



Bundeskriminalamt

BKA



Police Crime Statistics

Guidelines for Maintaining the Police Crime Statistics
Version of 01/01/2021

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1 General remarks

1.1 TASKS AND RELEVANCE

The Police Crime Statistics are a compilation of all criminal circumstances that have come to police notice; they are limited to the essential recordable case details. In the interest of an efficient fight against crime, the Police Crime Statistics are intended to provide a clear and as unbiased a picture as possible of recorded crime.

Considering these aspects, to make the best possible use of the statistical data collected, it is essential

- to record the findings reached upon conclusion of the police investigations in the Police Crime Statistics (PCS) without modification, regardless of the ensuing selection processes made during penal proceedings (see No. 4.3) and
- not to implicitly assume that the use of judicial terms in the PCS Guidelines is based on a dogmatic understanding of these terms (see No. 4.4).

The interpretation should focus on providing as "undistorted" a picture as possible of how strongly the population is affected by crime - rather than providing a judicial assessment - and on putting greater emphasis on the persons affected - rather than stressing legal aspects of sentencing.

In this sense, in order to obtain as unbiased a picture as possible of the crimes reported to the police, the assessments of the offences made by the police are a richer source of information than those made by prosecutors and judges.

In particular, the Police Crime Statistics serve to

- monitor crime and individual types of offence, the size and composition of the circle of suspects as well as fluctuations in crime quotients,
- gather information for preventive and repressive crime control, organisational planning and decision making as well as for criminological and sociological research and law enforcement policy measures.

1.2 CONTENTS

In monthly periods, serious and less serious criminal offences, including punishable attempts, as well as suspects identified by (criminal) police are recorded in the Police Crime Statistics on the basis of the catalogue of criminal offences (see separate document).

The Police Crime Statistics do not list offences against the supplementary legal provisions of the individual "Länder" (German federal states) which fall outside the Penal Code, except for violations of the data protection legislation and of any existing legislation on assemblies and processions.

The Police Crime Statistics do not cover state security offences, traffic offences and criminal offences committed outside the Federal Republic of Germany.

Offences which may only be prosecuted upon a victim's request have to be recorded in the statistics even if the required application for criminal prosecution was not made or was withdrawn.

The Police Crime Statistics cannot be compared with the criminal prosecution statistics compiled by the judicial authorities, since the latter are based on other collection principles, data and times.

2 Definition of Terms

2.1 CASE

The Police Crime Statistics (PCS) only cover cases which have been sufficiently specified.

There have to be verified indicators of

- the act constituting a criminal offence (i. e. all elements constituting the offence as defined in a provision of criminal law must be given
- the place of action (place of offence) and
- the time / period of offence (at least the year).

Vague details which cannot be confirmed, particularly with regard to the number of (criminal) offences committed, are not sufficient for a case to be entered into the PCS.

In large-scale investigations (e. g. fraud) recording rules say that only thoroughly investigated cases are to be recorded, on the basis of the number of directly affected persons as long as they are sufficiently specified on the basis of physical evidence and personal evidence (not just on the basis of customer files).

2.1.1 Case that has come to police notice

This is every unlawful (criminal) act listed in the catalogue of offences that is the subject of a complaint handled by the (criminal) police. Punishable attempts also fall under this definition.

2.1.2 Case that has been cleared up

A solved (cleared up) case refers to an offence which, based on investigative results, was committed by at least one suspect whose rightful personal details have become known (e. g. through an identification document, by taking identification material, etc.).

2.1.3 Case that has been cleared up after publication of the PCS

If offences which were already reported as cases that have come to police notice are cleared up afterwards, they have to be recorded as cleared up cases only.

2.1.4 Politically motivated crime (PMC)

Offences against state security are not recorded in the Police Crime Statistics. This regards the offences defined in sects. 80a-83, 84-86a, 87-91, 94-100a, 102, 104, 105-108e, 109-109h, 129a and 129b, 130, 234a or 241a of the German Penal Code (PC) and of the Code of Crimes against International Law. Offences of a common criminal nature which have to be considered as politically motivated, however, have to be recorded in the general Police Crime Statistics.

2.1.5 Traffic offences

are (and therefore do not have to be recorded)

- all violations of the regulations enacted with a view to maintaining safety in road, rail, shipping and air traffic,
- all negligence offences in connection with traffic accidents,
- failure to stop after an accident,
- all violations of the Compulsory Insurance Act and the Motor Vehicle Tax Act in connection with sect. 370 of the Fiscal Code.

The following offences are not counted as traffic offences (and therefore have to be recorded in the Police Crime Statistics)

- dangerous interference with rail, air and shipping traffic (sect. 315 PC),
- dangerous interference with road traffic (sect. 315b PC),
- fraudulent manufacture, distribution or issue of licence plates (sect. 22a of the German Road Traffic Act).

2.2 SUSPECTS

A suspect is anyone who, according to the results of the police investigation and on the basis of adequate factual evidence, is suspected of having committed an unlawful (criminal) act. This also includes accomplices, instigators and abettors.

Furthermore, it should be noted that, when recording the number of suspects for the Police Crime Statistics, grounds for exemption from punishment or lack of criminal liability are not taken into account. Therefore, the total number of suspects also includes, e. g., children under 14 years of age, who cannot be held responsible under criminal law. Persons who cannot be convicted because they have deceased, are ill or at large are also recorded as suspects.

2.2.1 Non-German suspects

Non-German suspects are foreign nationals, stateless persons, or persons whose nationality has not been clarified.

2.3 PLACE OF ACTION (PLACE OF OFFENCE)

The place of offence is the municipality in the Federal Republic of Germany where the unlawful (criminal) act was committed. In the context of the Police Crime Statistics, the place of action (place of offence) is basically the place where the suspect is believed to have acted (place of action).

Specifics of recording places of action (places of offence):

- Offences committed aboard German ships or aircraft outside the Federal Republic of Germany are to be recorded for the German Land where the ship / aircraft has its home (air)port, with the place of action (place of offence) being indicated as "unknown".
- In cases where an offence is committed aboard a foreign merchant ship or non-military aircraft on German territory, the German port of disembarkation is considered to be the place of action (place of offence).
- In a case of failure to pay fare, the place where the offence is detected is generally considered to be the place of action (place of offence). In other offences committed on busses or trains where the place of action (place of offence) cannot be determined more precisely, at least the German "Land" where the offence was identified has to be recorded.
- In cases where maintenance has not been paid, the place of action (place of offence) is the place where the person entitled to maintenance resides. For non-German suspects who reside abroad, the reason for their stay in Germany is indicated as "other authorised stay".
- If asylum seekers leave the area prescribed in their temporary residence title, the place where they are stopped is considered to be the place of action (place of offence).
- In cases of generating criminally relevant Internet contents ("websites") and other offences involving the Internet as instrument of crime, the place of occurrence (place where the suspect puts the data online) is considered to be the place of action (place of offence). In this connection, it is of no consideration in which country the homepage or the sender's IP address is hosted.

- If the place of action cannot be determined, the indication “place of action unknown” (“place of offence unknown”) only has to be recorded in the German Land dealing with the case if there is hard evidence indicating that an act constituting the offence was committed in Germany.
- If a criminal offence committed in another German Land becomes known or is cleared up, it has to be reported to the Land Criminal Police Office of that respective Land through the appropriate interface (KP31b).
- If there is no hard evidence to suggest that an offence was committed in Germany or in another identified country, the case has to be recorded as "country of offence unclear" (country of offence = key 998) (M6.0)
- As far as offences by omission are concerned, the place of offence is the place where the suspect stayed while he failed to act despite being obliged to do so.

2.4 TIME OF OFFENCE

The time of offence is the time when the (criminal) offence was committed. In the case of offences committed over or within certain periods of time, the end of the period is considered to be the time of offence. The time of offence is considered to be unknown unless at least the year of commission can be determined.

2.5 VICTIMS

Victims in the sense of the present guidelines are the natural persons directly affected by the punishable act.

