



Bundeskriminalamt

BKA



Police Crime Statistics

**Guidelines for Maintaining the Police Crime Statistics
Catalogue of Definitions 2022
Version of 01/01/2022**

Content

Preliminary remarks	4
Notes for the reader	4
Definitions	5
False accounting in the healthcare sector	5
Investment fraud (sect. 263 PC)	5
Non-payment of fare (sect. 265a PC)	5
Fraud to the detriment of insurance companies and insurance abuse (sects. 263, 265 PC)	5
Insurance abuse (sect. 265 PC)	6
Fraudulent obtaining of motor vehicles	6
Offences directly aimed at procuring drugs 1	6
Lodging fraud	6
Non-payment of fare (place of action)	6
False ⇒ payment cards (Use of ...)	6
Garden house	6
Dangerous interference with road traffic	7
Cash couriers (Robbery of ...)	7
Injured party/person	7
Violent crime 1	7
Internet 7	
Kiosk 8	
Motor vehicle	8
Credit fraud (commercial sector (sect. 265b PC))	8
Obtaining credit by fraud (sect. 263 PC)	8
Loan procurement fraud	8
Shoplifting	8
Fraud by failing to provide service as agreed	9
Fraud by obtaining service on credit	9
Victim 9	
Body of persons	9
Politically motivated crime	10
Prospectus fraud (investment fraud, sect. 264a PC)	10
Fraud involving commissions	10
Drug-related crime 1	10
Fraud involving donations	12
Rail vehicle	12
Software piracy	12
Social security fraud	12

Offences against state security ¹	12
Offences against provisions designed to protect young persons ¹	12
Street crime ¹	12
Subsidy fraud (sect. 264 PC)	12
Daytime burglary of a residence	13
Non-payment of a fuel bill	13
Pickpocketing	13
Instrument of crime: Internet - special category	13
Place of action in cases of non-payment of fare ¹	14
Place of action in cases of non-payment of fare ¹	15
Telecommunications services (Misuse of) (sect. 263a PC)	15
Theft by trickery	15
Crimes involving the environmental protection and consumer protection sector ¹	15
Directly affected person	16
Non-cash means of payment	16
Breach of trust involving investment transactions	16
Transfer fraud	17
Traffic offences ¹	17
Degree of injury	17
Violation of business secrets (sect. 23 (1) no. 3 and (4) Act on the Protection of Business Secrets)	17
Violation of business secrets (sect. 23 (1) nos. 1 and 2, (2) and (4) Act on the Protection of Business Secrets)	17
Acceptance of a benefit	18
Granting a benefit	18
Merchandise fraud	18
Merchandise credit fraud (other forms of)	18
Economic crime ¹	18
Dwelling 18	
Living space in connection with	20
Payment cards	20
Sources²¹	
List of modifications	23

Preliminary remarks

The translation of facts of life relevant under criminal law into criminological categories and their linking to statistical key numbers is not always easy, it is in part handled in different ways and can ultimately lead to false statistical recording.

Partly, the reasons for false or insufficiently precise subsumptions can be found in the constantly varying forms of offences, new modi operandi and the changing situations and conditions of the business world.

By compiling DEFINITIONS and EXPLANATIONS for a large number of criminological terms and linking them to the corresponding key numbers, a manual is presented here which will prove valuable for every (criminal) police case officer, in addition to the obvious relevance it has for the police crime statistics.

The initiative to collect definitions of criminological terms came from the Permanent Police Crime Statistics Commission ("Ständige Kommission Polizeiliche Kriminalstatistik"). The definitions of the individual terms have been agreed with the respective federal bodies of the criminal police or are based on previously taken binding decisions. The editorial compilation was undertaken by the sub-working group 2 (UAG 2, responsible for counting/recording rules, definitions) and presented to the Police Crime Statistics Commission (PCS C) at their 39th work meeting as agenda item 8.2. The catalogue of definitions valid at national level will be further administered by the Bundeskriminalamt (Section IZ 33).

Notes for the reader

Superscript 1 in the headlines:

If a criminological term is marked by the superscript 1, the respective definition can already be found in the uniform national guidelines part of the Police Crime Statistics.

The ordinal numbers in brackets at the end of the definitions refer to a specific source.

Note regarding the key numbers:

If the catalogue of offences of the Police Crime Statistics lists a key number for the respective term, this number is given in the heading after the term. Key numbers of the "Länder" (federal states) have not been included. Hereinafter, the term "key", when used alone, also refers to "key number".

