

POLICE CRIME RECORDING PRACTICES: EVIDENCE FROM SKOPJE CITY'S POLICE STATIONS

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Abstract: Police crime statistics are starting point for understanding crime rate in one country. They are important not only for the public in order to improve their confidence and perception of the police in controlling and reducing crime, but much more. Police statistics are important to the police themselves to improve their efficiency, to plan their activities in order to detect and clear up crimes. But, according to most research related to this issue, the main problems in crime recording are located in police practices and police discretion in collecting crime data and deciding what to record as a crime.

No detailed scientific research has been conducted in Macedonia on the manner and process of crime recording, as well as on the wider process of generating police statistics. This area should be of interest not only to the scientific community but also to the police services themselves in order to provide objective, confidential and accurate information on the crimes committed. In many national legislations there are national standards and analyzes for police crime recording in order to obtain objective and realistic data essential for further monitoring, detection and processing, both by the criminal justice system and by the police services themselves. There is a need for consistency and uniformity among police officers when recording it, while on the other hand, the establishment and proper application of such standards can increase public confidence in police statistics.

The above mentioned issues are subject of research and elaboration within this article.

Key words: crime recording, police practices, police station, crime data

INTRODUCTION

Police crime statistics have great importance in crime prevention theory and policy because they are an indicator of the crime state in one country and serve to observe crime dynamics, geographical

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distribution and time variations and trends. They are also an indicator of the police efficiency in detecting, and clearing-up crime, and they have a great importance in crime prevention strategy. But they can help to achieve the stated goals, under assumption that they are accurate, confidential and an expression of the actual reported and recorded crime by the police. Bearing that in mind, the value, objectivity and usefulness of statistical data are issues that did not remain outside theoretical perspectives and research studies within various theoretical trends in criminology (Ignjatovic, 2008: 76). The studies start from the assumption that police crime statistics are the result of several processes and stages: reporting to the police; detecting; classifying reported incident as a crime;² putting legal qualification³ of certain crime; and its recording in official police records. Those processes, from reporting to recording, are also subject to selection and decision-making by several stakeholders within police service (Magir, 2002). Namely, the police officers have certain police discretion to decide which reported incidents will be recorded as crimes, because the fact that one incident is reported does not mean that it will be recorded as crime. In that regard, there are different attitudes about the importance and objectivity of crime statistics.

The dominant view within social constructivism and critical theories is an institutional approach which means that police data are suspicious and subject to manipulative practices by the police. The basis is that crime statistics are subject to construction and primarily serve to achieve certain organizational goals and priorities (Patric, 2014). They are the expression of individual and institutional policies and practices by the police services to record crime, and not show the real crime occurrence (Kitsuse & Cicourel, 1963, stated in Jupp, 1989: 93). Therefore, crime statistics can explain much more police organization, its values, culture, priorities and efficiency. Because of that, according to the institutionalism, crime statistics should not be analysed as merely sources of crime data, but the process of their production should be subject of exploration (Lomell M. Heidi, 2010: 122). In other words, crime data are socially constructed and they do not reflect the reality of crime, but, in certain way, create that reality.

Having in mind that, the crime rate in one country depends much more on police discretion, police practices and politics and is not merely based just on committed criminal behaviours. A wide range of personal and social factors is likely to affect both whether an incident is perceived as criminal and whether the observer then decides to report the incident to the police. In addition, although the police have a statutory obligation to record a crime, considerable discretion remains about whether it is considered sufficiently serious to warrant police attention. For examples, violent disputes between neighbours or members of a family may be classified as domestic – advice is given and the alleged offence is not recorded. Similarly, how a recorded offence is classified by the police as “theft from a person” or “robbery” as burglary, no loss or “vandalism” as “wounding” or “common assault” for example – will affect the rate at which certain crimes appear to be committed. Problems inherent in recording and variations due to police ‘targeting’ will also affect understanding of the extent of particular crimes (Eterno A. John, Verma, A. & Silverman B. Eli, 2014).