2.6 LOSS

A loss in the sense of the present guidelines is, basically, the monetary value (market value) of the illegally obtained property. In the case of fraud-type property offences, loss should be understood as the decrease in the value of the property.

The respective loss must be recorded for all completed offences and offence categories marked in the catalogue of offences (value stated in euro, rounded up to the next full euro amount - at least 1 euro). If no loss can be established, a loss of 1 euro is assigned as a symbolic value. This also applies if, in a completed property offence, the property in question was only put at risk.

If a fraud-related loss is also an insolvency-related loss, the full loss has to be recorded under the insolvency offences, while a loss of 1 euro is recorded for the related fraud offence.

2.7 CRIME QUOTIENTS

Crime quotients are the values calculated from absolute figures for comparative assessment of crime.

2.7.1 Clearance rate (CR)

The clearance rate expresses the percentage relationship between cases cleared up and cases that came to police notice during the period under review.

$$CR = \frac{\text{cases cleared up} \times 100}{\text{cases that came to police notice}}$$

2.7.2 Rate of increase (RoI)

The rate of increase indicates, for example, the percentage change in cases, in offence rates for overall crime, or for individual offences when different reporting periods are compared. A positive rate of increase indicates growth, and a negative rate of increase indicates a decline in cases or offence rates, for example.

$$\text{RoI} = \frac{(\text{year under review} - \text{previous year}) \times 100}{\text{previous year}}$$

2.7.3 Offence rate (OR)

The offence rate is the total number of cases that come to police notice - or the number of cases for a specific type of offence - per 100,000 inhabitants (The key date is generally the first day of January of the year under review).

This rate expresses the risk posed by criminality.

$$\text{OR} = \frac{\text{no. of cases recorded} \times 100,000}{\text{no. of inhabitants}}$$

2.7.4 Number of victims per 100,000 (V/100,000)

This is the number of victims, calculated per 100,000 inhabitants of the corresponding segment of the population (the key date is generally the first day of January of the year under review). This number is an indication of the degree to which a person belonging to a particular age and sex group of the population is in danger of becoming the victim of an offence.

$$\text{V}/100,000 = \frac{\text{victims} \times 100,000}{\text{no. of persons in population}}$$

2.7.5 Number of suspects per 100,000 (S/100,000)

This is the number of identified suspects, calculated per 100,000 inhabitants of the corresponding segment of the population, without children under 8 years of age. (number as of 01. January of the reported year)

$$\text{S}/100,000 = \frac{\text{suspects 8 years or older} \times 100,000}{\text{no. of persons in population 8 years or older}}$$

2.8 FURTHER DEFINITIONS OF TERMS

Also see "catalogue of definitions".

2.8.1 Firearm

- Only firearms as defined in sect. 1 (2) no. 1 of the Weapons Law are considered to be "fired" and "carried". Exempt from being recorded as "carrying" firearms are those cases where individuals authorised to carry firearms while on duty became the subject of a complaint as a result of their having executed their lawful duties.
- Firearms are objects designed for attack or defence, for signalling, hunting, remote injection, marking and sports or games, where projectiles are propelled through a barrel.
- Objects equivalent to them are portable devices designed to fire ammunition (pursuant to Annex 1 of the Weapons Act).
- A case of "threatening" with a firearm is to be recorded if at least one victim feels subjectively threatened (even, for example, by a toy gun).
- The carrying of firearms must be recorded in those cases where the suspect had the firearm in his possession at the time the offence was committed. There does not need to be an intent to use the firearm.

2.8.2 Alcohol as an influence during commission of an offence

The descriptive element of "suspect under the influence of alcohol" is recorded when the influence of alcohol was obvious or when the investigation revealed a probable influence.

2.8.3 Hard drug user

Hard drug users are considered to be the users of the substances and preparations listed in Annexes I - III of the Narcotic Drugs Act, including manufactured pharmaceuticals that are subject to the provisions of narcotics legislation, with the exception of those persons who use only cannabis products (hashish, marijuana, hashish oil) or psilocybin (mushrooms) and "exempted preparations". How these substances and preparations were consumed is not relevant.

Where persons known as hard drug users consume alternative substances - "exempted preparations" or other medicines or substances not covered by the Narcotic Drugs Act - this must also be considered as hard drug use.

2.8.4 Substitute drugs/Alternative substances

With regard to offences committed to procure drugs (robbery, theft, document forgery), the term "drugs" includes substitute drugs and alternative substances.

3 Aggregate key number

3.1 OFFENCES IN TOTAL, EXCEPT FOR VIOLATIONS OF THE RESIDENCE ACT, THE ASYLUM ACT AND THE FREEDOM OF MOVEMENT ACT/EU

The aggregate key number "890000 total offences, excluding offences against the Residence Act, the Asylum Act and the Freedom of Movement Act/EU (key 725000)" comprises the following key numbers:

890000

----- total of offences

without

725000 offences against the Residence Act, the Asylum Act and the Freedom of Movement Act/EU

3.2 DRUG-RELATED CRIME

The aggregate key number "891000 drug-related crime" comprises the following key numbers:

891000

730000 drug offences
 218000 robbery committed to obtain narcotics
 *71000 theft of narcotics from pharmacies
 *72000 theft of narcotics from doctors' practices
 *73000 theft of narcotics from hospitals
 *74000 theft of narcotics from manufacturers and wholesale dealers
 *75000 theft of prescription forms to procure narcotics
 542000 forgery committed to obtain narcotics

3.2.1 Offences directly aimed at procuring drugs

The aggregate key number "891100 offences directly aimed at procuring drugs" comprises the following key numbers:

891100

218000 robbery committed to obtain narcotics
 *71000 theft of narcotics from pharmacies
 *72000 theft of narcotics from doctors' practices
 *73000 theft of narcotics from hospitals
 *74000 theft of narcotics from manufacturers and wholesale dealers
 *75000 theft of prescription forms to procure narcotics
 542000 forgery committed to obtain narcotics

3.3 VIOLENT CRIME

The aggregate key number "892000 violent crime" comprises the following key numbers:

892000

- 010000 murder
- 020000 manslaughter and killing another at his/her own request
- 111000 r rape, sexual coercion and sexual assault in especially serious cases including resulting in death
- 210000 robbery, extortion resembling robbery, and assault on motorists with intent to rob
- 221000 bodily injury resulting in death
- 222000 dangerous and serious bodily injury, female genital mutilation
- 233000 extortionate kidnapping
- 234000 hostage taking
- 235000 assaults on air and sea traffic

3.3.1 Murder, manslaughter and killing another at his/her own request

The aggregate key number "892500 murder, manslaughter and killing another at his/her own request" comprises the following key numbers:

899000

- 010000 murder
- 020000 manslaughter and killing another at his/her own request

3.4 ECONOMIC CRIME

The following offences are to be considered as economic crime (aggregate key number 893000):

1. the entirety of the criminal offences listed in sect. 74c subsect. 1, nos. 1 - 6b of the German Jurisdiction Act (as at 01/09/2014) – except for computer fraud (cf. no. 6a) -, i. e.:
 1. criminal offences according to the Patents Act, Utility Models Act, Semiconductor Protection Act, Plant Varieties Protection Act, Trademarks Act, Registered Designs Act, Copyright Act, Act against Unfair Competition, Insolvency Statute, Stock Corporation Act, Act on the Financial Statements of Certain Enterprises and Groups, Limited Liability Company Act, Commercial Code, Act implementing the Council Regulation (EC) on the Statute for a European Company, Act implementing the Council Regulation (EEC) on the European Economic Interest Grouping, Cooperatives Act, Act implementing the Council Regulation (EC) on the Statute for a European Cooperative Society, Act on the Protection of Business Secrets and the Company Transformation Act,
 2. criminal offences according to the legal provisions concerning the banking industry and deposits, the stock exchange and credit system, the Insurance Industry Supervision Act, the Payment Services Supervision Act and the Securities Trading Act,
 3. criminal offences according to the Economic Offences Act of 1954, the Foreign Trade and Payments Act, the Foreign Exchange Control Acts as well as offences against the State's fiscal monopoly, the tax and customs legislation, including cases where their penal provisions are applicable pursuant to other laws; this does not apply if the same act constitutes an offence under the Narcotics Act and also does not apply to fiscal offences involving the motor vehicle tax,
 4. criminal offences according to the Wine Act and the food products legislation,
 5. subsidy fraud, investment fraud, credit fraud, bankruptcy offences, violation of the duty to keep books, preferential treatment for creditors or debtors,
 - 5a. anti-competitive agreements in connection with invitations to tender as well as taking and offering a bribe in business transactions, taking a bribe in the healthcare sector or offering a bribe in the healthcare sector
 6.
 - a) fraud, computer fraud, breach of trust, withholding and embezzling wages or salaries, usury, acceptance of a benefit, taking a bribe, granting a benefit and offering a bribe.