Instead of the last two digits of the 6-digit key, placeholders (**) are used because the definitions might also refer to existing or future key sub-categories.

Definitions

(Criminological terms and their classification in the crime statistics)

False accounting in the healthcare sector

key 5181**

An offence of false accounting in the healthcare sector is committed if members of the medical or pharmaceutical profession or employees of hospitals or sanatoriums fraudulently obtain payments from self-pay patients, health insurance companies and government aid agencies. (41)

- Key number 518179 other forms of false accounting
Fraudulent billing of services by professional groups that use a scale of fees for billing, such as lawyers, legal advisors, notaries, tax consultants (usually so-called freelance professionals).
Must be distinguished from key number 655007 overcharging of fees
Office holders, lawyers or legal advisors who charge excessive fees or other remunerations for official duties.
- Key number 5181** includes all forms of false accounting -

Investment fraud (sect. 263 PC)

key 5132**

Promising the victims high returns on investment, sharp rises in prices or other attractive potential profits, the suspect induces the victims (usually through an investment brokerage firm) to hand over money but uses all or part of this money for other purposes or otherwise deceives the victims about significant aspects of the investment (e.g. risk, surcharges, commissions to be paid etc.).

Non-payment of fare (sect. 265a PC)

key 515001

The suspect uses a means of public transport with no access control without being in possession of a valid ticket. (41)

If the suspect deceives during access control or during later checks by presenting a false, falsified or otherwise invalid ticket, this constitutes an offence of fraud (section 263 PC), which is given priority for recording.

As a rule, the place where the offence is discovered is considered to be the place of action.

Fraud to the detriment of insurance companies and insurance abuse (sects. 263, 265 PC)

key 5174**

unjustified claiming of insurance benefits

(41)

Insurance abuse (sect. 265 PC)**key 517420**

Punishable act preparatory to commission of fraud to the detriment of insurance companies. (41)
 In case of an offence of fraud pursuant to section 263 PC, it takes precedence over section 265 PC.

Fraudulent obtaining of motor vehicles**key 5111****

This key number should be used to record fraudulent acts aimed at obtaining motor vehicles. (2) (3) (5)

Offences directly aimed at procuring drugs 1**key 8911******Lodging fraud****key 5182****

This term covers both fraud committed to the detriment of accommodation facilities and fraud committed to the detriment of private individuals who concluded a usually short or medium-term accommodation agreement with the fraudulent lodger.. The fraudster pretends to be willing and able to pay the rent agreed, including extra charges, for being allowed to use rooms. (41)

A short or medium-term accommodation agreement must not be equated with a long-term domestic rental agreement, which is characterised by the fact that the dwelling is permanently equipped with home furnishings owned by the tenant (such as furniture, carpets, paintings, valuables and kitchen items).

Non-payment of fare (place of action)**key 5150****

- see also *place of action* -

In the case of failure to pay fare on public transportation, the place where the offence is discovered is generally considered to be the place of the offence (valid since 01/01/2001) (16)

False ⇒ payment cards (Use of ...)**key 5531******Garden house**

- see also *living space* -

Garden houses are to be regarded as a dwelling only if they are permanently and predominantly used for residential purposes (centre of life). (20)

Dangerous interference with road traffic

key 670025

As a rule, section 315b of the penal code only covers non-traffic related interference, i.e. ways (36) of conduct that are not part of traffic activities themselves. In individual cases, this may also include cases of interference which are committed within traffic processes and whose external form does not differ from traffic activities.

Dangerous interference with moving traffic is only recorded in the PCS if a vehicle that is deliberately used contrary to its purpose and with the aim of violating traffic regulations is used at least with conditional intent to cause harm (vehicle as a weapon or instrument of doing harm).

Dangerous interference is also possible (in individual cases) where a person's behaviour is technically in accordance with traffic regulations but where the intention behind the person's driving - albeit correct by itself - is to exploit the inattention or misjudgement of other road users in order to cause an accident.

