendant possessed or purchased a small amount of drugs for personal use and gives his consent to undergo – if required – health-related measures or supervision (withdrawal of the report to the police), the public Prosecutor:</p> <ul style="list-style-type: none"> - is obliged to do to waive prosecution for a probationary period of 2 years with request of a statement of the District Health Authority whether a health-related measures is required or not and which health-related measures might be appropriate. - can refrain from requesting the statement in case of possession or purchase of small quantities of Cannabis for personal use. <p>If the guilt is not serious and if the action seems to be more appropriate than a formal conviction to prevent the defendant from committing other drug offences (withdrawal of the report to the police), the public Prosecutor:</p> <ul style="list-style-type: none"> - has a discretion to do the same with regard to infractions under art. 27 and art. 30 other than purchase or possession, <p>In case of a violation of the conditions for probation within the</p>

Countries	General conditions and course of criminals proceedings	Prosecution -Function
		probation period, the Prosecutor: <ul style="list-style-type: none"> - has to re-open the proceedings. 2/ THE INVESTIGATING JUDGE: <ul style="list-style-type: none"> - may remand the suspect in custody at any stage of the prosecution if all preconditions are fulfilled.
Denmark	When the police investigation has ended, the case is brought before the local prosecution service, which considers the admissibility of the evidence in the court. The relevant prosecution service makes a first-hand assessment of the evidence. If the evidence is considered admissible, the offender is prosecuted unless the charges are either withdrawn or dismissed.	The Prosecutor may: <ul style="list-style-type: none"> - withdraw the charges - dismissal the charges - bring the case before the court
Finland	A criminal investigation is carried out by the police and it is led by a police officer. The police shall inform the Prosecutor of an offence which has been reported to it for investigation (except simple matter)s.	At the criminal investigation stage, the Prosecutor may: <ul style="list-style-type: none"> - participate in the investigation - issue order on how the investigation should be carried out - order that no criminal investigation is to be carried out or that the criminal investigation is to be discontinued if he knows he would waive prosecution After the conclusion of the criminal investigation, the Prosecutor: <ul style="list-style-type: none"> - evaluates the case - may prosecute the case before the court - may waive prosecution - must prove the charge if there is a reason to believe that the suspect is probably guilty. - may place a prisoner in a treatment unit for substance abuse. At the trial level, the Prosecutor (as well as the judge) has the possibility: <ul style="list-style-type: none"> - to waive punishment according to principles stated in the penal code.
France	When the Prosecutor is advised that a person has been arrested, he decides whether to prosecute and in case of prosecution whether the case needs further investigation or not. The first qualification of the offences is made at the prosecution stage, further qualification is made at the investigating stage and the final one at the trial stage.	In case of quick proceedings (prosecution without investigation), the Prosecutor may order: <ul style="list-style-type: none"> - an immediate trial (concerning persons detained in police custody) ; - a convocation by a Judicial Police officer for a trial date or for a proposition of therapeutic order by the prosecutor (concerning people detained in police custody at that time and then released) In case for which an investigation is needed, the Prosecutor designates: <ul style="list-style-type: none"> - an investigating judge who leads the investigation and reports to the 'Parquet'

Countries	General conditions and course of criminals proceedings	Prosecution -Function
		<p>The 'Parquet' may decide:</p> <ul style="list-style-type: none"> - to close the case without proceedings with indication to the Health Authority - to close the case without proceedings with a caution - to close the case without proceedings under condition (compulsory treatment or other): the proceedings are stopped when the condition is fulfilled. - to propose to a drug user (caught for the 1st time) to undergo a therapeutic treatment (treatment order) on w voluntary basis.
Germany	<p>The public Prosecutor is formally in charge of the proceeding, the police has to fulfil his request. When police forces at local level register a case it is followed by the public Prosecutor.</p>	<p>The public Prosecutor may:</p> <ul style="list-style-type: none"> - close the case without proceeding - stop the prosecution if only minor guilt would be judged for the offender, only 'insignificant quantities' of drugs for personal use are involved, there is no public interest in prosecution and especially others are not endangered or have been harmed. - remiss a punishment without a judge's agreement (§31a BtMG) in case of use of related petty case.
Greece	<p>After a case file has been opened and transmitted to the public prosecutor' office, the Public Attorney has to commit defendants to preliminary investigation or to inquiry.</p>	<p>If accusation is proven to be valid, the Public Attorney:</p> <ul style="list-style-type: none"> - must commit the defendant to trial, <p>if not:</p> <ul style="list-style-type: none"> - the case is discharged and filed. <p>In some cases the Public Attorney decides:</p> <ul style="list-style-type: none"> - the immediate committal of the defendant to trial. <p>In cooperation with the investigating judge he also:</p> <ul style="list-style-type: none"> - decides upon the defendant's detention under remand, whereas in case of disagreement between the PA and the investigating judge the decision will be taken by the judicial council. <p>The Public Attorney has the power:</p> <ul style="list-style-type: none"> - to file a case without bringing it to court if accusations are proven to be valid. - to decide, in case the defendant is drug addicted for his admission to a custodial treatment unit, in accordance to the defendant's acquiescence <p>This discretionary power can be exercised before or after trial.</p>
Ireland	<p>All criminal prosecutions are taken under the authority of the Director of Public Prosecutions. In practice, the great majority of prosecutions for lesser offences are brought by the police without specific reference to the Director's office. The seriousness of the drug offence will be determined by factors such as the value of the drugs involved and whether the offence relates to trafficking. In simple possession offences, the police will generally investigate and then</p>	<p>The DPP may:</p> <ul style="list-style-type: none"> - close the case without further proceedings.

Countries	General conditions and course of criminals proceedings	Prosecution -Function
	prosecute to verdict.	
Luxembourg	<p>The public Prosecutor reviews the cases and decides on the opportunity to prosecute a case or not. And in case of prosecution he decides whether the case needs further investigation or not.</p> <p>The legal concept of prosecution opportunity may be applied which supposes a case by case decision.</p>	<p>In case of quick proceedings (without investigation) the Prosecutor may order:</p> <ul style="list-style-type: none"> - an immediate trial or - a convocation by a judicial police for a trial date. <p>If further investigation is deemed necessary the Prosecutor:</p> <ul style="list-style-type: none"> - designates an investigating judge who leads the investigation and reports to the Parquet. <p>The parquet may decide to:</p> <ul style="list-style-type: none"> - close the case without proceedings with a caution - order detoxification treatment for minors or adult - propose to a drug user to undergo a therapeutic treatment on a voluntary basis.
Netherlands	<i>No information provided</i>	<p>The Public Prosecutor Service has the power to</p> <ul style="list-style-type: none"> - refrain from prosecuting criminal offences if this serves the general interests of society.
Portugal	<p>During the inquiry, the Public Prosecutor is responsible for providing direction and guidance to the set of proceedings required to investigate the existence of a crime, the identification of its perpetrators, their responsibility as well as the disclosure of proof with a view to prosecuting or filing the inquiry.</p>	<p><u>During the inquiry phase:</u></p> <p>When a situation of drug addiction is determined, the Public Prosecutor:</p> <ul style="list-style-type: none"> - proposes the voluntary detoxification treatment. <p>If the detoxification treatment is refused or failed, the Public Prosecutor:</p> <ul style="list-style-type: none"> - informs the IRS or the Health Services <p><i>If the person accused of drug use or another offence directly connected, punished with imprisonment until three years or with a different type of sanction, the Public Prosecutor may</i></p> <ul style="list-style-type: none"> - <i>decide to suspend the proceedings with the agreement of the Judge of instruction¹:</i> <p>If it has been found sufficient evidences that the offence was not performed, the accused is not guilty, or the law does not allow the criminal proceedings, the Public Prosecutor may:</p> <ul style="list-style-type: none"> - file the proceedings <p><u>During the instruction phase</u> and with the agreement of the judge of instruction:</p> <p>In case of crime in relation to which the possibility of exemption of penalty is explicitly determined by law, the Prosecutor's Office may:</p>

¹ Since the implementation of the decriminalisation law in Portugal in July 2001, this is no longer valid.

Countries	General conditions and course of criminals proceedings	Prosecution -Function
		<ul style="list-style-type: none"> - decide to file the proceedings <p>If the crime is punished with a penalty under 5 years or another sanction other than a punishment, the Public Prosecutor's Office, may:</p> <ul style="list-style-type: none"> - decide to suspend the proceedings under certain conditions established by law
Spain	<i>No information provided</i>	<i>No information provided</i>
Sweden	The Prosecutor decides about apprehension under certain conditions.	<p>When a person is apprehended the Prosecutor:</p> <ul style="list-style-type: none"> - issues an arrest warrant before noon on the third day after the apprehension <p>If the Prosecutor determines that a crime has been committed and that the evidence against a suspect is strong, he is:</p> <ul style="list-style-type: none"> - obliged to take legal proceedings
United Kingdom	<p><u>England and Wales</u></p> <p>Since the introduction of the Crown Prosecution service during 1986, the powers of investigation, arrest and charge invested in the police is now separated from the power to continue with prosecution or to discontinue proceedings when appropriate.</p> <p><u>Northern Ireland</u> – <i>No information provided</i></p> <p><u>Scotland</u> – <i>No information provided</i></p>	<p><u>England and Wales</u></p> <p>Although it exists guidelines on prosecuting policy, the Crown Prosecutor:</p> <ul style="list-style-type: none"> - has extensive discretion as to whether to prosecute or not. - has to review all charges brought by the police - has the right to discontinue court proceedings at any stage before the magistrate's court hearing if he considers there is insufficient evidence. Such that there is not a realistic prospect of conviction, or that this is not in the public interest. <p><u>Northern Ireland</u> – <i>No information provided</i></p> <p><u>Scotland</u></p> <ul style="list-style-type: none"> - In Scotland the public Prosecutor has powers under common law and statute to deal with cases reported to them by taking other forms of action apart from prosecution. - Alternative to prosecution are only appropriate in cases where there would be sufficient evidence to bring a prosecution. - The 'Fiscal Fine' procedure is established as a valuable and effective alternative to prosecution in less serious cases that would otherwise result in prosecution in the District Court.

5.2 Trial and sentencing process

Table 5.b gives an overview of trial and sentencing process in each of the 13 Member States included in the analysis. It particularly specifies the course of trial and sentencing process and the types of sentences or/and measures imposed to convicted persons.

Table 5.b – Trial and sentencing process

Countries	General conditions, course of trial and sentencing process	Possible outcomes of trials / Types of sentences and measures imposed to convicted persons
Austria	<p>If the Prosecutor decides that a suspect/offender has to be placed on trial, the Prosecutor presents a “sentence demand” to the Court. In cases of (suspected) felonies a lawyer must represent the defendant during the trial. The defendant must be represented by a lawyer also during the pre-trial stage if he is in custody on remand. If he or she is not in a position to pay the pertinent fees, the court has to appoint a lawyer representing the defendant. In case of (suspected) misdemeanours no lawyer is needed to represent the suspect. However, in any case, a lawyer has to file with the court the necessary motions on the basis of which the client may undergo the health-related measures appropriate in the case in question.</p> <p>The court may temporarily dismiss proceedings if an offender dependent on a drug is willing to undergo one or several of the health-related measure. In this case the same conditions apply as defined for the alternatives to prosecution. In case of violation of the conditions for probation within the probation period the Court has to reopen the proceedings. In all other cases the proceedings are finally dismissed after the probation period of 2 years. In all other cases a trial has to take place.</p>	<ul style="list-style-type: none"> - Suspect not guilty - Imprisonment: without probation, with partial probation, with probation - Fine: without probation, with partial probation, with probation - Other punishment: referral to institutions; no additional punishment - Conviction with punishment reserved, conviction without sentence: for minors only - Suspension of the sentence for a maximum period of 2 years if the prison sentence imposed does not exceed 3 years and the offender is willing to undergo appropriate health measures. In case of violation of the conditions for probation the Court has to cancel the suspension and the sentence has to be executed. In case that the offender has successfully undergone the health related measures the Court has to suspend the sentence with a probation period of minimum 1 and maximum 3 years - In the case of a prison sentence that cannot be suspended, and if the conditions stipulated under art. 68a of the Execution of Sentence Act apply, prisoners who are addicted have to undergo withdrawal therapy. After half or two thirds of the term of imprisonment the court may rule that the prisoner in question, if he/she consents, may be released from custody and the remainder of the sentence is suspended (for a maximum probationary period of 5 years). The premature release from custody maybe granted on the condition that the prisoner in question undergoes therapeutical treatment
Denmark	<p>The 1st instance of criminal cases is normally the district court however the 1st instance of these cases may be the High Court if there are grounds to assume that the accused is punishable by a term of not less than 4 years unless the accused pleads guilty, and this is corroborated by the circumstances in general. Where a criminal case is conducted in the Supreme Court, which is only possible in appeals cases on the fixing of the sentence, the prosecution is represented by the Director of Public Prosecutions.</p> <p>Criminal cases brought before the district court as the 1st instance may be appealed against to the high Court by both parties. Criminal cases that are conducted in the High Court as the 1st instance, may either be reconducted in the High Court or appealed against to the Supreme Court, depending on the reason for appeals.</p> <p>In criminal trials, the Judges may apply the general principles of freedom to assess evidence as well as immediacy. The latter implies that witness are brought to testify in court. The courts do not allow the use of anonymous witness.</p>	<ul style="list-style-type: none"> - Fine - Imprisonment for a term not exceeding 2 years. Sentences under Section 191 of the Danish criminal Code provide for imprisonment for any term not exceeding 6 years and in particularly aggravating cases for any term not exceeding 10 years - Dismissal of charges - Suspension of the sentence on conditions of treatment (especially if a judgement has been handed down in accordance with the “lenient” drugs regulation, ie the Act on Euphoriant drugs) - Where a non-suspended sentence is passed, it is possible – during the serving of the sentence – to be transferred to a prison department focusing particularly on drugs problems, perhaps with a treatment programme, or to be transferred to an institution offering professional treatment If transfer to an institution is made in connection with release on parole, only a judge can