 Note: It has been agreed with the Commission on Economic Crime that, due to the predominance of manipulations of ATM, computer fraud is not always considered as economic crime.
 - b) criminal offences according to the Act on Temporary Employment Businesses and the Act to Combat Clandestine Employment,

 as far as the evaluation of the case requires special knowledge of economy,
2. Offences which are committed in connection with real or fake economic activity and which, in addition to causing losses to individuals, may impair the economic sector or the general public and/or require special business knowledge to clear them up.

Offences considered as economic crime are recorded under a special designation (econcr = yes).

3.4.1 Economic crime in fraud cases

The aggregate key number "893100 economic crime in fraud cases" is recorded under a special designation (econcr = yes) in connection with key number 510000 of the catalogue of offences.

3.4.2 Insolvency offences

The aggregate key number "893200 insolvency offences according to the PC and supplementary penal provisions" comprises the following key numbers (only cases with the special designation econcr = yes):

893200

- 560000 bankruptcy offences
- 712200 obstruction of insolvency proceedings

3.4.3 Economic crime in the fields of investment, financing, etc.

The aggregate key number "893300 economic crime in the fields of investment, financing, etc." comprises the following key numbers (only cases with the special designation econcr = yes):

893300

- 513000 capital investment fraud and investment fraud
- 514100 credit fraud (commercial sector)
- 514300 obtaining credit by fraud
- 714000 offences involving the banking industry and the Securities Trading Act

3.4.4 Competition-related offences

The aggregate key number "893400 competition-related offences" comprises the following key numbers (only cases with the special designation econcr = yes)

893400

- 656000 agreements in restriction of competition upon invitations to tender
- offences in connection with copyright legislation (Copyright Act, Trademarks Act, Act on the Protection of Business Secrets, Utility Models Act, Registered Designs Act, Artists' Copyright Act, Patents Act, Semiconductor Protection Law)
- 715000
- 719200 violation of business secrets (sect 23 Act on the Protection of Business Secrets), criminal advertising (sect 16 Act Against Unfair Competition)

3.4.5 Economic crime in connection with employment

The aggregate key number "893500 economic crime in connection with employment" comprises the following key numbers (only cases with the special designation econcr = yes):

893500

- 522000 withholding and embezzling wages or salaries
- 713000 offences against Law on Illicit Work and Labor Leasing Act

3.4.6 Fraud and breach of trust in connection with holdings and capital investment

The aggregate key number "893600 fraud and breach of trust in connection with holdings and capital investment" comprises the following key numbers (only cases with the special designation econcr = yes):

893600

- 513100 prospectus fraud (capital investment fraud)
- 513200 investment fraud
- 521100 breach of trust involving investment transactions

3.5 TRAFFICKING IN HUMAN BEINGS

The aggregate key number "895000 trafficking in human beings" comprises the following key numbers:

895000

- 133100 sexual abuse of juveniles in return for payment
- 141110 promotion of sexual acts on underaged persons by negotiation or in return for payment
- 231210 child stealing (under 18 years) in return for money or with intent to enrichment
- 239000 trafficking in human beings, forced prostitution, forced labour, exploitation of labour and exploitation on the basis of deprivation of liberty

3.6 OFFENCES AGAINST PROVISIONS DESIGNED TO PROTECT YOUNG PERSONS

The aggregate key number "896000 offences against provisions designed to protect young persons" is limited to premeditated violations of the penal provisions of the Juveniles Protection Act as well as to those acts constituting an offence as defined in the German Penal Code which directly serve to protect young persons and are specifically intended to protect persons under 18 years of age from a confrontation with youth-endangering writings. The aggregate key number comprises the following key numbers:

896000

- 143100 dissemination of writings (products) depicting pornography to persons under 18 years of age
- 626100 representation of violence; writings made available to persons under 18
- 721000 offences against sect. 27 (2) Juveniles Protection Act
- 722000 offences against sect. 27 (1) Juveniles Protection Act

3.7 CYBERCRIME

The aggregate key number "897000 cybercrime" comprises the following key numbers:

897000

- 543000 falsification of legally relevant data, deception in legal transactions in connection with data processing
- 674200 alteration of data, computer sabotage
- 678000 data espionage, interception of data including preparatory acts and handling stolen data
- 897100 computer fraud

3.8 COMPUTER FRAUD

The aggregate key number "897100 computer fraud" comprises the following key numbers:

897100

- 511120 obtaining motor vehicles by fraud
- 511212 further types of merchandise credit fraud
- 516300 computer fraud using unlawfully obtained debit cards with PIN
- 516520 computer fraud using unlawfully obtained payment card data
- 516920 computer fraud using unlawfully obtained other non-cash means of payment
- 517220 fraud by obtaining service on credit
- 517500 other forms of computer fraud
- 517900 misuse of telecommunications services
- 518112 false accounting in the healthcare sector
- 518302 transfer fraud

3.9 ENVIRONMENTAL AND CONSUMER PROTECTION CRIME

The aggregate key number "898000 total offences on the environmental and consumer protection sector" comprises the following key numbers:

898000

- 898100 environmental crimes pursuant to chapter 29 of the German Penal Code
- 898200 other environment-related crimes pursuant to the German Penal Code
- 898300 environmental offences pursuant to supplementary penal provisions

3.9.1 Environmental crimes pursuant to chapter 29 of the German Penal Code

The aggregate key number "898100 environmental crimes pursuant to chapter 29 of the German Penal Code" comprises the following key numbers:

898100

- 676000 offences against the environment

3.9.2 Other environment-related crimes pursuant to the German Penal Code

The aggregate key number "898200 other environment-related crimes pursuant to the German Penal Code" comprises the following key numbers:

898200

- 662000 poaching
- 675000 crimes involving explosives or nuclear radiation
- 677000 poisoning dangerous to the public
- 679000 further environment-related offences pursuant to the Penal Code

3.9.3 Offences against supplementary penal provisions in the environmental and consumer protection sector

The aggregate key number "898300 environmental offences pursuant to supplementary penal provisions" comprises the following key numbers:

898300

- 716000 offences involving food and medical products (e.g. Food Products and Necessaries Act, Pharmaceutical Preparations Act, Wine Act, Feedstuffs Act)
- 740000 offences against supplementary penal provisions in the environmental and consumer protection sector (in addition to key no. 716000)

3.10 STREET CRIME

The aggregate key number "899000 street crime" comprises the following key numbers:

899000

- 114000 sexual harassment
- 115000 offences from within groups
- 132000 exhibitionist acts and creating a public nuisance
- 213000 robbery/extortion resembling robbery of transports of cash and valuables
- 214000 assault of a motor vehicle driver resembling robbery
- 216000 handbag robbery
- 217000 other forms of robbery in streets, lanes or public places
- 222100 dangerous and serious bodily injury in streets, lanes or public places
- 233300 extortionate kidnapping in connection with robberies of transports of cash and valuables
- 234300 hostage taking in connection with robberies of transports of cash and valuables
- *50*00 total number of thefts from the exterior/interior of motor vehicles
- *90*00 total number of pickpocketing
- 300100 simple theft of motor vehicles (including unauthorised use)
- 300200 simple theft of mopeds and motorbikes (including unauthorised use)
- 300300 simple theft of bicycles (including unauthorised use)
- 300700 simple theft of/from coin-operated machines
- 400100 serious theft of motor vehicles in total
- 400200 total number of serious theft of mopeds and motorbikes
- 400300 total number of serious thefts of bicycles
- 400700 total number of serious thefts of/from cash-operated machines
- 623000 breach of the public peace
- 674100 damage to motor vehicles
- 674300 other forms of damage to property committed in streets, lanes or public places