Cash couriers (Robbery of ...)

key 2131**

All transports whose primary or exclusive purpose is the transportation of money or objects of value for business or professional purposes are considered to be cash/valuables transports by cash carrying persons (key number 2131**). This applies to employees as well as to owners or managers of businesses, the corresponding commercial transports of money or valuables, and also postal personnel who deliver cash. The key number 2132** applies exclusively to those transports of cash and valuables which are carried out using specialised transport vehicles, i.e. vehicles that are constructed in such a way (armouring, special tyres etc.) as to allow the protected transportation of those goods. (14)

Injured party/person

- see also *directly affected person, victim* -

The term 'injured party' refers to any person whose legally protected interest has been violated by a criminal act. (41)

Example:

A suspect sets a car on fire, and the fire spreads to 7 other vehicles owned by several different persons.

- 1 case of arson involving 8 injured parties

The term 'injured party' is relevant for the counting of injured parties.

Violent crime 1

key 8920**

Internet

- see *Instrument of crime: Internet* -

Kiosk

key 325*00/425*00

A kiosk is defined as small, closed-off business premises where customers are served at a counter that prevents them from entering (14)

Motor vehicle

Definition from the Road Traffic Act (sect. 1 subsect. 2 Road Traffic Act):

"Als Kraftfahrzeuge im Sinne dieses Gesetzes gelten Landfahrzeuge, die durch Maschinenkraft bewegt werden, ohne an Bahngleise gebunden zu sein."

Credit fraud (commercial sector (sect. 265b PC))

key 51400*

The suspect provides incorrect or incomplete information in connection with an application for a credit. (41)

This offence precedes an offence pursuant to sect. 263 PC and is completed with presenting the incorrect or incomplete information.

Only businesses and companies are possible lenders and borrowers.

Section 265b PC is subordinate to a completed or attempted offence pursuant to section 263 PC. Such cases should be recorded under key number 514300.

Obtaining credit by fraud (sect. 263 PC)

key 514300

By providing incorrect information about his/her economic situation, the suspect obtains credit services in the form of loans or credit cards. Thus 'credit' refers to credits in the commercial sense or at least to the receipt of money based on an agreement stipulating that the money be returned as money after the expiry of a deadline. (41)

Loan procurement fraud

key 5188**

An offence is classified as a loan procurement fraud if the suspect offers the procurement of credits with fraudulent intent, unlawfully requesting fees, commissions or other advance payments, without being willing or able to actually procure the loans promised.

Shoplifting

key 3260**/4260**

All thefts of goods on display committed by customers during business hours are categorised as shoplifting.

Fraud by failing to provide service as agreed**key 5171****

- see also *merchandise fraud* -

The suspect obtains a payment or a down payment by fraudulently pretending that he will perform a service or by claiming that he performed a service. In reality, he either provides or provided no service at all, or the service provided does not meet minimum quality requirements.

Fraud by obtaining service on credit**key 5172****

- see also *merchandise credit fraud* -

The seller provides a service in advance and accepts receiving the total or remaining price at a later date while the suspect, acting with fraudulent intent, has never been willing or able to pay. (41)

Victim

- see also *injured party, affected person* -

Victims are persons injured/directly affected by specially defined violations of highly personal legally protected interests (life, physical integrity, freedom, reputation, sexual self-determination) and offences involving resistance, provided the catalogue of offences contains a mark for victim recording (No. 4.4.5 of the PCS Guidelines).

Offences linked with the key areas

- 0000** offences against life
- 1000** offences against sexual self-determination
- 2000** offences involving brutality and crimes against personal freedom
- 6210** resistance to public authority

are, as a rule, victim-related.

Body of persons

A body of persons is an association of several persons for a specific purpose (e.g. partnerships under the Civil Code such as owners' associations, purchasing and working groups etc.). (42)

Politically motivated crime

Offences are attributed to the field of politically motivated crime if an assessment of the circumstances of the offence and/or the views of the suspect provides evidence indicating that (9)

- these offences have been committed in order to exert influence on the democratic opinion-formation process, serve to achieve or impede political objectives, or are directed against the implementation of political decisions,
- they are directed against the free democratic basic order or against one of its essential characteristics, or against the existence and the security of the Federation as a whole or one of its states (Länder), or are intended to unlawfully impair the performance of duties of members of the constitutional bodies of the Federation or a state (Land),
- they endanger external interests of the Federal Republic of Germany by the use of force or acts preparing the use of force,
- they are directed at a person on the grounds of his/her alleged or actual political attitude, views and/or activities, nationality, ethnicity, skin colour, religious affiliation, ideology, social status, physical and/or mental disability or impairment, sexual orientation and/or sexual identity or outward appearance, and there is a causal connection between the criminal act and these factors, and/or the criminal act is directed against an institution or an object in this connection.