Countries	General conditions, course of trial and sentencing process	Possible outcomes of trials / Types of sentences and measures imposed to convicted persons
	<p>The judges are bound by the indictment in the sense that no judgement must be handed down on behaviour that has not been described in the indictment. However, the court is free to choose a statutory provision other than the one invoked by the prosecution. In drugs cases, it is often seen that the accused is prosecuted under section 191 of the Danish Criminal Code and subsequently sentenced under the Act on Euphoriant Drugs.</p> <p>The judge must be impartial. He is considered to be disqualified if during the investigation of the same case he has made a decision on certain types of remand custody, the use of agent provocateur or a few other investigative measures.</p>	<p>revoke this decision and have the person return to prison. However, this will typically only take place in connection with judgement passed on new crime perpetrated during the parole period</p>
Finland	<p>In Finland judicial power is exercised by independent courts. The independence of the courts is guaranteed by the Constitution. Judges are appointed by the President of the Republic.</p> <p>The court of 1st instance is the District Court. In a criminal case, the composition of the District Court varies in accordance with the offence in question; cases of petty infractions are heard by one judge and those of more serious offences by a panel of one judge and three lay members. Civil and criminal cases are heard by district courts which decisions may be appealed against to a court of appeal. There are 66 district courts and 6 courts of appeal.</p> <p>The decision of the Courts of appeal remain usually final as appeal to the Supreme Court is subject to leave (leave is granted by the Supreme Court itself). The court of last instance is the Supreme court. Its main duty is to direct the courts through precedents.</p> <p>The most important task of the Supreme Court is to hand down precedents, thus giving directions to the lower courts on the application of the law. The Supreme Court may give leave to appeal in cases where precedent is necessary for purposes of the correct application of the law, where a serious error has been committed in proceedings before a lower court or where there is another special reason in law.</p>	<ul style="list-style-type: none"> - Possibility to waive punishment - Imprisonment (can be unconditional or conditional) - Community service - Juvenile punishment - Fine (are passed by day-fines, the number ranging from 1 to 120) - Acquittal - Placement of a prisoner in a treatment unit for substance abuse (this decision is made by the prison administration). Another possibility for treatment is currently being discussed in a working group organised by the Ministry of Justice. It is planned that the placement to the intoxication centre would require the consent of the offender and it would be comparable to a prison sentence. The alternatives to prison are enforced by a public association, the Probation and Aftercare Association
France	<p>The cases are presented to the Court by the 'Parquet' to be tried. The Court may declare the suspect not guilty or convict him/her.</p> <p>The Judge may decide to postpone the sentencing for an indeterminate length of time, but has to decide on the guiltiness. When the case goes back to the court, the judge may decide not to give a sentence. There are 3 types of postponement: simple postponement, postponement accompanied by probation, postponement accompanied by therapeutic treatment (because the Judge decides to order it at this stage or because he decides to prolong the effects of the order handed down at prosecution stage).</p> <p>At any stage, before or after sentencing, a compulsory treatment may be ordered by a Judge to drug addicts.</p>	<ul style="list-style-type: none"> - Criminal imprisonment: life imprisonment, 10-30 years imprisonment - Imprisonment (up to 10 years): without suspension, with partial suspension, with total suspension (with/without probation if suspension) - Fine (fines, substitution sentences and educational measure may be given both as a main sentence and as complementary sentence) - Substitution sentence: community work, day fine, France ban, driving ban etc. - Educational measure: for minors only exemption from sentence - Exemption from sentence
Germany	<i>No information provided</i>	<i>No information provided</i>
Greece	<p>The court's role is to probe whether the act that is being judged was criminal or not and to issue the verdict and to decide upon the penalty</p>	<ul style="list-style-type: none"> - Discharge - Conviction without a foreseen penalty

Countries	General conditions, course of trial and sentencing process	Possible outcomes of trials / Types of sentences and measures imposed to convicted persons
		<ul style="list-style-type: none"> - Conviction with the imposition of penalty, - Conviction with arrest of penalty execution - Custodial sentence imposed on drug-addicted offenders can be exchanged always after the offender's acquiescence, with admission to a Custodial Treatment Unit where the time spent by the offenders following treatment can be considered as time spent in prison - If the custodial sentence exceeds the treatment duration the convicted offender who has complete treatment can be released under specific conditions
Ireland	<p>There are 2 courts competent for drugs cases depending on the nature of the offence: the District Court (deals with summary offences: minor offence triable summarily before a judge and indictable offences triable summary) and the Circuit Criminal Court (deals with any indictable offence with the exception of treason, murder, tempted murder, conspiracy to commit murder, piracy, rape, aggravated sexual assault and attempted aggravated sexual assault).</p> <p>In drug cases the DPP must consent to summary trial. The right to elect for trial before a judge and jury or to be tried summarily in the District court is not available to the defendant on a drugs charge. Non indictable offences are tried by a judge at the District Court, whereas indictable offences are tried by judge and jury at a higher court such as the Circuit Criminal Court, unless such indictable offences are disposed of summarily in the District Court.</p>	<p>The <u>DISTRICT COURT</u> and The <u>CIRCUIT CRIMINAL COURT</u> can both impose custodial and non-custodial sanctions:</p> <ul style="list-style-type: none"> - Fine - Prison sentence (max. of 12 months imprisonment for a single offence or 24 months with consecutive sentences) - Non custodial measures: Suspended sentence, supervision during deferment of penalty, Community service order, Fine, Compensation order a fine and compensation order, Release under the probation of offenders act, Probation order, Order of recognisance
Luxembourg	<p>The cases are presented to the Court by the Parquet.</p> <p>The court may declare the suspect not guilty or convict him/her.</p> <p>The judge may decide to postpone the sentencing for an determinate length of time but he has to decide on the culpability. There are 3 types of postponement: simple postponement, postponement accompanied by probation, postponement accompanied by therapeutic treatment.</p>	<ul style="list-style-type: none"> - Criminal imprisonment (life imprisonment, hard labour (without suspension), 3 months to 20 years imprisonments (without suspension, with partial suspension, with total suspension). Custodial sentence may be suspended totally or partially under the monitoring of the probation service - (and/or) Fine ranging from 1 000 to 50 000 000 LUF - Substitution sentence: community work (work of general interest), day fine, driving ban... - Exemption from sentence
Netherlands	<i>No information provided</i>	<i>No information provided</i>
Portugal	<p>This decision phase is characterised by the fact that the proceedings are carried out before a single judge, by three judges (collective tribunal) or by the jury Tribunal (three judges and four effective members of the jury and four substitute members of the jury).</p> <p>The JURY TRIBUNAL decides legal proceedings when the intervention of the jury has been requested by the public Prosecutor's Office; the private prosecution or the accused, and in cases of crimes against Peace and Humanity or crimes against the State, as well as those cases punished with penalty of imprisonment longer than 8 years.</p> <p>The COLLECTIVE TRIBUNAL, on criminal matters, decides the crimes against Peace and Humanity; the crimes against the State, the felonious crimes, or the crimes aggravated by their result, being considered the death of a person as a pattern, or those crimes punished either by a maximum penalty of more than 5 years imprisonment, even when there is an accumulation of offences, or lower than the maximum level corresponding to each crime.</p>	<p>DRUG CRIMES, penalties vary:</p> <ul style="list-style-type: none"> - between 4 and 12 years of imprisonment for drug trafficking or money laundering - between 10 and 25 years of imprisonment for criminal association - from 1 to 5 years of imprisonment for less serious drug trafficking - imprisonment of up to 3 years or fine for incitement to drug use - up to 1 year imprisonment or fine up to 120 days for crimes of abandonment of syringes - between 3 months of imprisonment and fine up to 30 days for cultivation.

Countries	General conditions, course of trial and sentencing process	Possible outcomes of trials / Types of sentences and measures imposed to convicted persons
	<p>The SINGLE JUDGE decides the legal proceedings, which under the law do not fall under the jurisdiction of the remaining tribunals, crimes against public Authority, and those crimes that are punished with imprisonment equal or lower than 5 years.</p>	<p>CRIME OF USE</p> <ul style="list-style-type: none"> - Penalty of until 3 month imprisonment - Fine until 30 days with the possibility to request the spontaneous treatment foreseen by law - Suspension of the execution of the penalty (if the drug addict voluntarily chooses to undergo treatment or to be interned) - Suspension associated with probation - Work in favour of the community - Admonition²
Spain	<i>No information provided</i>	<i>No information provided</i>
Sweden	<p>Court proceedings against persons in custody are kept within a week after the application for summons. After proceedings the court decides on sanctions.</p> <p>The Court shall pay special attention to circumstances calling for an alternative punishment to imprisonment. There is three particular circumstances the court should not ignore: penal value, character of the crime and recidivism.</p>	<ul style="list-style-type: none"> - Fines - Commitment to care - Conditional sentence - Probation sentence - Imprisonment - Sentence to treatment in accordance with a personal plan as an alternative to imprisonment
United Kingdom	<p><u>England and Wales</u></p> <p>Over 90% of criminal cases are dealt with summarily at a magistrate's court.</p> <p>The Crown court has the jurisdiction to deal with all trials on indictment and with persons committed for sentence, and to hear appeals from lower courts (magistrate's court). A person convicted at the crown court may appeal to the Court of Appeal and finally to the House of lords. Most of the drug offenders dealt with and prosecuted are tried in a Magistrate's court since most of them are prosecuted for consumption of cannabis.</p> <p>3 types of offences:</p> <ul style="list-style-type: none"> - triable only on indictment - triable either way - summary <p><u>Northern Ireland</u> – <i>No information provided</i></p> <p><u>Scotland</u> – <i>No information provided</i></p>	<p><u>England and Wales</u></p> <ul style="list-style-type: none"> - Discharge (either absolute or conditional when the court decides it is not necessary to impose punishment) - Monetary sentence (fine, confiscation order, forfeiture order which may either be the sole penalty or in association with another disposal) - Custody sentence - Community based disposal - Other sentence (secure training order) <p><u>Northern Ireland</u></p> <ul style="list-style-type: none"> - Discharge (conditional, absolute) - Monetary (fine, compensation order, recognizance) - Deferment - Community-based (fit person order, attendance centre, probation/supervision, community service, combination order – probation/community service)

² Since the implementation of the decriminalisation law in Portugal in July 2001, this is no longer valid.

Countries	General conditions, course of trial and sentencing process	Possible outcomes of trials / Types of sentences and measures imposed to convicted persons
		<ul style="list-style-type: none"> - Suspended custody - Immediate custody (training school 10-16, young offender's centre 16-21, custody/probation order, imprisonment over 21 years. <p><u>Scotland</u> – <i>No information provided</i></p>

6. INFORMATION SYSTEMS AND DATA AVAILABLE: GENERAL OVERVIEW

6.1 Data from routine information systems identified

Every Member State collects routine data on drug seizures.

Data on drug law offences/offenders reported to the Police or the Customs – labelled ‘Police/Customs interventions’ within the Information Maps 2000-2001 – are made available by all the Members States except Ireland (where data is collected once proceedings have been commenced against a suspect, i.e. when a person has been charged by the police with an offence).

Data on prosecution for drug law offences are routinely collected and made available in Ireland, the Netherlands, and Sweden. In some other countries such as Denmark, Finland, Germany, Portugal and the UK, prosecution data are said to be routinely collected through an information system but it is difficult to assess which data are routinely made available since, in the case of Denmark, Finland and the UK, there was no form dedicated to them within Part II of Information Map 2000-2001, and in the case of Germany and Portugal, the submitted forms cover several different types of data (prosecution and conviction statistics for Germany; Police/Customs interventions, prosecution, conviction and penal statistics for Portugal) and do not provide a detailed description of the type of data actually available as regards prosecution statistics.

Data related to convictions for drug law offences are reported to be available through routine information systems in Austria, France, Greece, the Netherlands and Sweden. As for prosecution data, in some other countries such as Denmark, Finland, Germany, Portugal and the UK, conviction data are said to be routinely collected through an information system but it is difficult to assess which data are routinely made available since, in the case of Denmark, Finland and the UK, there was no form dedicated to them within Part II of Information Map 2000-2001, and in the case of Germany and Portugal, the submitted forms cover several different types of data (prosecution and conviction statistics for Germany; Police/Customs interventions, prosecution, conviction and penal statistics for Portugal) and do not provide a detailed description of the type of data actually available as regards conviction statistics.

Routine data on persons imprisoned/incarcerated and on prisoners (persons in prison) are reported to be available in France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal (though it was not described in details within Part II of Information Map 2000-2001), Sweden and the UK.

Other types of data were mentioned to be collected and accessible through routine information systems. Austria mentioned data on alternatives to prosecution; Denmark data on drug prices from the police, contents of tablets and monitoring of drug dealing at user’s level; Germany data on first-notified offenders; Sweden statistics on crimes solved; and the UK victimisation data. Denmark, Finland, Sweden and the UK reported routine information systems on drug use among criminal populations – arrestees or prisoners. And finally, in Austria, Spain, and the UK, routine data on arrestees or prisoners referred to treatment were reported to be available.

You will find here below a summary table on routine data reported to be available in each of the Member States.

Table 6.a – Data from routine information systems identified

Countries	Data on drug seizures	Data on Police/Customs interventions	Prosecution data	Conviction data	Prison data	Other
Austria	X	X		X		Central register on known drug users (data on alternatives to prosecution) Bi-annual survey on nr. of prisoners in substitution treatment
Denmark	X	X	X (though information system not described)	X (though information system not described)		Drug price /police Contents of ecstasy tables Continuous monitoring of illicit drugs dealing at user's level (price, purity, location), since 1995 Drug use among prisoners
Finland	X	X	X (though information system not described)	X (though information system not described)		Drug use among prisoners
France	X	X		X	X	
Germany	X	X	X	X (though information system not fully described)	X	Register of first-notified offenders
Greece	X	X		X	X	
Ireland	X		X		X	
Luxembourg	X	X			X	
Netherlands	X	X	X	X	X	
Portugal	X	X	X	X	X (though information system not fully described)	
Spain	X	X				Prisoners entering into drug treatment

Sweden	X	X	X	X	X	Drug use among prisoners Drug use among arrestees Statistics on crimes solved
United Kingdom	X	X	X (though information system not described)	X (though information system not described)	X (England & Wales, Northern Ireland, Scotland)	Arrestees referred to treatment (England and Wales) Drug use among prisoners (England and Wales, Scotland) Prisoners referred to treatment (Scotland) Victimisation of households, crimes suffered and committed (England and Wales, Scotland)

Even when considering the same indicator, the stage at which, within the criminal justice system, data have been reported and recorded might differ across Member States. For example, data on drug offenders reported by the Police or the Customs might be recorded at the initial stage when a first report is made, or after investigation by the Judicial Police, or even following a decision by the Prosecutor that a charge should be issued on this case. These and other differences (especially those in the types of statistical units recorded) are crucial to consider as they might lead to important problems of comparability.