3.11 DAMAGE TO PROPERTY BY GRAFFITI IN TOTAL

The aggregate key number “899500 damage to property by graffiti in total” comprises the following key numbers:

899000

- 674011 damage to property by graffiti (without key 674111 and 674311)
- 674021 publicly harmful damage to property by graffiti (without key 674321)
- 674111 damage to motor vehicles by graffiti
- 674311 other forms of damage to property by graffiti committed in streets, lanes or public places
- 674321 publicly harmful damage to property by graffiti in streets, lanes and public places

4 Procedure and Recording

4.1 CATALOGUES

4.1.1 Catalogue of offences and plausibility features

Lists the key numbers of the specific offences (offence groups). The uniform national 6-digit recording key has been applicable since 01/01/2008.

4.1.2 Catalogue of nationalities

Lists the key numbers of the non-German nationalities. The catalogue valid for INPOL (Federal Statistical Office directory) is used, without area key.

4.1.3 Further catalogues

- German “Länder” including Federal Police and Bundeskriminalamt
- municipality key
- place of crime size key
- use of firearms
- special designations
- gender
- suspect residence relation
- reason for stay
- victim suspect relation - formal category
- victim suspect relation - social category
- victim specifics

4.2 RECORDING COMPETENCE

- The Land Criminal Police Offices assign responsibility for the recording of the statistical data to their respective area of jurisdiction.
- The statistical data are to be linked with the statistics area where the place of action (place of offence) is situated. If a criminal offence committed in another German Land becomes known or is cleared up, it has to be reported to the Land Criminal Police Office of that respective Land through the KP31b interface. Please see the applicable Police Crime Statistics manual.
- If the place of action (place of offence) is not known or cannot be identified, the Land Criminal Police Offices decide about the recording and the linking of these cases within their respective area of jurisdiction. In this context, it has to be made sure that the cases are recorded for the Police Crime Statistics of the Federal Republic of Germany. In cases where the place of action (place of offence) is a water vessel or aircraft which is German territory but situated outside the borders of the Federal Republic of Germany, the police office that last dealt with the case records it.

4.3 TIME OF RECORDING

Provided that the conditions for recording laid down in No. 2.1 of the PCS Guidelines are met, the relevant statistical data of a case are recorded upon conclusion of the police investigations by the police office in charge of taking the final steps, when the investigative files or the final report are ultimately handed over to the public prosecutor's office or the court.

The data recorded in the statistics should reflect the police assessment of the offence at that point of time. Different assessments made at a later date/dismissal of proceedings by the public prosecutor's office or the court (e.g. regarding the suspicion or the offence) must not result in a modification of assessments or deletion of data in the Police Crime Statistics.

If, in application of the principle of jurisdiction for a person's place of residence, in cases where suspects under the age of 21 are the subject of juvenile criminal proceedings, the police investigation is concluded by the police offices of other "Länder", the police office in charge of the place of offence has to record the relevant data in the statistics when handing the investigation file over to the public prosecutor's office in charge of the place of offence, provided that the investigative information essential for recording has sufficiently been specified. This line of action ensures that, by and large, all cases are recorded, even those where proceedings are discontinued by the public prosecutor's office. Attention should be paid to avoid the recording of one and the same case several times (KP31b interface). It has to be made sure that possible multiple recordings are corrected by taking measures of quality management.

4.4 PCS DATA RECORDING RULES

4.4.1 Principle

Every unlawful act (criminal offence) that comes to light during an investigation¹ must be recorded as 1 case, regardless of how many affected persons are involved.

Every elucidated unlawful act has to be recorded as 1 cleared up case, regardless of the number of suspects involved.

Generally, each new active launching into another offence is regarded as a new punishable act (with "act" also covering the failure to act where there is a legal obligation to act).

Several violations of legally protected interests are summarised as the offence carrying the most severe penalty, provided that the following conditions are met (analogously 4.4.2):

Criminalistic/criminological experience shows that these actions are connected with each other in an action complex.

Within the context of assessing whether several violations of legally protected interests are part of an action complex, great significance is attached to criminalistic/criminological experience and the "time factor" in the individual case. An action complex can be assumed if

- the overall level of wrongdoing of the individual acts emerges only when these are considered in combination with each other (especially if the offences are directed against the same victim(s) and/or the same legally protected interest) and the course of events is not interrupted (see example 23a "burglary of a pub").
- certain acts necessarily or regularly precede or follow the main offence (see example 23b "shoplifting despite an enforceable ban from the premises").
- it appears likely that - based on the dynamics of the situation or the structure providing an opportunity to commit the offence (e.g. extension of the plot during the execution of the offence, escalation of a dispute) - a combination of several modes of conduct constituting punishable acts is

¹ An investigation includes all police measures taken to clear up one or several unlawful acts.

involved and the offences are more or less equal in terms of gravity (see example 23c "resistance to law enforcement officers").

However, this does not apply to serial offences (e.g. burglaries of cellars, dwellings, garden houses.

In sections 4.4.2 and 4.4.3 the regulations for case acquisition are differentiated in the following gradations:

- One act fulfils the conditions of several different criminal offences, or it fulfils the conditions of one and the same criminal offence repeatedly (4.4.2)
- Several acts fulfil the conditions of several different criminal offences, or they fulfil the conditions of one and the same criminal offence repeatedly (4.4.3)
 - a) Acts are directed against several different persons affected and can be attributed to different key numbers (4.4.3.1)
 - b) Acts are directed against different persons and can be attributed to the same key number (4.4.3.2)
 - c) Acts are directed against the same person/s affected and can be attributed to different key numbers (4.4.3.3)
 - d) Acts are directed against the same person/s or against the legal system/the public and can be attributed to the same key number (4.4.3.4)

4.4.2 One act fulfils the conditions of several different criminal offences, or it fulfils the conditions of one and the same criminal offence repeatedly

One case has to be recorded, irrespective of the number of persons affected.

If one act fulfils the conditions of several different criminal offences, this act should be recorded under the offence key number assigned to the criminal law provision imposing the most severe penalty in terms of type and degree.

If the provisions impose the same penalty, the offence should be recorded under the key number that refers to the more specific criminal provision. The assessment of which criminal provision is more specific than the others is made by taking into account.

- the forms of concurrence of laws,
- the rules of priority pursuant to No. 4.4.4 of these Guidelines and
- the "intended objective" of the suspect (as far as it is known).

In this context, only elements of offences recorded in the PCS according to these Guidelines are to be taken into account.

Examples:

1. The suspect hurts the victim(s) with a knife:
1 case of dangerous bodily injury. The damage to property (clothes) is not recorded.
2. The suspect intentionally brings about the death of 5 persons by causing an explosion:
1 case of murder involving 5 victims. The offence of causing an explosion is not recorded.

4.4.3 Several acts fulfil the conditions of several different criminal offences, or they fulfil the conditions of one and the same criminal offence repeatedly

4.4.3.1 Acts are directed against several different persons affected and can be attributed to different key numbers

One case has to be recorded for every single act.

Example:

The suspects commits one case of shoplifting, one of damage to property and one case of non-payment of fare

3 cases are recorded

1. 1 case: shoplifting
2. 1 case: damage to property
3. 1 case: non-payment of fare

4.4.3.2 Acts are directed against different persons and can be attributed to the same key number (serial offences committed to the detriment of several different persons affected)

One case has to be recorded per person affected.