Thus, most frequently the question related to police recorded crime is whether the data show true or false picture of crime. The answer depends on many issues: the adoption of police recording standards to harmonize different police practices and to establish legal rules and guiding principles at national level, determination of organizational goals and priorities within certain period, establishment of police performance indicators, cognitive and other capabilities of police officers, etc. (Stefanovska, 2019).

2 Under classification of a reported event we mean classifying the event as a crime, misdemeanour or just complaint according to the already established classification (differentiation) scheme of the reported events to the police.

3 Under legal qualification of reported crime we mean determining and naming what exact crime is according to the Criminal Code.



Those issues should be considered not only by the scientific community but also by the police itself in order to recognize possible social, institutional and situational factors that affect the production of crime data.

In that part, a distinction should be made between crimes reported to the police or detected through immediate observation by police officers and crimes registered in the official police records, because the fact that a particular crime has been reported does not mean that it will be registered as a crime. Police decision in major part depends on police crime recording practices, which means on police organization, police resources, police perception, expertise and skills to recognize, classify and record the reported crime in the official crime records (Coleman & Moynthan, 2002). Also, the important factor for proper and unified crime recording among many police units at national level is the adoption of national standards for police crime recording (Tierney, 2006). They can ensure consistency and uniformity among police recording practices, while on the other hand, the establishment and proper application of such standards can increase public confidence in police statistics.

METHODS

The above mentioned issues were considered within the project “*The process of registration and statistical presentation of the classical forms of crime⁴ by the police*” undertaken by the Faculty of Security – Skopje (February 2018 – May 2019) (Stefanovska, Gogov, Peovska, 2019). The study employed a descriptive survey design targeting a sample size of 56 respondents (uniformed police officers from nine local police stations in the Skopje City and police inspectors from Property and Violent Crime Police Units). The main goal of the research study was to identify strengths and weaknesses in the process of police production of the official crime statistics. In that sense, the study was aimed to investigate crime recording practices, competencies and challenges that police officers and police inspectors encounter.

Within the study, three aspects were subject of examination: (1) classification of reported events, (3) legal qualification of crimes, and (4) crime recording in the official police records within local police stations. For that purpose, several research questions were posed:

- How are the reported events classified by the police? Are there any dilemmas in classifying the reported events?
- Are there any dilemmas in legal qualification of crime? Who dismisses them?
- Where are the reported incidents and crimes recorded? Who is in charge?

For the purposes of data collection, semi-structured protocols for interview were developed. All respondents interviewed gave their written consent that their participation in the research study is voluntary. With regard to audio recording, each respondent was requested prior consent before recording. The collected data were categorized into three basic categories (thematic areas) and several subcategories: the classification of the reported events to the police, legal qualification of crime and police crime recording in police records.

4 Only property and violent crimes (Including blood and sexual crimes) were subject of examination within research study.



RESULTS AND DISCUSSION

CLASSIFICATION OF REPORTED EVENTS

When a victim/injured party (or other citizen) reports a crime, whether on the phone number 192 or directly in the police station, the police need to clarify whether that case has really happened and is it a crime? In order to determine that, depending on the case and if it is possible, the police officers (patrol or from emergency response unit) go to the place of incident to check the reported event circumstances and eventually to block off the surrounding area as well as to keep track of who comes in and goes out. Actually, the initial responding officer plays a crucial part in maintaining the integrity of the place/scene and he/she also documents his/her initial observations, as well as the condition of the place/scene upon arrival. In most of the cases, the frontline police officers report whether there are elements of certain crime and whether there is a basis for further inspection and examination by the inspectors from the property or violent crime units. Although, the police inspectors need to determine the factual situation of the crime, the police practices indicate that they do not observe the place of occurrence for less serious crimes. As the respondents' state:

- a police officer goes to the scene, looks first at what is going on, takes data what, how, where the crime is committed... He/she informs the inspector for property crimes and the inspector decides whether he will come out or not.
- The uniformed police first go out at the scene ... they are obliged to go out to secure the event and to let us know... we (inspectors) generally go out (at the place occurrence) for a more serious type of crimes.