These differences are described in detail below in chapter 6 within each section per indicator. However, we have roughly outlined, in the table here below, the stage in the judicial process to which routine data for each of the 7 indicators included in Part II of the Information Maps 2000-2001 refer. This is based on the analysis of what was described in Part I and completed by information provided through the forms per indicator submitted within Part II of the Information Maps.

Table 6.b – Stages in the judicial process to which routine data refer

Countries	Stages in the judicial process to which routine data refer
Austria	- Data on drug seizures and drug offenders: following law enforcement authorities intervention - Data on final convictions: following trial (after appeals)
Denmark	- Data on drug seizures: following law enforcement authorities intervention - Data on drugs offenders: following Police charge
Finland	- Data on drug seizures: following law enforcement authorities intervention - Data on persons suspected of offences: following law enforcement authorities intervention - Data on drug use among prisoners: cross-sectional survey

France	<ul style="list-style-type: none"> - Data on drug seizures and drug offenders: following law enforcement authorities intervention - Data on final convictions: following trial (after appeals) - Data on persons imprisoned: on remand or convicted, at the entrance in prison (flow)
Germany	<ul style="list-style-type: none"> - Data on drugs seizures and drug offenders: following law enforcement authorities intervention - Data on convictions: following trial - Data on prisoners: on remand or convicted, at the entrance and in prison (flow and stock)
Greece	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on drug offenders: following law enforcement authorities intervention - Data on final court convictions: following trial - Data on persons imprisoned: convicted, at the entrance in prison (flow)
Ireland	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on prosecution: following investigation and charge by the Police (when proceedings are commenced) - Data on persons imprisoned: at the entrance in prison (flow)
Luxembourg	<ul style="list-style-type: none"> - Data on drug offenders and drug seizures: following Judicial Police investigation. - Data on prisoners: on remand or convicted, at the entrance and in prison (flow and stock)
Netherlands	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on drug offenders: following investigation and charge by the Police - Data on prosecution: at submission to the Court - Data on conviction: following trial (both before and after appeal) - Data on persons imprisoned: convicted, at the entrance in prison (flow)
Portugal	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on drug offenders: following the submission of a law suit - Data on prosecution: at submission to the Court - Data on convictions: following trial and after appeal - Data on persons in prison: convicted, in prison at 31st of December (stock)
Spain	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on drug offenders: after the first Police investigation
Sweden	<ul style="list-style-type: none"> - Data on drug seizures: following law enforcement authorities intervention - Data on suspected drug offenders: following preliminary investigation and confirmed by the prosecutor - Data on prosecution: at the prosecution stage - Data on convictions: following trial (before appeal)

	<ul style="list-style-type: none"> - Data on prisoners: on remand or convicted, at the entrance and in prison (flow and stock) - Data on drug use among arrestees: when arrestees are remanded in custody - Data on drug use among prisoners: at the entrance into custody, cross-sectional in non-custodial treatment
United Kingdom	<ul style="list-style-type: none"> - UK – Data on drug seizures: following law enforcement authorities intervention - UK – Data on drug offenders: dealt with by law enforcement agencies, prosecution services and courts - England and Wales – Data on persons in prison: convicted, in prison at 30th of June (stock) - Northern Ireland – Data on prisoners: on remand or convicted, at the entrance and in prison (flow and stock) - Scotland-1 – Data on persons in prison: on remand or convicted, in prison at 30th of June (stock) - Scotland-2 – Data on prisoners: on remand or convicted, at the entrance and in prison (flow and stock) - England and Wales – Data on drug use among prisoners: tests at the entrance into prison, cross-sectional tests - Scotland-1 – Data on drug use among prisoners: cross-sectional tests - Scotland-2 – Data on drug use among prisoners: cross-sectional survey

6.2 *Other information sources*

In addition, other information sources were mentioned by some of the countries which submitted an Information Map, either monitoring systems which collect data on a routine basis but which data are not accessible or not analysed, or ad-hoc surveys or studies – especially related to drug use among criminal populations – which do not provide routine data.

You will find below an overview of these information sources as identified within the Information Maps submitted in 2000-2001. Please note that in some countries, additional sources that have not been mentioned here below might however exist³.

Table 6.c – Other information sources

Countries	Routine sources not exploited	Ad-hoc studies
Austria		
Denmark	From some police districts, statistics on property crimes committed by drug addicts	
Finland		

³ Especially since a comprehensive overview of the routine and non-routine information systems in relation to drug law offenders, drug law offences and drug use among criminal populations was not submitted by every country.

France	Judicial files on cases prosecuted when investigation carried out Annual questionnaires sent to the Prosecuting Service – ‘Parquet’ (data on therapeutic orders proposed)	Drug use among prisoners
Germany	Data on drug prices Data on drug purity (analysis of drug seizures)	Drug use among prisoners
Greece	Data on arrested drug offenders and individuals awaiting trial	Delinquency amongst drug users in treatment Drug confrontation within the legal system Drug use among prisoners
Ireland	Police are setting up a new nationwide computerised intelligence system (PULSE) which might, once operational, be a source of information on drug-related law enforcement activity.	Drug use, infectious diseases, amongst prisoners Criminal activity amongst ‘hard drug users’
Luxembourg	Statistics on definitive convictions are collected and should be made available, however access is difficult (on special request to the Public Prosecutor).	Drug use among prisoners
Netherlands		
Portugal	Data from arrestees and prisoners entering prison	
Spain		
Sweden	The National Laboratory of Forensic Science (SKL) is developing a database to make easier the analysis and presentation of data related to laboratory’s analysis on drugs (appearance, contents, etc.). The Dept. of Forensic Chemistry of the National Board of Forensic Medicine runs a database called ToxBase which covers all cases under forensic investigation. It runs also another database Rattsbase which deals more with the legal information naturally present within forensic institutions.	
United Kingdom	Northern Ireland – Information on drug seizures, on adjudications of prisoners suspected of drug possession, on visitors suspected of carrying drugs for prisoners, on voluntary drug testing by prisoners and on attendants (prisoners and staff) of drug awareness training are routinely collected and sent to the Drug Advisor for Northern Ireland Prison Service. However, this information is confidential and for internal use only.	Drug use among arrestees (England and Wales, Scotland) Arrestees receiving a drug treatment and testing order (England) Prisoners receiving a drug treatment (England and Wales)

7. ROUTINE INFORMATION SYSTEMS: ANALYSIS PER INDICATOR

The comparative analysis presented below is based on the forms related to routine information systems included in the Information Maps 2000-2001 submitted by the 13 Member States to the EMCDDA. We should remind here that Italy did not submit an Information Map 2000-2001 and Belgium did submit one but with over a year of delay, that which did not allow integrating it into the analysis presented here below.

The forms included in the guidelines were related to 7 indicators. For each of them, the forms were submitted as it follows below.

Drug seizures

Forms submitted containing information and analysed: Austria, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden, the UK

Police/Customs interventions

Forms submitted containing information and analysed: Austria, Denmark, Finland, France, Germany, Greece, Luxembourg, the Netherlands, Portugal, Spain, Sweden, the UK

Prosecution statistics

Forms submitted containing information and analysed: Ireland, the Netherlands and Sweden.

Austria submitted a form related to 'prosecution statistics'. However, it has not been analysed because no special reporting system regarding prosecution exists in Austria.

Portugal submitted 2 forms (related to 2 different sources) containing information on several types of data such as Police/Customs interventions, prosecution, conviction and penal statistics. For that reason, we decided to include it in the analysis of 'conviction statistics'.

Germany submitted the same form related to 'conviction statistics' and 'prosecution statistics'. For that reason, we decided to include it in the analysis of 'conviction statistics'.

Conviction statistics

Forms submitted containing information and analysed: Austria, France, Germany, Greece, Portugal the Netherlands and Sweden.

Portugal submitted 2 forms (related to different sources) containing information on several types of data such as Police/Customs interventions, prosecution, conviction and penal statistics. The form from the Reitox Focal Point (IPDT) is the one analysed here.

Penal statistics

Forms submitted containing information and analysed: France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Sweden and the UK (England and Wales, Northern Ireland, and 2 forms related to Scotland)

Portugal submitted 2 forms (related to 2 different sources) containing information on several types of data such as Police/Customs interventions, prosecution, conviction and penal statistics. However, they do not provide a detailed picture of which penal statistics are available and how they are made. For that reason, they were not included in the analysis.

Spain submitted a form related to a routine monitoring system on persons in prison. However that information was not included in the analysis since drug law offences/offenders cannot be distinguished and are classified under ‘crimes against public health’.

Drug use among arrestees

Forms submitted containing information and analysed: Sweden

Portugal submitted a form on drug use among arrestees and prisoners, but data related to drug use were reported not to be available. Thus it was not included in the analysis.

A form on arrestees referred to treatment in England and Wales was submitted by the UK. This information system provides a measure of the level of repeat offending amongst arrestees referred to treatment. Since this monitoring system does not refer to drug use among arrestees, it was not included in the analysis.

A form was submitted by the UK on a 6-month pilot study to assess the feasibility of applying the ADAM methodology of voluntarily interviewing and drug testing arrestees within Scotland. Since this is a pilot and not a routine monitoring system, it was not included in the analysis.

Drug use among prisoners

Forms submitted containing information and analysed: Finland, Sweden and the UK (England and Wales, and 2 forms related to Scotland)

Germany, Greece and Luxembourg submitted a form related to cross-sectional surveys providing data on drug use among prisoners. Since they do not refer to routine monitoring systems (though there is an intention to repeat the survey in Luxembourg, but the periodicity is not mentioned), they were not included in the analysis.

Portugal submitted a form on drug use among arrestees and prisoners, but data related to drug use were reported not to be available. Thus it was not included in the analysis.

Spain submitted a form but it relates to a monitoring system providing data on the number of drug users entering into a treatment program. Since this monitoring system does not provide data on drug use among prisoners, it was not included in the analysis.

A form on a pilot (Dec. 2000 – Feb. 2001) reporting system on prisoners receiving a drug treatment in England and Wales was submitted by the UK. Since this is a pilot system which does not provide routine data and since it does not provide data on drug use among prisoners, it was not included in the analysis.

The UK also submitted a form on a periodic reporting system on prisoners identified as drug users and their progress through the drug treatment process in Scotland. Since this monitoring system does not provide data on drug use among prisoners, it was not included in the analysis.

7.1 Drug seizures

Please, refer to Volume II for detailed information related to each country.

Information systems

All the Member States run information systems which allow them to obtain routine data on drug seizures. Usually, it is either a central database, or a multi-source monitoring system which is fed by several databases from different law enforcement agencies or services.

In Austria, Luxembourg, the Netherlands and Sweden, there are specific monitoring systems related to drugs seizures made by law enforcement agencies. In France, Germany, Greece, Portugal and the UK, drug seizures are recorded through monitoring systems on drug-related data (from law enforcement agencies) which also include other data such as drug law offences or drug-related deaths. In Denmark, Finland and Ireland, data on drug seizures can be retrieved from monitoring systems of broader scope which cover a wide range of criminal activities and offences.

The objectives of these information systems are usually twofold:

- operational: to centralise information on drug enforcement for the direction of investigations, co-operation between seizing agencies, prevention of drug smuggling and trafficking;
- epidemiological/analytical: to record and analyse data on drug seizures in order to describe the situation, monitor trends, and evaluate drug law enforcement strategies.

Methodology

In most of the Member States, the reporting of drug seizures data is permanent – that is each case is recorded on a routine basis and the related information system updated continuously. However, in Ireland, the Netherlands and the UK, information systems on drug seizures are updated annually.

Data on drug seizures are available since 1972 in Finland and France (electronically since 1989 and 1990 respectively), 1977 in Ireland, 1980 in Luxembourg, 1981 in Austria and Germany, 1982-1983 in Sweden, 1986 in the UK, 1991 in Greece and 1995 in Portugal and Spain. However, historic data back to 1985 are available in all the countries which set up a monitoring system after that date.

Every Member State, except Germany, reports exhaustive recording of all drug seizures. In Germany, seizures over 1g. of heroin, 1g. of cocaine, 1g. of amphetamines, 10g. of cannabis have to be recorded in the register, whereas smaller seizures might be recorded too but it is less systematic, as this is not binding. Though it was not explicitly mentioned, it is likely that in other EU countries as well, very small seizures – in particular, when they are made on persons receiving an informal caution or a warning – might not be recorded in the related databases.

When known, the statistical coverage of the recording process – percentage of units recorded ÷ units covered – is reported to be 100% or almost 100%, except in France where under 1kg. for cannabis seizures and under 100g. for seizures of other drugs this is not known but estimated to be lower.

Every monitoring system covers the national territory, except in Spain where seizures made by the Basque Country Autonomous Police are not included. In the UK, seizures made on the Isle of Man, the Channel Islands or outside UK territorial waters are not included either.

They are different types of statistical units recorded, sometimes several within the same register or database. This can lead to complex calculations of totals, and differences between ‘totals all substances included’ and ‘totals of sums per substance’ (e.g. in the UK). The statistical unit can be: the *case* – including one or several events of one or several individual seizures – (Denmark, France, Germany, UK); the *event/seizure* – including one or several individual seizures of one or several drugs – (Denmark, Greece, Luxembourg, UK); and/or the *individual seizure* per drug (Austria, Finland, Germany, Ireland, Portugal, Sweden, UK). Some information systems record also data on persons involved or suspected, but this is treated further on, in sub-chapter 8.2.