In addition, offences pursuant to sections 80a-83, 84-86a, 87-91, 94-100a, 102, 104, 105-108e, 109-109h, 129a, 129b, 130, 234a or 241a PC and pursuant to international criminal law (Code of Crimes against International Law) are not recorded because they are offences against state security, even if political motivation cannot be identified in the individual case.

In addition to other aspects, the assessment of the circumstances of the offence has to take into account the viewpoint of the person concerned.

Prospectus fraud (investment fraud, sect. 264a PC)

key 5131**

Merely those cases are recorded here which are considered as offences pursuant to section 264a PC only (abstract endangerment offence). (3) (10)

With regard to the protection of investors, in connection with offering and marketing securities and other capital investments, it is a punishable act pursuant to section 264a PC to provide incorrect favourable information or to conceal unfavourable facts e.g. in prospectuses or other documents or overviews of the financial situation. If a loss has been caused, only section 263 PC applies (key numbers 513200 "investment fraud", 513300 "fraud involving stock exchange speculation" or 513400 "fraud involving holdings").

Fraud involving commissions

key 5176**

This offence is committed to the detriment of the employer by an employee who fraudulently obtains commissions for forged orders, for maliciously obtained signatures on orders that have to be cancelled later or for maliciously placing orders with insolvent customers. (1) (3) (5)

Drug-related crime 1

key 8910**

Fraud involving donations

is scheduled to be included in the phenomena catalogue in future (41)

The suspect untruthfully pretends to be collecting money or things for charitable purposes. In reality, he uses the collected money or things for his own purposes. (2)

Rail vehicle

- see also motor vehicle -

A rail vehicle is not regarded as a motor vehicle. (22)

Software piracy

key 7151**/„7152**

The usually organised suspects make illegal copies of commercial software, selling them on a commercial basis): 7152** (4)

In case of mere private use (e.g. computer game): 7151**.

Social security fraud

key 5178**

All cash or non-cash social benefits (e.g. housing allowance, child allowance) which are fraudulently obtained by deceiving the public authorities granting them. (41)

Offences against state security1

Offences against provisions designed to protect young persons1

key 8960**

Street crime1

key 8990**

The offences to be classified under "street crime" are exclusively or mainly committed on public roads or in public places - including public transport - and their number can be reduced by preventive measures. (33) (39)

Subsidy fraud (sect. 264 PC)

key 5142**

Only those cases are recorded here which are considered as offences pursuant to section 264 of the penal code: Payments from public funds, which at least in part are granted without market-related consideration and are aimed at promoting the economy, are obtained by private or public businesses or enterprises by deceiving about facts relevant for granting the subsidies. (3) (5)

Daytime burglary of a residence

key 436***

An offence is regarded as a daytime burglary of a residence if it was committed between 6:00 am and 9:00 pm. If the time of the offence cannot be identified as lying within this time span, the offence is not counted as a daytime burglary of a residence. (3)

Non-payment of a fuel bill

key 511201

Acting with intent, a customer fills up at a petrol station and drives off without paying the fuel bill. (41)

Pickpocketing

key *90***

Thefts where the suspect secretly steals money or other things (including non-cash means of payment) directly from the clothes worn by the victim on the body or from objects carried by the victim close to the body, i.e. in direct bodily custody. (6) (43)

Theft from bags of all kinds which have been put down or from clothes which have been removed is therefore not regarded as pickpocketing.

Instrument of crime: Internet - special category

Table 05

The special category "Instrument of crime: Internet" is not meant to refer to special skills and capabilities of the suspect or to the modus operandi. Instead, what matters is whether the Internet was used as an instrument of crime.

From a technical point of view, the Internet includes the following facilities, among others:

- WWW (sources of information presented graphically and in an attractive manner – so-called websites)
- e-mail (electronic mail)
- news ("bulletin boards" on the Internet)
- FTP (data exchange)
- chat (real-time communications via keyboard)

As a rule, all offences are recorded here which are committed by using the medium Internet as an instrument of crime - the use of a PC or notebook etc. alone is not sufficient. This includes both offences where the mere posting of information on the Internet constitutes an offence and offences where the Internet is used as a medium of communication in committing the actual offence.