Upon finding that a particular incident has been committed, the police should determine whether the reported event fulfils the legal elements of particular crime (act of commission, object of attack, consequences, and other circumstances). Depending on the type of crime, determination of some crime elements can be done through examination of the place of occurrence (Article 62/1 of the Law on Police). But, when there is no need to make scene examination (for example, when the victim reports pick-pocketing, body injures or physical assaults), then the crime elements are determined through the victim's statement in the police. Based on the victim's allegations, the police officer records the reported event as a crime, which means that *the first impression* or (prima facie) *allegation-based model* is accepted. In this regard, police officers who make official report usually do not make additional verifications of the victim's allegations.

As they state: *usually the first contact is sufficient to record the incident as crime*. In addition, they state that "every citizen is individually warned that the false reporting is crime" (Article 366 of the Criminal Code) and the police officer with the warning given is exempted from responsibility if the reported crime is found to be false. This shows that an incident will be recorded as a crime if, on the balance of probability: the incident is defined as a crime by the law, and there is no credible evidence to the contrary. One reason for this policy seemed to be the desire not to have too many incident logs open on the command and control system. Whilst there can be advantages to this policy – information is available more quickly to crime pattern analysts; victims receive a crime number immediately if they require one for insurance purposes – a majority of officers believed criming early led both to the misclassification of crimes and the recording of 'spurious' reports of crime.

However, and given that crime recording is a social construction that often depends on the perception, knowledge and expertise of police officers to decide whether an event contains elements of a crime, several dilemmas might raise: when there is no clear evidence about severity of certain behaviour in order to classify as a crime or as minor offences, are there possible mistakes or police manipulation in crime recording and what purposes do they serve?



Although the legal nature of each crime is clearly defined in the Criminal Code, certain dilemmas and ambiguities are possible, especially between violent crimes that encompass body harm or other serious violent acts (such as: participating in a brawl, violence, bodily harm, coercion according to the Criminal Code) and misdemeanours (less offences) against public order and peace (such as: physical assault or participation, provocation or incitement to another) which are prosecuted under the Law on Misdemeanours. Why is this so important? The recording of one event as a minor offence although it fulfils the elements of crime, distorts the real crime rate. Consequently, less crimes means the false picture about police efficiency and clearing up crime rate. What our police officers state about such kind of police gaming?

For the grey figure of crime⁵ we can make a lot of shades (of colours), from dark grey to light grey.

This statement clearly indicates that the police has discretionary power to decide one way or another, particularly in certain cases when there is a thin line to classify them under the Criminal Code or under the Law on Minor Offences. What cases are most controversial which can be subject of manipulation and improper classification?

One of them is the act of physical assault that, according to its severity and other circumstances can be classified as a crime (violence, participating in a brawl or bodily harm) or as a misdemeanour against public order and peace. How it will be classified depends on perception, knowledge and expertise of initial responding police officer who receives a report of the event and is the first to arrive at the place of occurrence. Sometimes one element can be decisive for an incident to be classified one way or another. That is way the professional judgement and knowledge of the law and recording rules need to be on a high level for each police officer. The police practice, according to the respondents, is to classify the event as a misdemeanour in the official records, and if in the further proceedings come up any other evidence that proves certain elements of crime, then to reclassify the already recorded misdemeanour as a crime. These practices have certain shortcomings because in many cases the event is closed without any further investigation. In addition, some of respondents state that frontline officers had insufficient knowledge to make consistently accurate classification decision which resulted in incomplete crime reports. Sometimes the police officers downgrade crimes to less serious offence (misdemeanour) to improve the likelihood of securing a conviction under misdemeanour law.