Data collection and data available

In all countries, information on drug seizures is collected following an initial report from law enforcement agencies. Usually it is recorded into a database at local level (France/Police and Gendarmerie, Denmark, Finland/Police, Greece, Luxembourg, Sweden/Police, Netherlands/Police) and then extracts are provided to feed a centralised national information system, either continuously or once or several times a year. However, reports on drug seizures – especially those from the Customs – can also be centralised and recorded directly at national level (Austria, Finland/Customs, France/Customs, Germany, Ireland, Sweden/Customs, Netherlands/Police Synthetic Drugs Unit and Customs, UK). In general, these information systems – whatever registration being local or national – are specific to each law enforcement authority (Police, Customs). In some cases such as in France, extracts from databases run by the Police, the Gendarmerie and the Customs might eventually feed a common central database covering drug seizures. In Austria and Germany, information is even more centralised as there is a central register which records drug seizures made by all enforcement agencies.

Written rules or guidelines for recording data are used in Austria, Denmark, Finland, France, Germany, Sweden and the UK. In Greece, standardised forms or questionnaires are used to collect data. In Ireland, the 'counting rules', which help explain the process by which crimes are recorded by the police, are not published.

Quantities of drugs seized are available in every Member States, as the number of seizures except in Greece for the latter. They can both be broken down according to the type of substance seized. Some countries, such as Denmark, France, Germany, Greece, Portugal and the UK do also register information on the origin and the destination (except Denmark) of the drugs which are seized. Germany, Portugal and the UK do also record data on drug prices. In addition, data on drug purity and on the contents of tablets seized are recorded by Germany, Greece and the UK (purity only). In Austria, Greece, Luxembourg, Spain, Sweden and the UK, data on drug seizures can be broken down according to the type of seizing law enforcement agencies, or in other terms seizures made by the Police and the Customs can be distinguished. Other data such as information related to the trafficking route (sea, air, road), hiding-place/transportation mode (vehicle, ship, body), means of detection, laboratories or plantations discovered etc. might be made available in some countries but they are rarely systematically analysed and usually not comparable between countries.

The information systems of all Member States include the following substances: heroin, cocaine, cannabis, amphetamine, ecstasy, and LSD. Generally, heroin, cocaine and cannabis quantities seized are provided in grams, amphetamine in grams and/or tablets, ecstasy in tablets and LSD in units. In addition, France, Spain and the UK can distinguish crack from cocaine. Austria, France, Germany, Luxembourg, the Netherlands, Spain and the UK can distinguish between different cannabis products: resin, leaves, plants and oil. 'Nederwiet' is generally not distinguishable from other cannabis products, except in the Netherlands where it is produced. In most of the Member States, data on ecstasy seizures refer to seizures of all types of ecstasy-like tablets such as MDMA, MDEA, MDA, etc. and distinction between them is not possible. Data on other substances such as khat, opium and derivatives, other synthetic drugs, mushrooms, methadone, benzodiazepines, sedatives, other psychotropic medicines, etc. can be made available by most of the Member States, though they are usually not classified in the same way and thus not easily comparable.

The number of drug seizures according to their size – that is broken-down by quantity – can be provided by a few countries such as France, Portugal, Spain and the UK, either on special request or within routine official publications.

Except Germany, Portugal and the UK – which reported getting routine information on drug prices within their information system on drug seizures – most of the other countries mentioned the possibility to get information on drug prices from other (routine or ad-hoc) information sources/systems based on police reports, police informants, drug users, dealers, etc.

As for drug prices, information on drug purity is included within routine monitoring systems on drug seizures in a small number of Member States – Germany, Greece, Sweden and the UK – while in others, it can be made available but is collected through other information sources/systems. The French monitoring system on drug seizures does collect data on drug purity and plans to include it in the database soon. In all countries, drug purity data are based on laboratory analysis of drug seizures (all seizures or samples of big ones, depending on the country). In Luxembourg this is completed by data on drug purity from key informants.

In Austria, Finland, France, Greece, Ireland, Sweden and the UK, qualitative data – that is, data not processed within a database on routine basis – can be found within initial Police/Customs reports on

cases of drug seizures. In general, it includes information on the case such as how the drug seizure was made (date, time, place), circumstances around the seizure, information on suspects, the prosecution of the case, witnesses, etc. However, in most of the EU countries, this information would only be accessible for the purpose of a specific study and upon prior agreement from Police/Customs authorities.

Data quality and reliability

Double-counting of drug seizures can occur for several reasons: either because different law enforcement agencies report the same seizure, or because of the way data are gathered (e.g. differential reporting delays or late up-dates). Ireland, Luxembourg, Portugal and Sweden report no double-counting of drug seizures. France and the UK have set up procedures to check and avoid double-counting that might come from several agencies claiming the same drug seizures. In Spain and the Netherlands, there is a risk of double-counting when different law enforcement agencies work on the same drug seizure. In Finland, double-counting is eliminated from 3 months-statistics, but not from annual statistics (which are a compilation of 3 months-statistics) whenever the same seizure is reported in two different 3 months-statistics. In addition, it should be noted that counting rules can lead to double-counting if there is a change in the statistical units to be considered (e.g. counting ‘individual seizures’ leads to double-counting of ‘cases’ or ‘events’), but actually this could rather be considered as an artefact.

Data consistency over time is reported to be good in Austria, Greece, Ireland and Luxembourg. Though this was only mentioned by Denmark and Portugal, in many countries, time trends can be affected by changes in the way drug laws are applied and enforced as a result of changes in weighting of priorities given to law enforcement agencies. Also, as Ireland mentioned it, consistency over time can be affected by the increased efficiency of detection methods in all the Member States. Austria reported changes over time in the categories of drugs recorded separately. In Finland, two events might have affected consistency over time: the New Narcotic Act from 1994 which led to a reform of the Penal Code; and in 1998, the update of the Police data register in order to allow central information collection. In France, drug seizures series was affected in 1983 by the integration of information from the Police Prefecture of Paris and in 1992 by the integration of drug seizures made by the Gendarmerie (Judex database). In the Netherlands, consistency over time has been affected especially for synthetic drug seizures as since 1998, they are recorded by the Synthetic Drugs Unit which has a more complete national remit. In Sweden, new directives – which should improve data comparability over time – are being developed in order to make data more accessible for analysis purposes. Finally, in the UK, there have been a number of changes that have affected consistency in time series: the introduction in 1993 of a new form in England and Wales to collect seizures data; the introduction of a separate code for Temazepam in 1995 and for anabolic steroids in 1996; the broadening of the MDMA code to include all ecstasy-type seizures from 1996.

In many countries, biases in the unit coverage – i.e. systematic problems that might affect comprehensive coverage of drug seizures by the monitoring system(s) of the Member States – are difficult to assess. Luxembourg and Spain report no bias in the coverage of the drugs seizures by their information system. As Finland puts it, registers can suffer from the fact that recording

practices may differ somehow in different geographical areas within a country or between different law enforcement actors/authorities. As far as France is concerned, the central register on drug cases does not include all the drug-related cases, as there is a bias of under-reporting in minor cases (especially by the Customs). In the Netherlands, there is also a bias of under-reporting small seizures of synthetic drugs – those of less than 500 tablets and less than 500 grams – as they are not recorded by the Synthetic Drugs Unit. In the UK, they are other police forces who may make drug seizures but whose activity is not reported to the Home Office for inclusion in the statistics, such as the Royal Park Police, the Ministry of Defence Police and the Channel Islands and Isle of Man Police (for the last 20 years). In addition, cases of drugs found on inmates are dealt with by prison governors in the UK, and are reported to the Home Office Prison Service but not aggregated in the central information system on drug seizures (they are published separately).

Access and dissemination

In all the Member States, data on drug seizures are electronically stored and processed. Austria, Luxembourg and the Netherlands use SPSS software to process their data. Greece and Ireland use Microsoft Access, while the UK uses Excel and Word for Windows as well as SAS (since 2000). Denmark, Finland, France, Portugal, Spain and Sweden have developed and set up specific applications to process their data.

The transmission time between the end of the year and the moment when data are made available varies widely between EU countries, from 15 days in Spain, 1 to 3 months in Denmark, Finland, Greece, Luxembourg, the Netherlands and Portugal, 5 months in France, 6 to 7 months in Austria, Germany and Sweden, 8 to 9 months in Ireland, to over a year in the UK.

The access by the National Focal Point (NFP) to routine data on drug seizures – such as numbers of seizures and quantities seized – is systematic in a majority of countries (Austria, Denmark, Finland, France, Germany, Greece, Ireland, Portugal, UK), usually in connection with a routine annual publication from the monitoring system. In these countries, additional data are general available upon special request. In Luxembourg, the Netherlands, Spain and Sweden, access to routine information on drug seizures is made available to the NFP upon request only. In all the Member States, data provided are aggregated data, though in some of them (Austria, Denmark, Finland, Greece, Luxembourg, Portugal, Spain) it is possible to get specific breakdowns upon request. The data provided which are also published are public information, but answers to specific requests are generally considered as restricted (Austria, Finland, Greece, Portugal, Sweden) or confidential (Denmark, Luxembourg), except in France, Germany, Ireland and Spain where they are also considered as public information.

7.2 Police/Customs interventions

Please, refer to Volume II for detailed information related to each country.

Please note that ‘Police/Customs interventions’ mean here initial reports by law enforcement authorities or agencies, usually Police and Customs, on offences against the drug legislation. For

easiness in the analysis, this will be referred to as drug law offences/offenders (as the statistical unit might differ between countries).

Monitoring systems

All EU Member States, except Ireland⁴ (which is in the process of setting up a monitoring system), have set up a monitoring system to get routine data on drug law offences/offenders reported by law enforcement authorities (Police and Customs). Usually, it is either a central database, or a multi-source monitoring system which is fed by several databases from different law enforcement agencies or services.

Austria and Luxembourg have set up specific monitoring systems to record drug law offences/offenders reported by law enforcement agencies. In France, Greece, Portugal and the UK, drug law offences/offenders are registered through monitoring systems on drug-related data (from law enforcement agencies) which also include other data such as drug seizures, drug-related deaths or drug money laundering offences. In Denmark, Finland, Germany, the Netherlands, Spain and Sweden, data on drug law offences/offenders can be retrieved from monitoring systems of broader scope which cover a wide range of criminal activities and offences.

As for drug seizures (see previous section), the objectives of these information systems are usually twofold:

- operational: to centralise information on drug enforcement for the direction of investigations, co-operation between law enforcement agencies, prevention of drug smuggling, trafficking, dealing and possession;
- epidemiological/analytical: to record and analyse data on drug law offences and offenders in order to describe the situation, monitor trends, and evaluate drug law enforcement strategies.

Methodology

In all the Member States except the UK, the reporting of data on drug law offences/offenders is permanent – that is each case is recorded on a routine basis and the related information system updated continuously (every month in the Netherlands). In the UK, the information system on drug-related data is updated annually.

Data on drug law offences/offenders are available since 1971 in Germany, 1972 in Finland and France (electronically since 1989 and 1990 respectively), 1975 in Sweden, 1980 in Luxembourg, 1981 in Austria, 1986 in the UK, and 1995 in Portugal and Spain. However, historic data back to 1985 are available in all the countries which set up a monitoring system after that date except the UK.

⁴ In Ireland, a new computer-based recording system called PULSE (Police Using Leading Systems Effectively), is being introduced by the police. This might facilitate the presentation of fuller information on crime.

In every Member State, except Germany for which this is not known, there is an exhaustive recording of all drug law offences/offenders. The statistical coverage of the recording process – percentage of units recorded ÷ units covered – is reported to be 100% or almost 100% in Austria, Denmark, Finland, Greece, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and in the UK as regards England, Wales and Northern Ireland. In France, the statistical coverage is estimated to be around 80% for drug law offenders and in Scotland around 70%.

Every monitoring system covers the national territory, except in Spain where interventions made by the Basque Country Autonomous Police are not included. In the UK, drug offences reported on the Isle of Man and the Channel Islands are not included either (for the last 20 years).

According to the forms submitted, it seems that in most of the EU countries drug law offences/offenders are recorded into the monitoring system at an initial stage, just after a report is made by the law enforcement agency involved in the case. In Portugal, drug law offences/offenders are recorded following the submission of a law suit and in Spain after the first police investigation. However, in 3 countries, drug law offences/offenders are recorded at a later stage: when charges have been made in Denmark; if the Prosecutor considers that the suspicion remains after a preliminary investigation in Sweden; as soon as the police inquiry results in a charge in the Netherlands.

Depending on the countries, various types of statistical units are recorded, and sometimes in different ways⁵. Austria and Germany record a number of offences. France, Luxembourg and Portugal record a number of persons/offenders. The other Member States – Denmark, Finland, Greece, the Netherlands, Spain, Sweden and the UK – record both numbers of offences and persons/offenders.

Amongst the countries that record offences, multiple offences are counted as 2 or more offences in Austria, Denmark, Finland (if they are of different nature), Spain, Sweden and the UK, and as 1 offence in Germany, Greece (the most serious) and the Netherlands (the main offence). In addition, an offence committed by more than one person is counted as 2 or more offences in Austria and Greece, whereas it is counted as 1 offence in Denmark, Finland and Germany⁶.

Amongst the countries that record persons/offenders, a person/offender suspected more than once in the same year is counted as 2 or more persons in France, Greece, Luxembourg (but possible to count him/her as 1 person in RELIS system), Portugal, Spain, Sweden and the UK, whereas s/he is

⁵ The information provided by the National Focal Points within the forms related to ‘Police/Customs interventions’ was sometimes inconsistent and thus it has been difficult to give a clear overview of the issues related to statistical units definitions, types and ways of counting them in the statistics produced by the Member States. The statistical units described sometimes do not correspond to those mentioned when describing counting rules: for example, this problem arises if offences are given as statistical units but then counting rules are also described in relation to persons/offenders. In that case, it is assumed that the statistical units are multiple – offences and persons/offenders – though it was not presented as such by the concerned country within its answer to the question on the type of statistical units recorded.

