

METHODOLOGICAL GUIDELINE
JUDICIARY STATISTICS – adult perpetrators

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STATISTICS OF PERPETRATORS OF CRIME

Legal basis

Legal basis for conduction of statistics of perpetrators of crime is Law on official statistics and official statistical system (Official Gazette of Montenegro 18/12, 47/19 and 23/25) and The Annual Plan of official statistics which is carried out each year.

METODOLOGICAL BASIS

Aim of survey

The aim of survey is to collect, process and disseminate the data on reported, accused and convicted adult perpetrators of crime, and which are an important instrument for monitoring crime as a negative social phenomenon. Crime in the sense of statistical research includes the occurrence from the submission of a report for a committed criminal offence to the final conclusion of the procedure by the competent authority.

According to the Annual Plan of Official Statistics, the following surveys are conducted:

1. annual statistical survey about adults against whom proceedings based on criminal charges and previous proceedings have been concluded (SK-1),
2. annual statistical survey about adults against whom criminal proceedings have been concluded, (SK-2).

Data source

The data on perpetrators of criminal offences are collected by regular annual statistical surveys, and on the basis of individual statistical questionnaires which are filled by competent state prosecutor's offices (basic and high) and competent courts (basic and high).

Coverage

Statistical research includes adult perpetrators of criminal acts (including crimes perpetrated by unknown persons).

Method, timing and sources of collect data

The Statistical office prescribes research methodology, prepares an address book, prepares questionnaires for printing and distributes them to reporting units (prosecutors' offices and courts).

Questionnaires for the current year are submitted to reporting units at the beginning of the year.

Reporting units are obliged to provide accurate, complete and up-to-date data, and to deliver them within the deadline set by the Annual Plan of Official Statistics.

Upon receipt of the completed questionnaires, the Statistical office carries out control of coverage, control of accuracy and completeness of data, encryption and data entry, control and correction of errors that occur on the basis of logical and calculation control, according

to unique criteria, and then tabulation.

Periodicity of data collection is monthly, and data processing is annual. The data refer to the previous (reporting) year.

Data are collected using the reporting method and is carried out through questionnaires, SK-1 and SK-2.

The questionnaire is filled out at the end of the procedure. The basic sources from which the data are taken are the final decisions of the competent state prosecutors' office and the competent court.

Protection of individual data

The data obtained from reporting units are only used for statistical purposes and they are published at the aggregated level. Data obtained from competent state prosecutor's offices and competent courts on reported, accused and convicted adult perpetrators of criminal offences are an official secret and cannot be published individually.

Definitions of basic features – indicators

Adult perpetrators of a crime are those persons who were 18 or over at the time of committing criminal acts, and against whom the preliminary hearings and legal proceedings have been conducted and legally concluded; the accused persons against whom the legal proceedings have been concluded by finally binding court decision and sentenced persons.

Reported person - known perpetrator is an adult perpetrator of a crime, against whom legal proceedings and preliminary hearings were concluded by a decision according to which: criminal charges are rejected, investigation discontinued, submitted charges - indictment or investigation dismissed.

Reported person - an unknown perpetrator is an unknown person against whom the criminal charges have been brought at a public prosecutor's office, but who has not been captured even a year after criminal charges were brought.

Accused person is an adult against whom an indictment, legal charges or a private suit has been brought at a court, and against whom legal proceedings have been conducted and a court decision made according to which private suit has been rejected, proceedings suspended or indictment rejected, acquittal brought, security measures brought without execution of a sentence or a perpetrator is pronounced guilty.

Convicted person is an adult being pronounced guilty and against whom following criminal sanctions have been imposed: punishment, conditional discharge, reprimand, security measures.

A criminal offence shall be an act which is established by law as a criminal offence, which is unlawful, and for which guilt was determined.

Survey instruments

Questionnaire **SK-1**, for adult perpetrators, against whom proceedings based on criminal charges and previous proceedings have been concluded, data content on:

- **perpetrator of crime:** known/unknown, name and surname, sex, date of birth;

- **criminal offenses:** legal name of the criminal offense, name of the applied law, whether property was damaged by the criminal offense, year of commission of the crime;
- **criminal proceedings:** who filed the criminal complaint, how the complaint was filed with the state prosecutor's office, the type of decision and the reasons, whether the perpetrator was held in detention and, if so, for how long;
- **duration of the procedure:** date of submission of application, **date of initiation of the investigation**, date of decision.

Questionnaire **SK-2**, for adult perpetrators, against whom criminal proceedings have been concluded, data content on:

- **adult perpetrators:** name and surname, sex, date of birth, municipality of residence, work status, occupation, nationality, citizenship, marital status, education, how many persons participated in the commission of the criminal act, previous convictions, detention;
- **criminal offences:** legal name of the criminal offence, name of the applied law, whether property was damaged by the criminal offence, whether the criminal offence was attempted, year of commission of the crime, municipality of commission of the crime, concurrence of criminal offences, number of criminal offences in concurrence;
- **court decision:** type of decision and reasons;
- **imposed sanctions:** main penalty/measure imposed, whether a suspended sentence was imposed, whether a special measure or obligation was ordered in conjunction with the suspended sentence, whether an additional penalty was imposed, whether a security measure was imposed, whether proceeds of crime were confiscated;
- **victims:** sex, age;
- **duration of the procedure:** date of submission of the application, date of receipt of the charge, date of determination of the finality of the decision.

Dissemination

The obtained data are published through releases, statistical publications (Statistical yearbook, Montenegro in Numbers, Women and Men in Montenegro).

The data are published in electronic form (on the website of the Statistical office of Montenegro).