Or in other cases, although there are visible injures on the victim's body inflicted by the offender, the police officer demands medical documentation that proves serious bodily harm in order to classify the event as a crime. Without such documentation, it remains as less serious offence. Other police practice shows that sometimes certain reported cases with clear elements of a specific crime, for certain reasons, are not recorded as such. One of the reasons is the existence of so called unwilling victims. "Unwilling" victims are those who, for whatever reason, do not wish to cooperate with the police to establish that an offence has occurred, or provide information that might correctly classify an offence. In circumstances where a crime was subsequently deemed not to have taken place, or where a reported event had been correctly recorded but the wrong classification applied, the frontline officers often appear to be required to pursue victims for additional information to support reclassification or no-criming decisions. Several explanations were offered for why some victims are reluctant to cooperate with the police. Some incidents are fairly trivial and victims may simply want the police to know about it, but do not expect them to investigate. Other incidents are reported by the third parties, and the victims do not want police involvement. So, the phenomenon of not-recording, reclassification (or no-criming)⁶ occurs when the injured party (the victim) does not wish to make a statement on the record or does not wish to proceed further (to institute criminal proceedings against the offender).

5 Under grey figure of crime we mean the crimes that are reported and known by the police, but not detected, and thus they are not the part of police crime reported data.

6 Under no-criming we mean when one already recorded crime needs to be removed from records after



Those phenomena often occur in domestic violence cases. When the victim does not want to prosecute the violent offender, but only to be intimidated, the police can only classify the reported domestic violence incident as misdemeanour “harassing another in the apartment” (Article 7) or “scolding, shouting or indecent and insolent behaviour” (Article 4) under the Law on Misdemeanours. The police officers explain “taking” an easier way when classifying abusive violent behaviour that they cannot classify the violent behaviour as a crime because if the victim does not want to initiate criminal proceedings against the perpetrator, an official statement cannot be taken by her side. On the other hand, even after receiving an official signed statement, the victim may further refuse to proceed with the case. For example, according to respondents’ statements, over a period of about six months, out of 113 official criminal reports for “bodily injury”, in 15 cases the victim changed their mind and gave up from further criminal prosecution. But given that domestic violence often recurs over a longer period of time, those victims who have repeatedly reported violence to the police without the intention to prosecute, at the end, after several reported incidents decide to submit criminal charges against the perpetrator.

In addition to the withdrawal of the victims, when classifying domestic violence incidents, obtaining an evidence for committed crime is also an obstacle to prove certain elements of crime. According to the statements of some of the respondents, for the determination of physical or psychological violence in order to classify certain violent acts as crimes such as “bodily injury”, “coercion”, “endangering safety”, it is necessary to submit medical documentation for the harm inflicted or certain report by a psychiatrist that, also prove the inflicted injuries. In the absence of such evidence, the reported incident of domestic violence is classified as a minor offense (misdemeanour or complaint).

Such a classification because of the victim’s withdrawal or lack of evidence does not reflect the true severity and seriousness of the family violence. Although, the police, *ex officio*, take measures and exercise police powers to detect the reported crime and, when there are grounds for suspicion, have to fill criminal charges against the offender, the police practices show that even if the victim’s will is irrelevant, they close the case after victim’s withdrawal. This practice needs to stop, because the retraction of the injured party from prosecution is irrelevant for further action by the police. Crimes violate basic human rights and fundamental values in the society and therefore the criminal justice system, including the police, has an obligation to prosecute the perpetrators. In this way the special and general prevention of prosecution, i.e. punishment, is realized, which means deterrence and intimidation not only to the perpetrator, but also to the potential perpetrators of committing crimes. In addition, any criminal reaction should provide a public assessment of the crime and at the same time send a message to potential perpetrators and victims that such behaviour is unacceptable. Thus, the police and criminal justice response should protect the public interest in resolving and preventing crimes. Therefore, the victim’s will to prosecute serious crimes is irrelevant for further action by the police.

LEGAL QUALIFICATION OF CRIMES

When the police have verified that the reported event is a crime, the next step is its legal qualification, i.e. put the crime under a specific article of the Criminal Code. This process is also important because on the type of crime depends the extent of criminal responsibility, the way of further proceeding (*ex officio* or by private law suits), the type and the extent of criminal sanctions, and finally the objectivity of real crime rate according to their nature. Therefore, another question that arises is who makes legal qualification of the crime: the uniformed police officer who has made the initial examination of crime

additional examinations which prove that the crime has not actually happened.



scene or who has been the first to hear the victim, the police inspector from property or violent crime units or the public prosecutor who initiates criminal proceeding?