⁶ This is not known for the other countries not mentioned here.

counted as 1 person (single/unique) in Denmark. In Finland, a person/offender suspected more than once in a 3-months period is counted as 1 person but then the same person can be counted more than once in the annual statistics if s/he is suspected again in another 3-months period. The Netherlands report the same situation but within a 1-month period, which almost amounts to consider that a person/offender suspected more than once in the same year is likely to be counted as 2 or more persons.

Data collection and data available

Usually drug law offences/offenders are recorded into a database at local level (France/Police and Gendarmerie, Denmark, Finland/Police, Greece, Luxembourg, Sweden/Police, Netherlands/Police) and then extracts are provided to feed a centralised national information system, either continuously or once or several times a year. However, reports on drug law offences/offenders – especially those from the Customs – can also be centralised and recorded directly at national level (Austria, Finland/Customs, France/Customs, Germany, Portugal, UK). In general, these information systems – whatever registration being local or national – are specific to each law enforcement authority (Police, Customs). In some cases such as in France, extracts from databases run by the Police, the Gendarmerie and the Customs might eventually feed a common central database on drug law offences/offenders.

Written rules or guidelines for recording data are used in Austria, Denmark, Finland, France, and the UK. In other countries such as Greece, Luxembourg and the Netherlands, standardised forms or questionnaires are used to collect data but there are no written rules for recording them.

In Finland, Greece, Luxembourg, the Netherlands and Spain, there is no minimum age for consideration in the statistics. In some countries, there is a minimum age for consideration in the statistics which amounts to the age for criminal responsibility: 8 in Scotland (9 up to 1998), 10 in England and Wales, 14 in Austria, and 15 in Denmark (if the statistical unit is the person, but no age limit if it is the case) and Sweden.

All countries record basic demographic data such as gender and age of suspected drug law offenders. As regards age, comparisons might be uneasy as some countries calculate it from the date of birth, some record the exact age and others record it against age range categories. Nationality (or country of birth) is also recorded in a majority of countries such as Austria, Finland, France, Greece, Luxembourg, Portugal, Spain and the UK. Information related to the geographical area can be provided by Austria, Denmark, Finland, France, Germany, Greece, the Netherlands and Spain. However, this is usually not comparable as some countries refer to the place of living, some to the region of living, and others to the place offenders where caught. Breakdowns by type of offences are available in all countries except in the Netherlands. Breakdowns by drug are available in all countries except Denmark, the Netherlands, Sweden and Northern Ireland in the UK. Other information such as date and place of arrest, professional activity, education level, family situation, criminal history, whether the offender is detained or not, actions taken, criminal proceedings, etc. might be made available in some countries but they are rarely systematically analysed and usually not comparable between countries.

Categories of drug law offences as considered by law enforcement agencies vary between countries because of differences in national drug legislations. In France, Greece and Luxembourg, the statistics on drug law offences produced are broken-down in simplified and less numerous categories than those used by law enforcement agencies and/or defined by law. In Austria, Denmark, Germany, Portugal, Spain, Sweden and the UK, the statistics on drug law offences are broken-down according to the same categories as those defined in their drug legislation. In the Netherlands, information related to the types of drug offence committed are not retrievable in the statistics.

Categories of drug law offences considered in the statistics differ between all countries except Greece and Portugal which both use 3 categories – use, use and trafficking, and trafficking. Luxembourg uses the same categories as Greece and Portugal plus an additional one related to detention. France uses 4 categories: use, use-resale, local trafficking and international trafficking. Austria distinguishes between misdemeanours and felonies and then according to the relevant article of the Narcotic Substance Act. Denmark distinguishes between possession, manufacturing, trade (buying, selling), smuggling (trafficking) and handling. Germany distinguishes between crimes involving offences against the Narcotics Act (drug use, possession and purchase, illegal traffic and smuggling, illegal import of a considerable amount of drugs, other offences) and cases of direct supply-related crimes in the statistics. In Spain, as possession is not a criminal offence, drug offences reported are all considered as drug trafficking (no further breakdown of ‘drug trafficking’ mentioned). Sweden distinguishes between offences against the Narcotic Drugs Act (manufacturing, transfer (pushing), possession/personal use) and against the Goods Smuggling Act (narcotics). In the UK, published data are broken-down into several offences grouped into 2 categories: unlawful possession and unlawful trafficking (unlawful possession with intent to supply unlawfully, unlawful supply, unlawful import and export, unlawful production).

The notion of principal offence refers to the situation when a case includes several offences or a person is suspected of several offences at the same time and that only one offence is recorded in the statistics. A principal offence rule is applied in Austria (the most ‘severe’ offence), Denmark (the most serious), France (the most serious offence), Greece, the Netherlands, and the UK (for which the most severe penalty is given). Finland, Spain and Sweden do not differentiate between a principal offence and other offences and do not apply a principal offence rule.

As mentioned above, in all countries except Denmark, the Netherlands, Sweden and Northern Ireland in the UK, it is possible to get breakdowns of drug law offences/offenders according to the different substances involved. They can all⁷ provide breakdowns according to the following substances: heroin, cocaine, amphetamines (except Portugal), ecstasy (MDMA in Austria, MDMA before 1996 in the UK; under ‘amphetamines derivatives’ in Germany), LSD and cannabis. In addition, England and Wales in the UK (since 1994) can distinguish crack from cocaine. Drug law offences/offenders might also be recorded against other substances such as opium, codeine, morphine and derivatives, psychotropic medicines (benzodiazepines, etc.), solvents, khat, mescaline,

⁷ Though Finland did not list the different substances against which offences/offenders are recorded but referred to all illicit narcotic drugs and psychotropic substances mentioned in the Narcotics Act.

methadone, mushrooms, other hallucinogenic substances, PCP, GHB, and many others ..., but they are usually not classified in the same way and thus not easily comparable.

As for principal offences, the notion of principal drug refers to the situation when several drugs are involved in the same case or offence, but that then in the statistics cases, offences or persons are recorded against one drug only. As regards the application of a principal drug rule, except for France, it is not really clear if other countries make use of such a rule. In France, the drug for which the offence is most serious is considered as principal and offenders are recorded against it. Austria, Finland, Luxembourg, Portugal, Spain and the UK do not apply a principal drug rule. This might lead, as in the case of the UK, to the total number of drug offenders being inferior to the total of the number of offenders by drug (as some might have been reported for more than one drug).

Some countries do also routinely record information regarding the actions taken following a report, either by the law enforcement authority in charge of the case, or further on within the judicial process by the prosecuting authority and even the court in the case of the UK. In Luxembourg, it is possible to get data on actions taken such as: Police caution, Police fine, Customs fine, charge, Police record, criminal record, custody. In the Netherlands, the information system records actions taken such as interrogations, settled offences, and charges submitted to the office of the public prosecutor. In Austria and Portugal, it is possible to know if the suspected offender was arrested/detained. Finally in the UK, it is possible to breakdown drug offenders dealt with by law enforcement agencies between those dealt with at court (sentenced; found not guilty), cautioned (England and Wales, Northern Ireland), settled by compounding (Customs), given a fiscal fine (Scotland), and dealt by an other action (some informal warnings and no further action (Police); abscondences (Customs)).

In Austria, Finland, France, Greece, Luxembourg and the UK, qualitative data – that is, data not processed within a database on routine basis – can be found within initial reports made by law enforcement authorities on cases of drug law offences. In general, it includes information on the event such (circumstances, etc.), information on suspects (such as drug consumption), the prosecution of the case, witnesses, etc. which might be of use for police or court investigation. However, in most of the EU countries, this information would only be accessible for the purpose of a specific study and upon prior agreement from Police/Customs authorities.

Data quality and reliability

Double-counting of drug law offences/offenders can occur for several reasons: either because different law enforcement agencies report the same case, or because of the way data are gathered (e.g. differential reporting delays or late up-dates). France has set up procedures to check and avoid double-counting that might come from several agencies reporting the same case. In Spain, there is a risk of double-counting when different law enforcement agencies work on the same case. In the Netherlands, corrections for double-counting takes place within a police region within a month. In addition, it should be noted that counting rules can lead to double-counting if there is a change in the statistical units to be considered – e.g. counting ‘unique individuals’ by a unique identifier leads to double-counting ‘persons’ who are suspected more than once in a year. Several countries considered that counting an offender suspected several times in the same year as several offenders

amounts to double-counting. However, this could rather be considered as an artefact if we consider that the statistical unit is not the 'unique individual' but the 'person'.

Data consistency over time is reported to be good in Austria, Denmark and Greece. Though this was only mentioned by Denmark, Portugal, the Netherlands, Sweden and the UK, in many countries time trends can be affected by changes in the way drug laws are applied and enforced as a result of changes in weighting of priorities given to law enforcement agencies. Austria reported changes over time in the categories of drugs recorded separately (e.g. amphetamines). In Finland, two events might have affected consistency over time: the New Narcotic Act from 1994 which led to a reform of the Penal Code; and in 1998, the update of the Police data register in order to allow central information collection. In France, drug law offenders series was affected in 1983 by the integration of information from the Police Prefecture of Paris and in 1992 by the integration of information from the Gendarmerie (Judex database). Finally, in the UK, there have been a number of changes that have affected consistency in time series: the introduction in 1993 of a new form in England and Wales to collect data which led to an increase in number of drug offenders recorded; the introduction in England and Wales of a separate code for crack in 1994, methadone in 1995 and anabolic steroids in 1996; the broadening of the MDMA code to include all ecstasy-type drugs from 1996; a new breakdown of drug offence codes for possession; and the introduction of various actions such as confiscation orders in 1987, combination orders in 1992, revision of cautioning in 1993, secure training orders in England and Wales in 1998, and drug testing and treatment orders in 1998. Also, it is estimated that in 1991 and 1992, in England and Wales, about 8.000 drug offenders have been omitted from the figures published by DARU (drug monitoring system at the Home Office).

In many countries, biases in the unit coverage – i.e. systematic problems that might affect comprehensive coverage of drug law offences/offenders by the monitoring system(s) of the Member States – are difficult to assess. Except France and the UK, no other country reported any bias in the unit coverage. As far as France is concerned, the central register on drug cases does not include all the drug-related cases, as there is a bias of under-reporting in minor cases especially by the Customs (e.g. estimated under-reporting of 19.000 drug offenders for 1998). In the UK, it is known that some cases are not reported, particularly when an informal warning is given by the police. Also, the use of fiscal fines in Scotland is under-reported by the police.

The practical implementation of procedures and methodological rules for reporting and recording drug law offences/offenders are reported to be good in Luxembourg (consistent), the Netherlands, Portugal and Spain. In Austria, it is estimated to be good since training was provided to ensure a good quality of implementation of recording rules. As Finland and Sweden mentioned it, registers can suffer from the fact that recording practices may differ somehow in different geographical areas within a country or between different law enforcement actors/authorities. In the UK, the situation is quite complex as procedures for data reporting and recording vary between law enforcement authorities and between the countries. There is especially a problem of lateness in police reporting, which might lead to considerable delays for publication and feed-back of data to police forces.

Access and dissemination

In all the Member States, data on drug law offences/offenders are electronically stored and processed. Austria and Luxembourg use SPSS software to process their data. Denmark and Greece use Microsoft Access. The Netherlands use BPS, X-Pol, Multipol and Genesys. Sweden uses SQL, Oracle and Excel. The UK uses Excel and Word for Windows as well as TAU and SAS. Finland, France, Portugal and Spain have developed and set up specific applications to process their data.

The transmission time between the end of the year and the moment when data are made available varies widely between EU countries, from 15 days in Spain, 1 to 3 months in Denmark, Finland, Greece, Luxembourg and Portugal, 5 months in France, 6 to 7 months in Austria and Germany, approximately a year in Sweden and to over a year or more in the UK.

The access by the National Focal Point (NFP) to routine data on drug law offences/offenders – such as numbers of offences/offenders, if possible broken down by substance and type of offence – is systematic in a majority of countries (Austria, Denmark, Finland, France, Germany, Greece, Luxembourg, Netherlands, Portugal, Sweden, UK), usually in connection with a routine annual publication from the monitoring system. In these countries, additional data are general available upon special request. In Spain, access to routine information on drug law offences/offenders is made available to the NFP upon request only. In all the Member States, data provided are aggregated data, though in most of them (Austria, Denmark, Finland, France, Greece, Luxembourg, Netherlands, Portugal, Spain, Sweden) it is possible to get specific breakdowns upon request. The data provided which are also published are public information, but answers to specific requests are generally considered as restricted (Austria, Finland, Portugal) or confidential (Denmark, Luxembourg), except in France, Germany, Spain and Sweden where they are also considered as public information.

7.3 Prosecution statistics

Please, refer to Volume II for detailed information related to each country.

Information systems

Regarding the results of the Information Map exercise, most of the Member States of the European Union do not dispose of a routine information system related to prosecution statistics. This is the case in Austria, in France, in Greece, in Luxembourg, and in Spain. In Denmark, Finland and the United Kingdom such a routine information system exists, but the form has not been submitted by the Member States concerned. Finally another special case involves Portugal and Germany, which do not really make a distinction between their routine information system on prosecution statistics, and their routine information system on conviction statistics. This is the reason why the analysis will be written under the chapter concerning the conviction statistics. Regarding these data, only three routine information systems on prosecution statistics can be analysed: the ones of Ireland, the Netherlands and Sweden.

The objectives of the routine information system related to prosecution statistics in these three Member states are almost the same. In Ireland the only objective is to record the detection of crime. The Netherlands collects data on the cases settled by the public Prosecutor, cases brought to court, cases judged guilty by the court, sentences of imprisonment, and court fines. In Sweden, these statistics contribute to monitoring the development. In conclusion their objectives contribute to the analysis of the trends and the situation of the cases treated by the public Prosecutor.