The following non-exhaustive list is meant as a guideline:

- distribution, procurement of pornographic material
- offences of fraud, such as merchandise fraud, merchandise credit fraud, fraud by failing to provide service as agreed or fraud by obtaining service on credit in connection with online auctions and/or online shops
- distribution of works protected under copyright law through file-sharing sites on the Internet
- insult, threat via e-mail
- offences related to ICT crime

From a phenomenological point of view, the following examples can be provided here:

- distribution of malicious programmes (malware, such as viruses, worms or Trojan horses)
- alteration of data/computer sabotage by means of so-called DDoS attacks (Distributed Denial of Service)
- data espionage by hacking attacks
- misuse of another person's computers for the purpose of software piracy
- misuse of another person's access data for the purpose of using Internet services
- distribution of illegal Internet dial-up programmes (diallers)

Cases which fulfil the condition "economic crime = yes" and "Instrument of crime: Internet = yes", are to be recorded under both special categories.

If the Internet plays a minor role only with regard to committing the actual offence, e.g. if contacts between the suspect and the victim or attempts at making contact precede the actual offence, the special category "Instrument of crime Internet" should not be used. (30)

(30)

In particular with respect to the following key numbers, "Instrument of crime: Internet" would not seem to be expected in the first place and should therefore be checked on the basis of the respective circumstances of the case:

0000**	offences against life
2100**	robbery, extortion resembling robbery, and assault on motorists with intent to rob
2250**	negligent bodily injury
2330**	extortionate kidnapping
2340**	hostage taking
*****	theft offences- total
6400**	arson and causing a danger of fire
6750**	crimes involving explosives or nuclear radiation
6760**	offences against the environment
6770**	poisoning dangerous to the public
7300**	drug offences (unless recorded under a different key number)
7400**	offences against supplementary criminal legislation in the environmental sector (in addition to key 7160**)

Place of action in cases of non-payment of fare1

key 5150**

(16)

Place of action in cases of non-payment of fare1**key 6710******Telecommunications services (Misuse of) (sect. 263a PC)****key 5179****

Services usually provided in return for payment, completely or predominantly consisting of transmitting signals via telecommunications networks, including transmission services in broadcasting networks (e.g. sky). Source: sect. 3 no. 24 of the Telecommunications Act. (41)

Access authorisation can be in the form of a card (a prepaid telephone card, a telephone card used as a credit card, another access authorisation card/chip) and/or another means of access (e.g. a password). Examples of misuse of telecommunications services are the hacking of telephone systems or the unauthorised use of SIM cards.

Special services such as downloads or the purchase of goods paid through the telecommunications service provider do not fall into this category. Fraudulent obtaining of a personal access authorisation, e.g. by giving false personal details when concluding a contract, does not fall into this category, either.

Theft by trickery

is scheduled to be included in the phenomena catalogue in future

is defined as an offence where, (14)

- the suspect by using distraction methods (e.g. bumping into the victim or soiling the victim's clothes), exploits the victim's reduced ability to notice and react for the purpose of obtaining property not his own (without being noticed at first).
- the suspect establishes a (short-term) relationship of trust with the victim, which is used for committing the theft.
- if the suspect pretends to be a public official with executive tasks (police officer, customs officer, bailiff etc.) and in this way achieves the handover of the desired goods, this is not a case of voluntary disposal of property but an act of being deprived (theft by trickery) because the victim is in a predicament. (41)

Crimes involving the environmental protection and consumer protection sector1**key 89800****

Directly affected person

- *see also injured party, victim* -

The directly affected person is the person closest to the offence.

(41)

- In the case of theft-type property offences (3**/4**), the person having custody of the property is the person directly affected.
- Case examples:
 - In the case of rental property, this is the tenant.
 - When items are stolen from a flat, the occupant of the flat is the person having custody - with joint custody or status of ownership being left out of consideration.
- In the case of fraud-type property offences, the person deceived, who is usually also the holder of the property, is the one directly affected.
- When non-cash means of payment are used, the directly affected person is the one to whom the payment card is presented. In this context, it is irrelevant whether the payments are made by direct debiting or by using the POS process. The same applies for the unlawful use of payment card data.
- In business or professional life, the directly affected person is the respective businessman/employer and not the salesperson or other employee who acts on behalf of the employer and faces the suspect in person.
- The individual branches of an enterprise (such as bank branches, retail store branches) are the parties directly affected, irrespective of their status under corporate law.
- When a legal norm is violated exclusively to the detriment of the general public/legal system, natural or legal persons are not affected directly.

The term 'directly affected person' is relevant for the counting of cases.