This question has no unique answer for all cases, but depends on each individual case and its circumstances. In addition, the respondents from different police stations state that they have different police practice related to legal qualification of reported crimes. For example, the legal qualification of property crimes (theft, severe theft, robbery, burglary) is usually given by the uniformed police officers. This practise is because the police inspectors very rarely go out at the crime scene to determine the factual situation of crime, but they trust the obtained crime data ensured by the frontline police officers. In addition, the police officer to whom the crime was reported in the police station by the victim notifies its legal qualification in the official crime records. But, on the contrary, the legal qualification of violent crimes is mostly verified and determined by the inspectors from violent crime unit.

Similar to the classification, there are certain dilemmas with the legal qualification of the crime as well, that may arise due to incompetence and wrong perception of the police officers or may be done purposely for certain organisational aims. In the first case, as some respondents' state: *We have colleagues who are inexperienced, make mistakes in the legal qualification of robbery, severe theft, insolent theft ... kidnapping ... sometimes they find a problem.* Other example indicates that improper qualification can be made for attempted burglary that was not completed but the offender has made criminal damage (on the door, window, and other space). In such cases, usually the police inspectors from property crime unit record the attempted burglary only as criminal damage (damage to objects of others which is prosecuted by private lawsuit) in order to reduce the crimes that are prosecuted ex officio. As they stated: *They record the less serious crime ... to save time, if you have patrols ... any damage to the door, a window, a car is at least an attempted theft ... he (the offender) has damaged them to do something (to steal). Without the intent, he doesn't make damage. But to save time and engagement ... because you have other duties, another intervention awaits you, you are poor with people and that is the way you take records for criminal damage.*

Based on both statements, wrong qualifications sometimes occur as a result of officers misunderstanding of the crime elements, but sometimes the performance culture has a greater effect. The evidence from this research suggested that, although frontline officers perceived performance as an issue, performance pressure was felt most acutely by police inspectors from the property and violent crime units. This leads to a conclusion that the legal qualification of the crime can sometimes be the subject of a calculation: to avoid additional workload, to decrease severe thefts that need to be prosecuted ex officio, to get rid of the performance pressure, etc. This calculation indirectly indicates that official crime statistics are subject to calculation, or perception, and thus to the construction by the police.

CRIME RECORDING

After processes of classification and legal qualification, the police officer needs to record the crime in the police official documents/records as a basis for further processing. In the police practices, there are mainly two models of recording based on the first allegations for the crime. One is the prima facie (allegation) based model of the first impression which means that with the acts of reporting and stating the allegations by the victim, the event is recorded as a crime. This also means that when the information obtained at the first point of contact in the police station satisfies the police officer's expectation for particular crime, it will be recorded without delay. Usually, certain crimes (which do not demand examination of place of occurrence by the police) will be recorded on the same day when



the report is received by the victim in the police station. This is also victim based approach, which believes that victim's allegations are the sufficient basis for recording the reported event as a criminal offense. This principle follows from the assumption that the victim should be trusted. However, any change in the initial classification (or further qualification) requires the additional investigations and evidence to confirm that the crime did not occur or that it was a matter of another crime (Fildes & Myhill, 2011: 18). The recorded crime may be re-classified or removed from the crime data base only if there is clear evidence that the reported event has no elements required by criminal law. According to the second detection and evidence-based model, certain evidence is required in order to prove the elements of certain crime, which means that the reported crime need to be detected. In addition, "evidential" means that the details of any incident will be challenged and validated, in the same manner that might be expected if the case were to be presented in court in order to charge the suspect (Her Majesty's Inspectorate of Constabulary (HMIC) (2000).

In our police practice, although not explicitly regulated, the model based on the first impression is adopted. Thus, according to the Rulebook on the performance of police affairs, *the police officer, immediately upon receipt of the criminal charges ... shall compile notes for getting crime report* (Article 58/2 of the Rulebook on the Manner of Performing Police Offenses, 2014). This norm regulates that the police officer, if there is no basis for an inspection of the crime scene, does not take additional investigations and evidence to establish the accuracy of the victim's allegations about the reported crime.