Methodology

The routine information system used in the Netherlands and in Sweden refer to a periodic reporting system but they do not give clear indications on the period covered. In Ireland it is pointed out that the routine information system has a period of one year.

In Sweden and in Ireland data on prosecution have been available since the years: 1975 for Sweden and 1977 for Ireland respectively. In Ireland, this date corresponds to the inception of the Misuse of Drugs Act. In the Netherlands, the routine information system traditionally covers statistics on prosecution. All of these Member States report exhaustive recording and the coverage is estimated at 100%. All monitoring system have a national coverage. Nevertheless, in Sweden and in Ireland it is made a breakdown respectively on county level and by region.

There are different types of statistical units recorded. In the Netherlands, the statistical unit is the submission of the case to court. In Sweden the information system records both the clear-up offence and the crime participants. Finally in Ireland, they record the offence. It seems important to emphasise the fact that the point in time when data are collected are then really different between these Member States.

The Irish and Swedish information systems on prosecution statistics take into account, data which come from the police whereas in the Netherlands, the prosecution statistics relate to the cases which have already been examined by the prosecutor and which are submitted to the court. Regarding the judicial organisation in Ireland it is easily understandable since the police have the power to prosecute in certain cases. It explains why the data are collected once proceeding has commenced against a suspect, i.e. when a person has been charged by the police with an offence. In Sweden it means that prosecution statistics do not reflect, in fact, the examination of the prosecutor because this information is finally given by the police.

Data collection, data available

As said before, in the three Member States concerned, data on prosecution are collected at different stages of the proceeding and information is recorded at national and regional level.

In Ireland the data are first recorded at regional level by each Garda division, and then centralised and reported at national level to the Garda National Drugs Unit, every trimester and every year. The information then is aggregated through the Garda National Drugs Unit and reported to Garda Headquarters.

However, the data can also be directly recorded at national level, this is the case in the Netherlands where the offices of the public Prosecutors, the clerks of the court's offices, the court of law and the High Court send the statistical information about submitted and settled cases to the Statistical Netherlands (CBS). In Sweden the Prosecutor, informed by the police, reports information to the Swedish National Police Board who forwards the information to the national board for crime prevention.

In Ireland and in Sweden, no written rules exist, whereas in the Netherlands data have to be collected following a special form containing guidelines.

The minimum age for consideration on statistics in the Netherlands is 12 and 15 in Sweden. In Ireland all ages are taken into account but data are given by groups: under 17, between 17-21 and over 21.

All the Member States concerned, except Sweden, report the gender, the age of the offender and the offence in their prosecution statistics but also report other data. In Sweden for example, the gender and the age of the offender is not reported; but information on the geographical area and the disposals are available. In the Netherlands, the residency and the municipality of the offence are available. In Ireland, we can find in the information system the nationality, the region where proceedings commenced and the drug involved.

Except in the Netherlands where different categories of drug offences are not retrievable in the statistics, each Member State adopted a classification of drug law offences in their prosecution statistics.

In Ireland the information system has changed since the Misuse of Drugs Act of 1977. Following the section 3, the section 15 and the section 21, a distinction is made between possession only, supplier/dealer and obstruction. The other offences are also classified but not in a special way. In Sweden, they distinguish between manufacturing, use and trafficking. Lastly, these 2 information systems report the data established by the police, whereas in the Netherlands, a distinction and a comparative analysis should be possible between the data of law enforcement agencies data and the prosecution data. The fact that no classification of drug law offences exists in the Netherlands, makes the data reported by the law enforcement agencies and the data reported by the prosecution level incomparable.

In Ireland, no data on disposals are collected. This is easily understandable because the data of this monitoring system are reported by the law enforcement authorities. In Sweden the information system related to prosecution statistics makes a distinction between sent to trial, order of summary punishment, dismissal of charge... In the Netherlands, the statistics are divided into cases settled by the public Prosecutor, cases brought to court, cases judged guilty by the court, court sentences of imprisonment and court sentences of fines.

In most of the Member States there is a principle offence rule but in different ways. In Ireland for example, since 1999, when a person is charged with more than one offence, each offence will be recorded. Before 1999 only the more severe statutory maximum penalty was recorded. In the

Netherlands, only cases which refer to the Opium Act as a principal offence are recorded in the prosecution statistics. Hence, offences which have a connection with an offence to the Opium Act but not as principal offence, will not be recorded. Finally in Sweden, offences are described according to penal codes and other laws.

Except in Ireland, the Member States report data when the proceeding is dropped. In the Netherlands, when a proceeding is dropped because settled by the Public Prosecutor, these data are included in separate statistics. In Sweden, under the prosecution statistics they report the cleared-up offences; and the most frequent reasons for cleared-up offences are: indictment brought in by a prosecutor, order of summary punishment, dismissal of charge, crime can't be proven, the reported event is not viewed as a crime and the suspect is less than 15 years old.

Detailed breakdown by drug exists in Ireland. The categories of drugs reported in the Irish prosecution statistics are cannabis resin, cannabis plants, heroin, LSD, ecstasy, amphetamine, cocaine, and other... The Netherlands make a distinction between soft and hard drugs. Sweden does not provide breakdown by drugs in their routine information system related to statistics on prosecution. Ireland specifies that when more than one drug is involved, an offence is recorded for each drug involved. In the Netherlands, cannabis counts as a soft drug whereas other illegal drugs count as hard drugs. In Sweden no principal drug rule exists.

There are no qualitative data within original reports in Sweden and the Netherlands. Only Ireland gives information on date, time and location of offence; name of suspect, address, gender, age and nationality; and the circumstances related to the offence. Nevertheless, these data are not routinely reported and is treated as confidential.

Data quality and reliability

No double counting exists in Sweden. In the Netherlands an estimation of convicted drug dealers and drug producers can be made by indirect methods. In Ireland a double counting will not happen in relation to the offences, but for an individual. There will be double counting of a person when he or she will have been involved in more than one offence during a year. In the same way, for the same offence if more than one person is involved, the offence will be recorded as having been committed by each individual. In Ireland a change of counting was introduced in 1999. Before this date only the more severe statutory maximum penalty was recorded whereas since 1999 each offence is counted when a person is charged with two or more offences. In Sweden rearrangements were made and the data system has been upgraded and improved. In the Netherlands no changes in recording rules has been noticed.

Some biases in the unit coverage can exist in Ireland due to increased efficiency of detection methods in the area of drug related crime. In the Netherlands a full coverage of all units exists and in Sweden there is no sampling.

All the Member States treat files in an electronic way, but the Netherlands also partly collect them manually. The software used for data processing is different depending on the Member States. Ireland uses Excel, Sweden uses SQL, Excel and lotus, and the Netherlands uses Compas.

Access and dissemination

In Ireland statistics on prosecution are published every 8-9 months. In Sweden, data are available every 4-5 months, and in the Netherlands no details are given, but it takes only a few months.

In Ireland some figures not included in the annual report are available to the National Focal Points through a personal communication. Finally Sweden give their data on prosecution of drug users either in a systematic way or on request. In the Netherlands the access to the data of this routine information system on prosecution statistics is systematic as far as it is published. For further information, the access will be possible on request. In every Member States the data are aggregated but in the Netherlands, the National Focal Point may ask for more specific breakdowns.

The data are public in Ireland, and the Netherlands. Finally in Sweden data are both public and restricted.

7.4 Conviction statistics

Please, refer to Volume II for detailed information related to each country.

Information systems

The main objective of this indicator is to provide specific information on the information sources providing routine data on convictions. This indicator concerns permanent reporting system (on going recording), periodic reporting system (periodic recording) or repeated surveys.

Seven Member States run information systems which allow to obtain routine data on convictions: Austria, France, Germany, Greece, the Netherlands, Portugal and Sweden. Concerning Germany, prosecution statistics come from the BKA and conviction statistics from the National Statistical Office (Statistisches Bundesamt, DESTASIS. It is nevertheless important to note that Germany has given the same answers both for prosecution and conviction data; and Portugal gave the same answers in the form concerning police/customs intervention, prosecution/conviction/penal statistics because they come from the same information system.

The objectives of these information systems are twofold:

- analytical: to collect and analyse data on convictions so as to describe the situations to monitor trends and the evolution of the proceedings.
- operational: to centralise information concerning the convictions by the national courts.

Methodology

As explained above, the reporting systems are either permanent, which means that each case is recorded and updated continuously (Austria, France and Greece) or periodic (Portugal, Sweden and the Netherlands). In France, statistics on convictions for drug offences are available on a routine

manner and provided by the Judicial National File at the Ministry of Justice. In Germany, the information system on convictions is annually updated.

Information collection on convictions began at different time. Data on convictions have been available since 1968 in Austria, 1974 in Germany, 1975 in Sweden, 1984 in France, 1986 in Portugal, and 1992 in Greece. The Netherlands is the only one who covered these statistics in a traditional way. Except Germany which has no information on this subject, all the other Member States state that their reporting system cover 100% of the convictions. When known, the statistical coverage of the recording process – percentage of statistical units recorded/statistical units covered is reported to be 100%, or almost in Portugal, supposing that all courts send the bulletins for data gathering. Every information system covers the national territory except in France where convictions made at local level are also reported.

Concerning the stage of the process where data refer to, the main distinction between the Member States is that some send in data before appeals (Sweden) whereas others send in their data after appeals (Austria, France, Greece and Portugal). In Netherlands, all courts: initial courts as well as courts of appeals send in data. The fact that data are not recorded at the same time makes comparisons very difficult. Data reported before appeal can change with the decision of the Court of Appeal whereas decisions after appeal are the final ones.

The definition of the statistical unit of these information systems on convictions are usually twofold: the conviction itself (Austria, France and the Netherlands) or the person (Germany, Greece and Sweden). Portugal is the only Member State whose statistical unit can be both the proceeding and the individual. Except in Austria where the type of the statistical unit is both person and conviction, for the others, the definition and the type of the statistical unit are similar. In Austria, Greece and Sweden, the information system will count a person dealt with more than once in the same year as one person. In France, the statistical unit is the conviction. However, since 1993, it is possible to count individuals and in such a case, the person will be counted as two or more persons. In cases of multiple offences, they will be reported in the information system as one offence in Austria, Greece, the Netherlands and Portugal. Nevertheless, we must emphasis that in Greece and in Portugal, only the most serious offence will count. On the other hand, in all Member States, when a person/offence is given more than one sanction, it is counted as one person or conviction. In Sweden, the offences will be counted as one offence for each section of the law. This means that a person can occur more than once in the annual statistics if the person has been convicted more than once during the year.

Data collection, data available

In general these information system are centralised: the data collection concerning the convictions are either directly inserted in the statistics (Germany, the Netherlands) or recorded first at ministry level and then in the information system (Austria, France, Greece and Portugal). In Sweden the data are directly inserted in the information system by the district courts and then forwarded to the National Courts administration which gather all he material. Thereafter the data are sent to the National Police Board, where some recordings take place. The statistics are then sent to the National Council for Crime Prevention, which officially is the responsible institution for these

statistics. Concerning Narcotic offences, there is a special routine: the district courts send a copy of the verdict directly to the National Council for Crime Prevention. This is because the National Council for Crime Prevention want additional data to the information they receive in the regular system, as substance, offence (possession, use, transfer, manufacturing, assistance/transport or combinations of these) and quantity. These additional data are coded at the National Council for Crime Prevention.

In Austria, the routine information system report data on all final convictions including information on the sentence and, presented by the Prosecutor. They are available at the Penal register managed by the Federal Ministry of Interior. However the final convictions are reported from courts to two different Ministries: the Ministry of Interior and the Ministry of Social Security and Generations. In the Ministry of Interior, the final convictions are recorded in the “criminal records”. In the Ministry of Social Security and Generations, they are recorded in context of the register of known drug users. Once a year data from the Ministry of Interior are forwarded on magnetic tape to Statistics Austria which is in charge of producing the annual Criminal Court statistics. Special written rules are defined in legislation for recording the data in this information system.

In France the information reported in this routine information system concern the definitive convictions for drug offences. Data are checked by the CJN (Casier Judiciaire National) staff: when a definitive conviction is pronounced the CJN records the judicial form sent by the court. Data are then extracted monthly and sent to SDSED/DAGE for analysis and publication. When data are extracted, the name and the birthplace of the persons are deleted and replaced by a file number, specific to the national judicial file. Written rules for recording data exist in France since there is a specific judicial form.

Regarding the judicial process form, in Germany, all final verdicts of the German courts are inserted in the Federal Central Register. They are also included in the national prosecution statistics. These statistics are published in volumes of annual reports in which the offences are given with their nature and scale. The judgements listed there, are classified according to the main groups of offences, in conformity with the current laws (Criminal Code and associated legislation).

In Greece like in France, the statistics refer to final court conviction and to persons imprisoned. All courts in Greece send their reports to the Statistical Service of the Ministry of Finance and Ministry of Justice. These data are immediately electronically stored, but this collective data are produced at a later stage. In Greece as well written rules exist but they are not known in detail.

In the Netherlands, the information on statistics is directly treated by the Statistics Netherlands. All courts (canton courts, district courts, courts of justice and the Supreme Court) send their statistical information to this service. The information is reported following the forms for data collection.

The minimum age for consideration in statistics varies from Member State to Member State and except in France, each Member state has a minimum age of criminal responsibility. In the Netherlands and in Portugal it starts at age 16, in Austria and Germany at age 14, and in Greece at age 15.

All the Member States which filled in the form on convictions statistics declare as available data concerning the gender, the age and the offence, except in Greece which does not report data on the age. Other information is also available depending on the Member States. In Austria and in France for example the nationality of the drug user is also recorded. We can find information on the geographical area in Greece, Sweden and the Netherlands. Data on the sanction/measure are available in Austria, in France, in Greece and in Sweden. In the Netherlands information on the substance is also available in the conviction statistics. Finally, France gives more details and in particular the court-type, trial-type, average of length of judicial process, length of custody on remand at the conviction date, decision date, decision type, length of custodial sentence, and account of fine. In Sweden the term of imprisonment is also given.