Examples:

1. The suspect steals objects from 10 motor vehicles. Affected are 10 different vehicle keepers: 10 cases of theft/aggravated theft from the interior of motor vehicles must be recorded. For every act constituting an offence (theft from vehicle), one case is recorded (even if items belonging to several directly affected persons are stolen from a vehicle, only one case is recorded). (If several vehicles belong to the same directly affected person (keeper), one case has to be recorded in total for these vehicles.)
2. The suspect breaks into 5 cellars assigned to different flats in a multi-flat building: 5 cases of theft committed under aggravating circumstances in/from basements must be recorded.

4.4.3.3 Acts are directed against the same person/s affected and can be attributed to different key numbers

As a rule, one case has to be recorded for every single act.

Examples:

The suspect first insults the person affected. When they meet again, the suspect beats the person (no immediately escalating dispute pursuant to 4.4.1):

2 cases are recorded:

1. 1 case: insult
2. 1 case: bodily injury

4.4.3.4 Acts are directed against the same person/s or against the legal system/the public and can be attributed to the same key number (inter alia, serial offences committed to the detriment of the same person/s affected)

One case has to be recorded.

These "follow-up acts of the same type" – where the same offence key number applies in each case – of the same suspect or group of suspects committed to the detriment of the same person/s (directly affected person/s) or to the legal system/the public are recorded as one case only, irrespective of whether the suspect(s) took one or several decisions to commit these acts. This also applies to unsolved cases if there are clear indications to suggest that the offences can be linked to one yet unidentified suspect (or to several unidentified suspects acting in complicity).

If the acts are committed at different places (municipalities), the place where the last offence was committed is considered the place of action (place of offence).

Note:

With regard to offences committed in connection with cashless payment transactions, the number of cases recorded is determined by the person directly affected by the unlawful act.

Here the term "directly affected person" refers to the person accepting the payment. The same applies by analogy to cases where contracts are processed in an automated way (section 263a PC).

Examples:

1. The suspect commits several offences of shoplifting to the detriment of the same department store branch over a period of several months:
One case of shoplifting has to be recorded (because the party affected is the same).
2. The suspect pollutes a body of water over a prolonged period of time:
One case of water pollution should be recorded (because the legal system/the public is the party affected).
3. The suspect (tyre-slasher) damages tyres of 10 vehicles. Damaged are 5 vehicles of various (private) keepers and 5 vehicles of a car rental company
6 cases of damage to motor vehicles are recorded because 5 different private and 1 commercial keeper are affected directly.

4.4.4 Handling of special cases, including prioritised handling

4.4.4.1 Fraud and competition-related offences

- The recording of fraud using unlawfully obtained non-cash means of payment (key group 516000) is to be given priority if another key number for fraud offences is involved. The same basically applies to the misuse of cheque cards and credit cards (sect. 266b PC), (key no. 523000).
- Taking and offering a bribe in business transactions, on a repetitive and gainful basis or by a subject who is a member of a gang (sect. 300, sentence 2, no. 2 PC - key no. 657200) has priority for recording if, at the same time, there is a major benefit in accordance with sect. 300, sentence 2, no. 1 PC (key no. 657300).

4.4.4.2 Drug offences

Drug offence recording should take into account the following special aspects:

- Priority of the more serious act

If, within the framework of a drug investigation, the same types of drugs are involved with regard to the key groups "illegal importation of drugs (733*00)", "trafficking in/smuggling of drugs (732*00)" and "general drug violations (731*00)", the less serious offences are subsumed under the more serious offences and are therefore not recorded (the list of the key groups corresponds to the ranking order).

Example:

key nos. 733200, 732200, 731200 (type of drug = cocaine)
1 case „733200“ is recorded

- Priority of drug types

If a drug offence involves several types of drugs, the following ranking applies:

1. heroin
2. cocaine
(note: If, besides cocaine, the derivative crack is involved, the latter takes priority in recording.)
3. methamphetamine in crystalline form (crystal)
4. methamphetamine in powder or liquid form
5. methamphetamine in tablet or capsule form
6. amphetamine in powder or liquid form
7. amphetamine in tablet or capsule form (incl. ecstasy)
8. LSD
9. NPS (new psychoactive substances)
10. cannabis
11. others

Only in exceptional cases – such as a strong disproportion (e.g. 8 g of cocaine compared to 2.3 kg of hashish) - may another (less dangerous) drug type be recorded.

- Different acts and drug types

Where different acts and different drug types are the subject of one investigation, principally, the act takes priority over the drug type.

Example:

unauthorised trafficking in/smuggling of cocaine (732200) and possession of LSD (731300)
= 1 case of unauthorised trafficking in/smuggling of cocaine (732200)

but also:

unauthorised trafficking in/smuggling of cocaine (732200) and unauthorised importation of cannabis (not insignificant quantity) (733800)
= 1 case of unauthorised importation of cannabis (not insignificant quantity) = (733800)

- Other violations of the Narcotic Drugs Act

Making available funds or other assets (sect. 29 (1) no. 13 NCA) and advertising drugs (sect. 29 (1) no. 8 NCA) have to be recorded as separate cases.

Making available funds, etc. is independent from the type of drug involved. This act only has to be recorded as such if the suspect - without taking an active part himself - enables the immediate perpetrator to traffic in narcotics drugs.

If characteristics of other keys listed after 734*00 apply, recording under the key groups 731*00, 732*00 and/or 733*00 is omitted where the same type of drug is concerned.

- Unpunishable consumption of narcotic drugs

If, in a case of confirmed consumption of narcotic drugs, there are no grounds for suspicion, such as physical or testimonial evidence, that purchase, possession or another punishable act falling under the Narcotic Drugs Act was committed, these cases are not recorded in the PCS. The initiation of an investigation for an initial suspicion of a general violation of the Narcotic Drugs Act, which may be founded, for example, on a statement about consumption behaviour made on the basis of a toxicological expert opinion, is not sufficient for being recorded in the PCS.

- Date/period of offence

An investigation may deal with acts being committed over a longer period of time. This period may be ranging from a few days to several years. A case may only be counted a second time, if the investigation has been concluded and a new investigation has to be initiated.

4.4.4.3 Unauthorised entry followed by unauthorised stay

In a case of unauthorised entry (border crossing) followed by unauthorised stay, only the entry has to be recorded as a case, if specific data as indicated in rule no. 2.1 are available. Otherwise, a case of unauthorised stay has to be recorded.

4.4.4.4 Counterfeiting currency and official stamps

The production and distribution of counterfeit money has to be recorded in the PCS if the case is considered solved within the meaning of these Guidelines, or if it can be proved or has to be assumed, based on sufficient investigative results, that the counterfeit money was deliberately put into circulation and specific information on the circumstances of the offence can be established.

Other unsolved cases, in particular cases involving the withdrawal of counterfeit money from circulation (e.g. by commercial banks and cash-in-transit companies), where police investigations including forensic examinations have not substantiated a suspicion as described above, are not to be recorded in the PCS.

The recording of unsolved cases is permissible with regard to key nos. 553100 "use of false guarantee-secured or non-guarantee-secured payment cards, checks and bills of exchange" and 553200 "counterfeiting, falsifying, procuring, offering for sale or handing over false guarantee-secured or non-guarantee-secured payment cards, checks and bills of exchange".

4.4.5 Recording of victims

Victims are principally recorded where punishable offences against personal, legally protected interests (life, physical integrity, freedom, reputation, sexual self-determination) are committed, provided the catalogue of offences contains a mark for victim recording. Only those persons who were the target of these attempted or completed acts are recorded as victims.

The rules regarding the counting of the cases specified under items 4.4.1 to 4.4.5 remain unaffected.

No victims are recorded for offences which, according to these counting rules, are not included in the statistics.

When recording the formal and/or individual relationship between victim and suspect on the basis of the PCS catalogues relating to "victim-suspect relationship - formal and spatial and/or social proximity", the victim's status (under family law) in relation to the suspect is relevant.