So, with the act of crime recording in official police records, the crime gets statistical values and became statistical number and part of the official crime statistics on the reported crime. This practice shows that the statistics reflect the police activity to hear the victim as an injured party who reports the crime in the police station (with or without crime scene inspection which depends of the crime type and circumstances). However, there are examples in police practice where, despite the existence of crime elements, the reported event is not recorded and thus does not receive statistical value. The most common reasons are when: the injured party, upon reporting the offense, relinquishes further processing or when the injured party, after the initial oral report, mainly by phone becomes unavailable to the police in order to give an official signed statement in police station. According to some respondents, 5 to 7% of reported crimes are rejected with an official note, usually when there is minor material damage. They also often say that the victims cannot be persuaded to sign a report, so if there is no report, there will be no official record. Consequently, without official record, as if the crime had not occurred. As some respondents say: "it is invisible and you can't count" or "no records, no crime". Thus, the reported crime will be statistically counted if the official record was taken and signed by the victim who reported it to the police.

Despite these legal rules, the majority of respondents agree that 90% of crime statistical data are correct and are the reflection of the real crime situation.

CONCLUSIONS AND RECOMMENDATIONS

The extent and condition of the reported crime relies primarily on the will of the citizens to report the crimes, and secondly on the proactive function of the police. The reported crimes are directly recorded in the police stations without delay, after examination of the place of occurrence by the uniformed police officers or by the inspectors of violent or property crime police units. Namely, the actual situation of the reported event is initially determined by the uniformed police officers who first arrive and examine the place of occurrence and assess whether there are any elements of crime and what crime



has occurred. When there is no need for crime scene investigation by the property or violent crime police units (or by forensics investigators), the assessment of the event depends on the knowledge, cognitive and intellectual abilities of the frontline police officers. This is very problematic because, not every police officer has special knowledge and expertise in criminal law and criminology. Also, there is inconsistent practice in the legal qualification of crimes because it can be subject to calculation by police officers: lower number of recorded crimes means lower number of police liabilities, fewer cases to investigate, higher rate of crime detection, etc. Apart from police manipulations, failure to record or inadequate recording of reported crime is in some cases determined by the will of the injured party. Errors can occur for those offenses that contain elements of both a misdemeanour and a criminal offense that are prosecuted *ex officio*, but differ according to their severity and the seriousness of the harmful consequences. Classification errors are also made when the injured party does not want to prosecute the offender or, after reporting an event, the victim changes his/her mind and refuses to make an official statement to the police to report the crime. Therefore, the offense is not recorded or is recorded as less serious offense.

Although such a practice is rare, it is present. Claims that 90% of the reported crime data is accurate mean that 10% cannot be guaranteed to be accurate. The fact that the injured party does not want to prosecute the perpetrator does not mean that there is no crime. The absence of further criminal proceedings or releasing because of insufficient evidence against the offender does not mean that the offense did not occur. In this context, the recording of the offense should be the result of the factual situation, not of police calculations, priorities and free discretion in decision-making process. That process must be limited by certain legal rules and crime recording standards that will reduce various interpretations and possible errors by the police.

In order to reduce instances of incorrect recording and classification, the police need to increase officers' knowledge and understanding of the criminal law, criminology and recording principles, as well. Some interviewees were sceptical, however, of the need for frontline officers to be experts in crime classification. One approach would be to, firstly, make sure the officers and the initial call takers are aware of whether and when to record an incident as a crime, in order to reduce the number of incidents that require reclassification. Secondly, the police could encourage greater use of professional judgement in order to reduce the proportion of reclassifications that appear to occur as a result of a process-driven desire for accuracy and compliance. Another task is to develop and adopt unified methodology for counting and measuring crime and to established certain standards and principles so as to prevent legal uncertainty and possible abuse of discretion in decision-making by the police. They also ensure consistency and harmonization of the various police practices in recording crime, which, on the other hand, increases the confidence in the objectivity of police statistical records (Stefanovska, 2019). This will make their greater use and data analysis within policing because making good use of them can be highly beneficial.

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