Every monitoring system contains a classification of drug law offences except in the Netherlands where different categories of drug offences like production, trafficking and dealing are not retrievable.

In Austria the statistics use a classification according to the relevant articles of the Narcotic Substances Act. The most important articles (article 27 and article 28) give information concerning possession, purchase, production, import and export. In France the Casier Judiciaire National groups the classification of drug-related offences defined by penal law in 6 categories: illicit use, possession-acquisition, trafficking, transportation-use, supply-sale, help for use by someone else, and other drug offences. In Germany convictions are classified following a distinction between traffic offences, possession of or trafficking drugs prosecution for offences connected with obtaining drugs. In Greece the three main distinctions are: use, dealing/trafficking and cultivation. In Portugal the classification follows the types defined as crimes by the DL (Law Decree) # 15/93 – Drug Law. The Swedish information system makes a classification of drug law offences following the Narcotic Drugs Act, the Good Smuggling Act (narcotic section) and other offences against the Narcotic Drugs Act and the Goods Smuggling Act.

All the Member States do not classify the sanctions and measures in the same way in their statistics. In Austria and in the Netherlands we can find a classification making a distinction between fines and prison sentence. Nevertheless in Austria there are some more details. Concerning the fine, it is precised if there is a probation or not, if the probation is partial or not and if there is an additional breakdown according to duration of prison sentence. Finally, in Austrian statistics we also can find others. French statistics make a difference between the criminal imprisonment (lifetime or 10-30 year), the imprisonment (10 years): without suspension, with partial suspension, with suspension, and fine, substitution sentence; educational measure and exemption from sentence. Greece distinguishes suspended sentence, sentences that can be transformed into fines according to duration of conviction (amount of money per day), standard fines and imprisonment (from 1 month to life). In Portugal it is almost the same than in Greece, the penalties/measures are classified in accordance with the following categories: effective fine, suspended fine, effective imprisonment, suspended imprisonment, admonition, exemption of penalty, work in favour of the community and respective combinations and measures of these penalties. Finally in Sweden, statistics take into account imprison, forensic psychiatry, probational sentence (total/imprisonment/specialised treatment in prison/community service); conditional sentence; committed to care and fines.

Most of the Member States apply a principle offence rule. Two of them will only record in the monitoring information system the most serious offence: offence with highest range of punishment (Austria and France). The others apply a different rule: in Sweden in cases of several crimes committed during the same occasion, they will be all registered; and in the Netherlands, conviction statistics refer to cases in which the offence against the Opium Act is a principal offence.

As a consequence with the principal offence rule, France and Austria apply the same principal sanction rule; these two Member States will report the most serious sentence in their information system related to conviction statistics. Nevertheless the 2001 National Report from the French National Focal Point gives more information and indicates that ‘the conviction can be characterised by considering only the principal offence – method used in the Statistical Justice Yearbook (Annuaire Statistique de la Justice) – or by also considering all the other offences taken into account’. In Austria the conviction is related to the offence which was relevant for the extend of sanction. In Greece the same rule exists but the difference is that the statistical unit is the person convicted. In this sense Greek statistics take into account the number of persons reported against the principal sanction. In the Netherlands the rule is the same as for the principle offence: the conviction recorded will be the one which refers to cases in which offence against the Opium Act was a principal offence. Sweden and Portugal don’t apply any principal sanction rule.

Most of the countries do not make any breakdown by drugs (Austria, France, Greece). In Sweden it is possible to get a breakdown according to the following types of drugs: cannabis, amphetamine, cocaine, kat, femmetrazin, MDEA/MDA, metylfenidat, other “centralstimulantia”, heroin, morphine, opium, other opiates, LSD, mescaline, other hallucinogens, sedatives, tranquillisers and other substances or unknown substance. Whereas the Netherlands are able to distinguish between hard or soft drugs. I Portugal breakdown by drug is possible and published annually.

There is no principal drug rule in Austria, Greece and Sweden. Only the Netherlands make a distinction and count cannabis as a soft drug.

Sweden apart, no Member States report any qualitative data within original reports. Sweden furnishes information concerning duration of imprisonment, and the type of substance (weight, region).

Data quality and reliability

Most of the Member States do not report double counting in their information system on convictions. In Portugal, double counting might happen – though not always – especially in the case when the same person is the object of different proceedings. France recognizes that double counting can exist but this is included in the estimated 2% of all mistakes. The Netherlands mentions that the number of convicted drug dealers and drug producers can be estimated by indirect methods. The Netherlands and Portugal do not report any specific changes over time in data recording on convictions. In Austria, the drug legislation changed: in 1998, the Narcotic Substance Acts replaced the Narcotic Drugs. In France, since 1994 the CJN has been reorganised and some new information have been added. Firstly, the fine given by the Customs has been added as one sanction to be

reported in the conviction statistics. Secondly, all the offences are recorded whereas before 1994 only four offences were reported.

Except in France, every country records all units and does not have knowledge of biases in the unit coverage. In France there is a particular bias related to individuals born over-seas who have been recorded into the CJN since 1996 only. All the Member States consider that the quality of their information system is good.

Data are stored by computer processing in Austria, France, Germany, Greece, Portugal and Sweden. In the Netherlands data are both stored by computer processing and manually. The software changes from a Member State to another. Austria uses HOST and Excel. France uses SAS, Portugal uses Access, Sweden uses SQL, oracle and Excel and the Netherlands uses Compas.

Access and dissemination

Transmission time changes considerably from a Member State to another. It goes from a few months in the Netherlands (time between the end of data gathering and publications/availability) to 2-3 years in Greece, and in France. In Austria and in Germany, the annual report is available the following year.

The National Focal Points (NFPs) have access to the conviction statistics in a systematic way (Austria, Sweden and the Netherlands as far as published) or on request (Germany, Greece Portugal and in the Netherlands if the NFP requests for more information). The NFPs have access to aggregated data in all the other Member States. Nevertheless in Sweden and in the Netherlands the NFP can, on request, receive more specific breakdowns. In Greece the breakdowns asked by the NFP are most of the time confidential and therefore are not available. Conviction statistics available to the National Focal Points are confidential in Austria and in Greece whereas, in France, in Germany, in Portugal in Sweden and in the Netherlands they are public.

7.5 Penal statistics

Please, refer to Volume II for detailed information related to each country.

Please note that 'Penal statistics' refer to statistics on persons either entering prison (being incarcerated), or within prison (on remand or convicted).

Monitoring systems

Eight Member States – France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Sweden and the UK – run a monitoring system which allows them to get routine data on drug law offenders (or suspected drug law offenders) in prison. Usually, data are recorded in a central database at national level. The UK is a specific case as it is composed of 4 countries – England, Northern Ireland, Scotland, Wales – which have, each of them, set up different information systems on prisoners: there is a common one in England and Wales, another one in Northern Ireland and 2 different ones in Scotland (identified as Scotland-1 and Scotland-2 in the text).

In all countries mentioned above, data on drug law offenders in prison can be retrieved from monitoring systems of broad scope which cover the whole range of criminal activities and offences (i.e. not restricted to drug law offences), except in England and Wales and Scotland-1 where they are more routine methods to estimate the number of drug law offenders in prison.

The objectives of these information systems are to monitor the situation and trends regarding the size and demographic and criminological characteristics of the population entering to prison or being in prison. However, the information systems described here and related to England and Wales and Scotland-1 seem to be particular cases as they have both been set up to provide the number of prisoners convicted for drug offences on a single day (30th of June, each year).

Methodology

In France, Germany, Greece, Ireland, Scotland-2 and Northern Ireland, the reporting of data on drug offenders in prison is permanent – that is each case is recorded on a routine basis and the related information system updated continuously. Luxembourg, the Netherlands and Sweden run a system which is periodically updated, while England and Wales and Scotland-1 report annual updates.

Data on drug law offenders in prison are available since 1960 in Sweden, 1961 in Germany (for the Old Lander and since 1990 for the New Lander), 1972 in Scotland-2 (for archive data, but detailed data since 1996), at least the 1980s in Ireland, 1982 in Northern Ireland (though restricted, full data since 1999), 1992 in Greece and 1993 in France.

In every country, except England and Wales, there is an exhaustive recording of all drug law offenders in prison. The statistical coverage of the recording process – percentage of units recorded ÷ units covered – is reported to be 100% in France, Greece, Luxembourg, the Netherlands, Northern Ireland, Scotland-1, Scotland-2 and Sweden. In England and Wales, statistics are based on a sample of prisoners. In addition, the statistical coverage is of 80% there.

Every monitoring system covers the national territory.

In all countries, statistics cover all prison centres. They include male, female and young offenders (from the age of 10 in England and Wales, 12 in the Netherlands and 14 in Northern Ireland and Scotland-1), either on remand or convicted (in all countries except Greece, the Netherlands, and England and Wales where only sentenced/convicted offenders are included in the statistics).

In Germany, Northern Ireland, Scotland-2 and Sweden, the data produced relate to both incarceration (flow) and detention (stock) statistics. Greece, Ireland and the Netherlands record incarcerations/imprisonments or entries to prison, while Luxembourg and Scotland-1 produce statistics of stock, that is the number of persons in prison at a particular point in time or during a particular period.

In Ireland and the Netherlands, the statistical unit is the case of imprisonment, whereas in all other countries it is the person. However, if a person is incarcerated more than once in the same year, s/he is counted as a single and unique person in the statistics in Greece, Scotland-1, Scotland-2 and Sweden, and as 2 or more persons in all other countries. However, Scotland-1 information system

seems actually to account for 2 different statistical units since it records a person incarcerated more than once in the same year as a single and unique person (as mentioned above) but also as 2 or more receptions. Ireland records the number of receptions, which amounts to counting a person each time s/he is entering into prison.

Multiple offences are counted as one offence in France, Greece (the most serious), Ireland (the one for which the heaviest sentence is imposed), England and Wales, Northern Ireland (the most serious), Scotland-1, Scotland-2 (the most serious in published statistics, though all offences are recorded in the database) and Sweden (the one for which the heaviest sentence is imposed). In the Netherlands, this situation is recorded as one imprisonment for more than one offence.

Data collection, data available

In a majority of countries – Greece, Luxembourg, England and Wales, Scotland-1, Scotland-2, Northern Ireland – information on flows or stocks of prisoners are centralised and recorded directly at national level. In France, Germany and the Netherlands, reports on offenders entering or within prison are recorded into a database at local level and then extracts are provided to feed a centralised national information system, either continuously or once or several times a year.

Written rules or guidelines for recording data are used in France, England and Wales, Scotland-1, Scotland-2 and Sweden. In Germany, Greece, Luxembourg and the Netherlands, standardised forms or questionnaires are used to collect data but there are no written rules for recording them. Ireland and Northern Ireland do not have written rules for recording their data on drug offenders in prison.

Most countries record basic demographic data such as gender and age (except England and Wales and Scotland-1) of drug law offenders in prison. As regards age, comparisons might be uneasy as some countries calculate it from the date of birth, some record the exact age and others record it against age range categories. Nationality (or ethnicity) is also recorded in a majority of countries such as France, Germany, Greece, Luxembourg, Scotland-2 (ethnicity) and Sweden. Information related to the geographical area can be provided by France, Greece and the Netherlands (place of residence). Breakdowns by type of offences are available in all countries. Breakdowns by drug are reported to be available in Germany and England and Wales. Other information such as education level, profession, employment, family situation, type of sentence/penalty, sentence length, type of prison, Court of reference, initial date of commitment, whether it is a first committal, etc. might be made available in some countries but they are rarely systematically analysed and usually not comparable between countries.

Luxembourg, the Netherlands, Northern Ireland and Scotland-1 do not distinguish between different drug law offences in the statistics and use a single category including all offences against the drug legislation. All other countries⁸ consider different categories of drug law offences in their statistics. France distinguishes between 4 types of drug offences in the statistics (though all types, as mentioned in the conviction, are reported on the penal form): trafficking, sale, illicit use, and other

⁸ Though Sweden did not mention the categories used and referred merely to the Narcotic Drug Act.

drug-related offences. In Germany, there are also 4 categories which correspond to those used by the Police and the Court in the convictions: general offences under §29 of the narcotic Act (related to drug use), illegal trafficking and smuggling under §29, illegal import of a considerable amount of drugs under §30, and other offences against the Narcotic Act. Greece uses 3 categories: use, dealing/trafficking, and cultivation. Ireland distinguishes between sale or supply of drugs and possession/production/cultivation/export of drugs. In Scotland-2, drug law offences are classified as it follows: importation, production/manufacture/cultivation, supply and possession with intent to supply, possession, drug-related money laundering, and other drug-related offences.

The notion of principal offence refers to the situation when a person is suspected/convicted of several offences at the same time and that only one offence is recorded in the statistics. A principal offence rule is applied in all countries⁹. In France the principal offence is either the first one on the committal order or the most serious; in Ireland and Sweden¹⁰, it is the one for which the heaviest sentence is imposed; in England and Wales it is the one which carries the longest theoretical sentence; and in Northern Ireland and Scotland-1 the most serious one. Greece, Luxembourg and Scotland-2, though they reported the application of a principal offence rule, did not specify which rule they apply.

Except in the Netherlands and England and Wales¹¹, it is not possible to get breakdowns of drug law offenders in prison according to the drug(s) involved in the offence(s) committed. The Netherlands distinguishes between ‘soft drugs’ (cannabis) and ‘hard drugs’ (illegal drugs other than cannabis). In England and Wales, data are broken-down according to a wide range of substances such as heroin, cocaine, crack, amphetamines, ecstasy, LSD, cannabis and other drugs. No principal drug rule is applied in this case.

None of the countries mentioned in this section reported access to qualitative data – that is, data not processed within a database on routine basis – that could be found within imprisonments reports. Thus it is difficult to know if qualitative data exist within imprisonment reports, and if they do, which piece of information might be of interest there.