The closest relationship always takes priority; e. g. "acquaintance/friendship" takes priority over "fleeting acquaintance" and the latter over "formal social relationship within institutions, organisations and groups". This also applies if there are several suspects and the closeness of their relationship to the victim differs. The feature "marriage/partner/family and relatives" includes all next of kin as defined in sect. 11 (1) no. 1 PC and cohabiting partners.

If the victim and the suspect see their type of relationship in different ways, the victim's point of view is relevant for recording.

The 'victim specifics' are recorded on condition that the motive to commit the offence lies in or is factually connected with the victim's personal, professional and/or behavioural features. The result of the police investigation has to show that the act was, inter alia or only, caused by the victim's specific feature.

4.4.6 Recording of suspects

4.4.6.1 Link with offence and place of action (place of offence)

Each suspect has to be recorded separately, with the key number and with the place of action (place of the offence) committed by him.

It is permissible to record further suspects of a case cleared up before the year under review.

4.4.6.2 Alternating involvement in criminal acts

If several solved cases covered by either the same or different key numbers have to be recorded and several suspects committed these by taking turns, each offence has to be recorded only once, by indicating the suspects involved.

4.4.6.3 Several suspects of negligence offences

Where several suspects negligently co-operate (without acting jointly and wilfully) in an offence, this has to be recorded in the PCS as a case with several suspects, in line with the cases of participation defined by the Penal Code.

4.4.7 Correction, deletion

Reported data must be rectified or deleted, if necessary. Rectifications and deletions can only be carried out within the year under review.

For exceptions see no. 2.1.3 "Case that has been cleared up after publication of the PCS" and 4.4.6.1 "Link with offence and place of action (place of offence)" (recording of suspects).

5 Tasks of the “Land” Criminal Police Offices and processing of statistical data

5.1 TASKS OF THE LAND CRIMINAL POLICE OFFICES

The “Land” Criminal Police Offices have to collect, process and deliver the statistical data to the BKA as individual data sets in accordance with the current technical interface manual. They ensure the quality of the data through appropriate auditing.

Please also see 4.2 "Recording competence".

The “Land” Criminal Police Offices inform the Bundeskriminalamt about the yearly publication of their PCS data without delay.

5.2 PROCESSING OF THE STATISTICAL DATA (ANALYSIS)

As standard, the result is depicted in the tables by indicating the first 4 digits of the six-digit offence key.

Arrangements regarding the use (analysis) of the individual data sets which go beyond the standard tables compiled so far will be made at a later point in time.

5.2.1 Counting (analysis) of the cases that have come to notice

Every known criminal offence has to be counted in the area statistics to be compiled for the place of action (place of crime) (area where the table is compiled, e. g. district, “Land”) as one case that has come to notice.

A superior key must include all cases which relate to a key directly or indirectly subordinated to it. Since an indirectly subordinated key may contribute to a superior key several times, attention has to be paid to not counting the cases included in such keys twice.

5.2.2 Counting (analysis) of solved cases

Every cleared up case has to be counted once on all counting levels, in the same way as the known cases mentioned under item 5.2.1.

5.2.3 Counting (analysis) of victims

Every recorded victim has to be counted once on all counting levels, in the same way as the known cases mentioned under 5.2.1.

5.2.4 Counting (analysis) of suspects

Until 2011, the consolidation of the attribute values for the suspects at federal level was conducted parallel on the basis of both the "crime-specific counting of suspects" and the "counting of all attribute values" counting method. In the compilation of the Police Crime Statistics for the Federal Republic of Germany, the crime-specific counting of suspects procedure is used. To avoid inconsistencies between the standard tables for the Federal “Länder” to be generated by the BKA on the basis of the individual data sets and the standard tables compiled by the “Länder” themselves, the BKA provides those “Länder” which are not in a position to implement the consolidation according to the crime-specific counting of suspects method with the “Länder” tables compiled according to this method, for them to publish the respective “Länder” PCS.

The following principles for counting suspects relate to the crime-specific counting of suspects and ensure that every suspect is counted only once for every period under review in accordance with the rules for counting the real number of suspects.

5.2.4.1 Counting the "real" number of suspects / consolidation of attribute values

Counting the real number of suspects

To meet data protection requirements when compiling the PCS, the data fields "name at birth" (8 digits), "forename" (3 digits) and "date of birth" are anonymised throughout Germany in a standardised way by means of an encryption software (as at 27/07/2000) developed by the Federal Office for Information Security (Bundesamt für Sicherheit in der Informationstechnik - BSI). The software creates a BSI key for each individual suspect.

The suspects are counted on the basis of the BSI key plus gender.

Consolidation of attribute values

If a suspect is recorded with different attribute values for the same attribute, he has to be counted with "the most recent attribute value" recorded for him, unless different instructions are given in the table descriptions.

To establish the most recent attribute value, the "end-of-offence-period" date is used. If there are several identical dates marking the end of the offence period (within one key group), alternatively, the criterion of "most recent date on which the person was recorded in the statistics" shall additionally be applied. If there are several identical dates for this criterion, too, the final selection is done on the basis of the smallest key number.

As a result, for suspects with several values for one attribute, only one value is counted.

As for the suspect's age, the highest value given is used.

The following example makes this clear:

BSI key no. TV899m (date of birth: 10/05/1994)

	key no.	PR date	EOP date	TO age	nat.
data set 1:	515001	10/04/2008	15/03/2008	13	Turkish
data set 2:	216010	19/12/2008	01/12/2008	14	German

offence key no. 515001 = non-payment of fare, 216010 = handbag robbery, PR date = date when person was recorded in the statistics, EOP date = end of offence period, TO age = age at the time of offence, nat. = suspect's nationality

Result:

key no.	total suspects	German	non-German	age < 14	age 14 < 18
-----	1	1	0	0	1
216000	1	1	0	0	1
515000	1	0	1	1	0

offence key no. - - - - - = total of offences

Interpretation:

A 13-year-old Turkish national first comes to police notice for non-payment of fare (date of offence: 10/04/2008). During the same year of review, he is recorded in the PCS as a 14-year-old - now German national - for handbag robbery (date of offence: 19/12/2008). How can this be depicted in the tables by counting the real suspects? The result shows that in the robbery case, the suspect is counted as a German national of the group aged between 14 and 18 years, whereas, in the fraudulent obtaining of services case, he is listed as non-German under the age of 14. It is now decisive which attribute values are counted for him when calculating the total number of offences committed. Considering the a.m. criterion of "end of offence period", the suspect has to be listed as a German national of the group aged between 14 and 18 years.

5.2.4.2 Counting on the hierarchical levels

Where offences of the same key no. are concerned, every suspect has to be counted only once in the area statistics to be compiled for every place of action (place of crime) (area where the table is compiled, e. g. district) and, again, only once in the superior level area statistics (e.g. "Land", Republic).

5.2.4.3 Different key numbers in one area (e. g. "Land")

If a suspect has committed several offences represented by different key numbers in one area for which statistics are compiled (e. g. "Land"), he is counted only once for each key no., in the respective superior offence group(s) and in the total number.

5.2.4.4 Different key numbers in several areas

If a suspect has committed offences in several areas for which statistics are compiled (e. g. "Land", Republic) and which are represented by different key numbers, he is counted only once for each area (e. g. "Land", Republic) for each key number and the superior offence group(s) as well as for the total number.

5.3 DELIVERY OF INDIVIDUAL DATA SETS AND COMPILING THE TABLES

5.3.1 Delivery of individual data sets

In principle, the individual data sets have to be delivered to the BKA by the 15th day of the subsequent month. For details, please see the applicable interface description, "Manual 5.n", para. 1.1.2 (delivery deadlines and periods). Paragraph 6.3 gives examples showing how delivery deadline, date of coming into effect, period under review and date on which the person was recorded influence each other.

The individual data sets are delivered with the then valid key values. Key values that have become invalid have to be linked to valid key values to make sure that the key values are up to date when cases from previous years are cleared-up at a later date.

This rule does not apply to the catalogue "office in charge" since the latter is part of the data set identification.