Non-cash means of payment

In legal transactions, non-cash means of payment are used as a substitute for cash or for encashment (e.g. direct debit authorisations, payment by cheque or card, electronic payment transactions, virtual money such as Paysafe codes or Ukash, but not unofficial accounting units such as Bitcoins or barter trade).

(42)

Due to a lack of individualisation, it is not possible to commit an offence of fraud by using virtual money (e.g. Paysafe codes and Ukash) but only with a view to obtaining it.

The recording of an offence as fraud using unlawfully obtained non-cash means of payment takes precedence over all other types of fraud, with the exception of transfer fraud, which takes priority as a more specific offence because transfer is one type or subset of non-cash payment transactions.

Breach of trust involving investment transactions

key 5211**

The suspect uses money entrusted to him for carrying out investment transactions (e.g. purchase of real estate, asset management, investment in securities and holdings) contrary to the designated purpose, thus causing a financial loss to the investor.

(4)

Transfer fraud**key 5183****

Fraud by using forged or falsified transfer slips or payment orders as well as the fraudulent use of data in online banking transactions which is suitable to induce banks to carry out transfers. (27) (40) (41)

Forgery offences as preparatory acts are not recorded.

As a preparatory act, the offence of document forgery is not recorded (this is a case of "natural unity of acts" in the sense of the PCS Guidelines)

Traffic offences1**Degree of injury**

With offences that may lead to bodily injuries and are marked for victim recording, the degree of injury is to be indicated on the basis of the values given in the INPOL catalogue under "Degree of injury" (IMP code list 277) in accordance with the following categories: (44)

- | | |
|---|-------------------|
| 1 | unknown |
| 2 | not injured |
| 3 | slightly injured |
| 4 | seriously injured |
| 5 | fatally injured |

Slightly injured Persons who sustained bodily injuries not requiring inpatient treatment.

Seriously injured Persons who, due to the bodily injuries sustained, were committed to hospital for inpatient treatment.

Fatally injured Persons who died of the bodily injuries sustained as a result of the crime.

Violation of business secrets (sect. 23 (1) no. 3 and (4) Act on the Protection of Business Secrets)**key 7153****

Without being authorised to do so, an employee of a business discloses to another person a trade or business secret with which he has been entrusted or to which he has access owing to his employment for personal gain, for reasons of competition, for the benefit of a third party or with the intent of causing damage to the business. (4)

Violation of business secrets (sect. 23 (1) nos. 1 and 2, (2) and (4) Act on the Protection of Business Secrets)**key 7154****

Without being authorised to do so, the suspect acquires or secures a trade or business secret from an employee or by using special means and methods for reasons of competition, for (4)

personal gain, for the benefit of a third party or with the intent of causing damage to the business, or uses or discloses it to another person without being authorised to do so.

Acceptance of a benefit

key: 6511**

A public official (cf. the persons mentioned in sect. 331 subsects. 1 to 3 PC) demands, allows himself to be promised or accepts a benefit in return for an official act he performed or will perform in the future.. (4)

Granting a benefit

key: 6521**

The suspect offers, promises or grants a benefit to the public officials mentioned in sect. 333 subsects. 1 and 2 PC in return for an official act within their discretion which they will perform in the future. (4)

Merchandise fraud

key 5113**

- see also fraud by failing to provide service as agreed -

In a case of merchandise fraud, the suspect promises to supply goods; he, however, fails to do so or supplies goods of inferior quality only, or claims to have supplied goods although this was not the case. (2) (3) (5) (24) (41)

The goods are, so to speak, the means of committing the fraud while the aim of the fraudster is to obtain the payment.

Note:

If a work or service is concerned, the offence is to be recorded as fraud by failing to provide service as agreed (key number: 5171**).

Merchandise credit fraud (other forms of)

key 5112**

In a case of merchandise credit fraud, the focus is on obtaining goods by fraud without payment or in return for a down payment. (3) (5) (41)

The seller supplies goods in advance and accepts receiving the total or remaining price at a later date while the suspect, acting with fraudulent intent, has never been willing or able to pay.

Economic crime1

key 8930**

Dwelling

- see *living space* -

Living space in connection with

key 335***/435***, 336***/436***

Living space" means any immovable property that is equipped for a longer stay. The term "living space" (in German: "Wohnraum") was used until and including 1998.