Data quality and reliability

Double-counting of drug law offenders in prison can occur in Germany if a person is transferred from a prison centre to another one and in Scotland-2 in cases of aliases when counting persons. Also, in Scotland-2 multiple receptions can be double-counted since those incarcerated on the same day from the same court can be counted as one reception. In all the other countries, there is no double-counting of persons or imprisonments/incarcerations. Greece and Northern Ireland have set up procedures to check and avoid double-counting. In addition, it should be noted that counting

⁹ However, this information is not known in Germany.

¹⁰ But if 2 or more offences are liable to the same sentence, then the principal offence is randomly selected.

¹¹ Though Germany mentioned earlier within its form that information on drugs are available.

rules can lead to double-counting if there is a change in the statistical units to be considered – e.g. counting ‘unique individuals’ by a unique identifier leads to double-counting ‘persons’ who are imprisoned more than once in a year. Several countries considered that counting an offender imprisoned several times in the same year as several offenders amounts to double-counting. However, this could rather be considered as an artefact if we consider that the statistical unit is not the ‘unique individual’ but the ‘person’.

Data consistency over time is reported to be good in France, Luxembourg, the Netherlands, England and Wales, Northern Ireland and Scotland-1. Germany reports changes in recording rules and in the application of drug laws that might have affected consistency over time. In Ireland, data were annually produced until 1994. Since then, there was no data provided by this source, but a new computer system is now being established within the Irish prison system since 2001 in order to get routine annual statistics.

Most of the countries (France, Luxembourg, Netherlands, England and Wales, Northern Ireland, Scotland-1 and Scotland-2) report no bias in the unit coverage – i.e. systematic problems that might affect comprehensive coverage of drug law offenders in prison by the monitoring system(s). Germany mentioned changes of prison centre as the main source of bias affecting the data.

The practical implementation of procedures and methodological rules for reporting and recording data on drug law offenders in prison are reported to be good in the Netherlands, England and Wales and Northern Ireland. In France, the coding of drug law offences in the register is not reliable. In Scotland-1 and Scotland-2, the data quality for statistical purposes could be better, especially in Scotland-2 where a hundred of users can access the database and amend records (though a great amount of time is spent cleaning data).

Access and dissemination

In all the Member States, data on drug law offenders in prison are electronically stored, except in Ireland where they are manually stored. These data are processed through Excel in England and Wales, Excel and SAS in Scotland-1, Excel, SAS and Lotus in Sweden, SAS in Scotland-2, and Microsoft Access and SPSS in Northern Ireland. France and the Netherlands have developed and set up specific applications to process their data. Germany and Luxembourg do not mention the software they use to process these data.

The transmission time between the end of the year and the moment when data are made available varies widely between EU countries, from 1 in France, 3-6 months in Luxembourg and Sweden, 6 months in Northern Ireland, a few months in the Netherlands, about a year or less in England and Wales, Scotland-1 and Scotland-2, to over 2 years in Greece and Ireland.

The access by the National Focal Point (NFP) to routine data on drug law offenders in prison – such as numbers of offenders, if possible broken down by type of offence – is systematic in the Netherlands, England and Wales, Scotland-1, Scotland-2, Northern Ireland and Sweden, mainly through a routine publication on these data. In France, Germany, Greece and Luxembourg, access to routine information on drug law offenders in prison is made available to the NFP upon request only.

In all the countries mentioned here, data provided are aggregated data, though in the Netherlands, Scotland-2, Northern Ireland and Sweden, it is possible to get specific breakdowns upon request. The data provided which are also published are public information. Answers to specific requests are also generally considered as public information (France, Germany, Ireland (at aggregated level), England and Wales, Scotland-1, Sweden), except in Greece and Luxembourg where it is considered as restricted or confidential. Data provided upon request are always aggregated, access to raw data through the database being usually restricted and confidential.

7.6 Drug use among arrestees

Please, refer to Volume II for detailed information related to each country.

Monitoring system

Sweden is the only country in the EU running a monitoring system which allows to get routine information on drug use among arrestees. It has been set up to monitor the development of severe drug abuse among arrestees.

Methodology

The reporting of data on drug use among arrestees is permanent – that is each case is recorded on a routine basis and the related information system updated continuously. Data are available since 1965.

There are two types of statistical units – persons and detentions – which are recorded on an exhaustive basis. If a person is arrested more than once in the same year, a personal identity number allows to count him/her as one person in the statistics.

This is a local information system as it covers one detention centre – the Stockholm Remand Prison.

The substances covered are classified according to the following categories: amphetamines, heroin, cocaine, hashish, ecstasy, benzodiazepines, other drugs.

Different types of drug use are considered by the information source:

- drug use/injecting use in the last year of the substances listed above;
- any injecting use in the last 24 hours/last month/last year/last 3 years/lifetime

Data collection, data available

Arrestees are examined by a nurse and asked to participate in a short interview. During the examination, needle marks are noted, if present. Data are recorded through a questionnaire which is then computerized.

Data available relate to gender, age, offence, use of drugs, injecting use, substances used in the last year, year and location (in an institution or not) of first injection, HIV-tested, alcohol addiction.

Other information such as the location of the arrest, the type of crime for which the person is suspected, the nationality and the type of housing could be accessed through the consultation of the original files.

Data quality and reliability

The use of a personal identity number for each arrestee entering into the centre allows to avoid double-counting as regards the number of arrestees.

Changes in the laws concerning detention may have affected the data. Additionally, since the fall of 1995, an additional detention facility has been implemented in the same area, that which might have affected comparability over time.

The data collected are considered as good, though accessibility is limited, as well as validity since they are representing a local situation. Unclear financing is however mentioned as possibly having influenced negatively data quality and reporting processes.

Access and dissemination

The data collected are computerized and then processed through Microsoft Access and SAS.

The transmission time between the end of data gathering and the availability of results varies since there is not any fixed routine process and data are forwarded for analysis when it is needed.

The information is available to the Focal Point upon request. Data available are aggregated data to which accessibility is limited. They are considered as restricted information.

7.7 Drug use among prisoners

Please, refer to Volume II for detailed information related to each country.

Monitoring systems

Three Member States – Finland, Sweden and the UK – run monitoring systems which allow them to get routine data on drug use among prisoners. The UK is a specific case as it is composed of several countries which have set up different information systems providing data on drug use among prisoners: there is a common one in England and Wales and 2 different ones in Scotland (identified as Scotland-1 and Scotland-2 in the text).

The objective is usually to get information on prevalence and patterns of drug use among prisoners in order to monitor the development of the drug situation within the correctional system and set up targeted treatment facilities. In the case of mandatory drug testing (England and Wales, Scotland-1), the objective is also to deter drug use in prison.

Methodology

The reporting systems are all periodic – that is they are updated once or several times a year. Data are available since 1911 in Sweden with an interruption between 1948-1960, 1993 in Scotland-2, 1995 in England and Wales (pilot in 1995, extended to all prison centres in 1996) and 1996 in Scotland-1.

They all cover the national territory and all types of prisons. In Finland data relate to sentenced prisoners. In Sweden and England and Wales, they refer to all prisoners (over 15 years old in Sweden). In Scotland-2, they cover all prisoners but also all employees. In Scotland-1, they cover all prisoners except those awaiting deportation (immigration detainees).

In Finland, Sweden (for those in custody) and Scotland-2, there is an exhaustive screening of the population. In Sweden, the population in non-custodial treatment is surveyed twice a year. In England and Wales and Scotland-1, drug testing is mainly carried out at random (5-10% of the population), but can also be either systematic at the reception, or following a suspicion. The statistical coverage is of 100% or almost 100% in all countries except in England and Wales where it is not known.

Finland and Sweden count a number of persons. In Sweden, the number of seizures made in prison is also recorded (drugs and material). In Finland, a person imprisoned more than once in the same year is counted more than once, whereas in Sweden s/he is recorded only once in the statistics. In England and Wales, Scotland-1 and Scotland-2, the statistical unit is the test.

The countries consider different types of drug use. In Sweden, the information source records injecting drug use once or more during the last twelve months or use of narcotics daily or almost daily during the last 12 months prior to intake. In England and Wales and likely in Scotland-1 (though it was not explicitly mentioned in the form submitted), figures refer to current use as they come from the result of drug testing. Finland and Scotland-2 did not mention in their forms the type of drug use covered by their information system.

Finland records drug use against all narcotic substances, but this is not broken-down by substance. Sweden uses 3 categories of substances – cannabis, central stimulants, opiates – sometimes broken-down into the following 6 categories: cannabis, amphetamines, opiates, cocaine, pharmaceuticals, other substances. England and Wales, Scotland-1 and Scotland-2 distinguish between cannabis, opiates, cocaine, methadone, amphetamines, benzodiazepines, barbiturates, LSD (in Scotland-1, optional in England and Wales), buprenorphine (though in some areas only in England and Wales).

Data collection, data available

In Finland, Sweden and Scotland-2, data are gathered through self-questionnaires. In England and Wales, the prisoners are tested by means of a urine test and samples are sent to a laboratory for analysis. In Scotland-2 it was not mentioned explicitly but one can guess that it follows a similar procedure to England and Wales as results come from testing prisoners.

In Finland and Sweden, data collected include personal data such as gender (England and Wales too), age, offence leading to imprisonment, sentence and duration. Finland also records the geographical area, the marital status and data related to the history of imprisonment. Scotland-1 reported a large range of criminogenic or personal data to be collected for each individual being tested but access to it is confidential. England and Wales and Scotland-1 collect data related to circumstances of the test and its results. England and Wales collects also personal data such as gender and ethnic background. Finally as regards drug use and risk behaviours and consequences, few data are collected: Sweden registers the HIV status, and Scotland-2 drug use within prison, injecting behaviour and injection material sharing.

Finland records the principal drug used, whereas England and Wales and Scotland-2 record all substances found by drug testing.

Sweden and Scotland-2 mentioned qualitative information regarding drug use and related impressions or views that could be accessed through original reports.

Data quality and reliability

There is no double-counting in any of the countries included in this analysis.

Consistency over time is reported to be good or reasonably good in Finland, England and Wales – as regards techniques applied –, Scotland-1 and Scotland-2. In Sweden, the statistics changed in 1995 from being reported for the fiscal year (01/07 – 30/06) to the calendar year (01/01 – 31/12). In addition, the definition of drug use changed in 1997 from referring to drug use in the last 2 months before imprisonment to the last 12 months before imprisonment. In England and Wales there was a change in the geographical areas, that which might have affected comparability of the data over time. Also, as Sweden mentioned it, some changes in the way the law is applied and sentences are applied might have an effect upon data series, for example when new forms of punishment such as electronic surveillance are set up there might be a change in the proportion of drug users in prison.

There was no bias in the unit coverage mentioned except in Sweden where there is a possible underestimation of drug use at intake.

As regards the implementation of procedures and methodological rules, they were reported to be excellent in Scotland-2 as training for quality is assured and the process is regularly audited.

Access and dissemination

In all countries, data are stored and processed by computer. The softwares for data processing vary between countries – Finland uses SPSS and Survo; Sweden uses SAS, Lotus and Excel; England and Wales use Microsoft Access for data storage; Scotland-1 uses Excel and Scotland-2 a commercial package not specified.

The transmission time between the end of data gathering and the availability of results varies from real time in Scotland-1 to 1-2 weeks in Finland, 1 month in England and Wales, 3-6 months in Sweden and 4-6 months in Scotland-2.

In Sweden, data are made available to the National Focal Point on a systematic basis, whereas in all the other countries it is upon request. The data made available are aggregated data, though the Finnish Focal Point has also access to raw data, and in England and Wales it is possible upon request to get access to individual data. In all countries except Scotland-2, specific breakdowns can additionally be made available upon request. The information is considered as public information in Finland (after deleting the identifier), in Sweden, in England and Wales (after publication) and in Scotland-1 (aggregated data only, detailed information being confidential).

8. CONCLUSIONS AND RECOMMENDATIONS

Mapping information sources based on law enforcement agencies and the criminal justice system is the first exercise of this type carried out at European level in the 15 EU Member States on drug law offences/offenders and drug use among criminal populations.

It has allowed to get a better understanding of commonalities and differences between the Member States as regards routine information systems, data reporting and recording processes, data availability and access. It also provides an overview of what type of data is available at each stage of the judicial process.

Numerous points of difference between countries have been underlined. This leads to a general conclusion: comparability is hard to achieve in this field. However, it is only by knowing what is behind the data provided that one might acquire the contextual and methodological knowledge necessary to avoid falling into the trap of comparing what is not comparable.

If we start from the assumption that in the field of crime and criminal justice, there is little room to negotiate changes at EU level in information systems based on law enforcement and criminal justice agencies, then emphasis should be put on knowing better what is already available and finding new ways to provide an overview of the situation of drug law offences/offenders in the EU. For example, comparisons could be carried out between groups of countries which count in a comparable way the same type of statistical unit.

This exercise was very ambitious and was meant as a one-shot exercise. As such, it should have provided us with a good overview as well as a detailed grasp of what data are available and how. However, due to all the problems encountered while analysing the information submitted – e.g. gaps in the information submitted, answers not relevant, lack of detail, etc. – it has been sometimes impossible to get a reasonable idea of what data are actually available and how. In some cases, it has even raised more questions than it has answered.

This pleads for a deepening of the exercise. However, this is not a recommendation to repeat a similar exercise, but instead to target the areas of special interest for the EMCDDA and its REITOX National Focal Points, especially areas where data are already collected and analysed, or those where data are going to be collected in a very near future (alongside developmental work to collect new sets of data). It could then be considered as a more pragmatic exercise, and its value enhanced. Actually, it appears essential to link this methodological understanding of the information sources to the very collection and analysis of data: in proceeding as such, concrete problems that we would not have thought about in carrying out either exercise alone – data collection or information systems analysis – might appear then and be tackled in a more efficient way.

Another point of direction for future work might be to investigate the work carried out by other international organisations as regards comparisons and comparability of criminal justice data in general. For example, it would be worth to assess how much the results of the Information Maps 2000-2001 presented in this report confirm or infirm the methodological information included in the European Sourcebook of Crime and Criminal Justice Statistics published by the Council of Europe.