The validity of the key values is generally verified through the data field "date of coming into effect" (allocation date falling under a certain period under review which also serves to synchronise the databases of the respective Land with those of the BKA).

To ensure plausibility, any new investigative results which are relevant to the PCS and which become known when a case is cleared up or suspects are identified at a later date have to be delivered to the BKA, even if the information is obtained in another year. This applies to changes resulting from new information obtained on the facts of the case, the suspects and the victims (e. g. specified offence, place of action (place of offence)). Changes in the current year under review have no effects on the accomplished reports of previous years. The date of drawing up the report and the date of statistically recording the person remain unchangeable. New suspects can be added by indicating the current date of their statistical recording.

5.3.2 Compilation of the uniform national standard tables

For the annual reporting, the uniform national standard tables (Annex 2) are, as a rule, compiled by using the six-digit offence key number system and based on the data collected until 31 December of the year under review, with the exception of table 08. This table is not prepared until May of the following year, using data collected up to 30 April of the following year and comprising the period from 01 January to 31 December of the year under review.

5.3.3 Comparison of evaluations and recorded data

5.3.3.1 Comparison of evaluations and recorded data

The aim of this comparison is to check whether the standard tables compiled at the Bundeskriminalamt (Annex 2) are in keeping with the results achieved in the Länder (federal states).

As a rule, table 01 (basic table) and table 20 (breakdown of suspects by age and gender) are compared. On request, however, all standard tables can be included in the comparison.

Data compiled for an entire year are subjected to a comparison of evaluations without request, data compiled during the year are compared upon consultation.

5.3.3.2 Comparison of recorded data

Generally, if discrepancies have been identified, a comparison of the data recorded is made upon consultation. To ensure a more efficient error tracking, the requesting party is provided with data records concerning cases, victims and suspects.

The Federal Police can also use these comparisons for their purposes.

The technical description of how the comparison of evaluations and recorded data is made can be found in Manual 5.1.

5.4 PLAUSIBILITY

To rectify errors, a nationwide uniform list of plausibilities is drawn up.

6 Tasks of the Bundeskriminalamt

6.1 ANNUAL STATISTICS

The Bundeskriminalamt consolidates the individual data sets to compile the annual Police Crime Statistics of the Federal Republic of Germany and puts the PCS at the disposal of the entitled entities. After publication of the annual PCS, the PCS reports (such as yearbook, time series) can be published on the Internet and enquiries going beyond can be answered on the basis of the available PCS data (PCS standard tables, special analyses based on the individual data sets). The data are interpreted by considering the background information supplied by the “Länder” in connection with their annual PCS, such as recording problems or errors, series, information on factors influencing the development of figures as, for example, the impact of policing strategies to reduce crime, and special sociodemographic constellations. The BKA will enquire with the “Länder” when noticing any striking elements.

6.2 CONTRIBUTION TO THE INTERNATIONAL POLICE CRIME STATISTICS

The Bundeskriminalamt compiles the contribution of the Federal Republic of Germany to the International Crime Statistics.

6.3 CONSULTATION PROCEDURE BETWEEN THE FEDERATION AND THE FEDERAL “LÄNDER” IN CASES OF ENQUIRIES MADE PURSUANT TO THE FEDERAL FREEDOM OF INFORMATION ACT

The Bundeskriminalamt informs the “Länder” about enquiries relating to them within five working days and gives them the opportunity to submit a comment within ten working days after receipt of the enquiry.

The Bundeskriminalamt checks the enquiries on its own authority on the basis of the comments received from the “Länder”.

7 Entry into force

With effect from 01 January 2021, these guidelines enter into force for the year under review (2021).

List of modifications

Date	Chapter	Reason for the modification/Source
05/07/10	Annexes (collected decisions)	collected decisions removed from annexes (57. AT, TOP 2.3, decision item 2.)
05/07/10	2.1.4 Politically motivated crime (PMC)	Text modification (editorial) (57. AT, TOP 3.2, decision item.)
05/07/10	4.4.5.2 Drug-offences	Text modification (editorial) (57. AT, TOP 3.3)
05/07/10	3.10 New	damage to property by graffiti 57. AT, TOP 3.4, Pkt. 2
05/07/10	2.5 Victims	text modification (editorial) (57. AT, TOP 3.5, Pkt. 3a)
05/07/10	4.4.6 Recording of victims	text modification (editorial) (57. AT, TOP 3.5, Pkt. 3b and TOP 3.7, item 3)
10/08/10	4.1.3 Further catalogues	text modification (editorial) "victim suspect relation – social category" and "victim specifics", annotation [optional] deleted because implemented as of 01/01/11
02/11/10	2.8.5 place of residence unknown / no fixed abode	deleted (57. AT, TOP 3.5)
04/07/11	3.9 Street crime	keys *20*00 und *30*00 deleted 58. AT, TOP 3.10
07/09/11	6.3 Consultation procedure between the Federation and the Federal "Länder" in cases of enquiries made pursuant to the Federal Freedom of Information Act	text modification (editorial) 58. AT, TOP 2.3
07/09/11	4.3 Time of recording	text modification (editorial) 58. AT, TOP 3.5 and TOP 4.5 (item 3)
07/09/11	4.4.7.1 Link with offence and place of action (place of offence)	text modification (editorial) 58. AT, TOP 4.5 (Pkt. 1)
07/09/11	4.4.8 Correction, deletion	text modification (editorial) 58. AT, TOP 4.5 (Pkt. 2)
28/11/11	3.4 Economic crime	editorial modification current version of sect. 74c of the German Judicature Act (GVG), addition: „Insolvency Statute“
03/01/12	3.9 Street crime	modification according to decision of the KPKS (IM of 20/07/11) (*50*00 modified; *55000 deleted) UMB AK II of 18/06/2010: to reduce PCS key numbers, '215000 robbery after pub acquaintance' was deleted
09/01/12	3.4 Economic crime	editorial modification modification of sect. 74c of the German Judicature Act (GVG) as of 01/01/12:Nr. 2: inserted: "... the Payment Services Supervision Act ..." Nr. 5 inserted: " violation of the duty to keep books " Nr. 6a modification/addition: "... withholding and embezzling wages or salaries, usury, acceptance of a benefit, taking a bribe, granting a benefit and offering a bribe." Nr. 6b deleted: ".... book three of the German Social Code (Sozialgesetzbuch) and ..."
01/10/12	3.11 Murder and manslaughter New	new aggregate key 892500 "murder and manslaughter" 59. AT, TOP 3.1

Date	Chapter	Reason for the modification/Source
01/10/12	4.4.5.2 Drug offences	editorial modification/addition: Unpunishable consumption of narcotic drugs 59. AT, TOP 3.2
01/10/12	2.2 Suspects	editorial modification/addition 59. AT, TOP 3.3
01/10/12	4.4.3 Similar follow-up acts	editorial modification/addition 59. AT, TOP 3.6
01/10/12	2.3 Place of action (Place of offence)	editorial modification 59.AT, TOP 3.7
01/10/12	4.4.5.3 Unauthorised entry	modification of the expression „illegal“ to „unauthorised“. UM KPKS of 30/08/10
14/11/12	2.3 Place of action (Place of offence) - maintenance has not been paid	item 4 – last sentence "Others" authorised stay was replaced by " other authorised stay"
14/11/12	3.4.3 Economic crime	514400 fraud involving bill of exchange" no longer applica- ble as of 2013