Since 1999, the term "dwelling" (in German: "Wohnung") is used instead, cf. sect. 244 subsect. 1 no. 3 PC. (14, 16). Until a supreme court decision is taken, the following applies: (14, 16)

"The term 'dwelling' used in sect. 244 subsect. 1 no. 3 PC has to be interpreted more narrowly than the one used in sect. 123 subsect. 1 PC (breach of the peace of the home): In the sense of sect. 244, 'accessory premises', such as corridors, stairs, cellars, laundry and attic rooms, are only included if they are directly accessible from the actual dwelling rooms, as is usually the case in single-family houses. But if the respective attic or cellar room etc. can only be reached by leaving the flat and using an entrance going off the staircase or the hallway, it is no longer regarded as part of the 'dwelling' in the sense of sect. 244 (and is therefore to be recorded under sect. 243, if appropriate). In this case, it is irrelevant whether the separating door is usually kept unlocked or locked."

Payment cards

Generic term for ⇒credit cards and ⇒debit cards (18) (41)

For the purpose of these guidelines, debit cards are considered to be all payment cards whose use results in the purchase being charged to/debited against the respective account immediately after the card is presented.

For the purposes of these guidelines, credit cards are considered to be all payment cards whose use results in a delay in charging the purchase to/debiting it against the respective account.

Payment cards can be used without a PIN (direct debiting, key 5162**) or with a PIN (key 5163**).

fraud using unlawfully obtained payment cards without PIN (direct debiting) key 5162**

computer fraud using unlawfully obtained debit cards with PIN key 5163**

Fraud/computer fraud using unlawfully obtained payment card data key 5165**

use of false guarantee-secured or non-guarantee-secured payment cards, checks and bills of exchange key 5531**

counterfeiting, falsifying, procuring, offering for sale or handing over false guarantee-secured or non-guarantee-secured payment cards, checks and bills of exchange key 5532** (41)

Sources

Sources (specifically):	
(1)	Bayerisches Landeskriminalamt - TOP 13 aus 25. AT PKS
(2)	LKA Baden-Württemberg - TOP 13 aus 25. AT PKS
(3)	Anlage 6, TOP 3.1/91 aus Leitertagung WIKRI
(4)	BKA OA 45, TOP 7 aus Leitertagung WIKRI im Oktober 1994
(5)	BKA KI 12, Schreiben vom 22.06.95, zu TOP 9.6/36. AT Richtlinien für die Führung der Polizeilichen Kriminalstatistik vom 01.01.83 (Stand 01.01.95)
(6)	LKA Niedersachsen (AG „Taschendiebstahl“); 38. AT K PKS, TOP 3.4.4
(7)	LKA Berlin (LKA 1232)
(8)	LKA Baden-Württemberg (Fax der Abt. 6, 611, vom 17.11.95 und 20.11.95)
(9)	Beschluss der IMK, 167. Sitzung, am 10.05.01, TOP 10.1
(10)	38. AT der K PKS, TOP 3.4.4
(11)	K-Wikri gem. FS BKA KI 12 vom 19.07.96
(12)	BKA OA 34, Schr. v. 28.10.96 an BKA KI 12
(13)	Schreiben der GF der K-Wikri vom 5.7.96 Ziffer 4 (Der Zusatz „Ton“ hinter „Sprache“ wurde von der K PKS auf der 40. AT, TOP 5.2 eingebracht.)
(14)	41. AT der K PKS, TOP 4
(15)	43. AT der K PKS, TOP 2
(16)	45. AT der K PKS, TOP 2.3.3
(17)	46. AT der K PKS, TOP 1.4
(18)	Umlaufbeschluss der K PKS vom 23.07.01, 149. Tagung der AG Kripo, TOP 8.5 und Umlaufbeschluss des AK II vom 29.08.01
(19)	47. AT der KPKS, TOP 2.2, 2. Protokollnotiz
(20)	47. AT der KPKS, TOP 2.4.1
(21)	47. AT der KPKS, TOP 2.5 und 4.2.2
(22)	47. AT der KPKS, TOP 3.6
(23)	48. AT der KPKS, TOP 3.1.5
(24)	49. AT der KPKS, TOP 3.5.1
(25)	49. AT der KPKS, TOP 4.2.6
(26)	50. AT der KPKS, TOP 3.1.3 A
(27)	50. AT der KPKS, TOP 3.1.3 B
(28)	50. AT der KPKS, TOP 3.4.3, 2. Beschlusspunk
(29)	50. AT der KPKS, TOP 3.4.4
(30)	50. AT der KPKS, TOP 3.6 und Umlaufverfahren in der K PKS
(31)	52. AT der KPKS, TOP 2.1.1
(32)	52. AT der KPKS, TOP 2.3.1
(33)	52. AT der KPKS, TOP 2.2.10
(34)	55. AT der KPKS, TOP 2.3.2
(35)	55. AT der KPKS, TOP 2.2

Sources (specifically):	
(36)	57. AT der KPKS, TOP 3.13
(37)	59. AT der KPKS, TOP 3.15 und TOP 3.21
(38)	60. AT der KPKS, TOP 3.4
(39)	UM der KPKS vom 12.11.13
(40)	62. AT der KPKS TOP 2
(41)	63. AT der KPKS TOP 3.10
(42)	63.AT der KPKS TOP 3.5
(43)	65. AT der KPKS TOP 3.7
(44)	65. AT der KPKS TOP 3.11

List of modifications

Date	Chapter	Reason for the modification/Source	Realisation
01/09/15		first presentation in English language	
31/03/15	Transfer fraud	61st AT, TOP 2 the addition in brackets has been deleted in the last sentence	01/01/15
15/09/15	New Injured party Victim Body of persons Directly affected person	63rd Meeting, TOP 3.5 adjustments according to No. 5 of the report by the project group "PG Begriffsdefinitionen, Betroffene, Opfer und Geschädigte in der PKS"	01/01/16
22/09/15	Complete Catalogue of Definitions	63rd Meeting, TOP 3.10 adjustments according to No. 3.2 of the report by the project group "PG Konkretisierung der Regelungen zur Erfassung des Betruges in der PKS" (as at 01/06/15)	01/01/16
22/11/15	Victim, Directly affected person, Body of persons, Injured party	63rd Meeting, TOP 3.5 (from the report of the project group " PG Begriffsdefinitionen Betroffene, Opfer und Geschädigte in der PKS") revision of the definitions for victim, directly affected person, body of persons, injured party	01/01/16
09/03/16	Payment cards	editorial amendment fraud using unlawfully obtained payment cards with PIN 5163** without PIN 5162** (key numbers had been mixed up)	01/01/16
21/09/16		editorial amendment control of the key numbers	
01/08/18	degree of injury	65th Meeting TOP 3.7 change of definition for "fatally injured"	2020
02/08/17	pickpocketing	65th Meeting TOP 3.11 editorial amendment	
01/02/19	Politically motivated crime	revision by K-Staatschutz (State Security Commission) on 01/01/2017	2019
16/07/19	Politically motivated crime	editorial amendment (§80a instead of §80 PC)	2019
01/01/19	Complete Catalogue of Definitions	replacement of the term " place of offence" with "place of action"	2019
10/10/19	Complete Catalogue of Definitions	editorial amendments (e.g. term "offender" replaced with "suspect")	2020
10/10/19	key 7153* and key 7154*	amendment: Act on the Protection of Business Secrets	2020
30/09/20	Instrument of crime: Internet	The wording "Instrument of crime: Internet" is changed into "Instrument of crime: Internet and/or IT devices". See report "Anpassung der PKS-Sonderkennung Cybercrime zum 01.01.2021; Fachliche Beschreibung" ("Modification of the PCS special designation Cybercrime as of 01/01/2021; technical description") (consultative decision by the Criminal Police Working Group (AG Kripo) of 26/08/2020).	2021

Date	Chapter	Reason for the modification/Source	Realisation
30/09/20	Politically motivated crime	Section 130 of the German Penal Code added to the list of acts constituting an offence (consultative decision by the PCS Commission of 03/09/2020)	2021
25/11/20	Instrument of crime: Internet	Editorial amendments and source reference no. 45 added	2021
23/11/21	Personal light electric vehicles, pedal electric cycles (pedelecs) & e-bikes	Inclusion of registration instructions provided by North Rhine-Westphalia	2022

Impressum

published by

Bundeskriminalamt, 65173 Wiesbaden

status

March 2023

AV 1.0

design

Bundeskriminalamt

picture credits

Bundeskriminalamt: page1

Further publications of the Bundeskriminalamt for download can also be found at www.bka.de

This publication is published by the Bundeskriminalamt as part of its public relations work.
The publication is made available free of charge and is not for sale.

Reprinting or duplication of this material, including excerpts,
permitted only if the Bundeskriminalamt is named as the source.
(PCS 2020 Catalogue of definitions, Version N.N, page nnn)