Date	Realisation	Chapter	Reason for the modification/Source
01/10/13	01.01.14	2.3 Place of offence	60. AT, TOP 3.9, item 2
01/10/13	01.01.14	2.8.2 Alcohol as an influence during commission of an offence	60. AT, TOP 3.11, item 2.
01/10/13	01.01.14	4.4.4.3 Unauthorised entry followed by unauthorised stay	60. AT, TOP 3.2, item 4
01/10/13	01.01.14	4.4.5 Recording of victims	60. AT, TOP 3.6, item. 2
01/10/13	01.01.14	4.4.4.2 drug offences	UM KPKS of 19/02/13 modification of the priority of drug types (ranking)
19/11/13	01.01.14	2.1.2 case that has been cleared up	editorial modification see decision (UM) of 12/11/13, item 6
19/11/13	01.01.14	Chapter 4 – Headline	Editorial modification (headline) see decision (UM) of 12/11/13, item 7
02/12/13	01.01.14	4.4.5 Recording of victims	UM KPKS of 20/11/12 (deletion of the catalogue values "fellow country- man" and "passing relationship")
21/01/14	01.01.14	3.4.5 Economic crime in connec- tion with employment	UM AK II vom 18.06.10 (Key. 713000: new text)
27/01/14	01.01.14	3.3 violant crime	UM KPKS of 23/01/14 ((key 222000:new text Dangerous an serious bodily injury, female genital mutilation
10/11/14	01.01.15	amendment to No. 2.7 (Crime quotients) and No. 5.3 (Delivery of individual data sets and com- piling the tables)	UM KPKS of 26.03.14 (decision no. 656 of the col- lected decisions) editorial amendment 2.7 and 5.3
10/11/14	01.01.15	adjustment of key numbers of the PCS catalogue of offences with regard to consumer protec- tion offences	61. AT, TOP 3.5: editorial amendment: key text 740000 and key text 740079 as well as adjustment of the headlines of 3.8 and 3.8.3.
03/02/15	01.01.15	adjustment of guidelines: revised version of rules laid down in 4.4	62. AT, TOP 2

Date	Realisation	Chapter	Reason for the modification/Source
15/09/15	01.01.16	3.4.3 Economic crime in the fields of investment, financing etc.	63. AT, TOP 3.10 514500 securities fraud deleted 514300 credit fraud changed into obtaining credit by fraud 51300 fraud involving holdings and investments changed into capital investment and investment fraud
15/09/15	01.01.16	3.4.5 Economic crime in connection with employment	63. AT, TOP 3.10 Deleted: 517300 job placement fraud 517700 fraud involving holdings and investments
15/09/15	01.01.16	3.4.6 Fraud and breach of trust in connection with holdings and capital investment	63. AT, TOP 3.10 Deleted: 513400 fraud involving holdings 513300 fraud involving stock exchange speculation
21/09/15	01.01.16	4.4.1 Principle	63. AT, TOP 3.7 6th paragraph newly added: Within the context of assessing ... until ... "resistance to law enforcement officers").
21/09/15	01.01.16	4.4.3.2 Acts are directed against different persons and can be attributed to the same key number	63. AT, TOP 3.10 revision of example No. 1 (report by the project group "PG Begriffsdefinitionen, Betroffene, Opfer und Geschädigte in der PKS" dated 27/03/2015)
21/09/15	01.01.16	4.4.3.4 Acts are directed against the same person/s or against the legal system/the public and can be attributed to the same key number	63. AT, TOP 3.10, Note inserted (completely) adjustment of example No. 3 (report by the project group "PG Begriffsdefinitionen, Betroffene, Opfer und Geschädigte in der PKS" dated 27/03/2015)
21/09/15	01.01.16	4.4.4.1 Fraud and competition-related offences	63. AT TOP 3.10, Nr. 3, key 517900 fraud involving access authorization to communication services changed into misuse of telecommunications services
14/12/15	01.01.16	3.8 Computer fraud	63. AT, TOP 3.10 new
16/12/15	01.01.16	2.6 Loss	Letzter Absatz: (Note.....) deleted
16/12/15	01.01.16	2.3 Place of action (Place of offence)	UM KPKS of 06/10/15 (Place of offence = place of occurrence)
09/03/16	01.01.16	3.9 Environmental and consumer protection crime, 3.11 Damage to property by graffiti in total, 3.12 Murder and manslaughter	editorial modification adjustments of the aggregate key number texts (first sentence respectively)
21/09/16	01.01.17	3.4 economic crime no 5a	UM KPKS of 29/08/16, item 3
21/09/16		4.4.4.4 Counterfeiting currency and official stamps	editorial modification adjustments of the key number text
13/12/16	01.01.17	4.4.6. Several similar cases 4.4.6.3 Several cases with different key numbers	64. AT, TOP 3.5 and UM KPKS of 03/12/16; 4.4.6.2 and 4.4.6.3 were deleted
30/11/17	01.01.17	3. Aggregate keys violent crime, trafficking in human beings, street crime	adjustments corresponding to the results of the PCS workshop of september 2017
14/12/16		3.12 murder and manslaughter (key: 892500)	editorial modification murder, manslaughter and killing a person at his/her own request
15/08/17	2018	4.4.4.2 drug offences	65.AT Top 3.6 Nr. 4: Priority of drug types, new ranking

Date	Realisation	Chapter	Reason for the modification/Source
15/08/17	2018	2.1 Case	65.AT Top 3.9 Nr. 3: Editorial change of the last sentence
15/08/17	2018	2.2.1 Non-German suspects	65.AT Top 3.11 Nr. 2 Pt 1: Change of definition
15/08/17	2018	3.7 Computer crime	65.AT Top 3.11 Nr. 2 Pt 3: Editorial modification of key 678000 (handling stolen data was added)
25/09/17	2018	3.10 Street crime	65.AT Top 3.10, and UM KPKS 04/09/17 Adjustments of keys
01/11/17	2018	3.3 Violent crime	Key 111000: textual modification rape, sexual coercion and sexual assault in especially serious cases including resulting in death key 112000 other forms of sexual coercion - deleted
01/11/17	2018	Street crime	key 112000 other forms of sexual coercion - deleted
01/09/18	2018	2.8.1 Firearm	66. AT TOP 3.1 addition of the legal basis and extension of the definition
01/01/19	2019	2.1.4 Politically motivated crime	adjustment to the definition as modified by K Staatschutz (State Security Commission)
01/01/19	2019	all chapters	replacement of the term "place of offence" with "place of action"
16/07/19	2019	all chapters	editorial modifications
20/12/19	2020	2.3 place of action	details added under "Specifics of recording places of action/offence"
20/12/19	2020	3.4 economic crime	No. 1.1: Act on the Protection of Business Secrets added
20/12/19	2020	3.4.4 competition related offences	Act on the Protection of Business Secrets (Gesch- GehG) added to key 715000
20/12/19	2020	3.4.4 competition related offences	key 719200 renamed from "Offences against the Un- fair Competition Act - excluding sect. 17" to "Viola- tion of business secrets (sect. 23 (3) Act on the Pro- tection of Business Secrets); criminal advertising (sect. 16 Act against Unfair Competition)"
20/12/19	2020	4.4.4.4 counterfeiting currency and official stamps	67th meeting, agenda item 3.4 revision as required by Kommission OK (OC Commis- sion) during 40th meeting
30.09.20	2021	2.3 Place of action (bullet point 6)	consultative decision by the Criminal Police Working Group (AG Kripo) of 26/08/2020. report "Anpassung der PKS-Sonderkennung Cyber- crime zum 01.01.2021; Fachliche Beschreibung" ("Modification of the PCS special designation Cyber- crime as of 01/01/2021; technical description") (no. 3.5)
30/09/20	2021	3.7 Computer crime	consultative decision by the Criminal Police Working Group (AG Kripo) of 26/08/2020 report "Anpassung der PKS-Sonderkennung Cyber- crime zum 01.01.2021; Fachliche Beschreibung" ("Modification of the PCS special designation Cyber- crime as of 01/01/2021; technical description") (no. 3.5)
30/09/20	2021	2.1.4 Politically motivated crime	Section 130 of the German Penal Code added to the list of acts constituting an offence (consultative deci- sion by the PCS Commission (KPKS) of 03/09/2020)
30/09/20	2021	3.3 Aggregate key violent crime	The aggregate key under item no. 3.1.2 "murder, manslaughter and killing another at their own re- quest" is now listed under the aggregate key "violent offences" under the new item 3.3.1. (editorial amend- ment)

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